

REGULAR MEETING
August 7, 2000

CALL TO ORDER:

A regular meeting of the Beaverton City Council was called to order by Mayor Rob Drake in the Forrest Soth Council Chambers, 4755 SW Griffith Drive, Beaverton, Oregon, on Monday, August 7, 2000, at 6:37 p.m.

ROLL CALL: Present were Mayor Drake, Couns. Evelyn Brzezinski, Dennis Doyle, Fred Ruby, Forrest Soth, and Cathy Stanton. Also present were Chief of Staff Linda Adlard, City Attorney Mark Pilliod, Human Resources Director Sandra Miller, Finance Director Patrick O'Claire, Community Development Director Joe Grillo, Engineering Director Tom Ramish, Operations/Maintenance Director Steve Baker, Police Chief David Bishop, Library Director Shirley George, Traffic Engineer Randy Wooley, City Engineer Terry Waldele, City Utilities Engineer David Winship, Project Engineer Jim Brink, Project Engineer Joel Howie, Project Engineer Jabra Khasho, Engineer Mark Boguslawski, and City Recorder Darleen Cogburn.

CITIZEN COMMUNICATION:

There was no one present who wished to speak.

COUNCIL ITEMS:

Coun. Brzezinski noted that she would not be able to attend the meeting on August 14, 2000.

Coun. Stanton reminded everyone of the Mayor's Walking Town Meeting on Thursday, August 10, 2000, at Nancy Riles Elementary School.

Coun. Soth said he would not be able to be there and asked Mayor Drake to give his regrets.

Mayor Drake explained that the NAC in that area was inactive so staff had contacted the Murrayhill Homeowners Association, and they did not have issues of concern. He said that instead of a walk they would have a Town Hall meeting.

STAFF ITEMS:

Linda Adlard, Chief of Staff, noted that they would see more agenda items for the new City Library. She commented they worked seven days a week 12 hours a day, to be finished by September 10, 2000. She added with any large project, there were issues that arose at the end. She reported there were areas on Washington Street with sub-soils that had to be enhanced with concrete or dug out and filled with rock in order to hold vehicles and support large amounts of weight. She stated the cost for this improvement was \$50,000. She added that the grates in the fountain were upgraded for extra support, which increased the cost by \$29,000. She noted that the reconstruction costs on Washington Street of approximately \$104,000 came from the General Fund.

Coun. Soth asked if she was talking about blue clay.

Adlard said she was unsure that it was blue clay, but it was the same type of soil found in both of the parking lots that needed to be enhanced so that it would not erode.

Mark Pilliod City Attorney, reported that the City received a decision from the Land Use Board of Appeals (LUBA), on the Fantasy Video appeal and the City's position was affirmed. He said it was a good decision and he was pleased, but expected it to be appealed to the Court of Appeals.

Coun. Stanton explained that Fantasy Video took the Council's decision to deny them to operate for 24 hours, to LUBA. She stated that Pilliod's report meant the City won at this point.

CONSENT AGENDA:

Coun. Brzezinski MOVED, SECONDED by Coun. Soth that Council approve the Consent Agenda as follows:

Minutes of the Joint Meeting with TVF&R of June 26, 2000, and the regular meetings of June 26, 2000, and July 10, 2000

- 00-273 Liquor License: I Love Sushi – Change of Ownership
- 00-274 Traffic Control Board Issues 439 – 442
- 00-275 Reallocation of Existing Classifications and Establishment of a New Classification

Contract Review Board:

- 00-276 Consultant Contract Award – Completion of the Pavement Analysis of Cedar Hills Blvd. (Farmington Road to Walker Road)

00-277 Contract Change Order – Changed Conditions and Authorize Additional Work for Engineering Services on Carrollon Condominium Storm Drain Project

00-278 Contract Change Order – Ratify Additional Work Performed from Changed Conditions on the Library Building Construction Contract

Couns. Brzezinski, Soth and Ruby had corrections on the minutes of June 26, 2000, meetings, and gave those corrections to Darleen Cogburn, City Recorder.

Coun. Doyle commented on AB 00-274 and congratulated the staff and Traffic Commission for following through on TCB 442. He asked if they had a handle on the Indy 500 curve on Brockman, between Davies and Bridletrail. He asked what the average rate of speed was.

Randy Wooley, Traffic Engineer, replied he did not have the numbers but said it had been measured in that area and he would get it to him.

Coun. Doyle said he would be interested to see if the traffic had slowed down.

The vote was called for. Couns. Brzezinski, Soth, Stanton, Ruby and Doyle voting AYE, the motion CARRIED unanimously. (5:0)

Coun. Doyle noted that some people in the audience were there regarding the ordinances and requested that they be addressed at this time.

ORDINANCES:

First Reading:

SUSPEND RULES

Coun. Soth MOVED, SECONDED by Coun. Stanton that the rules be suspended, and that the ordinances embodied in ABs 00-280, 281 and 282 be read for the first time by title only at this meeting, and for the second time by title only at the next regular meeting of the Council. Couns. Soth, Stanton, Ruby, Doyle and Brzezinski voting AYE, the motion CARRIED unanimously. (5:0)

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

00-280 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 for Property at 430 SW 150th Avenue; CPA 2000-0002 and RZ 2000-0005

00-281 An Ordinance Annexing 1.5 Acres of Land Lying Generally Outside of the Existing City Limits to the City of Beaverton; ANX2000-0002, (430 SW 150th Avenue)

00-282 An Ordinance Amending Ordinance No. 2050, the Development Code, to Establish Requirements for Underground Placement of Private Utilities TA 2000-0003.

Pilliod noted that the ordinance in AB 00-269 had been changed. He clarified that Section 2 had been changed to make the ordinance take effect 90 days after its adoption instead of the usual 30 days.

Pilliod read the ordinance embodied in AB 00-269 in full with the amendment.

Second Reading and Passage:

00-269 An Ordinance Amending the Beaverton Code, the Building Code in Particular, Section 8.02.015 State Code, to Incorporate Fire Sprinkler System Requirements

Coun. Soth MOVED, SECONDED by Coun. Doyle, for approval of the amendment to the ordinance embodied in AB 00-269.

Mayor Drake reported that he talked with the Tualatin Valley Fire Chief and he was comfortable with the request of a 90-day delay. He added, that this would allow those who were either in the process of loan approval or in the building process, to be able to have enough time to sufficiently address this requirement.

Coun. Doyle thanked TVF&R for their work in getting this put in place. He felt it was long over due and felt the benefits far outweigh the cost.

The vote on the amendment was taken. Couns. Soth, Doyle, Ruby, Brzezinski and Stanton voting AYE, the motion CARRIED unanimously. (5:0)

Coun. Soth MOVED, SECONDED by Coun. Doyle, that the ordinance embodied in AB 00-269 as amended, now pass. Roll call vote. Couns. Soth, Doyle, Ruby, Brzezinski and Stanton voting AYE, the motion CARRIED unanimously. (5:0)

PUBLIC HEARING:

00-279 FY 2000/01 through 2003/04 Capital Improvements Plan for Transportation, Water, Sewer, and Storm Drain Projects

Engineer Director Tom Ramisch introduced Project Engineer Jim Brink who joined him to present the Capital Improvement Plan (CIP). He said with them were other managers involved with the CIP: City Engineer Terry Waldele, Joel Howie from the Engineering Department, David Winship and Mark Boguslawski from the Water Division and Randy Wooley with Jabra Khasho from the Transportation Division.

Ramisch stated that Coun. Stanton had a question regarding an overlay project for Cedar Hills Blvd. He said along Cedar Hills Blvd., and at the Beaverton Mall, there was sewer work and rework that had been going on. He noted they decided rather than to overlay a street with unknown conditions they needed to do a better engineering analysis. He added it was different and more comprehensive than in the past.

Brink reported they started putting together the CIP in November 1999 and talked about the different ways of developing the project packages. He noted that there were differences in the types of projects and the Library was different since it was such a large project. He explained that they compiled the projects as packages and assembled as many of the individual items associated with the area, and put them all together so the street, the utilities, and everything that was part of the project was included in it. He pointed out that the storm, water and sewer had items that were done as part of a street project. He noted they decided to put them all together to present those as a single project, which in some cases were funded from many funds. He commented this was the difference with this CIP draft from previous CIPs. He stated the individual project sheets showed all of the information associated with the project to date, as well as all of the funds that supported that particular project.

Ramisch stated in packaging the projects, this had not been done in an engineering vacuum, and they had considerable input from Steve Baker's Operations supervisors of the various sections. He explained they took into account their priorities for storm drainage, bottlenecks, or overlays in the case of Street Fund. He said they included the Operations staff in prioritization and packaging of the projects.

Coun. Brzezinski complimented them for a clear layout and wondered if it was different than in the past.

Brink said it was a little different and explained that it was in a database so it was easier to assemble and was more uniform. He noted the items were for the fiscal year 2000-2001.

Coun. Brzezinski added this seemed more understandable to a non-technical person.

Ramisch commented they had added, at the request of Coun. Stanton, the year the project had been started.

Coun. Doyle addressed the project at 3224 155th Ave., and the improvements on Weir Street to Nora Road. He said he hoped they would find the funds to do this project because it was a very dangerous area. He stated they had money to fix some of the intersections and traffic lights this year, and thought it was important to do this one; it was way overdue. He stressed he did not want to be sitting on Council when someone was seriously injured on that road.

Coun. Soth questioned the analysis of pavement for Cedar Hills Blvd. He asked if he was correct that a great deal of that came from the digging of utilities on that street, in the last three or four years, particularly in the area of Farmington Road and Beaverton Creek.

Ramisch answered that he was correct and there had been a lot of utility trenching in the area. He commented that last winter there was an emergency sewer repair near Kuni Cadillac, that came out to the street as it bore under the Creek, and there had been other repairs in the Westgate area recently. He noted Street Supervisor Pete Davis had a long list of wear and tear on that street and had asked for an engineering analysis.

Mayor Drake opened the public hearing.

Sue Wagner, Beaverton, OR, asked when 125th Street would be punched through. She related she had been a resident for 19 years and felt this was a treacherous area, and emphasized the danger in getting in or out of the neighborhood. She reiterated the residents would like 125th Street punched through and to have additional resources for the traffic flow. She noted that they had seen plans for this in the past and would like it to happen.

Mayor Drake related there was a plan that citizens had developed. He noted that the intersection at 125th Street and Brockman would be re-worked which would help some. He mentioned this was the first phase and the project had grown in size. He stated they applied for regional funds from Metro to get it to happen, which they did not receive. He noted the needs for the next 20 years were about \$7 billion and \$2.5 billion of funding had been identified.

Wagner commented they were promised street improvements, to get in and out of the neighborhood, before Southridge High School was built.

Coun. Soth noted that Coun. Stanton and himself had been very diligent on this issue and had a good understanding of the history. He stated they were chief proponents in getting this situation taken care of. He noted there was disappointment in finding funds going elsewhere, which was not because of lack of necessity, but because of the importance of matching other funds when there were no other funds available at that particular time. He reported they had \$600,000 to improve the

intersection and they could do some of the pieces, not necessarily the construction, but they could do some of the engineering, so when money became available, they would be able to move ahead. He added there was not a project higher on his list than this one, but there were financial constraints. He said sidewalks and bike lanes were required and they took money, and those as well as inflationary cost raised the cost of these projects.

Wagner asked if the speed around Greenway would be decreased.

Coun. Stanton related 125th Street had been approved by the State Traffic Control Board for a lower speed of 35 mph but the signs had not been installed as yet. She added that Greenway would stay at 35 mph.

Randy Wooley, Traffic Engineer, said the reduced speed on 125th Street had been approved down to 35 mph and the signs were to be installed any day.

Coun. Doyle asked if Coun. Stanton would like to have Photo Radar to help educate the public in that area.

Coun. Stanton reported Photo Radar was at a High School each day throughout the year. She stressed what happened south of Greenway and Brockman on 125th was important for general overall safety. She stated for cars to get to the Greenway and Brockman intersection they travel through neighborhoods and this needed to be addressed.

Coun. Ruby commented he remembered Wagner. and said he supported the project. He noted that even in the early '90s when he lived there, it was a problem.

Wagner emphasized she felt this was a very unsafe area and if she wanted to take a left-hand turn into her place she felt like she would be hit.

Coun. Ruby related on the day they did the Mayor's Walk in the area he felt a sense of what Wagner was describing and saw that it was worse than six years ago. He said he supported her thoughts on this area.

Mayor Drake closed the public hearing.

Coun. Stanton asked for clarification for Project No. 3158, in the CIP draft, for the 125th intersection, under project status. She read from the material (in the record), and said in her mind the word "between" meant that nothing was going to happen and that this \$600,000 would sit there. She felt it would not be brought forward until 2003, 2004 or until someone decided on designing the intersection, because it did not say that it would happen this year. She said she had lived there for 20 years and she was concerned that it would not happen. She asked for someone to explain

to her the schedule and if that meant that intersection would be designed and reconstructed this year.

Ramisch explained that the engineering for the intersection reconstruction was scheduled for this year, and they planned to do the construction the following year.

Coun. Stanton said she thought that Phase 1 was to be done this current year, and the extension would be the following year, 2001-002. She understood that Phase 3 would be with money named later. She added she would like to see it built in 2004. She clarified that Phase 1 would not be constructed in this cycle, only the design would happen this cycle.

Ramisch answered that was correct.

Coun. Stanton replied that was not how she remembered it being discussed. She asked if they found the \$500,000 elsewhere, could it be done this cycle.

Ramisch said they could if they had the \$1.5 million of Traffic Impact Fee (TIF) funds in this cycle to work with, but at this time they did not.

Mayor Drake said that by the time they got the consultant and the public involvement, the project could be ready to go by July 1, 2001.

Joel Howie Project Engineer, said they had put out a preliminary design schedule and to get through all the public involvement, the land use, etc. and have the project ready to go out to bid by July 1, 2001, was probably not possible.

Coun. Stanton asked if the right-of-way (ROW) would be purchased.

Howie said that it would be a Type III Design Review. He said that to keep the right turn lane on Brockman to turn right on 125th, and then potentially with all of the standard arterial design rules, there might be a need for additional ROW to accommodate sidewalks, planter strips and etc. He clarified that these requirements were to meet the City's current design standards.

Coun. Stanton asked why on October 2, 1999, she was told Phase I would be done in 2001.

Howie said what he remembered was, design for the first fiscal year and construction the following fiscal year.

Coun. Stanton said it was Phase 1, for the intersection, Phase 2 the following year. She stated that was not the way she remembered it.

Mayor Drake pointed out that they were all aware of the Council's and other's interest in moving the project along.

Coun. Stanton said she remembered Davies Road getting money that got reimbursed and now that money was coming back from the County but it was not going into a dedicated fund for another project like this. She said it was going to other projects all equally valuable to someone. She said people cut through their neighborhood from west of Murray because Brockman was the route traveled instead of Scholls Ferry Road or Allen Blvd., which had many more signals.

Mayor Drake recalled that this was part of a Citywide road measure that did not pass in 1992.

Coun. Stanton said this was true but some of those projects had been fixed since then.

Coun. Soth MOVED, SECONDED by Coun. Doyle to approve AB 00-279 FY 2000/01 through 2003/04 Capital Improvements Plan for Transportation, Water, Sewer, and Storm Drain Projects.

Coun. Stanton said she would not support the motion because it was more difficult to see new projects come on and bump things that had been scheduled for a long time. She said yes to the water, sewer, storm drain and to the transportation items, but at some point the City had to put these things in an order that said they had committed to it.

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

RECESS: Mayor Drake called for a brief recess at 7:23 p.m.

RECONVENED

The meeting reconvened at 7:32 p.m.

EXECUTIVE SESSION:

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

Executive session convened at 7:32 p.m.

Executive session adjourned at 8:05 p.m.

OTHER BUSINESS

Mayor Drake noted they had received a memo in regards to a ballot measure that had been brought by the Oregon Citizens Alliance. He stated Councilors had mentioned it in reference to anti-education and anti-gay. He questioned this issue going to the ballot box as opposed to it being handled by a local jurisdiction.

Coun. Stanton stated it had nothing to do with sex education and gay/lesbian issues but that the ballot box was the way to deal with education issues rather than the local control. She expressed it was an issue of fiddling at the state level with a local issue. She felt it was an issue of fiddling with policy and oversight at the state level.

Coun. Brzezinski asked if Coun. Stanton was opposed to the measure, regardless of what the topic was. She asked if this was because the way it tried to mandate statewide, an issue that could be handled locally.

Coun. Stanton said this was correct.

Coun. Brzezinski said she did not feel she would support this measure and needed time to read it before she made her decision.

Mayor Drake suggested that he craft an opposition letter to the measure, not about the specifics of the issue per se, but more in the broader context that the statewide ballot box was not the way to take care of local issues.

Coun. Soth stated that over the past 10 years they had seen a number of such measures that impinge on the ability of various local jurisdictions to govern themselves. He commented in Oregon they placed a great deal of emphasis on home rule and that each jurisdiction reflected the consensus and the desires of its residents rather than the "one-size-fits-all" kind of a thing, which was important in this issue. He added this was a matter of local people knowing better what their own people wanted or desired rather than somebody, somewhere else making the rules for them.

Mayor Drake noted he would be opposed to regulating what a school board should or shouldn't teach in Enterprise or Medford or anywhere else, and would not expect their constituents to tell Beaverton how to educate our children locally.

Coun. Stanton explained this was the same dilemma with the dogs and cougar issue a couple of years ago. She stated she was taking the same approach on this issue. She said this measure allowed the state to set individual school board policies and she did not feel that was appropriate.

Mayor Drake commented he would draft something and they could edit it, to craft a statement that would work.

ADJOURNMENT:

There being no further business to come before the Council at this time, the meeting was adjourned at 8:10 p.m.

Darleen Cogburn, City Recorder

APPROVED:

Approved this 9th day of October, 2000

Rob Drake, Mayor