

REGULAR MEETING
January 24, 2000

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, January 24, 2000 at 6:38 p.m.

ROLL CALL:

Present were Mayor Drake, Couns. Wes Yuen, Evelyn Brzezinski, Dennis Doyle, Forrest Soth. Coun. Cathy Stanton 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 Department Director Tom Ramisch, Operations/Maintenance Director Steve Baker, Police Chief David Bishop, Library Director Shirley George, City Transportation Engineer Randy Wooley, Senior Planner Alan Whitworth, Economic Development Program Manager Janet Young, Support Specialist II Debra Callender, and City Recorder Darleen Cogburn

CITIZEN COMMUNICATION:

Mayor Drake noted that Dr. Scott Neish was present at the meeting that evening in regards to one of the lots listed to be annexed on AB 00-23. He said Dr. Neish had written a letter that was in the process of being duplicated for Council distribution that evening (in record). He asked Joe Grillo, Community Development Director, to explain the issue.

Grillo referred to AB 00-23 and Annexation No. 99 00012, and noted that lot 36 of Sunset Gardens was one of the parcels within the number of properties to be annexed through AB 00-23. He said staff would recommend on Lot 36, that the annexation be delayed to June 30, 2001, and the other 23 lots included in AB 00-23 proceed forward with the effective date of June 30, 2000. He clarified that this was direction to the City Attorney in preparing the ordinance on just that one particular lot.

Coun. Brzezinski asked for clarification on the numbers.

Grillo clarified that the owner was Scott R. Neish, D.M.D. and the lot number was 36 within Sunset Garden.

Mayor Drake noted that he had spoken to Neish and he agreed to the delayed annexation, effective June 30, 2001.

Coun. Soth asked Grillo which exhibit he was referring to.

Grillo said it was Exhibit A-3.

Coun. Yuen read from page 29 in the agenda bill exhibits and described Parcel 3 and asked if that was the correct parcel.

Mayor Drake said it was Sunset Gardens, Lot 36, in Exhibit A-3 and for the record he thought that would suffice.

COUNCIL ITEMS:

Coun. Brzezinski reminded everyone that the Census Bureau information would be arriving soon through the mail, and stressed the importance of citizen participation. She explained that it was a once every ten-years counting of all the people in the United States and while it might look like "junk mail" it was extremely important for people to respond to it. She said much of the dollars that came to the City were based on population, so if a good count of the numbers of citizens in Beaverton was not done, they would be short changed when funding was distributed based on the population. She encouraged people to let their neighbors know to complete and return the Census questionnaire when it came in their mail in March.

Coun. Doyle commented that he was impressed with the report from Officer Mark Hyde regarding the cadet sting concerning alcohol sales to minors. He said that not one of the 12 businesses chosen for the sting operation sold alcohol to the cadets who were in disguise (as underage participants). He noted that the stores should be commended. He asked if the information in the police newsletter was shared with the regular newspapers.

David Bishop, Police Chief, said some of it had been released and some had not because of ongoing investigations. He said at some point the information would be released.

STAFF ITEMS:

There were none.

CONSENT AGENDA:

Mayor Drake noted that AB 00-23 was pulled for separate consideration.

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

Minutes of the regular meeting of July 12, 1999

- 00-21 Boards and Commissions Appointment
- 00-22 Amend Land Use Order #1240 CPA 99-00004/RZ 99-00004 Tri-Met R. O.W. Properties Comprehensive Plan Map Amendment and Rezone
- 00-23 Consent "Expedited" Annexation (ANX 99-00012) of Properties Whose Owners Previously Consented to Annexation (Pulled for separate consideration.)
- 00-24 17005 NW Cornell Rd "Expedited" Annexation (ANX 9900013)

Contract Review Board:

- 00-25 Exemption From Competitive Bidding – Purchase of Storage Shelving for the Records Division From an Existing Bid Award Through the Port of Portland
- 00-26 Ratify an Exemption From Competitive Bidding – Additional Work To Conduct a City Housing Survey
- 00-27 Contract Award – Business Process Auditing and Re-Engineering for Development Services and Building Inspection Services

Coun. Yuen submitted corrections to the minutes of July 12, 1999 to Darleen Cogburn, City Recorder.

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

Separate Consideration:

- 00-23 Consent "Expedited" Annexation (ANX 99-00012) of Properties Whose Owners Previously Consented to Annexation

Coun. Brzezinski MOVED, SECONDED by Coun. Soth, for approval of AB 00-23, with recommended action that all parcels, except parcel No. 36 be approved for annexation, effective June 30, 2000, and lot No. 36 of Sunset Gardens (shown on attachment A-3) be approved for annexation effective June 30, 2001. She clarified that all other parcels would be annexed effective June 30, 2000.

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

PUBLIC HEARING:

00-28 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

Randy Wooley, City Transportation Engineer, noted that Council had heard Traffic Control Board (TCB) Issue 411 in a prior hearing. He said the recommendation was to remove about ½ of the on-street parking between Filbert and Lombard.

Wooley noted a correction to the agenda bill on page 84. He said three of the buildings were four-plexes, (listed on page 84 as three-plexes). He described the westerly three as four-plexes and the most easterly was a three-plex. He reported that the Traffic Commission (TC) was aware of that correction and would not change their recommendation. He noted the TC had adopted the same recommendation as far as the action (as they had recommended earlier) and modified the final order to emphasize reasons they thought were important. He noted that criteria was added (1G, regarding carrying anticipated traffic volume safely), at staff's recommendation. He said TC also added criterion three, relating to following the officially approved policies of the City Council, specifically the Comprehensive Plan and language was added to show that their decision was based on the designation in the Comprehensive Plan. He noted they had reviewed the available off-street parking and found that it was adequate and could have been better utilized than the current conditions (some of it currently being used for storage or disabled vehicles). He said TC added language to clarify that the option of removing a left-turn lane would create some safety and capacity problems, which concerned them.

Wooley said at the request of TC and Council, staff reviewed a number of options related to shortening or removing the left-turn lane, but found some difficulties with those options. He noted the TC recommendation was the same as in August, to mark bike lanes and to remove approximately 200 feet of parking, to keep the left-turn lane at Lombard. He said the staff recommendation was that if removing the parking was unsatisfactory to the Council, then as a second choice, (rather than modifying left-turn lanes), delete the bike lane between Filbert and Lombard.

Coun. Soth said on page 89, the 3rd paragraph from the bottom, the first sentence referred to Oregon Administrative Rules (OAR) regarding Bikeways required along arterial and major collectors. He asked if the OAR indicated if it applied to a section of any of those designated arterials or collectors that were either unimproved (bearing in mind that upon improvement of one of those, the bike lanes would be installed as part of the improvement process). He asked if the OAR made any reference to anything existing, requiring bike lanes on existing roadways whether or not they were wide enough to accommodate the bike lanes. He asked if it indicated that it be required upon a rebuilding of one of

those types of functional designations, or did it say anything about the use of any section of one of those kinds of roads was either compatible within excess of or less than the functional designation.

Wooley said he recalled it as language relating to what needed to be in the City's Comprehensive Plan and the City's Transportation Plan as it's long term goals. He said it did not specifically address the order for those to be implemented.

Coun. Soth asked, regarding the analysis of the distance of the left-turn lane, was there a count of traffic backing up at any given time of day, and did that exceed the capacity of that left-turn lane.

Wooley said he would defer Coun. Soth's question to Jonathan Flecker, who actually did the field work on the issue.

Jonathan Flecker, Project Engineer said they were analyzing Level of Service (LOS) and they looked at 15 minutes. He noted that in one or two instances they were getting some queuing but overall they were not seeing a large backup over the 15 minutes. He said when they used the analysis according to the guidelines, it showed that a failure would be indicated if they moved or switched the lane arrangements.

Coun. Soth said he assumed the analysis was within the standards for the accepted methods for highway engineering in the United States.

Flecker said they were using the Highway Capacity Manual.

Mayor Drake inquired about the widths of the lanes. He noted that the City had varied from their standards in the past (he used the Davis Road project as an example), and asked what width would be the lowest acceptable.

Wooley noted that they had looked at narrower lanes and there still was not room to fit everything.

Mayor Drake asked if in an attempt to reduce the width could they shave a foot off the bike lane and a foot off the east and west bound lanes and the center turn lane and potentially the parking area.

Flecker replied that was the first possible solution they had looked at. He noted that it would not work because they were approximately six feet short of getting everything in and could not accommodate the bike lane that way because of the width constraint. He described the current widths as 44 feet from curb to curb, an eight foot parking lane, which was a standard parking lane, (seven feet would be an acceptable width) but anything lower than that was not identified as being appropriate. He noted that there could be a four foot bike lane and travel lanes could go down to 10 foot but that was very narrow. He said if they had three ten-foot lanes and a four-foot bike lane going eastbound, that would put the

width at 45 feet, making it one foot short. He noted those measurements would be minimums.

Mayor Drake said a foot divided over the lanes was approximately three inches, including the turn lane and the parking. He noted that was a very little amount and wondered how critical that was.

Flecker said it was critical especially for bikes. He emphasized the reason was because the eastbound movement for the bikes would put them into a gutter pan, rather than into a lane itself. He said it either presented a problem for bikes as they crossed curb inlets or they would be basically swinging out into the travel way. He noted that for the 10-foot travel lanes, typically what one would see with a width restriction was those as turn lanes.

Mayor Drake questioned if 10-foot travel lanes were done on Davis.

Wooley said Davis was an 11-foot travel lane.

Flecker explained that the 11-foot lane was a normal, typical reduction.

Mayor Drake said he had supported wider sidewalks because it got uncomfortable when people were walking facing one another and when smaller children were riding bicycles on the sidewalks because it was safer, as well as parents pushing strollers. He asked what the width of the sidewalk was on the south side of Fifth and if they found that extra needed foot what would that do to the sidewalk in that area.

Flecker said he thought it was probably five feet with landscape wells. He said in theory they could reduce that to a four-foot minimum and still allow for pedestrians, including wheel chairs and parents with strollers.

Mayor Drake asked if the City of Beaverton owned the park on the south side of Fifth. He recounted that improvements to it had been made by a service organization.

Coun. Soth said he thought the park might have been a remnant of the urban renewal projects and it might have been dedicated to Tualatin Hills Park and Recreation District (THPRD). He reported that he thought the improvements were made by neighbors or a service club.

Wooley noted that if they narrowed the sidewalk they had to move the curb, which would mean changing the drainage and that would greatly increase the cost.

Coun. Soth asked if it was a curb tight sidewalk on the south side.

Flecker corrected that on the south side he thought it was a curb tight instead of with a landscape area.

Coun. Soth said that on the north side it was curb tight because the trees along there were planted in enclosures within the sidewalk as well as the other obstructions like power poles.

Flecker said it was wider on the north side and the tree wells were not part of the sidewalk per se. He guessed that at one point it might have been a linear landscaped strip.

Coun. Doyle asked if they fit all the components into 44 or 45 feet, he wondered what it would look like and if it would look much like it did currently.

Mayor Drake said he was just making a conclusion that they could fit it all in there by restricting the lanes and tightening up the curbtide parking, they could end up fitting up that additional bikelane into the travel distance or the 45 feet of right of way there.

Coun. Doyle noted that the speed limit there was 25 mph.

Coun. Brzezinski referred to page 70, regarding an October 22, 1999 memo that talked about an on street parking space that could be reserved for disabled parking if that was the desire of the apartment residents. She asked if they had any response to that suggestion.

Wooley said they had not received a response.

Coun. Brzezinski referred to page 73, the Traffic Engineer's report dated October 22, the information on where the left turn lane was removed, and noted her surprise that the LOS did not change very much over the existing condition. She noted that said they could have one direction that was overextended without the overall LOS changing, and reiterated that was very surprising. She noted that the intersections were graded from A to F (on how long it took to get through them) and now it was graded B, which meant traffic went through it fast and if they removed the turn lane the table indicated that it would stay at B. She pointed out that in the afternoon, it would move to level C. She asked Wooley if he was surprised that it didn't change very much.

Wooley said they were looking more at how far back the traffic queued rather than the LOS. He noted that the length of the queues would increase substantially. He explained that with any of the options they would still be within the Comprehensive Development Plan Code standards for LOS.

Coun. Brzezinski said it seemed like they did things based on the LOS and now the LOS did not seem too bad, but they were saying not to pay attention to that. She commented that they should play by the rules both times. She said Wooley noted that it would be expensive to change the width of sidewalks and asked if he had any idea of what it would cost.

Wooley said he did not want to guess with the idea that they might have to move the traffic light poles.

Coun. Brzezinski asked how long it would take to figure a cost estimate.

Mayor Drake suggested that possibly they needed to take all the testimony and then come back at the next regularly scheduled Council meeting in two weeks.

Mayor Drake asked when they last measured the width of the street.

Wooley said they did it within the last year.

Coun. Soth said he had some further questions and would asked them later.

Mayor Drake opened the Public Hearing.

Appellant: Peggy Hennessy, PO Box 86100, Portland, was there on behalf of Larine Wallace, who was a tenant who would be adversely impacted if the on-street parking was removed. She explained that they were dealing with a total of 10 parking spaces to be lost, and were looking at two four-plex buildings, one of which had four spaces and one of which had two spaces. She noted that even if every unit had one vehicle they would still need on-street parking to accommodate all of them. She noted that there were a total of 10 vehicles between the units and two to three vehicles might not be running at any given time. She stated that if they required the tenants to seek accommodation of their parking needs as proposed earlier, the parking would be back to back. She pointed out that there would be some tenants having to back onto Lombard to exit the complexes, which was not only unsafe but very inconvenient when the cars were stacked two-deep. She said she did not know what staff was contemplating as a reasonable accommodation for the tenants. She referred to Beaverton Code 602.060 1,D, which stated that the City had to endeavor to accommodate, safely and fairly the existing tenants. She said that if they required additional on-site parking they would reduce the open space or the children's play area. She said they were low income households with vary limited alternatives.

Coun. Soth said he was familiar with the properties and asked if Hennessy was familiar with the configuration of the various parts of the properties.

Hennessy said she was.

Coun. Soth referred to the area behind the units closest to Lombard, and said there were four cars parked on the paved area besides the autos, pickups and boats next to Lombard, and a couple of cars parked off the driveway off Lombard. He said there were four cars parked on Fifth

Street, and it appeared to him that the paved area could not accommodate more vehicles without blocking access. He asked if that was what Hennessy's client was contending.

Hennessy replied that was her understanding and with any additional vehicles there would be less room for maneuvering on-site as well.

Coun. Soth said the area to the east had not been paved but access from Pacific Street would be limited because of the way you would have to get in there. He asked how many vehicles each of the tenants owned.

Hennessy said she did not know what the breakdown was but there were eight units and 10 vehicles between them.

Coun. Soth asked if that included the boat and pickup.

Hennessy replied that she did not know.

Coun. Soth said the issue had been mentioned about the back doors on the units not being wide enough to accommodate those with disabilities. He said he observed that when those back doors were built the Building Code at that time called for doors two feet eight inches wide and six feet eight inches tall, whereas now they would be at least three feet. He asked if those back doors would require moving through a bedroom area to get to the living room section of the apartments.

Hennessy said that was one of their main concerns and there were steps to the front door, and it was not required that the building be handicapped accessible. She said there were problems in the front as well as the back with respect to wheelchair accessibility.

Coun. Soth said that since the units had stairs in the front, they were not considered currently handicapped accessible.

Hennessy said that was her understanding.

Coun. Yuen stated that a concern of his was the low-income nature of the apartments and the impact the loss of the parking might have on the apartments. He said there seemed to be some expectation that if they removed on-street parking, the landlord would build off-street parking and he wondered if that was feasible. He asked if those were officially low-income units that would qualify for "Section 8," tax credits, or grants of one sort or another, all of which had certain restrictions upon the housing itself.

Hennessy reported that several tenants had low-income subsidies (as confirmed in the tenant letters in record). She said if they required the landlord to do the on-site improvements it would probably result in increased rents, and the subsidies were family specific so they got a certain amount allocated and had to make up the balance in their rent.

She commented that it would have an adverse impact on the tenant as well as the landlord.

Coun. Yuen noted that some programs limited the rents themselves and it might not be financially possible for the owner to do on-site improvements. He said he was aware of that because he was on the board of a non-profit housing corporation that worked with similar issues. He explained that he was interested in what kinds of programs were involved, if it was just "Section 8" or tax credits or other programs. He asked if Hennessy could come back at a later date and answer those questions.

Hennessy said she could not answer Coun. Yuen's question.

Coun. Brzezinski asked Hennessy if she had any response to the recommendation on page 70 about reserving one space of the on-street parking for disabled parking.

Hennessy replied that was a progressive idea, but those spaces did not always work as they thought, and many of the residents did not qualify for the disabled plaque that would allow them to park there.

Sherry Parsons, 11975 SW Fifth, noted that she lived in the corner four-plex at Fifth and Lombard which had just the driveway that you could not go through. She said she did not see any way for the parking to be improved in the back area to allow space for anything but parking. She explained that there were children in the complex and making the available area for parking only would leave them nowhere to play. She said the only other parking was some distance away from the complex. She reported that there were "Section 8" apartments in the complex and also several people with health problems. She commented that she thought it would be a worse traffic hazard than it already was, to cram more people back there. She noted that it would be inadequate parking for all of the tenants and each tenant averaged at least two cars.

Coun. Soth asked if she was living in the screened area on the corner.

Parsons said she lived on the corner.

Coun. Soth asked if she was owner of the pickup and boat.

Parsons replied that she did not own the boat, but owned a pickup. She said the landlord did not own the area where the boat and trailer were parked, but a neighbor that let them use it. She said there were two storage sheds there, also.

Coun. Soth noted that the driveway off Lombard was not part of the property being discussed.

Parsons clarified that it belonged to the neighbors to the north.

Coun. Soth reiterated that the driveway in the back, coming off of Lombard, did not belong to the complex.

Coun. Soth asked how many cars the tenants in the four-plex had.

Parsons noted that everyone had at least one car.

Coun. Soth said in the four-plex there were two cars at least and maybe three more, and wondered how many normally parked behind the building on the paved area.

Parsons said no one parked there except her and everyone else parked on the street.

Coun. Soth asked who parked on the paved area behind the building.

Parsons said the tenants in the other four-plex parked there and some of those tenants parked on the street as well.

Opponent: Hal Ballard, 14180 SW Allen Blvd., No. 32, said he was Chair of Beaverton B.I.K.E. Task Force and had written a couple of pages but most of the points had been covered. He reported that he conducted a telephone survey of ten apartment complexes in the Beaverton area and asked questions on how many units were in the complex, how many parking spaces were available, how many entrances and exits there were per unit, and when they were built. He reported that of the complexes he called, four were built in the 1970s, two in the 1980s and four in the 1990s. He said the average number of units per complex was 79 and the number of spaces were approximately 100 or a ratio of 1:1.2. He said Flecker did an exhaustive study of the parking available and came up with approximately 15 spaces on site. He said with 10 parking spaces being removed (on the street) there would still be 10 parking spaces left. He noted that 15 apartments and 15 spaces were a 1:1 ratio and with the additional 10 added the ratio became 1.6:1, greater than the other places he surveyed. He reported that he asked how close the guest and visitors were to the units and the answer was although none of the spaces were actually designated to the individual tenants, visitors were asked and expected to park further away from the entrances to give priority to tenants.

Ballard said the group of residents had united in a common goal for their greater good and they had done a good job. He commented that they could cooperate further and provide their neighbors with medical problems easy access to their vehicles.

Ballard said his last point involved the City Master Plan which referred to bicycles. He reported that Fifth had been designated as having a bike lane in both the Master Plan and as a City bikeway in the plan between

the City and Washington County. He quoted the Beaverton Code and said the strategy was to fill in the gaps in the network where some bikeways existed. He said this section of Fifth certainly filled in a significant gap in the growing networks of bike lanes in Beaverton.

Mayor Drake asked if one bike lane was four feet and the other five feet, what impact would that have, framed with the possibility of no bike lane.

Ballard noted that he was a bicyclist who assimilated his way in and out of traffic quite easily, and worked on Griffith and lived on Allen Ave. with Fifth Street as his route, and no bike lane on that portion. He stated that it was on his mind everyday, and he had visualized where the eight-inch stripe could be. He pointed out that there were a series of grates just past that intersection on the east bound side and was concerned with anything less than five feet. He said they had adopted a five-foot standard for a bike lane and if they could jockey the bike lane around, it could be workable.

Mayor Drake reiterated that what had been suggested was a lane on either side., and if they went 10 ft., 10 ft., 10 ft., and then 9 feet.

Ballard said if they did not start it right at Lombard, heading east, they had the white signs that said, "Bike Lane Ahead," which could be mounted there. He said they should all be able to see that sign.

Mayor Drake noted that he was thinking of lanes that were 10 ft., 10 ft., 10 ft., and then nine feet.

Coun. Doyle explained that he was thinking of nine feet for the bike lanes (perhaps four feet and five feet), and possibly shrink the parking a little more as well as the travel lanes more, but he thought it would be workable.

Ballard said that after they got past the left-turn pocket it would not be a problem.

Mayor Drake reiterated that Ballard was agreeing that if one side of the street would have a four feet bike lane and the other side would have five feet it would work, they could live with that. He asked Wooley if that would work.

Ballard clarified that he specifically meant if the five-foot lane was on the north side.

Wooley said it would work, but expressed his concern that if they made it so narrow, they essentially would not have a bike lane because the parked cars and the traveling cars would infringe on the bike lane.

Mayor Drake said he understood that, but the other option would be for the bike riders to still be in the travel lanes with no notice of them in that

event. He pointed out that least with the narrower bikelanes, bicycles would be acknowledged. He said it sounded like it would keep the bike plan whole and also allow for retention of the parking. He specified that he was not asking them to forsake the engineering manual and if the B.I.K.E. Task Force would agree that five feet on the north and four feet on the south would work, that was better than four and one half feet on both sides.

Ballard said that intersection was not going to stay that way forever and those bike lanes would not be etched into the pavement.

Coun. Soth referred to the configuration, and asked if there was a covering other than the standard grate for the drainage basins, such as diamond mesh.

Wooley stated that there were different types of grating, and there was debate about making them safe for bikes and still having drainage. He noted there was a design that would have only a curb inlet and no grating in the street but that required rebuilding the catch basin. He said he did not know of a diamond pattern like Coun. Soth suggested.

Coun. Soth asked if that would alleviate some of the concerns about the covers.

Ballard said it would, but he knew the street was due for overlay, so they might be raised a bit.

Coun. Soth commented that in the last week and a half, he had seen (on three occasions), incidences where three bicyclists almost became statistics, because they were wearing dark clothing at night, or riding without reflectors or lights and riding on the wrong side of the street. He asked if the B.I.K.E. Task Force endeavored to educate all bike riders.

Ballard replied that the B.I.K.E. Task Force had a bike safety program, which had been taught, in five schools over the past year and was scheduled, in 10 schools for the next year. He noted that Sgt. Andrea Moore of the Beaverton Police Department had a bike safety program, and the Oregon Driver's manual had several additions to show that bikes were part of the manual and not just an add-on or something for kids.

Coun. Soth asked if Ballard would be supportive of issuing traffic citations when bicycle violations occurred.

Ballard responded that he would support it wholeheartedly.

Coun. Soth asked Ballard for clarification that if they could come up with a configuration for the area between Lombard and approximately 300 feet east, that had been sketched out that evening and change the drainage covers, did he think those things would allow the bike lanes to proceed.

Ballard pointed out that 240 feet east would take them where they needed to be. He explained that he was not thinking of himself because he went that way every day, but it would be safer for children and others to know where they were supposed to ride. He stated that the attitude when Coun. Soth was young seemed different now between motorists and bicyclists.

Coun. Soth said when he was young he rode to and from work, and then for work also as a bicycle messenger. He said in Portland in those days they issued citations and bicycles were subject to automobile laws. He said they took responsibility for their own actions and did not expect anyone to watch out for them.

Ballard said Portland recently did a sting and issued 84 citations in one day and the City conducted a different kind of sting on bicyclists, but because the bike lanes were not clear, it was not well publicized, like the pedestrian sting because crosswalks were well defined unlike bike lanes.

Coun. Yuen referred to bikelanes adjacent to parked cars, and noted that he was almost as concerned riding by parked cars as riding in traffic. He explained he was worried about someone opening a door and hitting him as he rode by on his bike.

Ballard noted that the League of American Bicyclists reported that more people were injured that way than in other motorists/bicyclist related accidents.

Coun. Yuen suggested it would be good to put up a sign to warn riders that they needed to be careful to not have an expectation of safety. He noted that he had not ridden through there since they started talking about this. He expressed his concern about the bikeline crossing the railroad tracks at such an angle that the bike tires could get caught.

Ballard said the north side had adequate crossing and something similar would be set up on the south side, by the railroad company.

Coun. Yuen reiterated that was a concern of his because an inexperienced rider could have a problem there.

Scott Knees, 13770 SW Bobwhite Circle, commented that he wanted Council to know it was imperative they have connecting bike lanes in accordance with the Transportation System Plan and hopefully they could do that and continue to accommodate the residents in the area. He said it would be nice to accommodate the parking and the bike lanes, however if they had to make a decision one versus the other, the bike lanes would serve more citizens of the City than ten parking spaces on the street side. He stated that he supported the bike lanes.

Coun. Soth asked where Knees lived.

Knees gave his address and said it was in south Beaverton.

Coun. Soth asked how often Knees used the route.

Knees said he did not use that route as a bicyclist.

Coun. Soth asked how many automobiles Knees owned and where he parked them.

Knees replied he owned two cars and parked them in his garage.

Coun. Soth asked Knees where he would park them if he didn't have the garage available.

Knees said he would park them in his driveway and if the driveway was not available he would park them in the street or he would choose to own less vehicles.

Coun. Yuen stated that he owned two cars that were parked in his driveway and he lived in Beaverton. He said Fifth Street was one of the routes he took to ride to the City Hall or downtown Portland and if there was not a bikelane there he would still ride that route. He noted that this was a difficult decision for public decision-makers since there was no perfectly right answer. He pointed out that often times there were conflicting needs and this was one of those cases where they had a group of people who would lose a privilege. He noted that one issue was there was not enough low income housing in the region, and one of their policies was to encourage and maintain low-income housing. He explained that often other issues related to the low-income housing issues and sometimes it was an easy choice but sometimes it was not. He said he understood Knees concern, but wanted to share his concern, that there were other issues involved some of, which were as important as the bike lane.

Knees thanked him for his comment's and suggested that there were times the Council needed to look at the issues and pretend they did not know who was impacted, and whether the it should make any difference in the policy if it was a low income housing or another facility. He asked if the issue was whether there was parking or a bike lane, and if there was sufficient road width to support those.

Coun. Yuen stated that he did not want to debate the issue and said they could pretend that the low-income housing was the issue, not the bike lane. He explained that in order to be fair they had to look at all of it.

Mayor Drake pointed out that twice the TC was unanimous in their decision.

Knees said that was correct, and one of the problems the TC had was understanding what the impact of the housing situation was.

Coun. Yuen explained that one of the differences between the TC, or the Planning Commission (PC) and the City Council, was that the Council was where all the policies came together. He noted that citizen review boards were able to make decisions based on the criteria that pertained to that particular issue, but the Council, because it had a broader scope and was the policy-maker for the City, was charged with the notion of trying to synthesize all the policies. He said that sometimes other issues came into play for the Council that did not occur for the other citizen advisory boards.

Coun. Brzezinski noted that she had written down that Knees had said it was important that the Council be absolutely convinced the TC had thoroughly examined all the options and that the recommendation was truly the best option. She related that she knew from having sat on the PC when Council had not agreed with a PC decision, that at times it felt frustrating or demoralizing. She stated that she was absolutely convinced that the TC did review all they had available for review and as Coun. Yuen said they had other policies they had to also weigh. She explained that if the Council's desire was to increase or at least maintain the amount of low income housing, and if losing some parking meant the rents would be raised which resulted in some residents not being able to stay there, then Council at least had to consider it. She reiterated that she was convinced that the TC had thoroughly reviewed this issue.

Peggy Hennessy reiterated that the tenants were not opposed to a bike lane and would be happy to accommodate everyone's needs. She pointed out that the parking ratio that currently existed was less than one space per unit, (currently six spaces for eight units) and the rest of the parking had to be off-site.

Mayor Drake stated that if there was no way to allow for more parking on-site, and this parking was lost, it could diminish the value from the landlord's perspective. He explained that people would have to go further away to park regardless of where the parking would be found other than just the public street. He recalled that it had been suggested they might be able to rent space from the church, but the church had already spoken and said they were worried about that. He noted that Miller Sanitary could be a place but that was a long walk away from the apartments. He commented that even if more of the property had asphalt applied, it could likely diminish the value of the at least the four units.

Hennessy noted that asking the tenants to go further (away from their housing to park) brought up a question of environmental justice that Coun. Yuen brought up earlier in the meeting and would impact the low-income tenants in this situation.

Mayor Drake asked Wooley if they had nine feet of bikepath, (one lane would be four feet and the other five feet), what would they do with the remaining 35 feet.

Tom Ramisch, Engineering Department Director, drew an illustration on the board of what the lane configuration would look like (copy in record).

Wooley said there was some discussion of the railroad crossing earlier and pointed out that this proposal did not solve the crossing problem. He noted that it would drop the bike lane striping near the railroad, and improve the existing signage. He reported that they had looked at the City of Albany's and the State Traffic Control Devices Committee's proposal on new signage at skewed railroad crossings. He explained that ideally they needed a perpendicular crossing at the tracks, but that would be a major capital investment.

Mayor Drake asked why they would not have six and one-half foot of parking, because with the propensity for people to not park curb-tight, it would push rearview mirrors and vehicles out into the bikelane.

Wooley explained that the standards allowed them to go as narrow as four feet when it was not next to the curb, however that assumed much wider parking and travel lanes than was currently envisioned in this project. He said his concern was with some large vehicles that used the street and no bike lanes would be better than bike lanes that were too small.

Coun. Soth reported that he had noticed that westbound, just east of Lombard, there were a couple of pickups with campers on the north side next to the curb. He said that limited the sight distance, and wondered if they could restrict that parking, to exclude oversize vehicles including pickups with campers, mobile homes, etc., within 100 feet of the intersection.

Wooley responded that was an option and a standard way to do that would be to make a restriction that said *no parking of vehicles over six feet tall*.

Mayor Drake noted that even with the six-foot tall prohibition, could they not take one half foot from each lane.

Wooley replied that might be possible, the turn lane could narrow down slightly, and the through lanes could gain a couple of inches. He pointed out that it would still be so many narrow lanes together that they would intrude on each other.

Mayor Drake explained that one of his concerns about coming back with an option for widening (as he had suggested earlier), was the cost would be disproportionate to the benefit. He described different aspects of the proposal that would have to be moved or modified.

Coun. Doyle said if they widened it, they would not have to do the entire street, but just that one area.

Mayor Drake closed the Public Hearing.

Coun. Doyle noted that they had talked this issue to death, they needed the parking and the bikelanes, and he had hoped they would get help from the professionals in the Traffic Engineering group. He said something like that was well worth implementing and supported a solution along those lines (as illustrated on the board).

Coun. Soth said Coun. Doyle expressed many of his sentiments, and it was a situation where the space available was not sufficient to accommodate everything. He commented that was why he asked about the OAR rules regarding old streets, etc. He said it pointed to the issue of making the requirements and constricting the use of the street to accommodate a few bicycles and then holler about congestion. He said he did not know how many bicycles used the route on any given day and the compromise made the most sense.

Coun. Soth MOVED, SECONDED by Coun. Doyle that Council modify the Traffic Commission's decision on TCB Issue 411 to the extent of redesigning that area approximately 240 feet east on Fifth Street from Lombard, to accommodate the outline as presented that evening.

Mayor Drake repeated the motion as follows: Motion to modify the TC action on TCB 411, and partially grant the appeal to modify the lane configurations east of Lombard, 240 feet east on Fifth, to include the configuration similar, or identical to that indicated in the drawing on the board (copy in the record), as follows: on the south side a four foot bike lane, eastbound lane of nine feet six inches, westbound left turn lane of ten feet, westbound lane of nine feet six inches; bike lane on the north side of five feet width and parking approximately six feet for a total of a 44 foot wide roadway.

Coun. Brzezinski stated that she would not support the motion, although she would like this to be the answer, and explained that she would like to continue the item to give staff time to look more closely at the solution.

Coun. Yuen stated that he agreed with Coun. Brzezinski and would not support the motion. He noted that he liked the idea, but thought it was premature, with were too many unanswered questions about cost and changes that would require roadwork, etc. He commented that he agreed with Coun. Brzezinski that if staff was uncomfortable with the

proposed solution then he was also concerned about it. He said it was an intriguing idea with real potential, but needed to be analyzed a little more.

Mayor Drake said he assumed that Coun. Soth and Coun. Doyle were for the motion, and instead of having a showdown on the issue, he asked for a friendly amendment to ask staff to evaluate. He clarified that staff would be asked to look at this with the notion of a distance moving east from Lombard on Fifth, looking at some incursion into the sidewalk for some of the parking concerns that were expressed.

Coun. Doyle said he had no problem waiting two weeks, it has been in the works for some time. He thanked the neighbors for being there and it was nice hear from Knees professional opinion, and from Ballard's perspective.

Coun. Soth said he would accept the Mayor's suggestion as a friendly amendment to his motion.

Mayor Drake asked if Council would give him and staff some liberty to take the proposal and craft a modification or two if it was viable. He clarified that the intention was to come back in two weeks and not likely have a protracted hearing on it as much as likely a for the most part a "yea or nay." He stated that the proposal would be some rendition of what had been proposed. He clarified that the public could continue to speak.

Coun. Soth said as the maker of the motion he had no problem with the staff and the professionals tweaking the proposal as long as they could preserve all of the kinds of things discussed that evening in the final design according to the best engineering standards.

Mayor Drake asked if the seconder agreed.

Coun. Doyle said he agreed.

Coun. Soth made a substitute motion and MOVED, SECONDED by Coun. Doyle, to continue the hearing for two weeks in order for staff to return with the instruction just given.

Mayor Drake repeated the motion as it had been moved and seconded to continue the hearing for two weeks with the instruction to staff to evaluate this proposal, pros and cons, and make minor modifications that would make sense engineering-wise, and evaluate costs related to it.

Coun. Brzezinski asked Coun. Soth if he agreed to Mayor Drake interpretation of the motion.

Coun. Soth said he did.

Coun. Brzezinski clarified that what it said to her was that if City staff said it was dangerous, that was an acceptable response to come back.

Coun. Soth stated that would be an acceptable response, and if that were the result then there would have to be some real re-examination of what the options were.

Coun. Yuen asked if Coun. Soth withdrew the first motion.

Coun. Soth said he did.

Coun. Yuen said he had submitted questions for that night, one of which related to subsidies of the apartments, and he would like those answers at the next meeting scheduled in two weeks.

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

Hennessy asked if the record would remain open.

Mayor Drake clarified that he had closed the hearing and staff had been instructed to come back to evaluate what had been presented. He said the hearing would be open to the public for comment on the new information.

ORDINANCES:

Coun. Soth MOVED, SECONDED by Coun. Brzezinski that the rules be suspended, and that the ordinances embodied in AB 00-29, AB 00-30, and AB 00-31 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.

Coun. Brzezinski referred to AB 00-29, and asked if she was correct that someone could have a gun and bullets separate from each other and walk through the public part of the building, and then walk into an office, (that was not one of the public areas of the public building) and load the gun and still not be considered in violation of the ordinance.

Dave Bishop, Chief of Police, noted that this applied to a public place, which was different than a public building. He explained that City Hall and/or other government buildings, as well as hospitals and schools would not apply to this ordinance since that was already covered by state statutes. He said this was going further by taking it into the community, into restaurants, apartment lobbies, etc.

Coun. Brzezinski noted that in the historical perspective it stated that places included, but were not limited to streets, parks, playgrounds, *and the public areas of public buildings*. She asked Bishop if his point was that there was already something else that protected the private areas of public buildings.

Bishop stated that public buildings were covered by state statute, and this ordinance was for public places out in the community, such as restaurants, streets, etc. He said public buildings and public places were two separate issues.

Coun. Brzezinski explained that she had checked with the City Attorney and his interpretation was that certain parts of the building would be covered by this, but his office for example would not be. She asked Bishop for clarification.

Bishop clarified that public buildings were covered by state statute.

Coun. Brzezinski questioned why they had the portion about public areas of public buildings, in the new ordinance.

Bishop replied it was already covered and was redundant.

Couns. Yuen, Brzezinski, Doyle, and Soth voting AYE, the motion CARRIED unanimously (4:0)

First Reading:

Mark Pilliod read the following ordinance for the first time by title only:

- 00-29 An Ordinance Relating to Firearms and Amending Chapter Five of the Beaverton Code by Adding a New Section, BC 5.08.240 Unlawful Carrying of a Loaded Firearm
- 00-30 An Ordinance Relating to Alarms and Amending Chapter Seven of the Beaverton Code
- 00-31 An Ordinance Relating to Code Services and Amending Chapter Two of the Beaverton Code

EXECUTIVE SESSION:

Soth MOVED, SECONDED by Coun. Doyle, that Council move into executive session in accordance with ORS 192.660 (1) (d), to conduct deliberations with persons designated by the governing body to carry on labor negotiations. Pursuant to ORS 192.660 (3), it is Council's wish the items discussed not be disclosed by media representatives or others.

RECESS:

Mayor Drake called for a recess at 8:30 p.m.

The executive session convened at 8:32 p.m.

The executive session adjourned at 8:55 p.m.

ADJOURNMENT:

There being no further business to come before the Council at this time,
the meeting was adjourned at 8:55 p.m.

APPROVAL:

Approved this 27th day of March, 2000

Rob Drake, Mayor