

REGULAR MEETING
May 8, 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, May 08, 2000, at 6:34 p.m.

OATH OF OFFICE:

Swearing in Coun. Fred Ruby

Darleen Cogburn, City Recorder, issued the oath of office to Fred Ruby as he assumed the office of City Councilor, Position 1.

Coun. Ruby was welcomed with a round of applause.

Coun. President Evelyn Brzezinski remarked that there were four very good candidates and the Councilors were very impressed with all of them. She noted that Ruby went way beyond what the Council expected, even though they had high expectations. She extended the Council's welcome to Ruby.

ROLL CALL:

Present were Mayor Drake, Couns. Evelyn Brzezinski, Dennis Doyle, Forrest Soth, Cathy Stanton and Fred Ruby. 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 Director Tom Ramisch, Operations/Maintenance Director Steve Baker, Police Chief David Bishop, Library Director Shirley George, and City Recorder Darleen Cogburn.

CITIZEN COMMUNICATION:

Jack Orchard, Attorney representing *Polygon Northwest*, 1668 SE Ripplewood Avenue, Hillsboro, OR. and Fred Gast from *Polygon Northwest* were present.

Orchard said Gast and he were there to "put punctuation" to the Aspen Woods matter, and noted that Mark Pilliod, City Attorney, had the materials regarding the LUBA appeal. He reported that he had signed it

on behalf of *Polygon Northwest* and anticipated that after the Council's consent, Pilliod would execute the documents on behalf of the City.

Orchard said they were pleased to put a conclusion to this and noted they had worked together on it for a long time. He said Tualatin Hills Park and Recreation District (THPRD), and Metro as well as the Archdiocese, all worked together. He noted he read Gast's comments in the *Valley Times* and echoed his appreciation for the Council support and the efforts of Mayor Drake to make this happen. He commented on Gast's sensitive and astute understanding of the situation and acceptance of the Mayor's suggestions to stay at the table and continue to negotiate a mutually beneficial settlement. He stated that they were at that point because of the Mayor's impetus and Gast's participation in the concluding of this process. He said they had completed the transactional part of the process and they would answer any questions or concerns.

Gast commented that Orchard had addressed them on Aspen Woods, and thanked him (Gast) for his work. He said that Mayor Drake was instrumental in the final project and said it (Aspen Woods) would have been a wonderful project but he felt good about what the resolution was for it. He said he felt it was good that the property was in the public hands and that it would be a great asset for years to come. He commented that it would have been an exceptional development, but felt that in the long run, they had a much better feeling knowing this result. He thanked all for their support.

Coun. Doyle said on behalf of himself, and others in the area, he wanted to thank both Gast and Orchard for their hard work, and noted that it was not easy to make the motion to deny the original application. He reported that he had gone to the Mayor and said he hoped they worked it out so they could be good stewards for the Nature Park. He thought it was wonderful to see a company move in this direction and to give up money in the process of doing the "right thing." He added he really appreciated the way they had worked together through this issue.

Mayor Drake said he also appreciated their work and it was good to have public and the private industry work together for a common solution. He noted there was a lot of noise associated with this project and it was hard to be focused, but he was glad that they reached what everybody needed. He stated that in the long run, they kept coming back to the table and he appreciated their efforts.

Coun. Soth said as one of the two negative votes, he was pleased to see it turn out this way. He remarked that it looked like they had a good project and he was very appreciative of Gast's willingness to work with others and reach a solution.

COUNCIL ITEMS:

Coun. Doyle noted there was a fundraiser for the Beaverton Arts Commission (BAC) at *Borders Book Store* at 2605 SW Cedar Hills Blvd., on May 13, 2000. He stated 15% of all sales went to BAC.

Coun. Soth noted the Senior Citizen's Advisory committee had an informational workshop for services available for the elderly such as Hospice scheduled soon. He encouraged anybody watching to look for the announcement of dates scheduled, and remarked that it was an excellent source for anyone looking for this type of information.

Coun. Stanton mentioned to anyone present and those watching there would be a Mayor's Walking Tour, in the Greenway NAC, at 6:00 p.m., May 18, 2000.

Coun. Brzezinski noted that the Volunteer Recognition Event was Friday, May 12, 2000 at 7:00 p.m.

STAFF ITEMS:

Linda Adlard, Chief of Staff, mentioned they updated the City Council portion of the City web page and a staff person would attend a Council meeting soon to take photos. She asked for the Council's input on what they would like on the web site.

PROCLAMATION:

Police Memorial Week

PRESENTATIONS:

00-159 Tree City USA

Steve Brennan, City Urban Forestry Supervisor, thanked the Mayor and Council for their support towards the Urban Forestry Program. He said with him tonight was Joe Adamski from the State Department of Forestry, who presented the Tree City USA award.

Adamski congratulated Beaverton for being recognized as a Tree City USA. He noted that this was the third such award for the City, and explained that the Tree City USA award shows the commitment to tree appreciation and tree care. He reported that Beaverton joined 34 other communities throughout the state and 2200 communities throughout the nation with this award. He related the Tree City Program was sponsored by the National Arbor Day Foundation and administered by the Oregon Department of Forestry. He said the program recognized communities that had developed programs to plant and care for trees in their community. He said the four criteria for cities were to have adopted a Tree Care Ordinance, establish a tree board or condition program, spend at least two dollars per capita on a community tree care program, and conduct an Arbor Week ceremony. He said Oregon's urban forests

made good sense and the street trees and parks made the cities more livable and more beautiful. He presented the award from Jim Brown, Director of Forestry, to Mayor Drake, and also presented the flag.

E-9-1-1 Presentation

Roxanne Brown, Manager of the Washington County Consolidated Communications Agency (WCCCA) was present.

Coun. Soth commented as Chair of WCCCA, otherwise known as E-9-1-1, it had been a pleasure to work with Brown as she worked to bring them her technical knowledge and the ability to maintain total services. He reiterated his thanks to Brown.

Brown noted she had come with an Intergovernmental Agreement (IGA) amendment for WCCCA. She pointed out that they had been active for 15 years as an Intergovernmental Agreement Agency, and reported that the City of Banks had decided to return as part of the WCCCA. She stated Banks was an original member but when their police department disbanded they pulled out of WCCCA, and now they had requested to come back after they had re-formed their police department. She explained the Intergovernmental Agreement would need to be re-written to include them. She commented that there were other changes that were needed. She noted there were 18 members, which made it difficult to share information and also to get a quorum, so they had changed the number for a quorum to 10. She described how the membership had grown and the many changes that had occurred. She noted the packet that had been distributed (in the record) had been agreed upon by the WCCCA Board of Commissioners and was being brought to each one of the Councils to be voted on and passed, so it would be in effect July 1, 2000. She related that some of the agencies have grown so large that 10 of them make up 97% of the fees that are paid to WCCCA.

Coun. Soth asked Brown if she would go into more detail on the make-up of the CEO board and the voting membership.

Brown said there were three boards, and one was the Technical Advisory Committee Board made of Chiefs of all of the jurisdictions, which would not be changed at all. She said they had a full Board of Commissioners, which was made up of an elective person from each member jurisdiction. She added there was an Executive Board made up of the Chair, the First Vice Chair, the Second Vice Chair, Washington County and a member at large from the commissioners. She reported what was proposed would be an elected body changed to a CEO board. She noted that there had been a learning curve with the organization and they had been well served by Coun. Soth. She added that the board was looking for someone with more day-to-day government management.

Brown explained that every member received one vote, and it did not change if you paid 1% or 30% of the budget. She clarified that in

exchange for those smaller jurisdictions coming together and sharing a vote, they got their fees frozen at their 99-00 level and they only pay an increase of 3% above that each year. She noted that the fees stabilized for the next five years, which was the duration of the IGA.

Coun. Stanton asked about the "frozen fees" for five years and how they made the break. She questioned which jurisdictions would fall under the "frozen fees."

Brown said they were looked at in two aspects. She explained that one aspect was that a member agency was a less than full-service organizations or they were all volunteer fire districts that were not providing all of the daily services that they considered full-service. She reported the second aspect was that each agency paid less than 1%.

Coun. Stanton asked about the other jurisdictions and on what basis the fees would increase.

Brown explained that for the jurisdictions that were frozen, the amount of money that was to be paid was spread among the other remaining ten, based on their percentage of the WCCCA budget.

Coun. Stanton remarked that was an equitable way of doing it.

Coun. Soth MOVED, SECONDED by Coun. Doyle that the Council authorize the Mayor to sign the new IGA with WCCCA.

Coun. Soth said that having served on their Board he felt it was a good outcome and thought it served all in a good manner.

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

Coun. Soth commented on the Wireless Enhancement Project. He explained components were obsolete before they are fully used. He stated that equipment was no longer compatible and parts were not being manufactured. He mentioned this issue would be discussed at the Washington County Board of Commissioners meeting and he and Brown would attend.

Mayor Drake pointed out that they at that time if the County was going to make this two levies or one, so the Council might want to wait to take action and support or not support whatever came from the County.

OTHER BUSINESS:

Mayor Drake suggested the Council needed to vote in regards to dropping the lawsuit regarding Aspen Woods.

Coun. Doyle MOVED, SECONDED by Coun. Soth to authorize the City Attorney to drop the suit at LUBA concerning Aspen Woods.

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

CONSENT AGENDA:

Mayor Drake noted AB 00-165 was pulled for separate consideration.

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

- 00-160 Liquor Licenses: Texaco Star Marts #3617 and #3701 – Change of Ownership
- 00-161 Joint Water Commission Appointment
- 00-162 VAR 2000-0002 Pilgrim Lutheran Church Design Variance
- 00-163 VAR 99-00027 Waterford Park Design Variance
- 00-164 Applications Submittal Text Amendment
- 00-165 Traffic Control Board Issues 434, 436, and 437
(Pulled for separate consideration)
- 00-166 Bid Award for School Flashing Beacon Project – Various Locations
- 00-167 Traffic Control Board Issues 438 and 439

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

Separate Consideration:

- 00-165 Traffic Control Board Issues 434, 436, and 437

Coun. Doyle questioned AB 00-165, TCB 437 Traffic Signal Revision on SW Brockman Street and Bridletrail Avenue. He questioned the cost of a full signal at this intersection.

Randy Wooley, Traffic Engineer, answered that it would be in the \$120,000 range.

Coun. Doyle asked if the proposed signal was triggered when a car came down Bridletrail to Brockman.

Wooley said a vehicle on Bridletrail, or a pedestrian pushing the button, triggered the signal.

Coun. Doyle asked then, if the issue of people taping down the button would continue to be a possibility.

Wooley said they thought the reason this happened was to get the light to change for the vehicles. He reported that they heard testimony at Traffic Commission (TC) that people were actually asking the crossing guards to push the button, so they thought that was the reason for taping it. He explained that they thought with it being triggered in the road, this could possibly stop.

Coun. Doyle stated that he still felt they were going to increase traffic on Bridletrail, and noted that he had gone down the street that day and saw kids walking through there like they had forever. He commented that he had talked to a couple of dozen folks about what needed to happen in that area, and not anyone thought it was a good place to spend the money. He said they might be better advised to look at the entire street before they spend the money to make sure they were getting "the best bang for a buck." He noted that a light by the fire station made sense. He referred to the testimony of folks who said that the light would be run whether it was red or not, and said the light would be activated on a random basis, so they would still run it. He suggested that if they went down to Davies or Sorrento they would need a light there as much as you would need to rework the intersection at 125th and Brockman. He related he would like to see the problem solved for the whole street.

Mayor Drake suggested that if the Council was uncomfortable with this, (they had already invited comments from the various people in the area including schools and NACs), they might want to send it back to TC and ask them to look at the Davis intersection.

Coun. Stanton reported that she talked to the principals at Hiteon and Vose to make sure they would have representatives at the TC meeting. She said she also talked to Jonathan Flecker, Project Engineer, about the ped-access portion of the light, that no matter what happened with the new pad in the road that would allow traffic to change the light, the ped would still over-ride, and he guaranteed that. She said if the light was moved to Brockman and Davies most students would have to walk out of direction, and backtrack to get to the light at Bridletrail. She noted that most of the students who live north of Brockman feed up through Bridletrail and that area. She explained that it was difficult to get students to move out of direction anyway, let alone when they already had a directional path and now would be told not to use it anymore. She said she understood the need for something there, and agreed that traffic was bad in the area. She stated that she was not sure that holding this up would be valuable, while Brockman/Davies intersection improvements were looked at.

Coun. Doyle clarified that he did not mean for them to do away with the signal.

Coun. Stanton said she did not think they could not have both because of the timing of the lights, and noted that it would be much more expensive than the \$120,000 to do both intersections.

Coun. Doyle said they had a traffic problem in front of the schools, and he thought a light to the west would slow it down. He noted with the slower traffic was, the more people were aware of being in a school zone, and a second light would be another tool to slow traffic even further. He related that they could sit in front of any school and see people roar past. He suggested that they should look for an overall solution before they spent the money for one signal. He said he would go with what the majority of the Council thought was the best step.

Coun. Stanton asked if the signal at McKay Elementary on Scholls Ferry Road was pedestrian and auto activated.

Wooley said it was pedestrian only, and it was a County road.

Coun. Stanton said then what they would be doing for Bridletrail, Brockman, King and Denny would be at a higher level of service than what they get at the McKay School signal.

Coun. Soth asked Wooley if there had been a count of the number of vehicles going out of Bridletrail. He suggested that the count should be done three different times; once when the children were going to school, when they get out of school, and then in the evening during the peak hours. He wondered what the Traffic Commission had said.

Wooley reported that there had been a count, and explained that it did not warrant the signal, but the school crossing did. He noted they took out the light at Sexton Mountain, because of the confusion, and they changed another one to a regular signal light. He reported that the pedestrian activity is for the school and the park.

Mayor Drake agreed that the school ball field drew a lot of activity.

Coun. Soth read a portion of the letter from Mike McGalis, President, Brooktree Homeowners Association (in packet), and said he was not sure what the writer meant.

Wooley clarified that he thought McGalis was referring to the traffic within the adjoining subdivision that traveled through Stirrup and to Bridletrail, and said staff thought that would increase. He stated that they agreed that there would be some additional neighborhood traffic but not the usual concept of cut-through traffic.

Mayor Drake noted that people would want to use it because the signal was there and it would be easier to get out.

Coun. Doyle agreed that would happen, and said he thought that was a valid concern. He asked what the other Councilors thought of this issue.

Coun. Brzezinski explained that her general tendency is to support the body (TC) that was closest to the decision had to say, unless she got other evidence that indicated that what the TC based their decision on was inaccurate. She asked if they could help her with that.

Coun. Doyle said that in reading the testimony and listening to the folks, and they just heard that it was the kids that warranted the change, rather than the amount of traffic. He said the question he had that had not been answered was if the randomness of the signal changing was causing people to ignore the red light.

Wooley explained that he thought the argument was typical of the pedestrian only crossing signals, where much of the day the signals were green for Brockman, so the drivers were used to them being green and much less likely to notice if it turned red. He commented that was a problem with any signal that did not get a lot of usage.

Coun. Doyle said when a few cars came down Bridletrail there were not many times for it to be tripped, so he did not think people would "un-train" themselves. He said he did not understand how people could ignore a red light. He suggested they would not gain a lot in terms of safety and changing behavior patterns, by letting just a few more cars a day trip the switch.

Wooley said he did not remember the traffic numbers on Bridletrail, and agreed that it would not trip regularly. He noted they changed to an all-way stop at Sexton Mountain and at Chehalem School to a regular signal.

Coun. Stanton said Hiteon and Vose Schools had a pedestrian access to cross the street. She mentioned that it had been taped at times and reported that she had seen kids jump out of cars to push the button so the cars could get out. She said she thought for Bridletrail and King this would help vehicles, and did not want to lose the Bridletrail signal to get one at Brockman and Davies. She stated that she did not want to reduce the kids or crossing guard's crossing ability at Brockman or Denny with the ped-activated light.

Mayor Drake said they had options, they could hear it themselves or send it back, or they could ask for something additional. He suggested they consider approving this and then look at the bigger picture.

Coun. Soth noted there was a big difference between Bridletrail and King on Denny, since King was just a couple of blocks from the freeway. He also noted that there were many trucks that used Denny that did not use Brockman so that was a big difference, so the Vose signal was really needed. He commented the Davies/Brockman intersection needed a comparison or an analysis since that was a busy intersection. He said he

was distressed when he read about the taping the signal down and he thought that was a law enforcement issue and citations should be given.

Coun. Doyle stated that he would be curious to see what the other numbers were, and if the majority (of Councilors) wanted to go ahead, he would not vote against it. He clarified that he thought they needed to look further, and do a better service by looking at it more in depth. He wanted staff to look at Davies and Brockman and maybe they could make it a more effective area for safety.

Coun. Ruby noted that he was familiar with the area since he had lived in the Greenway area for four years and noted that the discussion that evening had been very useful for him. He commented that his reaction was the same as Coun. Brzezinski's, that based upon the thrust of the written comments and discussion, as well as the fairly strong vote of TC, he would tend to defer to that group and move forward with approval.

Wooley said the intention was to look at other signals on Brockman for future traffic enhancement projects. He said the South Beaverton NAC had taken an interest in Davies/Brockman, also.

Coun. Doyle asked them to expedite that and look at these things soon.

Mayor Drake noted that the Davies issue was more on the north end toward Brockman, but the traffic volume was of concern on the other end.

Coun. Soth agreed.

Coun. Soth MOVED, SECONDED by Coun. Brzezinski for approval of AB 00-165, with the provision that TCB issue 437 not be implemented until they had more information from Wooley and addressed a couple of the issues at Davies and Brockman.

Mayor Drake asked how quickly Wooley could get this done and asked about RFPs and the difficulties in getting contracts.

Wooley said the traffic review could be done fairly quickly, and considering that it would go back through Traffic Commission it would take two to three months before it came back to Council.

Coun. Doyle asked if it had to go back to Traffic Commission.

Coun. Soth said that was not his intent. He clarified that because of the uncertainties that existed on this, he would think that if they could get some information to address the concerns such as the counts and taking a look at the Brockman/Davies intersection and a report back to Council in a couple of weeks, he did not feel it would have to go back to TC.

Coun. Stanton stated that would not support the motion, because she believed that whatever happened at Davies/Brockman, if they added a

light access at Bridletrail/Brockman, it would still be viable. She noted if something happened eventually at Davies/Brockman, all they would have to do was synchronize the two lights. She explained that she did not want to hold up the safety issues at Bridletrail/Brockman while other things were looked at. She said she did not think that what they did now at Bridletrail would have to be scrapped, it would just have to be re-calibrated.

Coun. Brzezinski asked if they put a delay on TCB 437, and eventually decided to put the signal in, would they not be able to get it in before school started.

Wooley explained that they probably could not get it in before school started in the fall, anyway, due to the time it took to order equipment.

Coun. Brzezinski asked if they waited on this one, would it cost more in the bidding.

Wooley said it was hard to say, but segregating it would probably add costs to the design and bid process, but not a big change in construction.

Coun. Brzezinski said she would vote in favor of the motion out of respect for Coun. Doyle. She stated that unless she saw something tremendously different when this came back she will still approve the signal as recommended by TC. She clarified that if this was not going to make a difference in getting it installed before school started, she agreed it was OK to go on and get the additional information Coun. Doyle wanted.

Coun. Doyle thanked the motion maker and said he would support it.

Question called on the motion. Couns. Soth, Brzezinski, Doyle and Ruby voting AYE, Coun. Stanton voting NAY, motion CARRIED. (4:1)

Coun. Stanton clarified that she was voting "No" because TCB 437 was being delayed.

Mayor Drake commented that all the Councilors have been sensitive to school safety issues. He noted that this was more of a procedural issue than a lack of support, and they would get back to this issue as quickly as possible.

ORDINANCE:

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

Second Reading and Passage:

00-156 An Ordinance Adding and Amending, Certain Provisions of Chapters One, Five and Six of the Beaverton Code

Coun. Soth MOVED, SECONDED by Coun. Doyle that the ordinance embodied in AB 00-156 now pass. Roll call vote. Couns. Soth, Doyle, Brzezinski, Ruby and Stanton voting AYE, the motion CARRIED unanimously (5:0)

EXECUTIVE SESSION:

Coun. Soth MOVED, SECONDED by Coun. Brzezinski that the Council move into executive session in accordance with ORS 192.660 (1) (d), to discuss the legal rights and duties of the governing body with regard to litigation or litigation likely to be filed. Couns. Soth, Brzezinski, Doyle, Stanton and Ruby voting AYE, motion CARRIED unanimous. (5:0)

RECESS:

Mayor Drake called for a brief recess at 7:45 p.m.

Executive session convened at 7:58 p.m.

Executive session adjourned at 8:35 p.m.

ADJOURNMENT:

There being no further business to come before the Council at this time, the meeting was adjourned at 8:36 p.m.

Darleen Cogburn, City Recorder

APPROVAL:

Approved this 24th day of July, 2000

Rob Drake, Mayor