

REGULAR MEETING
September 27, 1999

CALL TO ORDER:

A regular meeting of the Beaverton City Council was called to order by Mayor Rob Drake in the Forrest C. Soth Council Chambers, 4755 SW Griffith Drive, Beaverton, Oregon, on Monday, September 27, 1999 at 6:39 p.m.

ROLL CALL:

Present were Mayor Drake, Couns. Evelyn Brzezinski, Dennis Doyle, Forrest Soth, and Cathy Stanton. Coun. Wes Yuen was excused. Also present were Chief of Staff Linda Adlard, Assistant City Attorney Bill Scheiderich, Finance Director Patrick O'Claire, Operations/Maintenance Director Steve Baker, Engineering Director Tom Ramisch, Library Director Shirley George, and Human Resources Director Sandra Miller, Traffic Engineer Randy Wooley, Utilities Engineer David Winship, Project Engineer Jonathan Flecker, Emergency Manager Mike Mumaw, Redevelopment Project Manager John Engel, and City Recorder Darleen Cogburn.

EXECUTIVE SESSION:

The executive session was canceled.

CITIZEN COMMUNICATION:

There was no one present who wished to speak.

COUNCIL ITEMS:

Coun. Soth reported that the National League of Cities committee on which he serves, Finance, Administration and Intergovernmental Relations, met in Salt Lake and discussed issues related to cities. He noted that one issue was Internet taxation, and said that Senator Ron Wyden was responsible for the three-year moratorium on that. He reported that there was discussion on a proposal to require audits or inventories of all city assets including streets and roads, etc. He said one problem with that was the City did not have staff to make such an inventory and it would also have a fiscal impact. He said these were things that were coming down the pike. He noted, related to the increase

in Internet sales, was the impact on streets and roads due to the increase of deliveries for the merchandise.

Coun. Brzezinski noted that all Councilors should have received a letter from Patricia Dare, the new director of TVCA (Tualatin Valley Community Access) requesting the Council make recommendations of people in the region who might be interested in being on the TVCA board. She asked that they get names to Dare if they had suggestions.

Coun. Stanton Cathy reported that she had participated in an Assisted Living Seminar recently, and noted that they had held a mock City Council meeting and the participants learned more about the City's processes.

STAFF ITEMS:

Linda Adlard, Chief of Staff, reminded them that there would be four new signs focusing on safe driving, posted in neighborhoods to remind people to concentrate more on their driving. She noted that this was the end of the grant funds for the Red Light Running Campaign.

PROCLAMATION:

Disability Employment Awareness Month

CONSENT AGENDA:

Mayor Drake noted that AB 99-300 would be pulled and carried to the following meeting.

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

Minutes of the regular meeting of May 3, 1999

99-292 A Resolution Granting a Franchise for Telecommunications Services to MCI Metro, Inc.

99-293 A Resolution Approving the Major Fire Incidents Appendix As Hazard Specific Appendix 5 of the City's Emergency Response and Recovery Plan

99-294 Hendrickson "Expedited" Annexation (ANX 9900007)

99-295 C E John "Expedited" Annexation (ANX 99-00008)

Contract Review Board:

99-296 Contract Change Order – Additional Architectural Services for the Beaverton Community Center Addition Project

Contract Change Order – Michael J. Watt Construction Contract for the Beaverton Community Center Addition Project

Consultant Contract Award – Engineering Services for the South Central Beaverton Utility Improvements, Phase 2

Specify Brand Name for Sealed Bid of MP5 Carbine Rifles

Intergovernmental Agreement Between the Portland Development Commission (PDC) and the City of Beaverton for the Management of the CDBG City Wide Rehabilitation Program (Pulled for action at a later meeting.)

Coun. Soth said he did not believe AB 99-299 was a CRB item, since it was a policy rather than a sole source for a bidder.

Coun. Brzezinski asked that there be a clarification in the minutes of 5/3/99 to reflect that when Mayor Drake stated that he and the Council had supported the Westside By-Pass, he was referring to the Council that was in office when that matter was discussed.

Mayor Drake agreed that notation should be made for clarification.

Coun. Brzezinski asked, regarding AB 99-297, if the wall and door which were added to the corridor were what the \$6,292 was paying for.

John Engel, Redevelopment Project Manager, said that was correct.

Coun. Stanton said she would support the motion, but pointed out that AB 99-296 was not clear; the numbers did not match and it was difficult to read and hard to understand.

Coun. Doyle suggested that they could get more information later.

Coun. Stanton noted that her concern was that the agenda bill was not clear for the future record.

Coun. Doyle asked, regarding AB 99-292, if there was an anticipated revenue stream from this.

Patrick O’Claire, Finance Director, said when they look at the total amount, this was actually just bringing in another competitor, so it would probably be a wash.

Coun. Doyle noted that then it was revenue neutral.

O’Claire said that was correct.

O’Claire clarified Coun. Soth’s earlier statement regarding AB 99-299 that they did need to have that approved by the CRB when they had a specific

brand name. He explained that when it was approved, then it would be a competitive bid and awarded to the lower bidder.

Coun. Soth said he would modify his motion to state that 99-299 was CRB.

Coun. Doyle, the motion seconder, agreed.

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

PUBLIC HEARING:

99-301 Appeal Hearing on Traffic Control Board Issue 411 Regarding the Striping of Bike Lanes on SW 5th Street Between Maple Avenue and Lombard Avenue and Associated Parking Restrictions

Mayor Drake reviewed the format for the hearing.

Randy Wooley, City Transportation Engineer, introduced Jonathan Flecker, Project Engineer, and noted that there had been input from the B.I.K.E. Task Force. He explained that on Fifth Street, near the old DEQ site there were turn lanes left over and that needed to be cleaned up in preparation for new work there. He clarified that the Comprehensive Plan called for bike lanes on Fifth, and in order to add bike lanes on Fifth they would need to take out either the turn lane or parking. He said the transportation staff felt the turn lanes could be sacrificed in most areas, but at Lombard the turn lane needed to be saved. He reported that the Traffic Commission (TC) had accepted that recommendation for striping the bike lanes on Fifth between Maple and Lombard, provisions for a center turn lane and removal of parking for approximately 200 feet near Lombard, which would remove about ten parking spaces.

Coun. Soth stated that to narrow the issue, it pertained to the area to the east of Lombard for about 200 feet and the elimination of those ten or twelve parking spaces because of the striping. He asked what sort of analysis was done to determine if it was better to eliminate the west bound left turn lane on Fifth Street to allow curb parking and a bike lane. He asked if a traffic count was done to find out how many cars used the left turn lane at what hours, and whether or not the interference of the apartment resident parking has a bearing on eliminating that left turn lane.

Jonathan Flecker, Project Engineer, reported that the analysis was at the peak hours, A.M. and P.M. and possibly mid-day. He said in this case they looked at the volume of traffic making that left turn (going west bound) and they found that if it was eliminated, they would be queuing traffic back to the east, which would be detrimental to the roadway system as a whole.

Coun. Soth asked if they also examined the use of the parking spaces on the north side of the street.

Flecker said there was use of that parking fairly constant during the day. He said after the A.M. peak and before the P.M. peak, they saw between five and eight cars parked along Lombard.

Coun. Stanton said the map indicated that Pacific Street backed into the rear of the apartments, which meant they had to walk up to Third, east on Third to park a car. She asked if they were suggesting that cars would park on Pacific.

Flecker noted that the way the units were arranged there were back doors to all the units, so there was both a front and rear access. He said staff was looking at an alternative for the occupants to park along Pacific and walk directly through.

Coun. Stanton said that was not clear, and asked if they noticed all the people that lived on Pacific, as well as those on Fifth and Lombard.

Flecker said they had been to the site many times to do random sampling, and not a lot of cars parked on Pacific.

Coun. Stanton asked if they were out there in the evening as well as in the day. She asked if they knew how many cars were there when people got home from work.

Flecker said they did some random checking about 6:30 p.m. He said they looked at the number of vehicles they would possibly relocate there, they felt that if there was give and take along the street as well as on the site (and on-site was difficult in terms of what was there currently), they felt there was a solution; not a great solution for everyone.

Coun. Stanton said there was a reference (July 1 minutes) to a letter from Rev. Wingfield that was not in the packet. She asked if there were other letters that the Council did not get copies of.

Wooley clarified that Rev. Wingfield's letter dealt with TCB 410, which was a different issue.

Wooley pointed out that TC issues were noticed by a signboard on the street, and noted that TC received testimony from people that lived on Third and Pacific.

Coun. Stanton expressed her concern that those on Pacific had not been noticed.

Wooley said the 500 foot notice did not apply to the TC and there was no mail notice, unless there was an appeal.

Coun. Stanton asked if they noticed the people on Pacific and Third.

Wooley replied that on the appeal hearing only those that spoke at the TC hearing or provided written testimony were notified.

Coun. Stanton stated that no one on Pacific really understood.

Coun. Soth remarked about the access from the rear doors down to Pacific Street. He asked how much distance that would be and were there improved walkways, or gravel, or a cut-through-a-yard situation, or jump over fences to access those areas.

Wooley said some of the units had driveway access to Pacific, and those that did not have driveway access to Pacific had either access to Lombard or Filbert.

Coun. Stanton declared there was no driveway access from the back of those apartments to Lombard. She said she stopped and looked and could not see how one car could come out onto Lombard from the north side of the apartments.

Mayor Drake said he didn't think there was direct access.

Flecker stated that there was a driveway access on Lombard about 50 feet north of Fifth, for the western most unit. He clarified that the other units enter through Pacific and there were dedicated parking stalls on gravel for the other units.

Coun. Stanton said the westernmost unit had a spot in the back, the eastern most unit had access to Filbert, and all the units in between had direct access to Pacific.

Flecker said it was a dedicated on-site parking area that was gravel and grass.

Coun. Stanton clarified that there was gravel and grass and they could park their cars at their back doors and access a roadway to get out to Pacific.

Flecker said it was an unfenced backyard. He said it was 20 feet between the parking area and the units.

Coun. Stanton asked what was there currently.

Flecker replied there was grass.

Coun. Stanton asked if the property owner would allow the residents to park there.

Wooley said the residents did park there; he said when you drove to the south end of Pacific you would end up in the parking area.

Coun. Doyle asked about a statement in the Intent to Appeal, (b. & c.) "Staff found full use of these stalls required the rear cars to exit onto Lombard Street in order for the front cars to exit the site. City Engineer report 1. Not only does that create an inconvenience for those sharing the parking area, but it may create a safety hazard by requiring the rear cars to exit onto Lombard." He asked if that was correct.

Wooley said that was correct for the parking at the western most building.

Coun. Doyle asked regarding item C - "There is substantial evidence in the record of existing residents with medical problems which make it difficult to walk long distances to reach their vehicles" he asked if that was clearly in the record.

Wooley said they listened to the tape from the meeting and they did not find reference to medical problems of the tenants; they heard some testimony about a visitor that used a wheel chair.

Coun. Doyle asked if there were other apartments where cars would park back to back and have to move to let another car out.

Wooley said it was uncommon in the newer units, but in the older garden style units that did occur.

Coun. Soth said he was unclear on the driveway to the rear of the units, and asked if this was 8, 10 or 12 units.

Mayor Drake asked Wooley if they could draw it on the board.

Flecker drew a diagram on the board.

Coun. Soth said his question was about the units that had a driveway off Pacific, was there a driveway for each unit with the exception for the one on Filbert or the nominal access onto Lombard.

Wooley explained that it was a common driveway (basically at the end of Pacific Street), that served more than one unit.

Coun. Soth said if the driveway was 20 feet wide, with two cars one would have to move to allow someone else to get out.

Wooley said he thought there was room to maneuver around each other on their property.

Flecker described the diagram and indicated where about three cars for each area would park, for a total of nine cars, and there was a space for four cars along the side of the unit on the end. He explained that there was available parking on-site.

Coun. Soth said in the case of the spots behind the units, the area of the land between the parking spaces and the rear doors of the buildings, what was it covered with, grass, gravel, or what.

Flecker said it was grass, thin grass.

Coun. Soth said that he was concerned that in the winter there could be a big question if they could walk out there in dress clothing and shoes. He said that could be the case if there were lawns.

Flecker said he thought that might be true, but additional pavers in the area could eliminate that concern.

Coun. Stanton asked how they exit onto Filbert.

Flecker explained on the diagram that for one unit, they just go out onto Filbert, so they already had off-street parking.

APPELLANT:

Peggy Hennessy, PO Box 86100 Portland, OR 97286, said she was representing Larine Wallace, a tenant at Fifth and Lombard. She reported that they filed the appeal because of the proposed elimination of 10 parking spaces. She explained that they felt it violated the City's mandatory approval criterion to accommodate the parking needs of residents in a safe and equitable fashion. She stated that throughout the staff reports and the actual decision it said that it had been accommodated as far as possible or practical. She said the approval standard said it had to be safe and fair. She said the alternative parking would make them enter through their bedrooms which staff agreed was not conducive for social activities or entertaining. She said that was in addition to walking through a muddy area that was not set up as an entry, but more of an emergency exit. She said the doubling of the other spaces would require some tenants to back onto Lombard to let the others out; a significant traffic hazard.

Hennessy reported that there were tenants with medical problems and said she had copies which were submitted by the tenants that might have gone into the record under TCB issue 410. She said the illnesses were such things as lupus, asthma, and various allergies, and noted there was also the issue of wheelchair access. She said her client's father-in-law was in a wheelchair and he could not get in unless they go around to the front entry. She stated that they did not believe they had met the approval standard to go with the proposal, but they did support the City's effort to establish connectivity for safe bike routes. She stated they would also support the elimination of the left-turn lane, so they could have parking and a bike lane.

Coun. Soth noted that she referred to the inability to get the wheelchair in the back door and asked if it was the size of the door that was the problem.

Hennessy said she thought that was part of it but there was difficult terrain and steps.

Coun. Soth said he thought those units were built with smaller doorways, and he thought most wheelchairs took a three-foot opening. He said he wanted to be clear on that, so it was not only the possibility of the door steps, etc.

Mayor Drake noted that he thought there were steps currently in the front entrance, so they were not built for wheelchair access.

Hennessy said the fact remained that there were those who visited there who would have more problems if they had to go through the back.

Mayor Drake said he thought the parking was full all the time, at least when he went past the location, which was at various hours. He asked what individuals in a wheelchair would do if the front was full now.

Hennessy said she did not know.

Coun. Stanton noted that she often used Fifth and when there were spots available, the Photo Radar van parked there regularly. She said her packet did not have any written testimony from anyone who lived at that address. She asked if they had copies of the letters from the meeting.

Mayor Drake clarified that the letters were with TCB Issue 410 materials. He said he noticed that the appellant referred to parking on the north side of Fifth.

Hennessy said she thought that the tenants thought they were testifying on the TCB Issue 411 and 410. She said they got the minutes from both meetings but not the record from both meetings.

Mayor Drake noted that part of the minutes from TCB 410 were in the packet, and about two-thirds of the way through, reference page 17, Larine Wallace was opposed to eliminating parking on the north side because of the hardship. He stated that it was hard to know what was in someone's heart, but noted that she was referring to Pacific which was further down, which was what 410 was referencing. He said that in contrast, Hal Ballard, B.I.K.E. Task Force Chair, in testimony under 410, referred to the Task Force's favor of 410, 411 and 412. He stated that it appeared that the folks were at the wrong hearing and were referencing access to Pacific. He noted that Mr. Pleskac was saying he lived on Third Street and accessed through Pacific. He said asked Bill Scheiderich, Assistant City Attorney, what the status of that meant.

Scheiderich said what he could see, looking at Traffic Commission minutes from July 1, 1999, page 7, which in his packet is hand-numbered as page 28, public testimony (others in audience said it was numbered as page 21 in the original packet).

Coun. Stanton asked what pages he had that she did not get.

Scheiderich said what he had was the TCB materials that came before the Council on August 30, 1999, AB 99-269. He pointed out that it said TCB Issues 411-413.

Mayor Drake said he must have got a different copy than they did. He reported that it did say in the July 1 minutes, that TC Chair Young offered all who testified on TCB 410, the opportunity to testify on 411. He said there were two people who did testify, who lived on Fifth Street, Mr. Rickman and Ms. Lawless, and also some Task Force members.

Scheiderich pointed out that staff said the agenda bill had been prepared before August 30.

Hennessy remarked that Coun. Stanton had requested that she provide copies of the letters and said she would defer to the City Attorney.

Scheiderich explained that it was for the presiding officer to decide if it would need to be entered as arguments in favor of the appeal.

Mayor Drake said since it was included in the packet and the TC Chair had invited testimony, so he did not see any problem. He said he would rule that it would be entered and would part of the overall record.

Coun. Soth asked if there was anything different in the written testimony than in the minutes.

Hennessy said there was more support for the health and safety issues, and additional information.

Coun. Soth asked if those who testified under both issues, were represented.

Mayor Drake said it was difficult for some to understand the process, and people could easily assume that striping on the roadway would be the same for both issues. He said it seemed clear that the testimony on 410 was for 411.

Coun. Stanton noted that she had read that children play back there but she was not sure if that was the case.

Hennessy stated that she did not have personal knowledge.

Mayor Drake noted that he saw children playing in the front and on the sidewalks.

Hennessy said they supported the connectivity of the bike lanes, but just were concerned about meeting the approval standard, the mandatory approval criterion, and the removal of the parking.

Mayor Drake asked how she suggested they do it.

Hennessy suggested they eliminated the left-turn lane.

Mayor Drake asked if she had driven there.

Hennessy said she had not very often.

Mayor Drake noted that traffic backed up there pretty bad heading west from the east, even with the turn lane.

Hennessy asked if it would not be easier for a car to take an alternate route than a bicycle.

Mayor Drake clarified that he was not arguing with that, and asked what level of street it was.

Wooley said it was a collector street.

Mayor Drake continued and noted that he was familiar with the area, since he had lived there about 30 years ago and Fifth Street as it came up to Miller Sanitary was "the end of the world!" He said there was no street connection there, it was very quiet and slow area. He said they moved onto Filbert Avenue because it was quiet, but it had gone from a very local neighborhood street to something very busy.

Hennessy suggested they should evaluate it to see about reducing the length of the refuge (left-turn lane), to preserve some of the spots.

Mayor Drake opened the public hearing.

Support: (Those opposed to the striping and the change.)

No one came forward to speak.

Opposed: (Those against the appeal, who want the striping.)

Karen Frost-Mecy, PO Box 9072, Portland, 97207, said she represented The Bicycle Transportation Alliance, which promoted bicycle transportation. She said she was offering another voice of support for the Bicycle Transportation Alliance with 50 members in Beaverton and hundreds who would welcome this direct east-west route. She said there were too few routes in Beaverton and none between Highway 26 and

Washington Square. She stated that in approving the staff recommendation to implement bike lanes in spite of the loss of 10 parking spaces, the TC recognized the benefit of increasing bicycle safety over the storage of cars in the public right-of-way (ROW). She stated that it was the landlord's responsibility to improve the parking lot and to provide ADA access, and it was not the public's responsibility if there was mud or grass or pavers in the back of the residences. She said when the bike lanes went in she hoped the landlord did make it more convenient and reasonable. She said this change would be a benefit to hundreds of bicyclists.

Coun. Soth asked if she rode a bike and how she went to the store.

Frost-Mecey said she had a trailer she pulled behind her bike that she used everyday, and was considering selling her car.

Coun. Soth said he heard her say that she did not care about the people in the situation as long as they got the bike lane, because the landlord should provide something or other.

Frost-Mecey said that was right.

Coun. Soth pointed out that those units were built many years ago, and at that time the City did not require off-street parking as much as they do now. He stated that he found that (attitude) a little self-serving. He said when he was younger he rode a bike to and from work, and he had to watch out for cars and if he did not follow the rules it was his fault. He said he took offense at that attitude.

Frost-Mecey declared that the discussion was not about if people obeyed the law or not, but about whether or not they had safe facilities for the users of the roads.

Coun. Soth said he was concerned with the people who had to put up with this.

Frost-Mecey asked if he meant the people in the apartments.

Coun. Soth said that was correct.

Frost-Mecey said her opinion and the opinion of citizens around the state, who had set rules and standards and goals, was that cities would be much more livable if they decreased car trips. She stated that bicycling was one of those wonderful ways to do that. She said there were a great number of people riding bikes even in the rain, and stated that there were something like 30-50 bicycle trips by people who live in the Netherlands where there is more rain.

Coun. Soth noted they had been doing it for 500 years.

Frost Mecey said that was right and they wanted to start it here. She said there was no one who rode a bicycle that wanted anyone to sacrifice anything. She stated that they were looking at the greater good for the greater number of people. She said she hoped the landlord would take it upon himself to make sure there was wheelchair access, but she did not want to leave a gap in a bike lane for an old building where there were relatively few tenants.

Coun. Stanton remarked that she had ridden a bicycle on Fifth Street and she did not have a problem. She said it was more of a problem under the 217 overpass on Fifth. She explained that she had a hard time saying that these people (the tenants) had to change what they did for bike riders. She pointed out that there was nothing to make the landlord make those changes.

Frost-Mecey said they should put pressure on the landlord.

Coun. Stanton pointed out that there was no requirement to put a bike path on a collector, so they were not looking at requirements. She said she was going to need something to make her comfortable that those who live there had to change substantially for people who were already doing what they do on Fifth. She read from the Code (6.02.060), where it reviewed the requirements and noted that it allowed for movement of vehicles, pedestrians and bicycles, and that all had equal needs.

Frost-Mecey pointed out that there would always have to be compromise because the street was only so wide, so she hoped they would look at the greater good and look at what a bicycle lane did. She pointed out that an experienced rider could ride anywhere, and they wanted to encourage more people to ride. She said when you look at the bike lane map, you would see that in the middle there is no bike lane, and more novice riders would chose to not ride. She said she lived in southeast Portland and they could go anywhere. She said the City had few opportunities and this would be an opportunity lost.

Caroline Klug, 7340 SW 76th Avenue, said she was a bike commuter and biked from Garden Home to the OGI campus every day, but did take MAX during the rainy season. She noted that she always biked safety and followed the rules. She recalled that during the year that she had been biking, there had been several times when her life had been in danger because of a motor vehicle, and two of those incidents had been on that section of Fifth. She noted that she biked the entire length of Fifth and Sixth, from Western to Murray, and biked it every day two times per day. She related that the first incident was during daylight hours in June, before 7:00 a.m., and she was on Fifth, approaching Lombard, and one of the vehicles parked in that area pulled out without looking. She reported that even though it was daylight, she had a light on and was wearing bright clothing. She said the driver did not see her coming, the vehicle pulled out and she was barely able to stop. She said since that time she biked on the sidewalk in that area, because she did not feel safe there. She said

another time on Fifth she almost got hit by a school bus mirror. She said this was the most hazardous section of the road. She said she had tried to experiment with other ways to get to work, and Fifth and Sixth was the most safe and reasonable and the only way to get under 217. She noted that she had tried Denney and Allen overpasses but cars did not expect bicyclists to be there so she had a lot of close calls, so she started taking Fifth and Sixth. She said it was also essential because of the location for the new library, and it also provided access to the Beaverton Transit Station.

Coun. Doyle asked if there were bike lanes on Lombard.

Klug said there were none.

Hal Ballard, 14180 SW Allen #32, read his prepared statement. He said in order to compose his thoughts on why he supported TCB 411, he rode his bicycle westbound on TV Highway the previous day, from about Fred Meyers to the MAX Station. He said Sunday afternoon traffic was different than weekday traffic. He noted that there were bike lanes in some places on Canyon Road, and you stop and go like the traffic, except when the guy decides at the last minute that he wants to make a right turn and there is the wide-open space where the bike lane was. He said the side of the road had headlights, taillights and other "dead" car parts which were large enough to make a hole in his tire and some things large enough to cause him to have an accident. He said the street was busy and noisy and built for cars; he was not welcome there even though he was intended to be there. He stated that he could ride Canyon but felt much safer on Fifth, and with that eight-inches of paint, he felt welcome and accepted. He reported that on Friday he west rode on Fifth from east of Western to SW 141st which was part of his normal route since he lived on 141st and Allen. He said the bike lane was evident on the westbound lane from Western to Maple and then they have to share with pedestrians. He reported that in that area there were some problems because visibility was not good. He said when it came to Griffith the bike lane became the sidewalk. He said there was sufficient room for both cars and bikes to travel simultaneously between Maple and Griffith. He said there was not a sign or notice that would tell him where to ride, and he assumed that since he was going straight and on the other side of the Lombard there were bike lanes, then he knew how he could go. He described how the changes made it difficult to know where to ride and to be safe. He said as chairman of the B.I.K.E. Task Force he wanted to state that the word BIKE was an acronym for Bicycling Interest Knowledge and Encouragement, and the first rule of order in their by-laws was to promote bike use in and around Beaverton.

Coun. Soth asked if he owned a car.

Ballard said he did not, he got rid of it the past year.

Coun. Soth asked where he parked it when he had it.

Ballard said he parked it in the appropriate space at his apartment.

Coun. Doyle asked if the bike lane came up to the block before the area where they were having the discussion that evening, would it be a disaster to have there be no bike lane in the street for that one block, and have the bikes use the sidewalk.

Ballard replied that for an experienced rider such as he was, it would not, but it would for the younger, less experienced riders.

Coun. Doyle asked why.

Ballard explained that they would be separated from the cars and the cars would not see where the bicyclists would be at the end of the walkway, at Lombard.

Coun. Doyle asked if he meant when they came to the traffic light and the signal was red; was he worried they would not stop. He said he did not understand what the safety risk was.

Ballard explained mostly it would be the right turning vehicles.

Coun. Doyle pointed out that even in a bike lane or walking, they were at a risk in that situation.

Ballard agreed and said he thought Coun. Doyle was asking him if he would consider riding the sidewalk over the bike lane.

Coun. Doyle said that was what he was asking.

Ballard said he would not, he did not belong on the sidewalk.

Coun. Doyle reiterated that he was saying it was the bike lane or nothing.

Ballard said that was right.

Coun. Stanton said she knew it was illegal to ride on the sidewalk, but there were times when it was better and safer for adults or children to ride on the sidewalk. She stated that there were times when she rode the sidewalk at Fifth and Hall, because no one acknowledged the bike lane when they wanted to turn right onto Fifth.

Ballard said he joined the Task Force because of an incident when he was riding on the sidewalk, and then he found out that it was not against the law to ride on the sidewalk. He stated that the eight-inch stripe had a calming effect.

Coun. Stanton said they had removed crosswalks because they were not safe havens and people thought they were safe and she thought the bike lanes were also a false sense of security.

Ballard pointed out that there was parking behind and to the side of the apartments. He said all the parking on Fifth would not go away, some of it would still be there.

Rebuttal:

Hennessy said the appellant did not see this as an anti-bicycle issue, they saw it as a failure to meet the mandatory approval standard where they needed to accommodate the existing residential uses, who had used the area for the past 43 years. She reiterated they were removing 10 spaces that were allowed at the time the apartments were approved; the landlord did not have to provide for on-site parking. She said staff had acknowledged that the on-site parking was ideal, and the appellants did not believe it was equitable or safe when they might have to back into the street to let people exit.

Mayor Drake closed the hearing.

Coun. Brzezinski pointed out that it seemed clear that the bike lane would be nice to have there; it seemed clear that it would cause difficulty for current residents, which she would prefer not to do, so the best of both worlds would be both on-street parking and the bike lanes. She noted that without the turn lane traffic would back up on Lombard. She asked if they had considered leaving the traffic light going west stay green longer, to let anyone waiting, turn and then those behind could go on.

Flecker said what she was suggesting would not be the norm, and the trick would be how they would let the westbound traffic know that the eastbound traffic would be stopped.

Coun. Brzezinski said they could have a have a sign for a left-turn yield to oncoming traffic.

Flecker explained that they would not know that the oncoming traffic was stopped because the green ball was "permissive," it was not a protected phase. He said it would be more of a guessing game. He said they could modify it so they had a four section head with a left-turn arrow. He said that would usually come up first.

Coun. Brzezinski asked for clarification and described that when you were heading south on Lombard and get to Fifth, wasn't there a sign there that said "Left Turn Yield to Oncoming Traffic." She said that someplace in the City they had that.

Flecker said they did and noted that the best example was at the new high school where they had a variety of lights, so there was a protected left turn at 125th.

Mayor Drake asked if Lombard was a collector.

Flecker said it was.

Coun. Brzezinski said she agreed that it would be an unusual light, but it seemed like a potential compromise.

Flecker reported that one of the concerns staff looked at was that with traffic, one of the key elements was expectation. He explained that he meant that there was an expectation among drivers, bicyclists, pedestrians for certain things to be happening. He said what he was getting at was that if they started doing something special at a particular intersection, then they started to get away from that expectation and it would become more of a guessing game. He said this was one where they had not thought about her suggestion entirely, but there were some issues that would have to be dealt with, so that it would be an expected movement.

Mayor Drake suggested they picture moving east on Fifth Street, west of Lombard, and asked if there was a left-turn lane to move north onto Lombard.

Flecker said there was.

Mayor Drake continued that with what Coun. Brzezinski had suggested, there would be one lane that would have a protected turn and the other would not, which he thought could be problematic.

Flecker suggested that in that case the best solution would be to eliminate the left turn pockets entirely, because then you would not have a deflection you would have to worry about.

Coun. Doyle asked if it would be possible to recess this discussion and have staff go back and look at the other issues. He stated that he thought they were hearing from Coun. Brzezinski, and he echoed her comments, that they would like to see a solution that would work for all three modes of transportation. He pointed out that he did not want the bike lane to go away, but he wanted to consider the people who lived there who were captives of the designs of 43 years ago.

Mayor Drake noted that he thought staff had explored some of that without digging up the whole intersection, and some of that was brought up at TC and then internally. He said he also would like to find a solution that worked for everyone.

Wooley said they did not explore the specific suggestion Coun. Brzezinski made. He said they looked at eliminating both left turn lanes and the numbers did not work because of capacity.

Coun. Stanton asked if the numbers were too high or low.

Wooley said he believed the volume of traffic at peak was too high.

Coun. Stanton stated that as someone who used it a lot, she would rather lose a left turn lane. She said she was adverse to asking residents in the City to give up what most everyone else had, the parking on the street. She asked about using traffic calming funds or street improvement funds to do the graveling or grading in the back yards.

Coun. Brzezinski said even if they made the back yard better people would still have to go through the bedrooms.

Coun. Soth said he agreed with Coun. Stanton, that those who lived there were entitled to have a place in front of their house because of the absence of adequate parking behind it. He stated that as far as he was concerned, for that one block stretch, bicycles and autos could co-exist and he was not discounting the remarks about close calls, etc. He remarked that to make a statement as they heard, that it was up to the landlord to improve this so those folks would have a space, was very self-serving and shortsighted. He noted that in his younger days he rode his bicycle to work and as a messenger, and he was opposed to removing the parking on the north side of Fifth. He suggested that he would like to reverse the TC approval of the removal of the parking, and if staff could come back with a solution, it could come back as a new proposal. He said that would be better than try to continue this and try to fix this.

Coun. Stanton read from the Code that said they needed to accommodate parking needs of the residents, and she could not get around that.

Mayor Drake stated that he was concerned about starting over completely since there had been a great deal of effort on the part of many people, and he was concerned that they might arrive at the same conclusion. He pointed out that if they honored the appeal they would still have a bicycle safety issue. He said he found himself riding on the sidewalk many times and had also encouraged his children to ride on the sidewalks in unsafe areas. He said while he would agree with Hennessy that the City did have specific criteria, it was difficult to apply that criteria to every single issue under the sun. He reviewed the Code related to the appeal hearing process and options. He reiterated that he would be reluctant to turn this down and start over. He recommended they remand it back to TC or re-open the hearing and continue it so they would not take the same testimony, and ask staff to look at how traffic moved through the intersection as opposed to a bike path.

Coun. Brzezinski clarified that she did not think it should be remanded back to TC. She asked that they think about if there is something they could do to the traffic light that might solve it.

Mayor Drake suggested that he re-open the hearing and have Council ask staff to look at the signalization of the intersection without a protected left-turn lane on both sides.

Coun. Brzezinski clarified that she did not want to be that directive, she wanted to have staff look at if there was something they could do with the duration of green lights. She did not want to limit them.

Coun. Soth said what he heard indicated that what he heard was an indefinite continuance, and he thought they had to set a date.

Mayor Drake said he knew that City Recorder Darleen Cogburn always brought the Council "red" Book and she had indicated that October 18 would work.

Coun. Soth asked if that would give staff enough time, or would later be better.

Mayor Drake asked Wooley how that would work with their schedule.

Wooley said that would give them a week to look at options, and prepare the agenda item, but more time would help them out.

Coun. Brzezinski suggested they give more time.

Cogburn suggested that there would be time on November 1, 1999, for this issue.

Mayor Drake reopened the hearing.

Hennessy expressed her concern procedurally, regarding how that would impact the parties who had given testimony that evening, and would it be new information so they would have the opportunity to comment.

Mayor Drake clarified that he would only ask for comment on any change in information, and explained that he was envisioning that the turn lanes on both the east and west sides of the street would be eliminated. He noted that Coun. Brzezinski did not want a limit to that, knowing the space limitations, it was likely that the only way for a continuous bike lane on Fifth, would be to eliminate a turn lane to allow enough room to allow parking as it currently existed.

Hennessy asked for clarification that if in indeed that could occur, the City would maintain the bike lanes, maintain the parking and this would be a condition of approval so they would not reopen the public hearing.

Mayor Drake clarified that he would open the public hearing, and had just reopened it so the Council could continue it. He said he would not want to take testimony that had been given, such as Ballard reading his statement or asking Mecey to come back and argue for a bike lane. He stated that he thought the issue was whether or not parking was lost to accommodate the bike lane. He explained that if the Traffic Engineer said they could eliminate the turn lane, then that would open up available space

to allow the parking to stay as it was and have a safe-sized bike lane there on-street, to accommodate what the B.I.K.E. Task Force and supporters were talking about.

Hennessy said that would be fine, it was just if there was new information like additional adverse impacts on bicyclists, she wondered if they would have an opportunity to speak.

Mayor Drake clarified that his intention was to allow responding to new information, and not revisiting old issues. He stated that the information would be available a week prior to the scheduled meeting, and as the appellant, Hennessy would get the information.

Coun. Brzezinski clarified her point, and stated that she agreed that if they could work out something with the green-light duration for the left-turn lane westbound, she did not want to mandate that the eastbound left-turn lane also had to go. She said it might, but maybe not.

Mayor Drake clarified that he did not mean to say staff could not do one or the other. He said as he heard it, they had to have one or the other, they could not put the bike path on the street and still allow parking as it was currently configured.

Coun. Brzezinski MOVED, SECONDED by Coun. Soth, that the public hearing on AB 99-301 be continued November 1, for the purpose of having staff come back with additional information about potential ways to accommodate parking and the bike lane, as well as safe vehicular traffic flow.

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

ORDINANCES:

Second Reading and Passage:

Bill Scheiderich read the following ordinances for the second time by title only:

- 99-287 An Ordinance Amending Ordinance No. 1800, The Comprehensive Plan, by Adopting the Updated Significant Tree Inventory Map and Supporting Documentation; CPA 99007 and CPA 99008
- 99-288 An Ordinance Amending Ordinance No. 4031 to Correct the Corporate Name of the Franchisee
- 99-289 An Ordinance Annexing a Parcel of Land Lying Generally Outside the Existing City Limits to the City of Beaverton; ANX 99-00005, (Tuffli "Expedited" Annexation)

An Ordinance Annexing A Parcel of Land Lying Generally Outside of the Existing City Limits to the City of Beaverton; ANX 99-00003, (Gilbert "Expedited" Annexation)

An Ordinance Annexing four Parcels of Land Lying Generally Outside of the Existing City Limits to the City of Beaverton; ANX 99-00004, (Cornell Oaks Corporate Center "Expedited" Annexation)

Coun. Soth MOVED, SECONDED by Coun. Doyle that the ordinances embodied in ABs 99-287, 99-288, 99-289, 99-290 and 99-291 now pass. Roll call vote. Couns. Brzezinski, Doyle, Soth and Stanton voting AYE, the motion CARRIED unanimously (4:0).

ADJOURNMENT:

There being no further business to come before the Council at this time, the meeting was adjourned at 8:40 p.m.

Darleen Cogburn, City Recorder

APPROVAL:

Approved this 6th day of December, 1999

Rob Drake, Mayor