

## REGULAR MEETING

November 15, 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, November 15, 1999 at 6:30 p.m.

### ROLL CALL:

Present were Mayor Drake, Couns. Dennis Doyle, Forrest Soth, Wes Yuen and Cathy Stanton. Coun. Evelyn Brzezinski was excused. Also present were City Attorney Mark Pilliod, Chief of Staff Linda Adlard, Human Resources Director Sandra Miller, Community Development Director Joe Grillo, Engineering Director Tom Ramisch, Operations/Maintenance Director Steve Baker, Library Director Shirley George, Police Captain Wes Erwin, City Utilities Engineer David Winship, Purchasing Agent Sharon Woodhouse, and City Recorder Darleen Cogburn.

### CITIZEN COMMUNICATION:

There was no one present to testify.

### COUNCIL ITEMS:

Coun. Soth noted that he found the League of Oregon Cities (LOC) conference very informative. He said the legal issues forum was very good and there were going to be some things coming down the pike that would affect the Endangered Species Act (ESA) as they applied to buildings and building codes as well as Site Development.

Mayor Drake said he had supplied the Council with a copy of the four resolutions as presented and the slate of officers for the LOC. He noted that Lou Ogden was voted as Treasurer, which meant he would move into the President slot in two years.

Coun. Stanton said the Land Use Seminar would be at the Beaverton Community Center on Saturday, 20, 1999.

### STAFF ITEMS:

There were no staff items.

Bible Week

PRESENTATION:

Metro Update

Mayor Drake noted that the Metro representative had not arrived, so they would postpone the presentation until later in the meeting.

CONSENT AGENDA:

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

Minutes of the regular meetings of August 2, October 18, and June 21, 1999

- 99-362 Liquor License – New Outlet: Hot Shots Westside Billiards
- 99-363 Bid Award – Sexton Mountain 5MG (million gallons) and 15 MG Reservoirs Maintenance and Repair and Cooper Mountain 5.5 MG Reservoir Cleaning and Inspection
- 99-364 Bid Award – ASR (Aquifer Storage and Recovery) No. 2 Well Drilling and ASR No. 3 Pilot Test Core Hole Drilling

Contract Review Board:

- 99-365 Council Award Contract for the Focus Group Facilitator and Employee Opinion and Satisfaction Survey
- 99-367 Authorization to Solicit Proposals for Business Process Auditing and Re-Engineering for Development Services and Building Inspection Services
- 99-368 Contract Change Order – Approval of Additional Funds for Legal Services Rendered by Bullivant Houser and Bailey and Transfer Resolution

Coun. Soth said he was glad to see AB 99-364, since in his view this type of activity would be very useful in supplying water for the entire region. He said it would be particularly true in an area in Hillsboro, where the overburden was about 1500 feet before you got into the rock strata.

Coun. Stanton said she did not read the minutes from all three meetings and she would abstain from voting on them. She said she too was glad to see AB 99-364 happening.

Mayor Drake complimented David Winship on his work on the legislation that was passed in 1995 session. He said Beaverton had been leading the way for additional water storage.

Coun. Stanton noted that on Wednesday, November 17, there would be a showing of the documentary titled "When Ends Don't Meet," on the working poor in Washington County. She said it was a thirty-minute presentation and invited all the Councilors to the viewing.

Coun. Soth noted that Tuesday, November 23, at City Hall, there would be a meeting on the Commuter Rail, and he would attend.

Coun. Yuen said he would abstain from voting on the minutes of August 2 and June 21.

Coun. Doyle asked if Hot Shots Billiards was for the same location as the old Tommy T's, and if they had previously served alcohol.

Police Captain Wes Ervin said he did not know.

Coun. Doyle asked if this establishment was the source of any curfew problems.

Captain Ervin said when it first opened, the police had some challenges, but those had been worked through with mediation.

Coun. Doyle asked if they really stayed open until 4 a.m.

Captain Ervin replied that they did.

Coun. Soth clarified that his motion would include the award of bids from the memorandums they received that evening, for they were not included in the original agenda bill.

Question called on the motion. Couns. Soth, Yuen, Doyle, and Stanton voting AYE, motion CARRIED unanimously. (4:0) Coun. Stanton abstained from the minutes of 8/2, 10/18, and 6/21. Coun. Yuen abstained from the minutes of 8/2 and 6/21.

**ORDINANCE:**  
Suspend Rules:

Coun. Soth MOVED SECONDED by Coun. Doyle that the rules be suspended, and that the ordinance embodied in AB 99-366 be read for the first time by title only at this meeting, and for the second time by title only at the next regular meeting of the Council. Couns Soth, Doyle, Yuen, and Stanton voting AYE, the motion CARRIED unanimously (4:0)

First Reading:

Mark Pilliod, City Attorney read the ordinance by title only:

99-366 An Ordinance Amending Beaverton Code Relating to the Beaverton Arts Commission

OTHER BUSINESS:

Linda Adlard, Chief of Staff, asked to talk to the Council about the Special Neighborhood Meeting of the prior week regarding the City Park Expansion. She distributed copies of the draft minutes from the meeting.

Adlard noted that they mailed out 3000 notices (the active NAC mailing lists) and that Nell Langluttig and Jack Franklin both believed that the neighborhood meeting should have been held at a NAC meeting. She said Pilliod said they had fulfilled the intent of the law. She explained that staff thought the meeting should be held at City Hall since this project was for all citizens and being built with bond money from each citizen.

Adlard said the issue that was most discussed was part of the design where they are looking at a temporary closure of Washington Street between Fifth and Fourth. She noted there would be a fountain in the street area, but emergency vehicles would have access, but not everyday vehicles. She reported that there were about fourteen unmarked parking spaces on the street that would be eliminated in the plan. She noted that they were utilized by the church and others. She said the toilet facilities in the park would be moved to the end of Watson and there would be an upgrade of the walkways. She explained that the traffic patterns would be sorted out in the traffic study and taken to the Board of Design Review (BDR) and Planning Commission (PC). She asked for comments on any concerns with staff going forward with the plan, for they were on a fast track to have it completed by the time the Library was scheduled to open.

Coun. Stanton asked what the discussion was concerning the no right-turn onto Hall from 5<sup>th</sup>. She stated that she did not see that in Adlard's comments in the first part of the notes, but she saw someone responding to it, and asked if Adlard had made those comments at the meeting.

Adlard replied that she suggested there were a variety of traffic concerns that would be addressed in the traffic study: 1) no right-turn onto 5<sup>th</sup>, 2) pedestrian traffic, 3) left turns, 4) pedestrian activated crossings, and 5) the flow of traffic in and out of the parking lot. She noted that a couple of people decided to jump on that and let her know they had the background of a traffic engineer and could access what the effect would be. She stated that she did not know what that effect would be, so they would be looking at all the options and working with the Traffic Engineer to ensure that the intersection had a very safe crossing pattern.

Coun. Stanton said she appreciated the concern; however as someone who goes Fifth and turned right onto Hall, northbound, there was no other place to cross Canyon.

Adlard replied that was correct, and explained that there was no intent to recommend that, but it was one of the items they were looking at. She

reiterated that the traffic study would determine what the safest pieces that they would take to the commissions.

Mayor Drake noted that sometimes they had to let the process work its way through, and do an impartial analysis, but logic told them they would be hard pressed to do that.

Coun. Soth remarked that he sat through a good share of that presentation and the question was brought up about the proximity of the pedestrian crossing on Hall with the light. He expressed his concern about a motorist running the light and jeopardizing a pedestrian.

Adlard noted that the evaluation of the suggested crosswalk was not in the last traffic analysis for the Library itself. She said some suggestions were not particularly desirable, but they would wait to see the report from the traffic expert.

Coun. Soth said off the top of his head, he wondered if they would consider a "Cathy Stanton Overhead Bridge." He said that type of bridge was expensive but deserved consideration.

Adlard said they had considered a bridge but the construction height and the traffic pattern made it not feasible.

Coun. Soth suggested it would be useful to mention the overhead bridge in the analysis because people would be asking about it.

## PRESENTATION.

### Metro Update

Susan McLain, Metro Councilor, distributed some material from Metro, and noted that some of the Councilors were involved with the transportation planning. She noted that she had included a complete set of the newsletters in their packets, which detailed projects and priorities.

McLain reported that the region had been through Chapter 1, which was the vision of what plan would entail. She said there were some decision points that would be in front of the Joint Policy Advisory Committee on Transportation (JPACT) that week and also in front of Metro Council. She explained that those points would be dealing with the Regional Transportation Plan (RTP), to see if it was doing what they wanted it to do, after they reviewed Chapter 1.

Coun. Stanton noted that she had already started to read the RTP, and asked about the land use/transportation balance. She noted there was no mechanism in the process for Metro Councilors, when they made a determination, to include where the housing or commercial development would take place. She said she assumed that was because they were trying to play catch up due to the few dollars available.

McLain said the goal of Chapter 1, was to be more far reaching than current needs. She said the listed projects were priorities to be finished first before extending the needs. She said in the 2040 Growth Concept as well as the Functional Plan Requirements, Metro as well as the regional partners in JPACT and (Metropolitan Policy Advisory Committee) did talk about the transportation/land use connection. She said there was a hope that Chapter I would address those issues of concern.

Coun. Stanton asked if they would use Chapter 1 as criteria for how the dollars would be spent.

McLain said that would be the foundation.

Coun. Stanton asked if, when people testify before various interest groups, should they address Chapter I as the nexus for why they think their project should be accepted.

McLain said there were certain types of guidelines they had to follow with government agencies, such as when working with the Oregon Department of Transportation (ODOT) dollars. She said that would be discussed in the JPACT conversation.

Coun. Stanton asked, if they split out the federal projects and ODOT, if what would be leftover could be debated for regional needs. She noted that there would be \$7 billion worth of needs and \$2 billion worth of revenue during the next twenty years, so the region would be \$5 billion short. She asked how they would meet the goals as well as the needs.

McLain said they had to go to what they considered the #1 priority. She explained that in JPACT they had talked about maintenance, safety, replacing bridges, and connections that were missing; it was a case by case issue, and each jurisdiction had to be realistic about their priorities within their own projects.

Mayor Drake noted that he was involved in the JPACT process and there was some effort to balance around the region. He said as an example, a sidewalk project for the main street in Cornelius was very critical to Cornelius, but the bulk of the County was not out there; however two state highways cut through the downtown area. He said he and Councilor McClain were advocates for that kind of spending since Cornelius had not received any major funding.

McLain said one project that Beaverton seemed to care about was Commuter Rail, and there was a commitment by the regional government as well as larger regional community. She pointed out that having a successful commuter train from Beaverton to Wilsonville would be a start to help the entire region, including McMinnville and Forest Grove.

Coun. Soth stated that he did not think there was any doubt but that the automobile would be the principal mode of transportation for the next twenty years. He said the population projections would have to get the word out, because if there was cut-through traffic in neighborhoods it was because the arterial was insufficient to handle the traffic. He noted that, with the state of financing continually decreasing, he did not see how TriMet would be able to expand transit service let alone build anything new.

McLain said there definitely had to be a short-term strategy, a back up strategy, and a long-term strategy, as well. She said she believed they had to work on all three levels of visioning for transportation in order to complete the projects.

Coun. Soth asked if the federal government would let go of reserves in the highway trust fund.

Mayor Drake explained that since Metro served as the vehicle for the distribution of federal and state dollars, it would be important to defeat Ballot Measure 86. He noted that the Metro Council took a stand to support the additional \$10.00 for vehicle registration because that money would come back to the County and be spent as part of the \$600 million. He said there were some huge projects that would benefit the County, Highway 26, and the first phase of 217 and Cruse Way (I-5 Interchange). He pointed out that the County was way behind with projects and they needed to take the approach with the citizens that they got what they paid for. He said no one loved increased taxes but the region needed the funding.

Coun. Stanton asked if the Metro Council had taken a position on HB 2082 or Ballot Measure 86.

McLain reported that they had not as a Council. She added they went through it with the JPACT group.

McLain said with Goal 5, they had been working through the Title 3 strategies about clean water and flood mitigation, and there had been a lot of good work done in the County. She said the second part of that work was called Goal 5, dealing with wildlife and fish habitat. She reported that they were very close to a discussion draft to be brought to some of the Metro Council subcommittee meetings in November and December. She explained that it would give the City an opportunity to look at the additional steps in Goal 5.

Mayor Drake noted that Goal 5 had some really big changes and he had seen some early draft information. He said USA had a 25-foot no-build from each side of Beaverton Creek (Creek) and Title 3 had a 50-foot strip. He said Goal 5 had about a 200 foot corridor.

McLain said she saw it as a 150 to 200 foot range that people were questioning and talking about the science.

Mayor Drake said some of the more liberals wanted 300 feet. He asked if there was any concern about legal issues or did the fish listings take that away by congressional action.

McLain replied when they went through Title 3, they were looking at buffers ranging from 50 feet to 200 feet, depending on how steep the slopes were around the water features. She noted that their legal staff discussed property rights and property values that would be changed by public policy, and said they felt comfortable the way Title 3 was approached; the legal status was a good solid status. She said Metro Council did not have any additional information since the Title 3 scenario.

Mayor Drake noted that there was a Regional Center downtown and they were trying to find a balance between good natural resource management and density downtown. He reported that Mike Hauck and Sue Marshall came out the past week to walk the Creek and the core area. He explained that the City was trying to create a more traditional downtown and honor the sanctity of the Creek. He pointed out that it raised some issues for the Creek because it was such a significant waterway in the downtown area, stretching from one end to the other of Beaverton.

McLain said the challenges would not get easier. She said there was not an easy answer.

Mayor Drake said he would like to explore a master plan along the waterway downtown, so each time a developer came in with a development application there would be some certainty about the development. He suggested they might talk to Metro and Hauck about a joint plan.

Coun. Doyle asked if they would have to do that prior to any adoption of the regulations and standards.

Mayor Drake replied that they would not have to, and noted that Hauck believed the two could go parallel and the master plan would allow for creativity as well as being good stewards of the Creek.

McLain said that was an opportunity they shouldn't lose sight of, and she would be happy to help in any way she could.

Coun. Soth expressed his concerns with the effects of the Endangered Species Act (ESA) related to Title 3 and Goal 5. He explained that part of that ESA said if there was a stream that had a culvert that needed replacement, under the ESA specifications, because those culverts would constrain fish passage a different type of passage way would have to be constructed. He pointed out that a \$30,000 project with a concrete bridge would bring the cost to \$500,000 to \$1 million for the same passageway. which concerned him very much. He said he couldn't see how any jurisdiction could implement such a project.



McLain noted that one of the elements of Goal 5 was to recognize limited resources. She said they did not know what ESA would come out with, but she felt the region was better prepared and would be able to specify places where they could do a better job. She said that Title 3 and Goal 5 recognized that there were contradictory values and uses of waterways, and they would have to learn how to protect them.

Coun. Soth said he felt the other part of the conversation had to be in the area of the buffer zones from 50 to 250 feet. He suggested exempting a piece of property in a buffer zone from property taxation.

Coun. Stanton asked if there was a potential for local jurisdictions to have housing and employment targets reduced because of land not available for development.

McLain noted that the Metro Council passed the Green Resolution that indicated that local jurisdictions had the responsibility and a right to identify land that needed protection. She stated that Metro Council would work with the jurisdictions to figure out what that meant to the targets and Goal 1. She said the Metro Council was not anti-protection.

McLain reported that the Urban Growth Boundary decisions were coming up from the work started in 1998. She said the Growth Report gave factual information to support a needs assessment for how much buildable land would be needed for the next twenty years, since there was a state law that required Metro to have a twenty year land supply. She noted that report was brought to IT and Mayor Drake had been involved in the meetings. She reported that on November 18 the Metro Council would hear the last testimony from jurisdictions on the Growth Report, and in December and January they would be looking at the inventory of urban reserves, including the Bethany area.

Mayor Drake noted there were four areas that recommended would be looked at in the next ten months: jobs/housing balance, industrial lands, and accessory dwelling units.

McLain explained that the Metro Council felt the accessory dwelling units was a conservative figure, but the public felt it wasn't. She said the Council wanted to get a clear picture.

Coun. Soth asked if Metro had any concerns about Federal issues.

McLain replied they didn't.

Mayor Drake said he had pushed Elaine Wilkerson at about industrial land, and explained that his concern was if there was another Intel or Nike where would they go. He said he was concerned about some kind of industrial site set-aside in case the right employer came along.

Mayor Drake thanked McLain for her update.

ADJOURNMENT:

There being no further business to come before the Council at this time, the meeting was adjourned at 7:32 p.m.

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Darleen Cogburn, City Recorder

APPROVAL:

Approved this 3<sup>rd</sup> day of January, 2000

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Rob Drake, Mayor