

REGULAR MEETING
September 11, 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 September 11, 2000, at 6:36 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, 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, Assistant Planner Tyler Ryerson, Landscape/Urban Forestry Supervisor Steve Brennan, Project Engineer Joel Howie, City Utilities Engineer David Winship, Project Engineer James Brink, Project Engineer Jim Duggan, and City Recorder Darleen Cogburn

CITIZEN COMMUNICATION:

Pastor Clark Tanner personally invited the Council and Mayor Drake to a Community Celebration at the Beaverton Christian Church, on Sunday September 11, 2000. He noted that the guest speaker would be Heidi Johnson, a student who survived the deadly shooting incident at Columbine High School in Colorado on April 20, 1999. He said Johnson was an inspirational speaker whose message was for everyone. He noted that tours of the new church nursery would be given and commented that Beaverton Christian Church was very grateful for the way the City had worked with them to see their 10-year building vision completed.

COUNCIL ITEMS:

Coun. Soth reported it was the 15th anniversary of the establishment of Washington County's 9-1-1 System. He noted that tours of the facility had been conducted as well as a celebration that day. He said it was a

very important installation for Beaverton and all of Washington County. He urged Council to tour the facility.

Coun. Doyle thanked Mayor Drake and Chief of Staff, Linda Adlard, for the work that went into the grand opening of the Library on Sunday, September 11, 2000. He extended his thanks and that of the Council's to City staff who took extra time and did extra work to make it happen. He noted it was a wonderful event and greatly appreciated.

Mayor Drake said Adlard was the City's Project Manager and deserved a lot of credit. He noted that everyone worked very hard and it was all for the Citizens of Beaverton. He said the new library was a gorgeous facility and in terms of national ranking it came in at mid price for libraries, so they had been smart with the citizens' dollars. He commented it was a nice community asset and recognized and thanked Library Director Shirley George for her hard work as well.

Coun. Stanton reminded those present that Tuesday, Sept. 19, 2000, was Election Day. She noted that Councilor Fred Ruby had been appointed Beaverton City Councilor and was up for election for that position and on the ballot.

Coun. Brzezinski said she had to leave at 7:30 p.m., but might get a phone call to tell her that she needed to leave earlier. She also noted that she had been unable to attend the Council meeting of August 28, 2000, because her mother was having surgery. She reported that her mother was doing well.

STAFF ITEMS:

There were none.

CONSENT AGENDA:

Mayor Drake noted that AB 00-314 was pulled for separate consideration.

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

- 00-308 Request for New Position in General Services and Transfer Resolution
- 00-309 Boards and Commissions Appointment
- 00-310 Private Utility Undergrounding In-Lieu Fee Schedule
- 00-311 RZ 2000-0006 Hanson Road & 135th Avenue Rezone
- 00-312 13675 NW Cornell Road "Expedited" Annexation (ANX 2000-0003)
- 00-313 RZ 99-00020 Cornell Road Rezone of Tax Lot 100

- 00-314 Bid Award – Photo Red Light Program (Pulled for separate consideration at this meeting.)
- 00-315 TA 2000-0006 FEMA Revised Beaver Creek and Hall Creek Flood Maps

Contract Review Board:

- 00-316 Bid Award – Quint Court/Downing Creek Storm Drainage Project (Storm CIP Project #8017)
- 00-317 Reject Bid for Central Interceptor Projects 3 & 4 (Dale/Taralynn Avenues) Storm Drainage Project (Storm CIP Project # 8001B) and Ratify Material Purchases for the Project
- 00-318 Consultant Contract Award – Engineering Design and Construction Services for Aquifer Storage and Recovery (ASR) Well No. 3, Including Permitting, Water Well Drilling, Wellhead Pumping Station and Piping; Year 2000/2001 Production Monitoring and Testing for ASR Well Nos. 1 and 2; and Wellhead Protection
- 00-319 Consultant Contract Award – Engineering Services for Water System Master Plan Update; Three Pressure Reducing Valve Stations for 410-Pressure Zone Control; Fire Hydrant Replacement Program 2000; Intertie and Meter to City of Tigard; and Sexton Mountain 5 MG Reservoir Modifications

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

Separate Consideration:

- 00-314 Bid Award – Photo Red Light Program

Linda Adlard, Chief of Staff, apologized for the delay in presenting the agenda bill to Council and noted how important it was for the Photo Red Light Program to happen. She said she was leaving on vacation so the agenda bill could not be delayed to another Council meeting date. She explained that they were trying hard to get the red light cameras in Beaver Creek. She pointed out that Council had directed her to go to the Legislature in 1999 to try to have the Photo Red Light bill passed. She said they had fought very hard for that bill, and the result was an opportunity for a pilot program. She explained that the pilot program expired in December of 2001, so it was important to get the pilot program Photo Red Light cameras installed on a very fast time frame so data could be collected and reported to the Legislature in the upcoming session. She said the recommendation was to change vendors from what they had with Photo Radar Speed Enforcement. She noted that

Lockheed Martin IMS, of Teaneck, New Jersey, had been a good partner, but the recommended company was Redflex Traffic System, Inc., of San Francisco, California. She noted the City would get better prices by bidding both Red Light Camera and Speed Enforcement through one vendor.

Adlard explained that Redflex was considerably technologically advanced, and currently used digital cameras. She said they could electronically check each camera every morning to see that it was operating correctly. She noted that she had given Council a copy of the citation that would be issued (in record). She reported that currently, with Lockheed-Martin, citizens had to leave messages to get information about their citation and consequently those citizens would call the City for that information, but that was not how the program was supposed to work. She noted that Redflex was more expensive, but reiterated they could provide better technology for the City.

Adlard explained that she expected to have a one-week warning period, and then begin to issue citations. She said the one-week warning period could be extended if Council wished, but the City had already invested \$120,000 worth of public relations information and announcements on the Photo Red Light issue. She pointed out that there was still the cost of construction for the cameras and the installation of loops in the intersections, and bids would be accepted on those. She reported that it usually cost about \$20,000 for each intersection. She explained that the funding for this was not in the budget and the resources to provide the construction and the vendor payments and anything else in the program would come from the citations (exactly like the Photo Radar speed enforcement program). She said there were also costs associated with each citation including a vendor fee and noted that the Photo Radar speed enforcement account had a net surplus in fee of \$40,000.

Coun. Stanton asked what fund the money would come from for the construction and cameras.

Patrick O'Claire, Finance Director, said he would ask Council to approve funds for the Photo Red Light program in the next Supplemental Budget. He noted that if an appropriation was needed prior to that, a transfer resolution would be needed from contingency of the General Fund for payment in the interim. He explained that he anticipated that appropriation to pay for the loop signal detection system construction, but the vendor payments would go through the supplemental budget process, which would have the revenue stream coming in from the citations into the General Fund. He said a revenue expenditure-tracking program would be set up for the Photo Red Light Program.

Coun. Stanton asked if this new format of the citation would also apply to photo radar.

Adlard replied that it would.

Coun. Doyle asked how soon they could see the program happen.

Adlard said it was a good time to put this out for bid and she expected to award a construction contract in 30 to 45 days. She pointed out that there were only five intersections involved so the construction would not take long. She said the Chief of Police, the vendor and the City Traffic Engineers needed to determine which intersections were the most dangerous. She pointed out that if it was a County or State intersection there might be other steps involved.

Coun. Doyle recalled that there had been an initial list of possible intersections and those intersections were quite appropriate. He asked if the Red Light information would have to be run by the State in a similar process like that of Photo Radar. He asked if it was digitized and automated.

Adlard said it would be the same process used with Photo Radar. She explained that the information was sent to the Department of Motor Vehicles (DMV), the DMV matched the date of birth and then sent it back to the vendor. She reported that it was a very quick, automated, process.

Coun. Brzezinski asked Adlard to repeat what she said about notifying citizens.

Adlard said that it was a requirement of law that a public information campaign be presented to citizens to allow them to understand that the Photo Red Light program would be in place. She said they would put permanent "Photo Enforcement at this Intersection" signs up at the designated intersections. She recalled that when Photo Radar Speed Enforcement was put into place, there was a two to three week warning period, so people received warnings instead of actual citations. She noted that she was proposing a one-week warning period for Photo Red Light. She said there would be other notifications to the public including postcards, television spots and articles in the *Your City* publication.

Coun. Brzezinski asked if they would tell people what intersections would be involved in advance.

Adlard said the intersections would be clearly marked.

Coun. Brzezinski said she now understood that the warning grace period would be one week.

Adlard said that was correct.

Coun. Stanton said the streets designated for Photo Radar were brought before Council and discussed, based on the appropriateness according to State law. She asked if the five designated intersections would be brought before Council for review prior to installation.

Adlard said the information would be brought before Council. She noted that the intersections would be chosen in a scientific way, with statistics from accidents, ODOT, traffic engineers, and police officers. She said they wanted to insure maximum efforts in changing people's behavior and saving lives.

Coun. Stanton asked if the issues would be worked out with the County and State before coming to the Council.

Adlard replied that would not be a problem.

Coun. Doyle MOVED, SECONDED BY Coun. Stanton approval of AB 00-314, Bid Award – Photo Red Light Program.

Coun. Doyle said it was a great pleasure to see the Photo Red Light Program come to fruition, it was a win-win program and might reduce insurance rates. He pointed out that it was an important piece of making the City safer and was money and time well spent.

Coun. Soth said he also was looking forward to the Program and very much in favor of it. He recalled that there were 55 red light violations at one intersection in a three-hour period, which was a strong indication of how much Photo Red Light was needed.

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

PUBLIC HEARING:

00-320 Appeal 2000-0011, Fountaincourt PUD Request To Appeal Planning Commission's Condition Of Approval Number 8

Mayor Drake read the legal statement into the record (in record) that detailed the processes that would be used for this "on the record" appeal.

Mayor Drake asked if there were any challenges.

There were none.

Mayor Drake asked if any Council wanted to abstain from voting and if anyone objected to the jurisdiction.

No one spoke up for either question.

Joe Grillo, Community Development Director, addressed Council and said the staff would forego the presentation. He introduced Assistant Planner Tyler Ryerson and Project Manager Sean Morrison, the project staff.

Mayor Drake asked if Council had any questions to staff.

Coun. Ruby asked if the staff had any reaction to the Board of Design Review's (BDR) apparent concern on the issue and urging the applicant to appeal.

Mark Pilliod, City Attorney, said the comments of the BDR were not presented to the Planning Commission (PC) and therefore it was not part of the record and could not be considered by Council.

Coun. Ruby said he understood and commented that it was at the request of the appellant that it was *on the record*.

Pilliod replied that he would not suggest the way in which the BDR's comments or concerns could be otherwise entered into the record. He noted that if there were arguments that could be drawn from facts in the record that were in line with the position taken by the BDR, those arguments could be presented on behalf of that individual. He said they could not be presented on behalf of the BDR.

Coun. Ruby said he could listen to the arguments of the appellant that evening and if there was an opportunity for staff reaction to that, then it could be handled that way.

Grillo said the staff's only comment would be that they recognized a difference of opinion between two commissions and boards. He said from the staff perspective, the PC was well within their authority to make the recommendation and condition.

Coun. Stanton said the BDR's hearing was after the PC decision and if that was *on the record*, how could what the applicant submitted to BDR (which was different from PC *on the record*) be submitted.

Pilliod replied that it could not be submitted, because it followed the PC matter and the action of BDR was not part of the PC record.

Coun. Stanton commented that it existed in the real world, but was not part of the meeting that evening.

Coun. Soth clarified the condition (as recommended by staff to the PC for the matter under appeal) was recommended following the July 12, 2000, hearing and prior to the July 19, 2000, meeting.

Ryerson said it was prior to the July 12, 2000 hearing, and pointed out that the July 12, 2000, hearing was continued to allow the applicant to make a proposal to the recommendation.

Coun. Soth commented that the confusion about this was that if this were not in the original proposal (the original plat design), then it appeared

from the record that this was an afterthought and was not available to the applicant for his analysis prior to the July 12, 2000, hearing.

Ryerson explained that the applicant had the proposal for the Fountaincourt project in which the pedestrian connection (pedestrian pathway) was not included in the Condition of Approval (CUP) that the PC had made. He said the staff recognized that there was a path on the south side of this project parcel. He noted that staff did not require the applicant to show that, but they recommend that the PC analyze that connection. He explained that this allowed the PC to make a significant condition either based upon their own judgments or to go back to the applicant to have them propose a possible connection. He noted that was what happened between the July 12, 2000 and July 19, 2000 hearings. He explained that they gave the applicant an opportunity to go back and look at their own design and make that connection.

Mayor Drake opened the public hearing.

Applicant:

David Oringdulph, Chief Executive Officer of Matrix Development Corp., Tigard, stated that his company was very proud of the Fountaincourt project. He noted that some time ago they had another project called Belmont Dairy located in Portland that had received local and national recognition. He said Belmont Dairy was constructed with stacked units that looked into a courtyard, but also serviced an urban core area. He said the City of Portland had core areas such as the Pearl District and the Belmont Area, but the Fountaincourt development would be one of the only core areas in Beaverton. He mentioned that there was a core area called Stonewater located at Orenco Station, in Hillsboro. He said they had taken courtyards with fountains and put in a variety of types of units, which were exciting, fun and cute. He described the plan with street recessed with the garages underneath the units in alleyways, and one walked through the courtyard to access the living units. He said it looked like a community of small homes surrounding a courtyard.

Oringdulph said they had spent almost 2000 hours in planning and design on the Fountaincourt community. He explained that with the in-fill type projects and the density requirements they had become very good planners and the Fountaincourt project reflected that. He noted that the issue that evening was connectivity and described the condition as a mistake and harmful as applied to this project. He explained that to get the garages underneath the living units they had a grade variation of the courtyards and the units, of ten feet. He said the path would be right in the middle of two streets and was only a 200-foot space. He said to save the 200 feet they would take out the privacy of 13 homes, since the path would go through their patio areas. He said they had a recommendation to take the path up an alleyway and the alleyway or driveway had 13 garages opening on to it, at different elevations. He declared that the pathway was a dangerous proposal for pedestrian traffic and the safety of

children in particular. He said the idea was ludicrous and he did not like it. He commented that he had never seen a recommendation that was more harmful with no merit outside of some obscure-planning device in the City Code. He said they had done a magnificent job of planning on the project and they were very proud of it.

Jon Reimann, Principal with WRG Design Inc., Portland, said his company represented the appellant, Matrix Development Corporation of Tigard, Oregon, on the Fountaincourt and Stonewater projects. He noted that they had worked closely with Matrix and with Mithun Partners, the design architects on this project. He stated that Oringdulph had hit most of the important points and the main issue was to have a safe pedestrian route. He noted that there were other routes with a 10-foot wide sidewalk, which were of similar distance and of a more inviting direction.

Mayor Drake asked Reimann to point out the areas in question on the display map before Council

Reimann indicated on the map, the Scholls Creek Condominiums and showed them the proposed location of the walkway, which was on an alleyway. He noted that it was not designed to be a walkway or have a lot of pedestrian traffic. He noted that the reason they had a large sidewalk along Spring Brook Lane was to provide a pathway. He said he did not think the proposed walkway met the intent of connectivity and he did not think it was safe or inviting. He commented that it did not make sense.

Coun. Soth asked, on page 33, of the transcript of the minutes, on line 31 and 32 (and read from it in the record). He asked if the statement was made before the July 12, 2000, meeting of the PC.

Reimann said at the time they were not aware of the ramifications of the condition and upon further review the ramifications were more than they had anticipated. He noted that they might have made that statement, but were not aware of the total ramifications of the condition.

Coun. Soth referred to the layout of the original design, and asked if the sidewalk was to connect with the condos at the SW corner.

Reimann said that was correct and noted the connection on the drawings (in the record). He indicated the various opportunities for connectivity.

Coun. Soth commented that he was over there that afternoon and walked the areas.

Oringdulph explained the first application was for detached single family houses and the PC was not happy with it. He noted they were not aware at that time, of the new designation of Town Center. He said they had met almost all of the conditions of approval at that time and the City had no choice but to approve it. He commented they had \$100,000 invested

in plans, but they thought they could do better and that was where the Belmont Dairy plan came in. He noted that with the earlier plan they did not have the grade differential and also in the earlier plan the PC did not like the lower density level. He pointed out that the current design had a much higher density level because of the overall design of the project.

Coun. Soth referred to the display map and clarified the path they were talking about would be from that stub in the opening of the board fence from the condo area until it came to the alleyway between the garages.

Oringdulph said that was correct. He noted that it was important to think about the 13 rear privacy areas that would be destroyed by a public path. He said if an idea like that was proposed in a neighborhood, it wouldn't happen because the homeowners would protest and the City staff would not recommend it.

Coun. Soth asked if in Oringdulph's view, there was a requirement for delineating the five-foot strip along the driveway through the garage area.

Oringdulph replied that it would be impossible.

Reimann said the main function of the alleyway was to allow cars to back out of the garages and allow vehicle access.

Oringdulph asked why anyone would want to run children up an alleyway with 13 garages opening on to it. He commented that it was unsafe and incomprehensible that the condition would be considered seriously.

Coun. Doyle asked them to describe what happened when one drove out of Scholls Creek Condominiums.

Reimann said the alleyways would be graded at a 2% grade and the existing ground was going to be 10 to 12 feet lower and would result in a pretty sharp drop. He said the design for this type of development required grading and height variation.

Coun. Doyle clarified that would not have been the case in the earlier design because it was an entirely different approach.

Oringdulph said that was right.

Coun. Stanton asked if the living units were multi-bedroom homes for families with children.

Oringdulph said they were homes, not apartments, and they would be two to three bedrooms. He noted that very likely children would be living there. He commented that Metro had mandated there would be no more single-family homes with their density requirements. He said they had the same size they could put on a lot, and with the garage under the unit, they could save room and have small outside yards. He said he hoped

they would have families, and they would probably make a density factor of 2.6 persons per household.

Coun. Stanton asked what the hardship was for the development to fulfill the PC decision.

Oringdulph said the hardship was that 13 homes would lose their privacy and clarified that the patios would be right where the path would come. He referred to the display map and said there was a 15-foot gradient and a 15% slope and cars backing out of their driveways would not be able to see behind them. He noted that it was a safety factor because the alleyway or driveway would become the pedestrian corridor and cars backing out of their garages would back over the public pathway.

Coun. Stanton said the sidewalk in front of her house constituted the same thing.

Reimann pointed out that there would be a 10-foot wide sidewalk with street trees, which would seem to be a safer direction than to walk down an alley, then down stairs, in-between two different developments, and negotiate 12 to 15 feet vertically to get to the same location in the same amount of time. He reiterated that it was not an inviting or safe pedestrian connection versus the other connections on Spring Brook Lane and the way that connected to Scholls Creek and Barrows.

Oringdulph stated that it was a severe safety issue; it was a street and not a sidewalk. He explained that it was a driveway and the pathway would be in the street. He asked what the path through that area would resolve when they had connectivity on both ends, within 200-feet, with sidewalks and other safety features.

Coun. Stanton noted that it looked like they were trying to connect the two developments to allow people to connect to Barrows (where there would be transit at some point). She said that would be her rationale to understand why the PC made their decision.

Oringdulph said pedestrians would be walking away from Barrows. He noted that he was being argumentative, but was trying to protect something he believed in.

Coun. Soth stated that his understanding was that the back of the garage doors would be immediately adjacent to the 20-foot wide alleyway and there was no room between the garage portion and the alleyway.

Oringdulph replied that was correct.

Coun. Soth asked if there was any connection to the Reflections development on the north.

Oringdulph said there was nothing there but a five-foot existing wall.

Reimann said there were the same grade restraints that applied on the south.

Supporters:

Mayor Drake asked if there was anyone to speak on behalf of the applicant.

Coun. Brzezinski left the meeting during this portion of the testimony.

There was no one who wished to testify.

Opponents:

Gail Deal, Beaverton, said she lived in the Scholls Creek Condos, and pointed out on the display map where she thought the homeowners owned the sidewalk. She noted that the area should be fenced off (except for pedestrian and bicycle access). She reported that there was no extra parking and anyone living in the development with two cars would have problems parking. She noted there was only extra parking in the Scholls Creek development.

Coun. Soth reported that there was vacant parking when he was there that afternoon but had no idea if those were vacant at other times of the day, since he was there in the middle of the afternoon.

Deal explained that most of the parking spaces were taken because they were single garage units. She referred to the display map and said she wanted a sidewalk to continue on where it was and go across, because there was no safe way to walk from the Reflections development or from Barrows along that section. She said she didn't understand what they were doing, because the land sloped down and she felt that some of it was their property.

Mayor Drake pointed out that it sounded like she was actually arguing for Mr. Oringdulph.

Deal said they still needed a sidewalk along certain areas and she wanted to know who owned the sidewalk. She noted that at the time it was first built the Murray Road extension was planned for that area.

Mayor Drake explained that the Murray Road extension was part of the City's Comprehensive Plan and Right-of-Way (ROW) had been purchased. He said the Murray Road extension was likely to happen.

Deal pointed out on the display map where she would like the pathway to continue.

Mayor Drake asked staff to comment about the sidewalk. He asked Ryerson if the road through the Scholls Creek development would have a bicycle path, but not vehicle access.

Ryerson said that was incorrect. He explained the roadway they could see on the western side would be vehicle, bicycle and pedestrian access.

Mayor Drake said Deal asked about the sidewalks connecting on to Barrows Road.

Ryerson confirmed that the sidewalks would connect.

Deal asked if the City was going to be taking over the streets.

Mayor Drake said if it was a private roadway, it would remain a private roadway unless Council decided otherwise.

Deal commented that traffic would be allowed to go through her development from another development.

Mayor Drake stated that it might have been a condition of development in order for Deal's condominium units to be built.

Coun. Soth asked if it were correct that Deal would favor the connection as Oringdulph had indicated, with their sidewalk through Spring Brook land, and the pathway through the condos by the trees.

Deal said there was a pathway, and the sidewalk needed to be along Barrows. She reiterated her concern about the amount of foot traffic through Scholls Condominiums and the lack of sufficient parking in the Fountaincourt development. She suggested parking stickers to designate cars belonging to tenants of the separate developments.

Mayor Drake said parking was not the issue that evening and clarified that Deal did not want the pathway connection.

Deal clarified that she favored the front pathway, but not the back pathway.

Mayor Drake clarified that Deal wanted the sidewalk on Barrows and the sidewalk would go up to Spring Brook and be a natural intersection, cross the street and then continue.

Deal thanked Mayor Drake and Council for all the time they gave to the City. She also commented that the new library was terrific.

Mayor Drake asked for testimony in opposition to the applicant's position or any one who wanted to speak in favor of keeping the path in place as a condition.

There was no one who wished to speak.

REBUTTAL:

Oringdulph clarified that there had been meetings on the parking issues. He noted that all of the garages were double, and there was parking on at least one side of the street, so there was adequate parking for guests. He agreed that they could probably use more parking, but he felt they had enough. He noted that if there was a path, it might be a hindrance concerning people walking from their parking places. He said he believed in what they had designed and believed it was the best for the City.

Reimann said he wanted to make sure he was clear on what Deal's position was.

Mayor Drake clarified that Deal did not want the path that was proposed (and on appeal) and she was concerned about the sidewalks on Barrows. He said he had informed Deal that the sidewalks would go in, but the sidewalks would stop at the intersection of Spring Brook and Barrows, at a normal intersection. He said it appeared that a sidewalk was provided that was closer into the complex.

Reimann thanked Mayor Drake for the clarification.

Mayor Drake asked for clarification about the continuance of the road into Scholls Creek Condominiums.

Ryerson indicated that it would continue.

Grillo said the private drive coming out of the condominiums had to be reconstructed and as part of that reconstruction there was an existing sidewalk on the west side that was part of the reconstruction.

Mayor Drake asked Grillo to point it out on the display map.

Grillo explained (on the map) that there was a half-street public dedication (as part of the approval), and it would be replaced with the extension of the private drive. He noted that a portion of the public sidewalk would be taken out and reconstructed to connect with what was built on the west side. He said there was nothing proposed at that point on that side (west) of the drawing.

Coun. Soth reported that he saw it that afternoon and asked if the extension of the private road would connect with Spring Brook during the reconstruction.

Grillo said the developer made every effort to align the private street, but collectively the City and the developer could not make that work. He said the private roadway would be reconstructed out onto a public street and

the sidewalk would be partially reconstructed so there was nothing proposed or conditioned on the west side. He clarified that the existing access was a private walkway, not a public easement. He said there was nothing in the record that indicated a public access way, but merely a reciprocal private access point between the two developments. He said there would be no public easement.

Coun. Ruby asked if it was correct that on the proposed path the grade changes would be so significant it would cause there to be concrete stairs on the path.

Grillo said he did not know, but the applicant had indicated there would have to be some sort of step system that would have to be constructed in order to match what existed below the property line and the grade of the property.

Coun. Ruby asked if the stairway would be consistent with stated criteria for advancing bicycle traffic.

Grillo said staff was not suggesting this would be a primary pathway, it would be secondary and they should take that into consideration.

Coun. Stanton referred to page 69 in the PC minutes of July 19, 2000 (in record) and asked if staff could help her find the reference to the pedestrian path.

Staff clarified that the correct page to look at was page 9.

Ryerson said he thought that was the same or a similar drawing as the display map.

Coun. Stanton stated that it was not similar.

Mayor Drake said it did not show the dots, etc., but Exhibit 2 did show them.

Ryerson pointed out that Exhibit 1 showed speed humps, which was an additional item that was taken care of at the PC. He said Exhibit 2 was the same as the display map.

Coun. Stanton referred to Exhibit 2 and asked if the connection of the bikepath was there in June 2000, before the July 19, PC meeting.

Ryerson said it was received in-between the July 12, and 19, 2000, hearings. He explained that this was what the applicant provided staff to show how they would propose to have the connection.

Coun. Soth asked if he was correct that as they heard that night, the pathway of Scholls Creek Condominiums, was a private pathway and the

homeowners were responsible for its upkeep. He asked if it was private, then did the homeowners have the right to close the opening in the fence.

Pilliod said he would have to take a look at the terms of the City's land use approval as well as the Codes, Covenants, and Restrictions (CC&Rs). He said his understanding was that the nature of the connection and the use between the one development and the other would be the subject of a reciprocal access easement. He explained that the effect would be property owners in the applicant's development would be entitled by their ownership interest to utilize that pathway and the owners of the condominium association to the south would not be in a position to object to that. He said he guessed the answer would be that the opening in the fence would have to stay open, but he wanted to check that.

Coun. Soth said he did not see anything in the record that described the nature of the access rights.

Pilliod said he also did not see anything in the record that described the nature of the access rights to the developer's future homeowners to use that pathway, but thought the CC&Rs and the development approval for the Scholls Creek Condominium would have covered that.

Coun. Soth said he saw nothing in the record requiring that reciprocal easement with the development discussed that evening.

Mayor Drake closed the public hearing.

Coun. Doyle MOVED, SECONDED by Coun. Soth, to grant the appeal of Appeal 2000-0011, Fountain Court PUD and overturn the Planning Commission's Condition of Approval Number 8.

Pilliod asked for clarification that Council was approving only to strike the requirement for the pathway.

Coun. Doyle said that was the intent of the motion.

Coun. Doyle said he surprised himself, because of how much he was for connectivity, he thought the appellant had made an adequate case why the pedestrian path connection would not work. He said the safety issues, the proximity of alternatives, and the privacy issues made a lot of sense and he would support his motion based on those factors.

Coun. Soth said he agreed with Coun. Doyle. He noted that this was a typical case of something that came from nowhere and went nowhere. He commented that the connectivity issue might be valid in some cases, but this pathway was designed so that if someone came from complex G or H it would be less time consuming to go either east or west (rather than on the proposed pedestrian pathway), on the Spring Brook sidewalk to get where they wanted to go. He pointed out that where that pathway

was located, it didn't seem many people from the Fountaincourt development would use it, except as an exercise path. He noted that he thought it was an unnecessary piece because the grade change was very severe combined with the idea of coming out of the garage without being able to see. He concluded that from all of those standpoints the applicant had made a good case and he would support the motion.

Coun. Stanton stated that she would not support the motion and that 24 to 28 feet in the garage area would not be too far for people to walk. She said she considered that a non-argument. She commented that she looked at connectivity because of similar issues in her neighborhood. She noted her neighborhood path had gone from nowhere to nowhere when the Greenway Bridge had been knocked out, but it was still valuable to people who lived in the neighborhood. She concluded that in the testimony there was no mention of stairs on the pathway, and she felt the pathway met connectivity needs.

Question called on the motion. Couns. Doyle, Soth, and Ruby voting AYE, Coun. Stanton voting NAY. The motion CARRIED. (3:1)

RECESS:

Mayor Drake called for a recess at 8:14 p.m.

RECONVENED:

The regular meeting reconvened at 8:33

WORK SESSIONS:

00-321 Old Library Facility

Mayor Drake explained that he wanted to have a brief discussion with Council to lay some groundwork. He recalled that the Council had approved the Police Association League (PAL) clubhouse to use the homework center in the old City library and they had also granted space for PAL and the Intel Computer Clubhouse Program. He noted that PAL had received funding for two years and advised Council they would look at PAL renewing that space next year as well. He said they had been working with other groups about potential use of the facility. He noted that PAL was currently in cramped quarters and likened it to a fish tank where the fish could only grow so big. He said he would throw in the hopper the suggestion that PAL be the anchor for the old library facility.

Mayor Drake reported that PAL had formed a partnership with the Asian Family Center. He said the Asian Family Center was currently sharing space at the PAL Center and they would be interested in space in the old library facility, which would be an obvious link-up with PAL. He commented that the concept of a Cultural/Youth Center at the old library would be a good one. He noted that the Executive Director of Beaverton PAL Jill Showalter, had provided a memo (in record) for information. He

said the Beaverton Arts Commission (BAC) had also expressed an interest in having a location at the facility for children and youth art activities. He commented that he had had discussions with the Arts Commission Director and the BAC Board.

Mayor Drake said there had been a proposal from the School District to have the English as a Second Language (ESL) intake facility there and that seemed like a good mix considering the Cultural Center aspect of PAL, the Asian Family Center, and BAC.

Mayor Drake mentioned that Coun. Soth had said there was likelihood that additional meeting space would be needed in spite of the new space at the new library. He commented he thought the new library meeting rooms would probably be gobbled up very quickly and noted that Coun. Soth had wanted to have meeting space in the old library facility for groups such as the Veterans. He said no conclusion had been drawn about the school district needs, but Superintendent Katz had expressed an interest and it seemed like a natural link-up with the facility.

Mayor Drake referred to the handout in the blue folder (in record) and reviewed the information. He reviewed the crime statistics for the three Neighborhood Association Committees (NACs) in the area. He commented that he thought the PAL and the cultural center would be positive for the area.

Coun. Doyle shared a note from Coun. Brzezinski, that said she was interested in the process they would use in making the decision, and thought that they might go to the NACs to see what they wanted to do. She said she was less concerned about reaching a decision soon, and wanted adequate time to consider all the alternatives.

Coun. Doyle stated that he agreed with Coun. Brzezinski's comments and he wanted it clear that he was in support of the City using it for the City. He said he was very interested in having BAC having a place there, and pairing up with the kids was an excellent idea. He said he would hope they could get to the Hispanic portion of the citizens and that ESL was one way to do that. He pointed out that involving folks in solutions and programs was an excellent way to break down barriers. He noted that this would be a way to reach out to the community.

Mayor Drake noted that they did need to decide if they wanted to hold on to the building, and noted the building was sound, but it was too small for the library. He said they would be looking at a broad concept and deciding on a general direction. He said he knew that PAL was anxious to share about their program with Council.

Coun. Soth mentioned the Veterans groups had been displaced because they were using some of the old homes that the City had owned on Washington Street. He said the Veterans groups needed some small storage rooms to store the things they needed for the meetings and a

place to have their meetings. He said he talked with the present commander of the Legion Post, who had said the other veterans organizations would also be interested. He said they should look at it from the standpoint of maintaining as much meeting space as possible, because the Community Center and the Library would not have enough. He suggested that they could set it up for regularly scheduled meetings so they would not have to be scheduled daily. He said they needed to make room for everyone and he thought they could do it.

Mayor Drake pointed out that there could be multi-uses for those meeting rooms and PAL was often in need of space from 3:00 p.m. to 6:00 p.m. for the latchkey kids program. He said some of the rooms could be opened up again at night for general meetings.

Coun. Stanton recalled that in June or July 2000, when Showalter presented PAL information at a Council meeting, they talked about it taking a year to figure this all out and that the Computer program was a good interim use of the space. She said she agreed with Coun. Soth that they should try to find ways to let as many different uses/groups as possible use the facility. She commented that she would like to have an appraisal of the property and would like them to keep their options open to have as many different groups use it as possible. She said she would like to see information go to the NACs, the newspapers, Citizens for Community Involvement (CCI), the community, and the *Your City* publication and all of the organizations that had submitted requests for social services funding. She said it was very important to get the broadest base of needs and information.

Coun. Soth reported that he had an offer from the Veterans group to do some remodeling and they had a lot of talent represented in that group.

Mayor Drake said they had a similar offer from PAL, who was outstanding in marshaling contributions.

Coun. Ruby said he agreed with the whole idea of making this a multi-purpose center, possibly focused on youth, while at the same time make it available to veterans, the BAC and others. He said the building had a lot of potential.

Mayor Drake said he thought there would be an auction of old furniture in the next few weeks and then it would be vacated. He said he wanted direction from Council and once an anchor was established, then it would allow the City to book the facility just like the Community Center and the meeting rooms at City Hall. He commented that he thought PAL would make a very good anchor group for the facility.

Coun. Doyle said he would lean toward permanent users who could show some service to people in Beaverton. He said there were many organizations that could make a case for space and he would urge staff

to find a way to measure what would do the most good for groups in the City that could make a difference.

Mayor Drake noted that they had scheduled initial public comment next week, either written or oral comment. He said he hoped the press would report what had been discussed that evening.

00-322 Discussion of Distribution of Fees from Fall Clean-up

Mayor Drake noted that there was a good deal of success the past year of taking the proceeds from the yard clean-up and giving them to the NACS for their benefit. He said they might want to better define some issues and make a recommendation of how the money could be spent, as well as some timelines.

Adlard said the Council asked that she come back after the last clean-up to talk about how the funds were dispersed and what that meant. She referred to the material she had given them (in the record) and noted that the City had received a maximum of \$3500 from Metro, and reviewed the other numbers in the material. She said they collected \$3,378 in the fall clean-up and noted how the funds were distributed to the NACs (in the record).

Adlard pointed out that in the record there was a variance in the amounts paid at the different clean-up events. She noted that the haulers were required by their franchise agreements to provide one clean-up per year and the Council then added one more clean-up per year. She said the first clean-up would be donated, but the City would have to pay for the second. She commented that she understood the Council's desire was to have the NACs continue to participate, and she thought that one of the things that might satisfy Council concerns, was a criteria for what the funds could be spent on. She suggested the NACs could submit requests for their money, and the Council could be updated on a monthly basis with a year-end report. She had several suggestions for ways the money could be spent in the NACs, such as pocket parks, family disaster guides, landscaping entrances into neighborhoods, picnics, and signs to announce NAC meetings. She noted that they had identified (through the Fall Clean-Up), a need for assistance to haul away things for those who could not do it themselves.

Coun. Stanton asked what she meant.

Adlard said there were requests for someone to haul away old couches, refrigerators, etc. that people without trucks or trailers could not haul themselves. She said they thought about renting U-Haul trucks and hauling away things for members of the community making those requests.

Coun. Stanton noted the difference in the amount of dollars paid to the folks for their work. She asked if the Spring Clean-Up involved the donation from the haulers and the City paid for the Fall Clean-Up.

Adlard noted that the City did not pay for either clean-up but that would not continue.

Coun. Stanton said she was looking at the actual hour costs of providing a clean-up.

Adlard said that was the total cost to provide a clean-up. She said grants and contributions were taken out of that amount, which included the haulers' money.

Coun. Stanton asked for clarification on the last Fall Clean-Up, concerning the haulers' cost, which would effect the shift price.

Adlard clarified that did not effect the shift price and the shift price was based only from the funds received.

There was a discussion about the way the figures were developed.

Adlard clarified that she had informed Council about dollar amounts to let them know what it would cost if the haulers did not pick up the cost and the City had to pay the full costs.

Coun. Stanton asked if they had to reprint the banners.

Adlard said they can reprint them but the costs were the actual costs.

Adlard said they paid out the \$6,011 to provide yard clean-up and clarified that they reprinted the banners.

Coun. Stanton said she preferred that the funds go back to the NACs and they could use them anyway they wanted.

Adlard said she was not trying to limit the use, but she was following the suggestion of one Councilor who wanted the dollars to go back into the neighborhoods to enrich and beautify the City.

Coun. Stanton said specific suggestions would not be her preference and the NACs should use the funds the way they wanted them to be used. She said she wanted it to go to the NACs so they could use it on the costs of appeals, or send flowers to a funeral for someone in the NAC who had passed away.

Adlard said her guess was that the Council could make as long a list as they liked and it could include virtually anything if that's what they wanted. She explained that she did not mean it to be limiting or that it had to be a capital project.

Coun. Soth stated that he thought that any money the NACs got from this type of activity should be used in the neighborhood for its enhancement in bringing together the people in the neighborhood for a common purpose. He said it should be for mutual benefit. He referred to the problem of how to transport the larger refuse items from people's property and suggested that question be directed to the chair of the NAC, to see if they had someone with a pickup. He noted that neighbors might do that for the other neighbors within the NAC. He said the NAC could use the funds in any way they wished, to throw a block party, or dress up the neighborhood.

Coun. Stanton asked if they could use it for appeals.

Coun. Soth noted that there was funding for one appeal fee per year per NAC. He said if there was a second appeal within one year, they would have to use the NAC fund money from any fund source. He said he understood that each NAC had their own bank account and it would go into their general fund.

Coun Stanton asked if they could take the clean-up money and just put it in their account.

Coun. Soth recalled that the original intent was to put it in their own accounts.

Coun. Doyle suggested the issue be put on the CCI agenda for discussion. He said he would like to see the funds go back into the neighborhood for something they could see. He stated that he would like to see CCI discuss whether NACs that did not participate could get funds and he suggested that if they did not participate, they should not get a share. He noted that he did not want either clean-up to go away, and he would like to see the NACs have the income source. He said he wanted to be able to provide an answer on how the funds were spent if anyone asked. He commented he thought there were budget dollars to cover two clean-ups.

Adlard said they did not have funds to do two clean-ups, but they would find the funds.

Coun. Doyle said he appreciated the haulers' public service contribution to the clean-up effort.

Coun. Stanton suggested that the Council budget could fund it.

Mayor Drake noted that the franchise renewals would be coming up, and he would not always count on their good graces to fund this because of the different profit levels involved with competition. He stated that as other costs went up, it was important to be flexible and also important to

bear in mind that there was a budget impact involved. He suggested Council look at the issue on a yearly basis.

Adlard said she would not expect haulers to include it in their franchise after November.

Coun. Soth noted the dollar figures from the Spring and Fall clean-up, and asked if they had records from previous years. He asked about the amount of money collected as well as the disposable items that were dumped into dump boxes and wondered if the trend was toward less each year or if it was stabilized.

Adlard said her impression was that there had been very good use of the clean-up days and there had been an increase in the amount of debris collected. She noted that the NACs segregated the recyclable material, and there were some NAC folks who were real go-getters and worked hard all day. She said the City also had some community service workers do some of the work.

Coun. Soth recalled that prior to the curbside recycling they had monthly yard debris clean-up. He said there were trends they saw each year (in terms of the seasonal differences) and there was a difference between what they had been hauling and what was collected after curbside recycling went into effect. He explained that in the first month they had almost the same amount that they had previously, but in the second month there was only about one third and that was when it was discontinued.

Adlard noted that they were seeing more large pieces of lumber and things that could not be put out at curbside recycling.

Coun. Soth commented that he thought they got about 2 to 1 on what he called junk verses yard debris.

Mayor Drake asked if Adlard could pinpoint a direction that she thought they were moving in with the discussion.

Adlard said it sounded to her like they wanted to do exactly what they were doing.

Coun. Doyle clarified that he would like to have CCI look at the fair share issues and the accountability of the funds.

Adlard asked if he would like a report back from the NACs on how they used their funds.

Coun. Doyle replied that would be good. He reiterated that he would like someone to discuss the fairness issue.

Adlard reported that she thought the group generally thought that if the NACs did not participate, they did not deserve to get any funds.

Coun. Doyle noted that he would like some reports so he could brag on the NACs.

Coun. Soth said the only stipulation he would make was that it not be used for political activities.

Bob Tenner, CCI Chair, commented that this year the Spring Clean-up event had been canceled and only one other clean-up event was scheduled on October 21, 2000. He said as far as the \$100 minimum to each of the NACS, most felt that it was not warranted and funds should only be given to those who worked. He told Coun. Soth that he could report one dollar figure and that was for November 1998, which raised \$2,950 and that money was distributed on the basis of \$20 per hour. He said prior to that he did not think they had records simply because it was handled differently. He explained that earlier, each NAC had their clean-up and the income was handled separately at each location and there was no control at that time. He noted that NAC funds were raised in several other ways, like the sale of cinnamon rolls at the Farmers Market, which was an outstanding way to raise money. He gave various dates that each NAC had participated in the cinnamon roll sale and noted how much each NAC had netted. He said the sales were much easier than a yard clean-up. He reported that the Highland NAC made \$472 from sales at the Farmers Market. He reported that NACs were already looking for people to do the labor at the yard clean-up in October 2000 and they would not let the haulers do the work this time.

OTHER BUSINESS:

Mayor Drake noted two resolutions prepared out of the office.

Coun. Doyle MOVED, SECONDED by Coun. Stanton to adopt the resolution supporting Tualatin Hills Park and Recreation District local option levy.

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

Mayor Drake noted the resolution to support Ballot Measure 87,

Coun. Stanton MOVED, SECONDED by Coun. Soth, to approve the unnumbered resolution supporting Ballot Measure 87 as presented that evening.

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

EXECUTIVE SESSION:

Coun. Soth MOVED, SECONDED by Coun. Doyle that the 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, Doyle, Ruby and Stanton voting AYE, motion CARRIED unanimously. (4:0)

The executive session convened at 9:32 p.m.

Coun. Stanton left the meeting during the executive session.

The executive session adjourned at 9:56 p.m.

ADJOURNMENT:

There being no further business to come before the Council at this time, the meeting was adjourned at 9:57 p.m.

Darleen Cogburn, City Recorder

APPROVAL:

Approved this 13th day of November, 2000

Rob Drake, Mayor