

REGULAR MEETING
February 28, 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 February 28, 2000 at 6:40 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 City Attorney Mark Pilliod, Chief of Staff Linda Adlard, Human Resources Director Sandra Miller, Finance Director Patrick O'Claire, Community Development Director Joe Grillo, Engineering Department Director Tom Ramisch, Urban Forestry Supervisor Steve Brennan, Police Captain Wes Ervin, City Utilities Engineer David Winship, Library Director Shirley George, City Transportation Engineer Randy Wooley, Development Services Manager Irish Bunnell, Beaverton Arts Commission Director Jayne Scott, Economic Development Manager Janet Young, and City Recorder Darleen Cogburn.

CITIZEN COMMUNICATION:

There was no one who wished to speak.

COUNCIL ITEMS:

Coun. Stanton noted that she was chair of the Social Services Funding Committee for the year, and expressed her appreciation to Couns. Brzezinski and Yuen who had submitted names to represent them on the Committee. She asked the others to submit their representatives' names and explained that the program provided funding to social service agencies serving Beaverton residents. She noted that the program was funding through State Shared Revenues and Community Development Block Grant funds.

Coun. Brzezinski reminded everyone that the Census letters would be arriving soon and noted that it might look like junk mail, but it was very important. She said people needed to respond to the Census and explained that the funds that came to the City from the State and Federal

Governments were based on the number of citizens, so it was very important that everyone be counted.

STAFF ITEMS:

There were none.

CONSENT AGENDA:

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

- 00-58 Liquor License Renewals – Annual Renewals
- 00-59 CPA 99-00026/RZ 99-00016 Williams/173rd Comprehensive Plan Map Amendment and Rezone
- 00-60 CPA 99-00027/RZ 99-00017 Gilbert Comprehensive Plan Map Amendment and Rezone
- 00-61 CPA 99-00028/RZ 99-00018 Edgewood Downs Comprehensive Plan Map Amendment and Rezone

Contract Review Board:

- 00-62 Ratify Contract Change Order and Exemption from Competitive Bidding for Changed Conditions for the Internal Repair of Sanitary Sewer Crossing of Beaverton Creek at Cedar Hills Boulevard
- 00-63 Exemption from Competitive Bidding – Contract Award for Coordination of Beaverton's Festival Parade and Transfer Resolution

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

PUBLIC HEARING:

- 00-64 APP 2000-0002 Appeal of the Approval of CUP 99-00030; City Park Expansion, by the Planning Commission

Mayor Drake explained the process that would be followed for the hearing, and pointed out that it was a unique situation with the City being the applicant. He said they would first have a staff report from John Osterberg, Planner, and then Linda Adlard, Chief of Staff would make the applicant's presentation. He stated that Adlard would have 25 minutes and the appellant, Jack Franklin, would have 15 minutes and individual speakers would have three minutes.

Coun. Soth noted that he had talked with Bruce Nichols but the conversation was only procedural in nature.

Mayor Drake explained that the Beaverton Code specifies that the applicant would speak first at the public hearing and in essence the applicant was the person who had to defend the position of the application. He explained that the appellant would have time to oppose it.

John Osterberg, Senior Planner, said he would summarize the request and the appeal, and acknowledged that the Council had the record in front of them. He said the summary of the appeal was essentially stated on the memo dated February 15, 2000, in the packet. He noted that the park expansion included the partial street closure and then reviewed the three conditional use permit criteria (in the record). He said that criterion no. 1 met the requirements and staff had reviewed the issues raised by the appellant regarding concerns about traffic. He noted that staff concluded that there would continue to be adequate traffic circulation. He explained that the essence of the appeal on that criterion was that there had not been adequate review, but reported that the review had been thorough. He noted there was a report (in record) from Stein Engineering dated 2/27/00 that gave some updated material.

Osterberg said in relation to criterion no. 2, the appellant stated that the Conditional Use Permit (CUP) did not comply with the Comprehensive Plan because it would limit connectivity. He noted that on page three of the memo there was information about the CUP policies for connectivity and the memo pointed out additional findings for that. He explained that the Comprehensive Plan did not require that all streets must be shared roadways and there were a variety of ways to see that the connectivity was met. He pointed out that the partial closure of SW Washington Ave. would continue to provide a shared access for pedestrians, bikes, and maintenance vehicles.

Osterberg said, regarding criterion no. 3, the Development Code required that all CUPs must be found to be reasonably compatible and have minimal impact on the surrounding neighborhoods. He said staff had addressed some of the objections that were listed in the appellant's letter of appeal. He stated that there had been adequate input including neighborhood meetings, public hearings, notices and meetings.

Osterberg said the appellant stated that the park was not part of the original design concept of the library. He clarified that the application and design were part of the CUP that was not approved with the original library design. He noted that there had been discussions of the overall design concept, of which the library park was part. He noted that on page six of the memo, the appellant suggested that the water feature would be more appropriate placed elsewhere and not partially within the Washington Avenue right-of-way (ROW). He pointed out that the fountain was not driving the partial closure of Washington Avenue, public safety issues were the primary driving action. He said the appellant had not given them a specific reason the fountain should be moved, and had only stated that it should be moved elsewhere.

Osterberg said another objection of the appellant was that closure of Washington Avenue could inconvenience the Methodist Church, local businesses and residents. He said staff had reviewed that objection and continued to find that there was no substantial reason that there would be a large amount of out-of-direction traffic. He noted that Hall and Watson (the one way arterial couplet) would continue to operate and both provided good connection in the area as well as a good system of cross streets. He said staff did not see any reason that traffic would have to travel out of the way because of the closure.

Osterberg noted that the appellant said the pedestrian crosswalk and signal on Hall would pose a danger and would obstruct traffic flow. He reported that the appellant suggested an overhead walkway should be considered. He said staff had reviewed the signal and could not find a safety problem and noted that the signal would be pedestrian activated and would operate very safely with the Fifth Street signal. He suggested that the City Traffic Engineer and Howard Stein from Stein Engineering could comment further that evening, and noted that the purpose of the light was to improve safety. He said the David Shelman, the Project Architect with Thomas Hacker and Assoc. was present and explain why an overhead walkway was not being done. He reported that it had been considered early in the process and he believed the primary reason it was not selected, was that it would have minimal use because most people would not want to climb stairs when the roadway was narrow.

Osterberg explained he had briefly summarized the staff findings and noted that the complete findings were found in the memo and the original staff report. He specified that the street system could accommodate the partial street closure and adequate traffic circulation would be provided. He said staff recommended denial of the appeal and approval of the CUP. He mentioned that he had the land use orders available for all previous library and park approvals. He read them into the record as BDR 99-00218, the Design Review Approval of the City Park Expansion; TPP 9900010 Tree Preservation Plan Approval for City Park Expansion; CUP 99-00030 Approval for City Park Expansion; BDR 99075 Design Review Approval of the City Parking Lot (sometimes referred to as the West Parking Lot); CUP 99012 West Parking Lot; CUP 96024 Approval of the Library; and VAR 96015 Planning Commission's Denial of a Parking Variance. He pointed out that that the City allowed that variance denial stand and purchased property to build all of the required parking. He read additional land use orders into the record as BDR 96131 Design Review of Library; TPP 96016 Tree Preservation Plan Approval for the Library; and VAR 96016 Design Variance Approval for the Library. He noted those did not include the various time extensions and modifications which had come through the process which he could read into the record also, if necessary. He added Stein Engineering's technical memo dated 2/27/00.

Mayor Drake noted Osterberg could add things before the end of the hearing if necessary.

Osterberg said he had given Council a very brief summary of Staff's findings and an update of recent materials.

Coun. Soth asked if this was designed as a street vacation of the ROW.

Osterberg said a Street Vacation not proposed or necessary.

Coun. Soth recalled that the sky bridge's cost was prohibitive because it would require elevators on both ends for those with disabilities to meet the Americans with Disabilities Act (ADA) requirements.

Osterberg said the architect could talk in more detail later in the meeting, but his understanding was that it would cause greater expense and difficulty with design issues.

Mayor Drake asked if Osterberg had a cost estimate.

Osterberg replied that he did not.

Coun. Soth noted that in 1983 and 1984 when the new City Hall was proposed on the Library site, the City began purchasing property on the block between Hall and Washington. He said the idea was to have a park-like expansion of the City Park (Park) to act as a buffer between the park and the new City Hall.

Osterberg said he had not done research on that issue, but had worked at the City at that time and recalled the City purchased properties in the middle 1980s.

Coun. Soth said that was the objective at that particular time.

Linda Adlard, Chief of Staff, addressed Council and said she would explain the Conditional Use Permit (CUP) for the park expansion. She introduced Thomas Hacker, Building Architect for Hacker and Associates, 34 NW First Avenue, Suite 406, Portland, and Doug Macy, of Walker Macy, Landscape Architecture, 111 SW Oak, Portland, the landscape architect. She reminded everyone of the original vision that encompassed a park concept.

Thomas Hacker said he was thrilled to see the library going up and noted that they started the process five years earlier. He said they believed the public library was the cultural keystone to the community and represented the heart of our free society's values giving everyone access to information and knowledge. He noted there were more people in the society that used the public library than any other public building. He explained that he designed the library building to set back from the corner to allow it to be seen from the corner of Fifth & Hall, as a "lantern of

knowledge,” so people driving by could see it and be drawn in. He noted that inside the building was a large public reading space, which was meant to symbolize the open information that the library provided. He said by having the building sit back on the site, it allowed for a park space and they had recommended early in the design process that the park be extended to the old Park.

Doug Macy said they saw an opportunity to create a library and link parking to the current Park. He noted that there was a beautiful stand of Ponderosa Pine trees in the Park, which were very fragile. He explained that as part of a master plan they wanted to link the parking lots and put them in the background so the visibility of the library was prominent. He said the space in front of the library that continued on to the Park would provide continuity, and part of that continuity was linking the library to the Park by planting flowering cherry trees. He noted the idea of having an interactive fountain only enhanced the idea of the Park and the placement of the fountain would not preclude large gatherings in the big green areas. He said the basic idea was to link the blocks together and accommodate the Farmers Market and other civic activities in association with the library. He commented that it was very important to have the pedestrian connectivity and sense of civic identity with the creation of the linked blocks.

Adlard led Council through the history and elements in the appeal request. She noted that the library site had been recommend by the site selection committee in February 1995. She entered into the record and referred them to the list of 35 agenda bills that were related to the library and said there had been at least 35 opportunities for citizens to ask questions about elements of the library and Park. She said the largest issue was the partial closure of SW Washington Street between SW Fourth and SW Fifth Avenue. She related that it was suggested in the appeal that it was a street vacation and would be a permanent full closure. She asserted that it was not a permanent full closure. She explained that a partial closure of the street meant that the City retained the ROW, with access for emergency vehicles. She noted that pedestrians and bicyclists and maintenance trucks would use the access, but it would be closed in that one block area to constant vehicular traffic. She said further down SW Washington, toward SW Fourth and SW Third Avenue, it would be in full use by vehicles and would not be affected by the Park.

Adlard stated that they had received a request from the United Methodist Church of Beaverton, 12555 SW Fourth, regarding adequate parking needs for weddings, etc. She said they would recommend the Council allow the Church to put out signs that indicated parking along SW Fourth and SW Washington was for weddings, etc. only. She said they would lose 14 parking spaces on the street, and noted that they would be recovered in the 120-space library parking lot across from the Church. She said parking would be available when the library was not open.

Adlard referred to 1 B in the Notice of Appeal (in record) and read it. She commented that another issue was shared roadways and in this circumstance (as stated in the staff response from Osterberg on page 3) shared roadways did not require the same access for all transportation modes at the same location. She noted that they were well within what shared roadways meant in this instance.

Adlard said the appellant had said there had been less than adequate opportunity to speak about the issue. She noted they had a televised public meeting and sent out 2000 letters with only about ten people who showed up and spoke about the road closure. She also noted that she had announced at the televised Council Meetings that she had requested anyone watching to give her feedback and stated that she had received no other phone calls to the negative on the issue.

Adlard noted that the Central Beaverton Neighborhood Association Committee (NAC) was the appellant and they represented their members but not the whole City. She reported that the street and fountain could be driven on, and would hold a fire truck.

Adlard said the Methodist Church had presented concerns that were valid and one was that it was problem for the elderly to get on to Watson without the light at SW Fifth. She suggested that Council put an activated light at SW Third and Watson to allow entrance on to Watson in a safe manner. She said the Church hosted weddings on most weekends from May through October and adequate parking on SW Fourth and SW Washington was an issue for them.

Adlard referred to the crosswalk on Hall Boulevard and noted that the signal provided substantial enhancement of safety for pedestrians while traffic flow was not substantially affected. She said it was an issue because patrons coming to the library would cross the street at Hall and possibly hold up traffic. She confirmed that it was the opinion of the experts that crossing with the signal at Hall would not inhibit the flow of traffic.

Adlard referred to the Stein Engineering amendment (in record) and said it supported the crosswalk. She commented that the overhead walkway would cause redesigning issues and would be very expensive to complete. She recounted that the cost would be approximately \$.5 million and that included only one elevator.

Adlard pointed out that making people aware of the whole process with 35 agenda bills concerning the library, the Park and parking, had given many opportunities for citizens to comment. She entered into the record a letter from Jim Anderson, the Sexton Mountain NAC Chair and Jerry Strom, from the Denny Whitford NAC (representing themselves as individuals) that supported the Park. She noted that Raleigh West NAC Chair Scott Winter would be sending a letter in support, and former Vose NAC Chair Mike Palazzo had also written a letter of support. She said

they spoke with the Bethel Congregational Church, 5150 SW Watson Avenue, and the YMCA and both organizations did not have issues with the park expansion. She noted a memo from Tom Ramisch, Engineering Director and Randy Wooley, City Transportation Engineer (in record) and referred again to the list of the 35 agenda bills (in record). She asked Council to deny the appeal and support the CUP.

Coun. Soth asked for clarification, and noted that in material they received there was a proposal of a signal on SW Fourth and Watson. He said he thought Adlard said it was SW Third and Watson.

Adlard confirmed that it was SW Third and Watson.

Mayor Drake asked Adlard to clarify the drawings exhibited at the front of the room (in record). He noted that there had been extensive public review of those and specifically the one on the left, which had been done at that time the library issue went to the voters.

Adlard said the rendering on the left had been part of the first hearing and had been included in all of the hearings. She explained that the Sycamore tree enhanced in the rendering was a beautiful old tree, but did not leave a lot of room to put some other kinds of things in that area without damage to the tree.

Mayor Drake asked how often the Neighborhood meeting had been aired on television.

Adlard said a minimum of three times and probably about ten to eleven times.

APPELLANT:

Mayor Drake asked Jack Franklin to come forward as the appellant and advised him that he had to 15 minutes in which to testify.

Jack Franklin, 5025 SW Fairmount Dr., said he would correct the record. He stated that he was not the appellant, but was representing the Central Beaverton NAC who was the appellant.

Mark Pilliod, City Attorney, asked Mayor Drake if he was going to allow proponents of the applicant to testify, and clarified that ordinarily the appellant (the Central Beaverton NAC) would testify after the proponents and those in favor of the application testified.

Mayor Drake asked if he suggested they do that at this time.

Pilliod clarified that was the procedure outlined in Code.

Mayor Drake apologized for inviting Franklin to speak at the incorrect point in the process.

Franklin stated, "You guys are writing the rules."

Pilliod clarified that the rules had been in the Code for a number of years.

Mayor Drake said he would follow the Code and call up those who had signed up to speak in favor.

Proponents:

Lonnie Searl, 12500 SW Allen Blvd., said she was the President of the New Friends of the Beaverton City Library, reported that they were in support of the Park and thought it was a good idea to have it in the City as the Planning Commission (PC) planned it.

Paul von Bergen, 10700 SW Beaverton Hillsdale Highway, said he was Chair of the Beaverton Farmers' Market and introduced members of the Farmers' Market Board who were present, Karen Furgerson, Susan Kelly, Cal Hamreus, Barbara Watson, and Ginger Rapport. He reported that they had worked in close cooperation with the City since the Farmers' Market had been in existence. He explained that they thought it would be a good idea to close the street principally for public safety issues, which were paramount. He said he was concerned about the parking for the Church for weddings and pointed out that there was only one date that a wedding was scheduled during Market hours. He noted that they had several conversations with the Church and would like to be able to work together.

Coun. Soth asked if, in their conversations with the Church, they had expressed any concerns about the Farmers' Market not being shut down on Saturday in order to have wedding guests occupy the parking spots.

von Bergen said he assumed that Coun. Soth was talking about the public parking spots along SW Washington and SW Fourth. He said he had only gotten information that day and noted that only one date would be in conflict with the Farmers' Market. He noted that Cal Hamreus was on the Board of the Methodist Church and they had been able to communicate in the past.

Coun. Soth asked von Bergen if, in his view, there was anything that could not be worked out.

von Bergen replied that he did not think there was.

Fred Ruby, 5825 SW Elm Ave., said he was a member of the Beaverton Library Board and wanted to express his support of the Park expansion in conjunction with the library. He noted that as a parent, improving safety was important and this should make the library more of a family destination. He said a lot of work had gone into it over the years and he would hate to see it derailed. He noted that his wife was the moderator

for the Bethel Community Church and her viewpoint was that the City Park expansion would be good for Bethel and enhance the environment. He also mentioned that his wife was sensitive to the needs of the Methodist Church, but thought the benefit to the neighbors of the Park would outweigh the somewhat added inconvenience of closing the street.

Coun. Soth commented that when parents with children visited a library they were very careful to see that the children did not stray from their sight. He asked if there had been discussion at the Library Board of a concern for parents going to the library and telling their kids to go play at the Park.

Ruby said the Board Members had discussed it as parents, and they did not think it was common for parents to let children go off by themselves. He said they appreciated the advantages of safety, because even when parents closely watched their kids, they still had a way of scampering off. He commented that promoting the proximity of the Park and having the Park spruced-up would be great.

Bob Tenner, 7695 SW Wilson, said he was the Chair of Committee for Citizen Involvement (CCI), but was speaking that evening as an individual. He said he was proud of the time he spent working for the library bond passage and a magnificent complex was now being proposed. He commented that it was something they could all be proud of and it included the library, the parking lot and the Park. He said the activated light at SW Third and Watson would be a help and a big parking lot would be available to relieve some of the parking for the Church. He pointed out that there would not be a complete street vacation and he strongly urged Council to deny the appeal and uphold the PC decision.

Jim McCreight, 12976 SW Fifth, said he was a member of the Beaverton Arts Commission and noted that three other board members were present that evening. He commented that the Arts Commission had worked closely with the library in selecting art for display in the library and they had looked at potential Park use for future public activities involving the arts. He mentioned that they were concerned with safety issues and felt that the Park and library would attract children to the area and they wanted to insure that activity promoted by the Arts Commission would be safe. He stated that he was a resident of the neighborhood and lived three blocks from the site and it was not inconvenient for him to meet the safety issues.

McCreight clarified that Franklin and the NAC did not represent the whole neighborhood and he had not appointed them to represent him in opposition to the issue. He said Goal 5 was to provide a safe and healthy community and noted that all too often government acted in response to a tragedy rather than proactively preventing one from happening. He said he would hate to be there when an accident had occurred because the street had not been closed. He urged Council to deny the appeal.

Richard Colville, 6616 SW 154th Pl., said he was a member of the Beaverton Library Board and the new library would be the central focus of Beaverton. He noted that it was a structure they had been working on for ten years or more and the fact that it would be the central focus in Beaverton dictated that they have an environment that supported that concept. He encouraged the Council to reject the appeal.

Jeff Huntley, 15707 SW Walker Rd., addressed Council and said he was the Risk Management Coordinator for Tualatin Hills Park and Recreation District (THPRD). He noted that THPRD wanted to go on record in support of the City's proposal of a partial closure of the street as it addressed the potential safety hazard. He said experience had taught THPRD that when there were multiple features attractive to children within a facility, children would travel by line-of-sight between the two features and would not or did not recognize potential hazards (such as vehicles), in their excitement or haste to travel between features.

Mayor Drake asked Huntley what his position at THPRD entailed.

Huntley said he worked full-time for THPRD as Risk Manager. He said he handled all of the insurance and liability issues, as well as the safety program and workers' compensation and related issues.

Coun. Soth asked in Huntley's tenure with THPRD if he had experienced seeing a lack of parental supervision with young children.

Huntley said parental involvement was not the issue. He explained that the real issue was the various things that attracted children, like playgrounds. He said THPRD had closed off several parks to vehicular traffic for safety reasons.

Coun. Brzezinski said that she believed Huntley when he talked about children going in the direction of their line of sight. She commented that she was concerned that if children were in front of the library, they would see the fountain and go across Hall Boulevard to get to it.

Huntley said that children would see it and go straight to it.

RECESS:

Mayor Drake called for a recess at 7:55 p.m.

RECONVENED:

The regular meeting was reconvened at 8:05 p.m.

Mayor Drake noted that Dan Maks, Chair of the Planning Commission, had submitted a card to note that he was in favor of the application and opposed to the appeal. He also noted that Maks felt he had expressed his opinion through the PC hearing record.

APPELLANT:

Jack Franklin, 5025 SW Fairmount Dr., said he represented the Central Beaverton Neighborhood Committee (CBNAC) that evening. He noted that most of the CBNAC arguments opposing the closure of Washington Street were in the appeal and he did not want to waste time rehashing those arguments. He said since filing the appeal, he understood there might be legal issues, and thanked Henry Kane for bringing them to light. He said he would let Kane address those issues. He noted that Kane came forward on a voluntary basis after seeing the Council agenda and noting the filing of the appeal by CBNAC.

Franklin read his testimony, into the record (in record). He said they believed keeping Washington Street open was import to the businesses nearby and the Farmers' Market could still use the street.

Franklin stated that idea was conceived without any citizen input and was never present to the CBNAC. He said those attending the public meeting held at City Hall were all opposed to the closure. He reported that he took the information back to the next NAC meeting where he was told to tell the PC and Board of Design Review (BDR) that they were opposed. He said he testified on behalf of the NAC at both hearings, and in January the NAC took action to appeal both decisions.

Franklin stated that if they ever wanted to develop old town, street connectivity would be very important. He said they had just spent hundreds of thousands of dollars to extend Lombard, on streets that went nowhere around the Round and stated there was a plan to extend Millikan Way. He said he wondered why they would cut up a street in old town. He stated that this plan would put more traffic on Angel Street, which he described as little more than a paved path.

Franklin stated that the CBNAC maintained that there was a more serious problem with children crossing Hall Boulevard to get to the library than keeping Washington Street open. He commented that planning was very short sighted and all suggestions from the citizens had been rebuffed. He said partial closure of a street was (in a sense) a complete street closure if the public could not use it. He commented that Jim McCreight had stated that CBNAC did not represent him, which was probably true since McCreight had never attended a NAC meeting. He explained that CBNAC wanted to keep the street open and safe for all users. He gave several suggestions of how to improve the safety issues such as move the water feature to the library block; narrow the street between Fourth and Fifth and remove the parking; and place speed bumps at Fourth and Fifth Street entrances to the Park (more in record). He said he would yield a portion of his time to Bud Goldhammer.

Bud Goldhammer, 12370 SW 13th Street, said he represented the trustees of the First United Methodist Church and thanked the CBNAC for

making the appeal possible. He asked those from the Church who were in attendance that evening to stand up, and said they were opposed to the closure of Washington Street because of accessibility. He commented that the closure of the Street would affect the Church members and other businesses by limiting the use of a two-way street for easy access. He suggested that the street should be open as an alternative route and stated that they all knew how congested Beaverton streets could be and what was needed was more alternates, not less.

Goldhammer said parking was a critical issue to the growth of the Church, and the City had said they could use the parking lot before the library opened on Sundays, but he had not seen anything in writing to verify use of the parking lot. He said the City allowed (library construction) dump trucks to park along Washington Street on weekends thus eliminating parking and causing the elderly Church attendees to park blocks away just to get to Church. He suggested that the City open the parking lot to Church members like they had done for library construction workers.

Goldhammer commented that they needed to work with the City on Farmers' Market parking, which severely hampered parking for functions at the Church. He suggested the City address a parking solution that would work for the Church and the Farmers' Market, because both were important parts of the central Beaverton area. He said traffic from the new parking area would cause more congestion on SW Fourth and Watson. He explained that drivers had to back out of the Church parking lot to get onto Watson and the driveway from the parking lot would also head toward Watson, which was a critical traffic issue. He stated that the elimination of parking on Watson would have an impact on the Church. He said safety on Washington involved the problem of children darting between parked cars and suggested a chain link fence like on the Watson side of the Park. He recommended painted crosswalks and pedestrian crossing lights. He said another alternative would be to have one area of the Park just be a picnic area and the other side between SW Washington and Hall be a playground.

Goldhammer stated that there were other alternatives besides closing SW Washington. He noted that if the City was concerned about safety, they should have an overhead walkway across Hall Boulevard. He said there was the possibility children could dart across any street at anytime. He said the City thought SW Washington would be the worse street for safety issues, when in reality Hall Boulevard was much worse, but he did not hear the City say they were going to close Hall because of safety issues. He said an overhead sky bridge would be a good idea because pedestrians would stop traffic on Hall Boulevard every few minutes. He noted that it was wiser to use the money for a sky bridge than for a water fountain.

Franklin said he would yield the rest of his time to Henry Kane.

Henry Kane, 120775 SW Camden Lane, said he was submitting for the record the PC notice of November 1999 that should have been in the staff report submitted to Council and was not. He said he also had the January 12, 2000, City Park Expansion testimony of Franklin that should have been in the record and was not. He said he had the December 16, 1999, CBNAC vote that was submitted to the PC and the Board of Design Review (BDR) and the street vacation application that pointed out what procedure was necessary to vacate a street. He commented that he was unable to obtain the City's 1997 policy statement on street vacation, which said a street could be vacated only as a safety measure or abandonment. He noted that he had filed his prepared testimony dated February 28, 2000 and filed the second February 28, 2000 prepared testimony. He advised the City that state law required the presiding officer at a land use matter to state to the public at the commencement of a meeting the Comprehensive Plan and Development Code criteria. He said he was there and did not hear it and he was extremely prejudiced because he was deprived of his opportunity to address his oral testimony to the Comprehensive Plan provisions that he hoped would have been mentioned.

Kane said with respect to the staff report, it reminded him of the adage of "the fox guarding the hen coop." He stated he had made a number of motions including equal time, which apparently had been denied. He said one of the most significant issues was the safety issue and along Watson there was a fence that kept kids in. He suggested they could put fences on both sides and relocate the entrance to the library from the middle to the side and then install a traffic signal at SW Third and Hall, and that would take care of the traffic problem. He said he could not go into the legalities in the time available because he did not have time to research the matter. He reported that he had made motions that would be ruled on in the event of an appeal. He said he did not hear Adlard or Osterberg say anything about his testimony that the bond issue on the ballot was a contract and they could not spend anything that was not in the ballot title.

Kane said he had attended the hearing and never heard anything about the closure of SW Washington and saw nothing about the closure of SW Washington that would cause congestion and air pollution and violated City and State goals. He suggested that before the City continued spending money on this project, they should obtain an opinion from Bond Counsel. He said that if Bond Counsel said bond issue money could not be spent on parks or closure the City could repay the funds.

Kane then asked if he could have his three minutes of testimony time.

Mayor Drake said he would be allowed to speak later, because this was still the initial presentation time.

Coun. Soth asked if he understood Kane correctly that Franklin's testimony was not in the record.

Kane said he could not find it in the record.

Coun. Soth said he found it in the PC minutes of January 12, 2000, and he gave the page numbers of 33 and 34.

Kane clarified that he was not talking about Franklin's testimony, but his prepared statement, which was handed to the PC.

Coun. Soth said Franklin suggested that they narrow Washington Street between SW Fourth and SW Fifth and remove parking. He noted that it was already proposed that the parking be removed.

Franklin said that was correct and suggested that there were ways to make that safe and still continue to allow the public to use it.

Coun. Soth said Franklin suggested placing speed humps at the entrances to the Park and asked where those entrances would be.

Franklin said on SW Washington.

Coun. Soth asked if he meant across SW Washington at both SW Fourth and SW Fifth.

Franklin said that was correct.

Coun. Soth said Franklin mentioned using rumble strips, which made a racket and in some cases call attention to some hazards.

Coun. Soth referred to Goldhammer's testimony where he mentioned the parking on SW Fourth, and asked if the angled parking on the north side projected a driver out to Watson rather than SW Washington.

Goldhammer explained that when a driver backed out from the Church they would be heading in the direction of Watson.

Coun. Soth said earlier it had sounded as if Goldhammer had meant the other way, and asked if it was parallel parking on the south side, which would project drivers to SW Washington Street.

Goldhammer said that was correct.

Coun. Soth asked if Goldhammer had mentioned that at any other meetings.

Goldhammer reported that he mentioned leaving the Church and going out on Watson. He mentioned the Church traffic going out on Watson would conflict with the traffic from the library parking lot. He said Watson and Hall were busy streets and said he was not sure that he agreed with the traffic survey.

Coun. Stanton asked Franklin if the CBNAC had voted on the recommendations in January, as a package or individually.

Franklin said the recommendations were not voted on either way, they were suggestions that came up in an informal discussion. He clarified that the actual vote was to appeal the PC and BDR decisions to City Council. He stated for clarity that CBNAC only appealed the street closure, not the park or the library. He stated that CBNAC, as well as the Church thought the street closure would be a real inconvenience.

Coun. Stanton asked how many people were at the January meeting and if it was a unanimous vote.

Franklin explained that it was a vote of 12:2 of the Board of Directors, which were all that voted, as was with most of the NACs. He stated that all the people present were requested to testify, and the issue was discussed thoroughly. He said attendance records were on file with the NAC and estimated approximately 20 to 25 people were in attendance.

Mayor Drake noted that he read the minutes of the NAC meetings and he thought that Carol Franklin took the minutes, but he did not see the names of those attending.

Franklin explained that they passed an attendance sheet around and that sheet was submitted to the Neighborhood Office along with the minutes.

Mayor Drake asked Franklin if he had any idea how many of those people who attended the NAC meeting also attended the Neighborhood Meeting at City Hall that was video cast.

Franklin said probably only three or four of them, since as was noted in the record that there was a discrepancy in the time the meeting was advertised as, and the room it was to be held in. He said it was a televised meeting.

Mayor Drake said the meeting was in the Council Chambers after the regular Council Meeting and it had been advertised that it would be held in the room next to the Chambers.

Franklin said that was correct, but there was also a time discrepancy.

Mayor Drake explained that the Council Meeting had gone on longer than planned, as they often did.

Proponents of the Appeal

Bruce K. Nichols, 12225 SW 9th, said his views had been adequately expressed by the Church and the NAC.

Dr. Wayne Weld-Martin, 12555 SW 4th, said he was Pastor of Beaverton First United Methodist Church, had only been there for nine months and was the fifty-second minister who had served the Church that had been doing business on the same corner since 1885. He explained that he was also representing other users of the facility such as The Grace Korean United Methodist Church, as well as the Methodist Preschool, which met five days a week. He noted that he also represented 27 community groups that met weekly in the Church building plus the various other community organizations who used the building. He said he did not sleep there, but was there six days a week and was involved in the traffic issues in that location at all times. He said he was supporting the library project, the Park expansion, the parking lot improvement and the Farmers' Market and they were wonderful additions to the neighborhood.

Pastor Weld-Martin said it was their rule to be a good neighbor and there was only one issue he was concerned about and that was access. He noted that a good portion of their congregation was elderly and closing the Street would cause problems. He stated that Mayor Drake had met with him to talk about solving problems and he was impressed that he would do that. He explained that he went to the congregation and they were concerned about the closure and thought that it would be better to put in speed humps and other methods of handling the problem, rather than abandon the Street. He suggested that the fountain could go lots of places and could be considered a creative nuisance.

Pastor Weld-Martin said this would be affecting a large congregation of 300 members, but hundreds of people in the City of Beaverton were benefiting from fact that the Church served as a community center. He mentioned that he was glad that Bethel Congregation did not see the street closure as a problem.

Roxanne Ushman, 6746 SW 158th Ave., said she represented the preschool at the Church and safety had been expressed as the issue. She noted that she had been a trauma flight nurse and found that when there was a large group of children getting out of school there was more likelihood of incident occurring than crossing a crosswalk to go from a library to a park. She said she was greatly in favor of the library project but was concerned about increased traffic congestion. She noted that currently with the construction in progress and the workers parking, there had been concern about the decrease in parking availability and the increased congestion around the Church when children were picked up. She reported they preferred to park nose-in because children did not have to be taken out of the car on the traffic side of the vehicle. She explained that many parents had to bring smaller children along to pick up their preschoolers and she felt it was a more difficult circumstance than she would experience as a teacher taking her class to the park or the library. She suggested a potential solution to the problem of changing the traffic on SW Fourth (and what was left of SW Washington) to a one-way flow around the Church (with nose-in parking on SW

Fourth). She explained that would give parents of the preschool children more nose-in parking and safer access to Church for Seniors.

Coun. Soth noted that Pastor Weld-Martin mentioned access for the elderly, and asked if the Church currently had two handicapped spaces.

Pastor Weld-Martin said on Sundays they had four Senior Citizen parking spaces and two or three handicapped access spaces.

Coun. Soth said Franklin had suggested eliminating the parking on SW Fourth and SW Fifth and he wondered how that would affect the congregation. He asked if that would also help if they put parking on SW Fourth, one-way facing west.

Ushman said either direction would be fine, as long as it was one-way, and noted that the extra nose-in parking on SW Fourth would help.

Coun. Soth commented that was an interesting viewpoint.

Bob Munger, 13925 SW Latigo Circle, said he was a resident and on the Church Council. He commented about the parking availability in the library parking lot before the library opened on Sunday and noted that the Church had activities going on at all hours every day. He said it would be a restriction of Church activities if their accessibility to the library parking lot would be only during the time when the library was not open.

Coun. Stanton commented that she did not think anyone had suggested that gates would be put in at the parking lot.

Munger replied that there was a question of monitoring the parking and he thought the offer was only for when the library was closed.

Mayor Drake clarified that the parking lot was being built for the library and not for the Church.

Munger said the Church would be giving up parking on SW Washington if the Park Expansion were approved. He urged Council to approve the appeal.

Coun. Soth said their building was used every night of the week and he wondered how many people attended the meetings.

Munger noted that they had other groups who met at the Church other than Church groups. He named Alcoholics Anonymous, Tough Love for Kids and other groups and said they met regularly. He explained that there were usually between 30 to 40 people in attendance at those meeting on a regular basis.

Coun. Soth asked if they all drove their own cars.

Munger replied that he did not know.

Carlton Bruce, 13825 SW 27th St., said he was a member of the Church and reminded them that the Beaverton First Methodist Church donated the block that the Park currently occupied. He said most of the proponents would not be affected by it, and it was easy to support something that did not affect you. He said they supported the Park and the library but the fountain should be in front of the library. He said the Street closure would affect the Church on a long-range basis and if they extended SW Fourth to Hall that would extend access. He stated they had a lot of options and he heard the PC say that everything met Code. He noted that the initial plans did not call for street closure or Park expansion, the planning was for parking, and asked if the library had sufficient parking. He said it was hard to get a parking place near the Church now and noted that the Church served a community and access was very important. He said regardless of what the PC said and studies showed, it would impact their Church. He said he did not care what happened, but parking was secondary and accessibility to the Church was primary.

Dick Sunderland, 18915 SW Honeywood Dr., Aloha, said he was on the Board of Trustees of the Church and one of his duties was to set up building use contracts with groups outside of the Church. He noted that on Wednesday night they had almost 100 people, half adults and half teenagers. He said he had not heard anyone complain about doing a nice library or the Park but the Street closure was another matter, particularly the loss of parking. He said he had not heard about a parking study and thought a statement was made about trying to prevent undue disruption of neighborhood functions. He said they had fewer weddings than they used to, but it was difficult to plan a wedding when dump trucks lined the street and there were parking conflicts with patrons of the Farmers' Market.

Sunderland asked if Council had ever tried to park near parking restriction signs near the Church on Saturday when the Farmers' Market was in progress. He noted that it was very difficult. He said he checked the library times and the only time the library was not in use when the Church was in use, was on Sunday mornings. He noted they used it every day and all day. He said they had heard a number of safety alternatives proposed that evening, but no one had talked about the safety of the children on the SW Watson side of the Park where the fence seemed to help. He asked the Council to deal in a formal written way with parking at their Church, because just talking about it did not solve anything.

Mayor Drake noted that he regularly attended a large church that had grown over time and stated that he was not arguing with the many uses of the Church building. He commented that whether Council authorized closing the Street or not, it sounded like the Church still had a parking problem; it sounded like the Church had outgrown their parking location.

He said they had heard from the NAC over time (as the library was being planned and from the appellant) that there were concerns about parking in the neighborhood. He pointed out that the City had asked for a variance from the PC for parking and it had been denied. He said the City had to look for additional parking (west of Hall) and suggested that with the number of people going to their Church, if they were going to grow, they would need to look for more space for parking.

Mayor Drake said if things continued to grow in the City there could be more conflict in the future and that might be why Adlard had been very honest about the parking issue. He warned that future Mayors and Councils might not be able to allow more parking in the parking lot other than early Sunday morning because the parking lot would be full with library patrons, without the fear of spilling over into the community for parking beyond the library. He noted that was more of a rhetorical comment. He said it seemed that the Church had been successful and had selected Pastor Weld-Martin as a very charming, talented and capable pastor. He suggested that parking would be a major planning issue for the continued growth of the Church. He pointed that the Church should look at how they would get people into the church (maybe with a shuttle service) without negatively impacting the neighborhood. He noted that Franklin had expressed his concern about negative impact from the Farmers' Market and the library.

Sunderland said they had seemed to be keeping up with it until this last issue, the Park Expansion issue. He reported that they used to have overflow parking in what used to be a funeral parlor across the street.

Coun. Soth said in Franklin's presentation a suggestion was to narrow the Street and remove parking between SW Fourth and SW Fifth. He asked if Sunderland agreed with that, since Franklin spoke for the CBNAC.

Sunderland said he agreed that was what Franklin proposed. He noted they probably sensed that he was trying to express that there was a need for parking and however that might be solved.

Marion Sanchez, 1497 SW Dellwood Place, Portland, asked if it would be possible for Council to issue parking permits for people to use a section of the library parking lot.

Mayor Drake explained that they had a minimum requirement for (the amount of) parking and he thought it would be difficult to find space in the library parking lot during the library's normal business hours. He said if they kept it the way it was currently, and looked at Code criteria, there had to be a certain number of parking spots for the library. He noted that he was guessing that the library parking lot would not be full all the time at first, but it would fill to capacity as time went on and Washington County continued to grow.

Sanchez said she was thinking about the evenings when the Church needed parking areas that would not be available. She said the children would be using the library parking areas earlier than the Church would need them in the evening.

Mayor Drake replied that Sanchez's question was good but he did not know if they could answer it that evening.

Susan Wild, 20625 SW Clarion St. said she did not drive and took the bus everywhere. She noted that she had gone up and down Watson and Hall on the bus and it had been (in her opinion) very dangerous getting across Hall, crossing at Hall and SW Fifth. She suggested changing the speed limit on Hall and Watson since there would be a larger volume of children in the area when the library opened. She commented that SW Washington should not be closed because it was very easy access. She said to get to the fountain, children would want to run across Hall. She said they had a reading program and it would be very difficult to cross Hall, to get to the library unless there was a crosswalk, or overhead crosswalk installed. She noted that her primary question was if the speed limit on Hall would change.

Mayor Drake asked Randy Wooley to comment about the speed limit on Hall.

Randy Wooley, City Transportation Engineer, said he recalled it was currently 30 mph and that to change that they had to go to the State Speed Control Board.

Mayor Drake said the State controlled all speeds in every city and county in the State. He said the City did not have control, but could make requests and recommendations.

Coun. Brzezinski said as Council President, the testimony had been very issue oriented and well thought through. She stated that she had read Tom Marsal's written testimony and there were a couple of things, which got personal in it. She asked him to stick to the issue and not get personal.

Tom Marsal, PO Box 1398, said he agreed with Coun. Brzezinski; it was a very personal issue for him. He said before anyone suggested he was not interested in parks he wanted to show them a plaque that showed he had been on a committee for the Tualatin Hills Park and Recreation District in 1996. He commented that he was very much interested in parks and libraries. He read his testimony (in record) and said converting part of the Street to one-way would be confusing. He commented that it was with a little bit of arrogance that the City got a gift of the land the Park was on from the Church and now were telling the Church that it was, "tough luck, too bad." He said he would ask for his land back if he were the Church. He said he objected to the plan to block SW Washington between SW Fourth and SW Fifth and he objected to the Park

Expansion. He said he objected to placing the fountain partially blocking Washington Avenue between Fourth and Fifth.

Marsal declared that the public meeting was illegal and it was supposed to be in the First Floor Conference Room at 6:30 p.m. but did not happen until 9:15 p.m., in the Council Chambers. He said the taxpayers gave money to build a library, not a \$21 million dollar blank check to spend on the Chief of Staff's fancy. He said it was absurd to build a fountain in the middle of the street as well as building public restroom in the park. He continued reading from his prepared statement and listed the many reasons he objected (in the record), and declared each of them to be "absurd!" He asked them to use the money to build a crossing over Hall between the library and the parking lot.

Mayor Drake said Marsal had used his allotted time and his comments were in the record.

Pastor Weld-Martin noted that several people said the land for the Park was donated by the Church. He clarified that W.O. Hocken and his wife Emma, donated the land for the Church and donated the land for the Park.

Nell Langeluttig, PO Box 1398, said she was a member of CBNAC committee and a resident of Central Beaverton. She said she and others brought the issue to the attention of the NAC and she urged Council to uphold the appeal. She read her testimony (in record) and listed her reasons for opposing the proposal. She declared that the so-called Park Expansion was a misnomer when closing the Street to the public was a central part of the plan. She claimed that the term partial closure was an outright lie. She said the fountain belonged in front of the library and she did not believe the people voted for a park expansion when they voted for the library; it was not a blank check.

Langeluttig said the notice of the pre-application meeting was incorrect and the television coverage where the people could not enter their opinions into the record was not a substitute for a properly noticed and conducted meeting. She noted that there was considerable opposition to the current plan and that was why the appeal had been taken. She said the Park Expansion was a charade to cover the intent of the Chief of Staff and the term was intended to hide from the public the true nature of the proposal. She claimed the intent was to lull the public into approval where disapproval of increased park space would be tantamount to disapproval of the Flag and Mom's apple pie.

Melanie Sedler, 11705 SW Baker, said she was a member of the community for over 20 years and a member of the Church. She noted that she was a member of the Sheltering Homeless Coalition in Washington County. She noted they talked about the lack of parking and as a member of the Trustees Committee of the Church she was asked to help the trustees decide what to do with their little white house on Third

and Watson. She said one choice was to burn it down and make a parking lot or make it into a shelter for transitional housing. She said they chose to make it into transitional housing and people moved into it every 9-12 months.

Mayor Drake asked Sedler to focus on the Street Closure issue. He said he did not take exception to the homeless shelter at all, he noted that he simply made a comment because parking was being discussed.

Sedler said they chose to go with the shelter and in the past could park on SW Fifth, but now it was a bike lane, which they supported. She said parking on SW Washington would be lost if that Street was closed. She inquired if the City had considered a multilevel parking structure and commented that parking at the current library started out as adequate and then had expanded and the same thing would happen at the new library.

Mayor Drake said they had considered a multilevel parking structure, but it was very costly and people had commented they did not want a parking structure. He noted that was not the issue under discussion that evening.

Sedler said the issue was parking, whether it was parking for the library or the Church, shutting down that street and eliminating parking. She noted that Ushman talked about the possibility of making SW Fourth a one-way and she urged Council to carefully look at that issue.

Wally Fisher, 13525 SW Berthold St., said he was a member of the CBNAC. He commented that he voted for the library and did not know about the street closure when he voted. He said he had full faith in the people who sat before him and said that he could not believe they were focusing on the safety of children on SW Washington with Hall Boulevard being there (and dangerous to cross). He commented that the fountain would be an attractive nuisance.

Mayor Drake said there was no pool associated with this fountain, it was ground level and much like the Salmon Street Fountain in Portland. He noted that Fisher was a "tough cookie" to convince and had talked with him on other issues in the past. He said there were no "bait and switch" tactics and noted that the Ballot Title had mentioned greenspace.

Michael Wild, 20625 SW Clarion, Aloha, said he represented himself and was the treasurer of Beaverton Methodist. He said he was the financial guy and he found from his membership that they found the closure as being a hardship and the construction a hardship. He said it was hard for them to face that it was handed to them in a heavy-handed way in some ways and said it was hard to face such challenges. He said it was rough on them and noted that the Farmers' Market was also hard at times. He asked for Council's prayers and thoughts and said the Church would try to be a good neighbor.

Coun. Soth commented to Wild that they mentioned the construction equipment parked on SW Washington, and he wondered if their Board or the Pastor had mentioned it to the Mayor's office as being a problem.

Wild said he did not know but they had tried to be patient and said they had removed some of the pavement and replaced it with crushed rock which had made it difficult for some people to walk on.

Coun. Soth said it sounded like they had not been able to use the parking on SW Washington during construction.

Wild said they had been challenged often times and today they actually had no access because of the construction hoses and other equipment.

Coun. Soth asked how they had dealt with the loss.

Wild said he parked on the other side and many people walked farther.

RECESS: Mayor Drake called for a recess at 9:30 p.m.

RECONVENED:

The regular meeting reconvened at 9:45 p.m.

Mayor Drake noted that he neglected to have Henry Kane back up for his individual testimony, and called him forward at that time.

Kane said he had submitted several documents into the record. He referred to his submitted document of Goals of the City of Beaverton and pointed out Goal Six. He read the goal. He named one of the documents he submitted as showing that the Traffic Commission was consulted and a documented dated February 15, 2000. He quoted from the document dated February 15, 2000, referring to the recognition of NACs as the "official" voice of an entire neighborhood. He submitted Franklin's testimony, the NAC minutes and sign up sheet.

Kane moved that the Council reject a Traffic Report of February 22, 2000, on the Library, (in record) stating that such documents must be filed seven days before a hearing. He said it came in Monday (date not clear) and he had not seen it. He stated that he was prejudiced by it since he had not had the chance to see it, so he could comment. He said he had not found anything about the greenspace in the Ballot Title. He commented that there was any number of reversible errors (in the Ballot Title), and he said he tried to quote some of the provisions that were omitted. He referred to a case called *Tri-Met vs. the City of Beaverton* and said he could raise new issues for the first time on appeal, because all the City had to do in their notice was to list the provisions from the Comprehensive Plan and the Development Code. He commented that the City did everything possible to make it difficult for any interested member of the public to find out what was going on.

Kane said partial closure meant only partly closed and for a street that meant closed to motor vehicle traffic. He noted the Street would be completely closed and he thought that would be unnecessary. He reported that he had given Council suggestions to improve safety, and said he visited the library several times a day and had never seen a kid try to run across Hall or Allen. He noted that he was not against park expansion provided that the money was derived from other than library bond issue funds.

Mayor Drake stated that he had been mistaken, the information about greenspaces was not in the Ballot Title, but it was in the Explanatory Statement that was in the voters' pamphlet.

Kane replied a Ballot Title controlled an event of conflict.

Mayor Drake reiterated that greenspaces had been mentioned in the Explanatory Statement.

Mayor Drake pointed out that he had overlooked making the statement that he had talked with the Pastor of the Church about this issue.

REBUTTAL:

Linda Adlard, Chief of Staff, said she would try and respond to the questions that had been presented that evening with the best information she had. She noted that regarding the people who attended Franklin's NAC meeting with 22 present to vote on the appeal, 12 had voted (10:Yes and 2:No), and six of those present had attended the public neighborhood meeting at City Hall. She named the attendees as Bruce Nichols, Bud Goldhammer, Jack and Carol Franklin, Tom Marsal and Nell Langeluttig.

Adlard noted that she had heard no complaints from the Church or others about problems with construction equipment around the site. She stated that if it was there and inappropriate that it would be taken care of the next day. She welcomed anyone to contact her and said she could not guess that there were problems, she needed to know about them.

Adlard said the real issue about the partial closure of SW Washington had to do with a triangular space identity, so they had two areas where children would play. She said there was one area for young children with playground equipment and an area for older children and the fountain would be located at the point of the triangular area. She noted that it was an area that children could run, play and feel free. She explained that Hall was an arterial and when you came to an arterial, with small children, she would certainly think you should be holding your child's hand since an arterial was a dangerous street to cross. She said the issue was that SW Washington was in the middle of where children would be playing and would be dangerous because cars would travel on it. She explained

that it was not that they believed Hall was not a dangerous situation, and stated that Hall was a busy street and of course was dangerous. She said everyone had to be careful crossing any arterial in the City. She noted that the best way to cross an arterial was with a controlled light and pedestrian access, which the City had provided at the request of the PC.

Adlard referred to the issue of structured parking, and said it had been discussed but the bond did not allow them to build structured parking. She reported that they had checked with Bond Counsel to see how the bond could be used.

Adlard said partial closure was a technical term, and meant that pedestrians, bikes and different kinds of maintenance and emergency vehicles would have access to the Street. She said that partial closure would be to limit the vehicles, and there would be limited vehicles down it. She said Goldhammer suggested they could re-stripe the parking area and noted that she had a recommendation about that in front of the Church so it would be easier to enter or exit.

Adlard noted that the overhead walkway was brought up after they were well into the design and planning of the library building and would cost two to three times as much as the fountain. She reported that according to the professional's testimony, it did not seem like people would use it.

Adlard noted that Hall narrowed at SW Fifth through where the crosswalk was and the intent of that design was to slow vehicles down as they went through the area. She said she did not ignore Kane, but the City's attorney said Kane's issue regarding financing was not before them that evening. She said that evening they were looking at an appeal of conditional use which had a partial road closure and they needed to focus on those issues, although the other issues were interesting and they would look at those eventually. She said there was a policy for road closure, but they were not asking for road closure. She reminded Council that the policy for road closure did not include Capital Improvement Projects (CIP) projects and would not apply to this process, even if they were asking for the road closure. She said the traffic engineers had studied the partial closure of the Street and they stated that it did not have significant impact on the adjoining streets. She explained that the traffic study also included parking analysis. She stressed the fact that there would be more parking behind the Community Center and it would take pressure off the other lots.

Adlard pointed out that they were talking about the loss of 14 parking spaces on SW Washington, between SW Fourth and SW Fifth. She said they had only two additional spaces in the parking lots and that conformed to the Code, so they could not assign parking permits. She said her truthfulness, which had been objected to, was that this parking would be built for the patrons of the library. She said when the library was not in use, other people should be able to park in the lot; it was an expensive thing to build. She stated that the Church was certainly

welcome to use the parking lot anytime the library was not open and she thought that should be addressed in written form to the Church. She established that it did not mean there would be a twenty-year lease to the Church for their parking needs. She stated the City was not in the business of providing parking for businesses or Churches, since that was not the function of government. She said she thought there was a solution to the parking issue of the Church and noted that a great many professionals had worked hard on safety, parking and traffic circulation issues.

Adlard recommended the Council deny the appeal and approve the Conditional Use as stated from the PC with additions. She suggested that the first addition would be to install a light at SW Third and Watson, at the north end of the west lot so people could exit onto Watson. She said that other additions would be to provide A-frame signs for the Church for parking areas during weddings, and facilitate conversation with the Farmers' Market to maximize that opportunity for both groups. She suggested re-striping the current parking places. She reported that the Traffic Engineers told her that if they re-angle the parking and instead of having parallel parking, they had head-in parking, in one block it would add 10 to 15 spaces. She noted that 14 spaces would be taken away, but 10 to 15 spaces would be added, and if parking was re-angled in two areas, 20 to 30 spaces would be added, which would result in twice as many spaces than what was currently on SW Washington. She suggested careful observation, in conjunction with the traffic engineers, to see how parking should be angled. She added that they should also determine in which direction traffic should flow to ensure that no backup of traffic would occur at SW Third and Watson and to ensure a safe exit on to SW Fourth and Washington. She reiterated that the Church could use the parking lot during the non-library hours and that direction would be put in writing. She noted that the City could not solve the Church's parking problems but could assist them on Sunday mornings and when the Farmers' Market was not operating from October through May. She pointed out that if the library hours should change, the Church would have to conform to that change and clarified that it was only an offer to provide them any spot that was vacant when the library was not open.

Coun. Soth said he thought the suggestion of re-striping would address the parking problems. He expressed his concern that the designation of parking spaces to the Church or any other group would cause the City to be equally obligated to offer similar allowances to other organizations, particularly non-profits. He commented that he thought the traffic light was a good idea. He said of the 14 spaces in the area, there were seven parallel spaces on each side of SW Washington within that one block.

Adlard said it was her understanding that those spaces were not marked, so they are not used efficiently. She explained that if the spaces were marked it would be possible to fit in more parking.

Coun. Soth clarified that the parking was on each side of the block.

Adlard said that was correct.

Coun. Soth clarified that the fountain in its present configuration would intrude in the right-of-way on SW Washington.

Adlard said it did not interfere with any utilities, and they would not have a problem getting in to the water lines. She explained it was a sense of balance and design and she was not an architect, but she did understand when she looked at something that placement meant a great deal. She said the aesthetics were important but they could probably push it one way or another a little, but if not necessary then why bother.

Coun. Soth said she mentioned that the playground equipment pointed towards the fountain.

Adlard displayed the diagram and explained the way the park was being redesigned. She said there was disabled access, and part of the play area had soft rubber so children with handicaps could use it better, and then indicated on the diagram where the fountain would be. She said it kept the majority of the activity away from Hall, and had a nice area where one could ride a bike, play or sit on the benches, which were in place. She explained that if they moved the fountain, the design would have to be changed, noted this had been the design and they were currently ready to go to bid. She pointed out that it had the consistency of the walkway that went into the library and said she thought it was lovely and well thought out.

Coun. Brzezinski referred to the new drawing (displayed on the board) with the angled parking and asked if Adlard was proposing one-way (traffic).

Adlard replied that she was not. She explained that she believed the engineers should look at what the best way was and it was not her proposal to limit what the engineers could creatively do to maximize the flow of traffic and the number of parking places. She clarified that at a minimum the Church would not lose what they had, and then they could use the lot and gain another hundred spaces on Sunday morning, if they chose to utilize the plan. She stated her agreement with Coun. Soth that parking would be first come first served, and as soon as the library was opened, they would have to move their cars so the library patrons could park. She reiterated that the busiest time was Saturday afternoon.

Mayor Drake said Sanchez asked why the fountain could not be moved from the current placement in front of the sycamore tree.

Adlard said she would try to answer that. She explained that had never been a part of the plan and reported that that the plan allowed people to walk to the library from the other facilities, the Elsie Stuhr Center, the Community Center, etc. She said if they put a fountain in that area it would disrupt the view as they approached the library and they had never looked at it in that area. She said the architects had tried to preserve the tree and the view with an open space. She said if they put a fountain in the area it would disrupt the eye and they had never looked at having the fountain in that area. She noted that was why the hired professionals to give them the best plan for the Park, which would enhance the area, the best for enjoyment and use.

Mayor Drake addressed Franklin and said the only thing he had heard that was different was the re-striping issue to replace the parking spaces lost on Washington. He asked Franklin if he agreed with that.

Franklin said that was not the only issue he heard.

Mayor Drake stated that was the only issue he heard that was different, and stated he did not want an argument.

Franklin stated that if he was allowed about two minutes he could go through about six things. He stated that there was a discrepancy on the ballot measure, there was an issue of whether the street should be one-way, and the issue of parking on SW Fourth Street.

Mayor Drake clarified that he made a comment and asked a question, but he did not think he had brought up anything under the rebuttal portion of the public hearing. He said he only heard information on the issue of striping and his comments were simply part of a questioning process.

Franklin said there was an issue of funding for the light proposed for either SW Third or SW Fourth. He questioned if the costs of installing the light would come from the Library Bond Issue or from the existing Traffic Budget and he wondered who would get cut if it came out of that budget. He said he thought there were a number of questions that needed to be responded to.

Mayor Drake asked if Pilliod had heard anything else.

Mark said he did not know if the issue of the light at SW Third and Watson was previously discussed. He said if that was previously mentioned, then it was not new information.

Several present said it was.

Pilliod explained that the purpose of sur-rebuttal was for the proponent to respond to new information that was presented as part of the rebuttal and try to bring closure to the number of issues that were presented. He said as to the issues of funding, while Franklin and Kane might have thought

that was part of the decision that evening, he disagreed. He said the issue of one -way travel was not presented during the rebuttal portion of the hearing. He said he thought it was discounted despite a suggestion during the principal testimony from the opponents that it be made one-way. He said the new information would refer to the substitute parking along SW Fourth and SW Washington. He said he did not know Franklin's position on that issue.

Mayor Drake addressed Franklin and said Pilliod was not afraid to agree with him (Mayor Drake) on many internal issues and confirmed that if Pilliod had heard anything differently he would say he had. He said that if Franklin would like to address the parking issue he would be glad to hear that and thought the Council would also.

Franklin said he did to think it would do any good to discuss the parking issue.

Mayor Drake asked if he would like to generally state what was different that he thought the Mayor had missed.

Franklin stated that he agreed that part of it probably went back to the other, but he had not chance to rebut anything if he could only rebut what was presented as new testimony. He said there were a few things that needed to be clarified.

Mayor Drake reiterated that said the whole point of sur-rebuttal was for anything that was said by the applicant during rebuttal that was new information from what was said during testimony. He said often time they heard people testify about what they thought were facts, when in reality the information was not factual and unless the information was rebutted it would stand as truth.

Franklin asked how the Council could make an informed educated decision unless they heard the rest of the rebuttal.

Mayor Drake replied he thought that was the discretion of the Chair and Council was welcome to disagree with him. He reiterated that he did not hear anything new.

Coun. Doyle asked what Franklin thought was new.

Mayor Drake said Franklin could just state an issue, like parking, but was not telling them. He explained if they knew what it was, they would know if it was new or not.

Franklin said he wanted to read one sentence out of the Ballot Title.

Mayor Drake asked if it was new information.

Franklin replied that it was not new, but it was correcting some inaccuracies.

Mayor Drake said he had heard some inaccuracies that evening as well under the testimony portion of the public hearing and one could not correct every inaccuracy that was stated. He noted that the inaccuracies were not stated under the rebuttal portion and if it was then Franklin would have a right to rebut. He reiterated that this (sur-rebuttal) was for only what was said under rebuttal.

Franklin replied that he had nothing else to say.

Mayor Drake closed the Public hearing.

Coun. Stanton said she got the Code out about what approval criteria was for conditional use, and other than point three (which almost made the case), she had to agree with staff that they were constrained by the Development Code and said the CUP criteria limited what they could look at. She said parking for the Church was not what they could look at that night although she would love to look at that issue. She said that on the "non-issue" (of parking) she wanted to understand that the east lot would have more parking than the lot at the current location of the library. She noted that the parking closest to the Church was furthest away from the library and there was no door at the library that faced Hall. She pointed out that the doors were at the front of the building and on Tucker. She said it was less likely that people would park in the west lot when they could park in the east lot and have better access to the library. She said she hoped it would be a non-issue for everyone. She said the closure of SW Washington would be a hardship, but she did not think it would be insurmountable. She said she believed that people learned how to live around things and do things differently. She stated she would vote to deny the appeal and uphold the applicant.

Coun. Stanton MOVED, SECONDED by Coun. Soth to uphold the Planning Commission decision and deny the appeal of the Central Beaverton Neighborhood Association with the additional conditions: to install a signal light at SW Third and Watson, coordinate efforts between the Church and Farmers' Market, to be sure the Church had free movement and use of SW Washington of the remaining open portion and SW Fourth for parking on Saturdays and Wednesday afternoons, and evaluate the parking on Washington and SW Fourth to evaluate the parking to turn parallel parking into angled parking to replace the lost parking spaces that the Church has identified critical to their operation.

Coun. Doyle suggested putting in writing the use of the lot on Sunday mornings.

Pilliod asked if these conditions were in addition to the PC restrictions.

Mayor Drake replied that was correct, and added the fourth condition suggested by Coun. Doyle, and seeing acknowledgment from the motion maker and the seconder.

Coun. Stanton said by upholding the applicant and denying the appeal she had included the terms and conditions of the original PC decision.

Coun. Soth commented that it was a difficult decision, and he remembered several things that happened since he had been a resident of Beaverton. He recalled that for many years there had been an ongoing vision or idea of consolidating a major type of municipal building in the area, along with buying up the area for park use. He said there would be a major impact that a major structure and amenities would have on all of the area north of SW Fifth to Canyon Road and to the High School, and east to the railroad tracks and possibly beyond. He said there were several properties that were ready for redevelopment in that area, and someone with a pocket-full of money would come and do some significant development. He commented that when the City Hall was suggested he saw it as a part of redevelopment of the whole area. He said he felt the issue of parking could be solved and the traffic engineering staff could make that happen. He expressed his appreciation for the work the Church was doing in the community and thanked those who came and sat through the meeting. He said he appreciated their courtesies and how they had been through the process.

Coun. Doyle commented that when he re-read the PC testimony (from the Church's point of view) driving safety would be a serious issue, and he thought the traffic light would help. He noted that the parking was an issue for many and recalled that at the past meeting they had discussed parking on SW Fifth. He stated that the use of the parking lot (when it was not busy) was very appropriate. He said they knew what the situation was currently and what their needs were now and the library was coming and was very big and he did not think they could *not* look at safety. He suggested if this did not work out the Street could be re-opened. He said if the culture of the neighborhood changed and the Church attendance diminished, there would be changes that could be made. He stated that if he was going to err, it was the way he would err that night and he would support the motion.

Coun. Brzezinski said she felt much better about this with the potential head-in parking which would increase the parking. She stated that as a matter of principle she would oppose the motion because of criterion three. She noted that criterion three referred to livability and appropriate development of other properties in the surrounding neighborhood. She said if the land was empty she would want it to look like it was going to look, but she thought it would impact the people around it negatively.

Coun. Stanton commented that the two things she heard most were the issues of access and parking and she thought with the traffic light at SW Third and Watson and the head-in parking, those issues would be addressed. She noted the Church had been there for many years and she trusted that everything would work out.

Coun. Doyle asked what could be done to help facilitate that people would work to address the respect for use of parking for the Church and others. He wanted the Church to have a fair shot to conduct their good work as best they could.

Mayor Drake said that he was in agreement with Coun. Doyle and had conversations with Pastor Weld-Martin about the Church's work. He commented that in working with the Farmers' Market, there had been discussion about the impact on the community. He mentioned that Pastor Weld-Martin also enjoyed the Farmers' Market as many people did, and remarked that no one had any idea how successful the Farmers' Market was going to be when they first started in Beaverton.

Mayor Drake acknowledged that good things came out of the Church and it was work that no matter how much they did it was never enough. He said in Franklin's heart and the CBNAC's heart they believed they were right and he valued that, even though he and Franklin had not always agreed. He stated that he supported their right to appeal.

Mayor Drake said even though he did not always agree with Kane, he thought that his heart was in the right spot, and noted that both he and Adlard had attended Kane's wife's funeral in support of him at that time. He noted that others might not know it, but his and Kane's paths had followed the same course working for Oregon Tax Research, and Kane and always held a special spot in his heart because as different as they were, they often shared the same notions. He said sometimes people looked at the Councilors or at him and thought there was another motive behind what they did, but they did it because they loved the City and what the City represented.

Mayor Drake said he wished they could give the Church a lot more parking, he wished he could agree with the NAC on the Street closure and he also wished he could always agree with Kane, but all of those things were not possible. He said he had been concerned about some of the personal comments pointed at the Chief of Staff, and said he did not have to defend his staff, they were operating as professionals. He stated that Adlard was not operating on her own nor was she operating outside of the realm of what he had been apprised of. He said he had his hands on what was going on in the City, and although not everyone would agree, he did it with a good heart and with the intention of doing what was right. He commented that as a parent, his third child was the one that if you told him not to go in the street, he would do what he wanted in spite

of parental warnings. He said they (he and the Council) were all very real, with nothing different from the others present.

Mayor Drake expressed his concern that some of the appeals and much of what was said became personal and it should not, and things should not be construed that there was some motive beyond other than what was seen. He said his view of the world might be different than that of others, but he did not doubt the goodness in most if not all of them. He stated that did not like personal attacks on staff who could not defend themselves, and there was nothing personal there. He stated that they would go on, beyond that evening and for him even though he might not agree with everyone, the respect level was there. He commented that the conflicts were part of what government was all about and part of the republic and the society they all lived in. He said he thought that collectively as a community they did a darn good job of what they did and life went on whether you won or lost, and sometimes you won and sometimes you lost, but the fact was you tried and did what was good for the community.

Coun. Soth referred to condition no. three of the PC findings and read it as "The City shall monitor the impact of traffic on surrounding streets for two years after completion of the library and the park. The traffic engineer shall prepare a recommendation for improvements if necessary as a result of the closure of SW Washington Ave." He said this particular condition was extremely important given the situation they had and if he were still there when that time came he would remind folks that it was part of that condition. He noted that during those two years they (Mayor and Council) would appreciate any comments or views anyone had regarding the issue so the City could take appropriate action as it occurred.

Mayor Drake restated the motion to deny the appeal, uphold the PC decision and conditions, and noting additional conditions: to add a light at SW Third and Watson, coordinate efforts with the Church and the Farmers' Market, to be sure the Church had free movement and use of SW Washington of the remaining open portion and SW Fourth for parking on Saturdays and Wednesday afternoons, to evaluate the parking on Washington and SW Fourth to use angled parking to replace the parallel places lost with the closure of Washington Street, and enter into an agreement or understanding with the Church that they could use the library parking lot on Sunday mornings before the library opened.

Question called on the motion. Couns. Stanton, Soth and Doyle voting AYE, Coun. Brzezinski voting Nay. Motion CARRIED (3:1)

Coun. Stanton asked if they would investigate the vehicles involved in the construction.

Mayor Drake said he had made a note of it and would bring it up at the Department Head meeting the next morning.

Coun. Doyle MOVED, SECONDED by Coun. Stanton, to waive the appeal fee to the NAC.

Coun. Brzezinski asked if they had used their appeal fee for the year.

Mayor Drake replied that they had not used their appeal fee for the year.

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

RECESS:

Mayor Drake called for a recess at 10:45 p.m.

RECONVENED:

The regular meeting was reconvened at 10:58 p.m.

PRESENTATION:

Metro Goal 5 Update/USA Presentation was carried to the Council meeting of March 3, 2000.

Ordinances:

Suspend Rules:

Coun. Soth MOVED, SECONDED by Coun. Doyle that the rules be suspended, and that the ordinances embodied in AB 00-65, 00-66, 00-67, 00-68, 00-69, and 00-70 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. Brzezinski, Doyle, Soth, and Stanton voting AYE, the motion CARRIED, unanimously (4:0)

First Reading:

Mark Pilliod, City Attorney read the following ordinances by title only:

00-65 An Ordinance Amending Ordinance No. 1800, the Comprehensive Plan Map and Ordinance No. 2050, the Zoning Map, to Reassign Washington County's Planning Designations to City Comprehensive Plan and Zoning Designations for Fifteen Newly Annexed Properties Consisting of Approximately 78 Acres of Property; CPA 99-00011 and RZ 99-00007 (Home Depot)

- 00-66 An Ordinance Amending Ordinance No. 1800, the Comprehensive Plan Map and Ordinance No. 2050, the Zoning Map, to Reassign the County Transit-Oriented Residential (TO: R18-24) Designation to City Multiple Use Comprehensive Plan Map Designation and City Station Community High Density Residential Zoning District for 4.51 Acres of Property; CPA 99-00016 and RZ 99-00009 (Baseline Avenue Tuffli Property)
- 00-67 An Ordinance Amending Ordinance No. 1800, the Comprehensive Plan Map and Ordinance No. 2050, the Zoning Map, to Reassign the County Industrial Designation to City Campus Industrial Comprehensive Plan Map Designation and City Campus Industrial Zoning Designation for Approximately 9 Acres of Property; CPA 99-00019 and RZ 99-00010 (CE John and Millikan Way)
- Pilliod noted that there was an error in the printed version of the ordinance title in 00-68, and read it as corrected. He said he would give a corrected copy to Darleen Cogburn, City Recorder, the following day.
- 00-68 An Ordinance Amending Ordinance No. 1800, the Comprehensive Plan Map and Ordinance No. 2050, the Zoning Map, to Reassign the County Residential (R-25) Designation to City Central Business District Comprehensive Plan Map Designation and City Regional Center-Transit Oriented (RC-TO) District for 4.3 Acres of Property; CPA 99-002 and RZ 99-0002 (Beaver Creek Apartments)
- 00-69 An Ordinance Amending Ordinance No. 2050, the Development Code, to Allow Vehicle Storage in the Industrial Park (IP) Zone and to Modify the Floodplain Standards Which Regulate Commercial and Industrial Uses In the Floodway Fringe; TA 99-00008 (School Bus and Vehicle Storage)
- 00-70 An Ordinance Annexing A Single Parcel of Land Lying Generally Outside of the Existing City Limits to the City of Beaverton; ANX 2000-0001; (KPDX Fox Studio "Expedited" Annexation)

Second Reading and Passage:

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

- 00-55 An Ordinance Annexing 6.3 Acres of Land Lying Generally Outside of the Existing City Limits to the City of Beaverton; ANX99-00012, (Consent Annexation)

Pilliod pointed out that the Cogburn brought something to his attention that evening, and explained that the Charter required that if there was any significant change after the First Reading, the section must be read in full. He pointed out that the correction was single measure on parcel five (5) of the attachment, he read section one (in record) and pointed out the error that read 36 feet and should have been 38 feet.

00-56 An Ordinance Annexing 5.19 Acres of Land Lying Generally Outside of the Existing City Limits to the City of Beaverton; ANX99-00013, (17005 NW Cornell Road)

Coun. Soth MOVED, SECONDED by Coun. Brzezinski, that ordinances embodied in ABs 00-55 as corrected and 00-66

Question called on the motion. Roll call vote. Couns. Doyle, Soth, Brzezinski voting AYE, with Coun. Stanton abstaining from the vote since she did not vote on them at the First Reading. Motion CARRIED (3:0:1)

Mayor Drake announced that the Metro Presentation would be at the beginning of the next meeting.

EXECUTIVE SESSION:

No executive session was necessary.

ADJOURNMENT:

There being no further business to come before the Council at this time, the meeting was adjourned at 11:00 p.m.

Darleen Cogburn, City Recorder

APPROVAL:

Approved this 17th day of April, 2000

Rob Drake, Mayor