

REGULAR MEETING

August 20, 2001

CALL TO ORDER:

A regular meeting of the Beaverton City Council was called to order by Mayor Rob Drake in the Beaverton Library, 12375 SW Fifth, Beaverton, Oregon, on Monday, August 20, 2001, at 6:30 p.m.

ROLL CALL:

Present were Mayor Drake, Couns. Fred Ruby, Evelyn Brzezinski, Dennis Doyle, Forrest Soth. Coun. Cathy Stanton was absent. Also present were Chief of Staff Linda Adlard, City Attorney Mark Pilliod, Human Resources Director Sandra Miller, Community Development Director Joe Grillo, Engineering Director Tom Ramisch, Operations/Maintenance Director Steve Baker, Police Chief David Bishop, Library Director Ed House, Transportation Engineer Randy Wooley, Assistant Finance Director Shirley Baron-Kelly, Utilities Engineer David Winship, Facilities Supervisor Ron Koppel, Building Official Brad Roast and Interim City Recorder Sue Nelson.

CITIZEN COMMUNICATION:

There was none.

COUNCIL ITEMS:

There was none.

STAFF ITEMS:

Steve Baker, Operations Director, reported on August 17, 2001, a West Beaverton Sanitary garbage truck struck the Greenway pedestrian bridge. He noted the damage was not as severe as the last time it was hit. He said the truck was traveling from south to north and the driver did not have the forks lowered enough to clear the bridge. He said the forks knifed through and splintered the boards; shattering the north side. He stated a structural engineer looked at the bridge and determined it could be opened for pedestrian use.

Mayor Drake noted that Baker was meeting with West Beaverton to discuss insurance coverage.

Baker said that was correct.

Coun. Doyle asked if the driver was aware that he had hit the bridge and if he had sustained any injuries.

Baker replied the driver knew that he hit the bridge and pulled over. He added the police reported the incident; there were no injuries.

Coun. Soth asked if the Council should authorize Baker to proceed with the bridge repair since Council would not be meeting for two weeks.

Mark Pilliod, City Attorney said it would be appropriate for Council to move forward to determine the extent of the necessary repairs. He added a motion to authorize the expenditure of the estimated cost would be appropriate.

Baker said all costs would be reported to the insurance company.

Mayor Drake inquired if the insurance company covered the cost, would it be exempt from public bidding.

Pilliod said it was not certain.

Mayor Drake noted if the damage was not severe enough to restrict foot traffic, they could wait for the next council meeting that was scheduled in three weeks. He asked if there would need to be Council approval.

Pilliod said Council would need to approve an appropriation.

Mayor Drake said that Council could wait to make a motion at the meeting in three weeks.

Coun. Soth explained his main purpose for asking the question was so they could proceed immediately to get the job done.

Pilliod said he did not feel that anything would be delayed with the Council not meeting for three weeks.

Linda Adlard, Chief of Staff, announced there was an open house on August 23, 2001, at the Library at 5:00 p.m. She continued there was a workshop on the Hall Watson Beautification Project, which was the pedestrian enhancement corridor between Hall Blvd. and Watson and from the Library to The Round, following the Open House at 6:00 p.m. She invited anyone interested to attend.

Coun. Soth asked regarding AB 01272, if the new system was compatible with the present system within the 911 agency.

David Bishop, Chief of Police, reported the systems that were presently in the patrol cars were purchased in 1995 and first generation. He explained the newer ones were second generation and more sophisticated. He

noted the present software was compatible and would be in the future as they continued to upgrade. He added they were fortunate to be able to do this with a grant.

Coun. Soth asked when the portable laptop was removed, did the new system continue to function with the 911 Center.

Bishop replied that was correct; when an officer was called to a crime scene or the National Recruiting Center (NRC), he or she had the capacity to communicate with the 911 centers as well as generate reports.

Coun. Soth asked if the laptop was disconnected, would that affect the system functions.

Bishop said he understood that once they plugged the laptop back in, they would need to sign online.

Mayor Drake indicated the Chief could follow up to his question and get the information to Council.

Bishop said the system was new state of the art equipment.

Coun. Brzezinski referred to AB 01274 and thanked the staff for adding the account number and how much had been spent to date in the account on the top of the agenda bill.

CONSENT AGENDA:

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

- 01265 Liquor License – New Outlet: Bi-Mart #662
- 01266 Liquor License – New Outlet: 2001 Spices, L.L.C. dba Thai Spices Restaurant
- 01267 Liquor License - Change of Ownership: Best Mart
- 01268 Liquor License – Change of Ownership: Arco AM/PM Store #4461
- 01269 VAR 2001-0006 SW 155th Avenue Pedestrian Pathway Improvement
- 01270 Authorizing Issuance Of Request For Proposal For Temporary Inspection Services
- 01271 Authorizing Issuance of Request for Proposal For Temporary Plan Review Services

Contract Review Board:

01272 Exemption from Competitive Bids and Authorize a Sole Seller/Brand Name Purchase of Panasonic Permanent Display Removable Computers (PDRCs); and, Resolution for Expenditure of Local Law Enforcement Block Grant (LLEBG Special Purpose Grant Budget Adjustment)

01273 Contract Change Order – Ratify Work Performed and Authorize Additional Work for the Seismic Upgrade of the Operations Center

01274 Contract Change Order – Right-of-Way Services for the Henry Street Extension Project

01275 Cost Share With Tualatin Valley Water District for Telemetry and Flow Control Retrofit of Two Existing Water Master Meters

01276 Contract Award – Art Purchase and Installation Under the 1% for the Arts Program at the New Beaverton Resource Center Building

01278 Exemption from Competitive Bids and Authorize a Sole Brand Name Purchase of Honeywell Fire Alarm Equipment

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

Coun. Doyle MOVED; SECONDED by Coun. Soth, to grant the city's request to waive the appeal fees for the Sprint PCS at Murrayhill Christian Church as outlined in the memo dated August 20, 2001, from Joe Grillo to Mayor Rob Drake and the City Councilors and to instruct the Finance Director to return the fees to the appellant.

Mayor Drake said this was the first time that he had seen this happen and the basis for the request to waive the fees was that the City did not make a decision.

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

PUBLIC HEARING:

01277 Appeal Hearing on Traffic Control Board Issue 460 Regarding Two-hour Parking Limits on Apple Way

Coun. Ruby asked if there were other situations where there was an overflow parking problem from schools, where neighboring residential developments or business complexes had asked for a two-hour parking limit to prevent the streets from being used for overflow of student parking.

Wooley replied that the downtown area had two hour parking, which was adjusted from time to time. He said commuters and park 'n ride was the parking concern in that area. He noted near the Murrayhill Recreation Center people parked on local streets when the parking lot filled up. He recalled that the issue was decided in favor of not restricting parking.

Coun. Soth said when school was not in session it was difficult to visualize the situation as described. He said when the school was in session according to the Traffic Commission minutes and other staff items, parking on both sides had the effect of narrowing the traffic lane that caused difficulty for cars to pass through on both sides of the street. He asked if that was a fair statement.

Wooley replied there was some concern with the narrow street and the site distance because of the curves. He stated generally the street was wide enough to allow two-way traffic, even with cars parked on both sides. He said the concerns that he heard were sight distance at driveways and that business parking lot overflow did not have a place to go when students filled the parking spaces on the street. He added there was also concern from McIver on the livability at the apartment complexes.

Coun. Doyle asked for clarification on where the two-hour parking limit was being proposed.

Wooley referred to the McIver pictures and indicated the yellow outline street parking was the proposed two hour parking. He concluded the side of the street indicated with green outline would have no restriction.

Coun. Doyle asked how much public street parking was available.

Wooley estimated the number to be approximately 100 spaces.

Coun. Doyle asked what was the anticipated method of enforcement.

Wooley said the police responded to citizen calls and enforced that area.

Coun. Ruby asked when Apple Way Loop was completed as a through street with parking on both sides of the street.

Mayor Drake stated it was between eight to ten years ago.

Coun. Ruby asked where the students parked before Apple Way had available parking on both sides of the street.

Wooley said he recalled that the road was completed in the mid 1990's and at that time it was not developed as it is now. He said the number of

cars might have increased because of the new Oregon law that states 16 year old drivers cannot carry passengers for the first six months of driving.

Malcolm McIver, Appellant, President of Commerce Investment, related they owned Apple Way Corner, Apple Way Market, and the Crescent Hill Apartments along SW Apple Way. He stated he was both the applicant for the original restrictions on Apple Way and also the appellant of the Traffic Commissions decision. He said he would explain the background of development of Apple Way and the reasons for the original application for parking restrictions, the reasons for the appeal, and a possible compromise solution. He asked if he had time for rebuttal.

Mayor Drake explained if anyone spoke in opposition, he would then have an opportunity for rebuttal. He added if he brought up something new then it would give the other side an opportunity for rebuttal.

McIver said the property was purchased in the late 1960's and Apple Way was developed around 1980. He referred to the map and pointed out the variety of developments that had been added to the area. He said the area was originally intended to be an office park and the only office that was built was the American Automobile Association (AAA). He explained the area was a mixed-use area, with two retail centers, an apartment complex, Jesuit softball field and then some vacant land that AAA owns. He reported the student parking had existed along Apple Way for some time. He said the completion of the second phase of Crescent Hill highlighted the impact that the parking had on the street and the neighborhood. He said the nature of the problem was the all day parking by the Jesuit students during the school year and the impact that it had on the neighborhood.

McIver referred to video and photos (in record). He pointed out the difference in the feeling and the livability in the neighborhood when the parking wasn't present. He expressed the street worked well with intermittent parking and did not place a burden on the drivers or the residences. He said the solid line of cars had a large impact on the nature of the neighborhood and the reason for the application was for a two-hour restriction. He added Jesuit High School did not oppose or support it. He noted it was not about Jesuit; it was only about the impact the cars had on the neighborhood. He said he felt the Jesuit administration realized and were willing to work with the neighborhood in finding a solution to the problem.

McIver reported City staff supported a two-hour restriction and the Police Department and City Operations Department concurred. He commented

the Traffic Commission came to a different conclusion in their discussions and that was to restrict parking only on the north side of the street and to leave it unrestricted on the south side. He referred to the map that showed an 1800-foot strip of cars parked along the entire length of Apple Way (in the record). He stated the Traffic Commission was required to reach solutions that were equitable to all neighbors involved in the area and he did not feel this was an equitable solution to the problem. He reported Jesuit's property frontage along Apple Way comprised about seven percent of the total frontage. He related the Traffic Commission decision effectively allocated over fifty percent of the street to serve as an overflow parking lot for the school. He said that would deny the use of daytime parking to businesses and residents along that portion of the street for extensive portions of the year. He stressed most importantly it had a negative impact on the livability of the residential section of Apple Way.

McIver asked the Councilor's to imagine an 1800-foot strip of cars parked through their neighborhood streets. He said the commission stated that the decision was equitable since it allowed residents to park overnight and with most residents gone during the day it did not impact their livability. He said he disagreed and explained there were residents with small children, retired residents, and residents that worked at home. He expressed his definition of equity was that property owners, residents, and businesses along a street had a reasonable expectation to use their frontage for their use or their customer's use. He related he did not feel the Traffic Commission ruling met that standard. He recognized that Jesuit had extraordinary parking needs that cannot be fulfilled with their current parking lot. He said tenants at Apple Way Corner expressed that they did not have a concern with street side parking in front of their shopping center. He said AAA needed access to street parking and there needed to be restrictions. He related they would like to help Jesuit as much as they could without detracting from the neighborhood.

McIver asked for Council's consideration for a two hour parking restriction from 9:00 a.m. to 5:00 p.m. Monday through Friday for the portions of Apple Way that were south of Beaverton Creek. He referred to a map (in record).

McIver stated the solution was equitable to the neighbors and a way to assist Jesuit with their parking needs.

Mayor Drake asked Pilliod if it would be appropriate for the Council to modify what staff had originally recommended.

Pilliod replied he believed that was possible.

Coun. Brzezinski commented that Mr. Wooley would not have a chance to look at a modification except when the Council would be making a decision about it and that put the staff in an awkward position.

Mayor Drake asked if Wooley understood McIver's suggestion.

Wooley said he was unclear about the two-hour parking in front of the Jesuit property.

McIver said that it would be continued as unrestricted. He referred to exhibit (in record).

Wooley expressed he did not have enough information to write a final order and would need to define the AAA parking situation.

Mayor Drake stated staff could take the suggestions and return with a final order to determine if that was the intent of the Council.

Coun. Ruby commented that the Crescent Hill Development was a very attractive development. He asked if the tenants expressed concern and noted that none had testified at the Traffic Commission hearing. He asked if the tenants had complained about the lack of parking during the day.

McIver said the tenants were not at the meeting and it was his job to represent them. He noted there were many letters from the tenants and their desire was for a daytime parking restriction.

Coun. Ruby asked if there were visitor parking spaces inside Crescent Hill Apartments complex.

McIver related the first choice was to park on the street. He said during the day more parking spaces were available inside the complex.

Coun. Ruby asked for clarification, whether or not it was all dedicated parking in the interior lots.

McIver answered it was about half reserved and half open to the public.

Coun. Soth asked if there were plans for the undeveloped land.

McIver replied he did not know of any plans.

Coun. Brzezinski referred to the second page of the photographs and asked which apartments had a railing in front of the entrance.

McIver pointed out the apartments which had railing at the front entrances (in record).

Coun. Brzezinski asked how a person who parked on the street would access the apartments which had a railing in the front.

McIver said they would need to walk around.

Coun. Brzezinski asked why restrict the parking in the places where they can't get from the sidewalk to the front door.

McIver said it was a residential neighborhood and the question was should a neighborhood have a solid lines of cars parked there all day, every day.

Coun. Brzezinski asked staff how the parking was around the other high schools in Beaverton.

Wooley reported Southridge High School had enough parking on site and there were no complaints from Beaverton High School.

Coun. Ruby noted one difference with Beaverton High School was there was surplus parking around the High School that was non-residential, so that parking did not impinge on residential areas directly.

Coun. Doyle asked if there were any parking restrictions on the west side of Southridge High School at 130th Ave.

Wooley said there was not a problem in that area. He added there was a small parking problem on Conestoga Drive south of the swim center.

Anitra Rasmussen, Beaverton, said she was a one year resident of Crescent Hill Apartments and felt it was a wonderful blend of a high diversity development. She said when the cars filled the street as early as 6:00 a.m., she did not feel she was in a residential environment. She noted she worked at home and the impact was throughout the entire day. She asked for Council support

Amy Corcoran, Manager at Crescent Hill, said she brought letters from the residents asking for support on the restrictions. She said when visitors came to Crescent Hill, it was important that there was access to street parking. She said the livability issue was a concern for her residents because of noise, lack of privacy, increased littering, limited visibility, and safety factors. She described an accident in front of her community and said that the cars were very disruptive. She added she received complaints on a daily basis and found it frustrating. She emphasized the importance of the livability and what was in the best interest of the residents. She added they would like to live in a clean, quiet, and safe environment.

Coun. Soth asked if there were disturbances in the morning hours.

Corcoran replied she had heard most of the complaints from the new phase residents; that had a closer proximity to the street.

Coun. Soth asked if some of the cars stayed all day and if it was quiet until school was recessed.

Corcoran stated the increase in noise complaints and littering was when school started and ended. She said there were students out in front of the apartments talking in loud voices; kids just acting like teenagers. She said the teenagers did not seem to recognize that they were in front of residential homes.

Coun. Soth asked if other citizens used the street parking as a park 'n ride.

Corcoran replied an overflow of residents who commute downtown parked on Apple Way.

Coun. Doyle asked what her reaction was to McIver's latest suggestions.

Corcoran expressed that it was a great idea and a reasonable compromise.

Coun. Soth asked if she had any complaints that businesses did not have room in their own parking lots.

Corcoran replied it was more of a problem with the students. She said most of the businesses had enough parking for their customers.

Coun. Doyle noted he felt the business overflow and the business impact was later in the day at a more reasonable hour.

OPPOSITION:

Mayor Drake asked if anyone wanted to speak in opposition to the appeal.

There was none.

Mayor Drake clarified that McIver was asking for two-hour parking on weekdays, 9:00 a.m. to 5:00 p.m., south of Beaverton Creek and unlimited parking north of the creek, except for special consideration adjacent to AAA, with no restriction adjacent to the Jesuit ball field, and to expand the vision cone adjacent to driveways.

Wooley stated the street could accommodate approximately 90 cars and the High School was using 30 to 40 spaces. He said regarding the vision cone adjacent to the driveways, it was agreed that the staff would go back and look at each driveway individually when they were doing the signage plan for the two-hour parking and they would use signage to prohibit parking within 50 feet of the driveways. He noted that many of them already had restrictions next to the driveways.

Coun. Soth asked McIver if his proposal for all day parking was for the area next to the Jesuit property for both sides of street or just the south side adjacent to the Jesuit property.

McIver answered just the south side of Apple Way.

Coun. Brzezinski asked why AAA had priority for street parking when they presumably had the required amount of parking on site.

Wooley said it would not be just for AAA and anyone could park there for up to two hours. He added the only other place that he could think of where two-hour parking had been established was in the downtown area.

Mayor Drake said Wooley referred to AAA; but it could be any business in that area or anyone restricted to the two-hour parking.

Coun. Brzezinski asked if there would be any problem with Council deciding what the solution should be tonight as opposed to either upholding or denying the appeal. She asked if there were qualms in deciding what the solution would be at the same meeting.

Wooley said he did not have qualms and he felt they could craft some limits within the guidelines, which was what the Traffic Commission was trying to accomplish, providing half of the parking for all day and limiting half of the parking to two-hour. He felt within those guidelines they could come to the same decision with a different formula.

Coun. Ruby noted that Crescent Hill did not have a problem with unlimited parking along the south side of Apple Way adjacent to the football field. He asked if Jesuit had an entitlement for unlimited parking because the property fronts the street.

Mayor Drake noted it might not be an entitlement but also commuters who used the bus service.

Coun. Brzezinski said Jesuit High School neither opposed nor supported the application and it was in the spirit of being a good neighbor, not having parking restrictions.

Mayor Drake closed the hearing.

Coun. Soth **MOVED; SECONDED** by Coun. Doyle, to grant the appeal in part and modify the Traffic Commissions findings in part.

Coun. Soth said the two restrictions were justified; the compromise proposed by Mr. McIver satisfied the fact that Jesuit's parking lots were not sufficient for the students who drove to school.

Mayor Drake asked if it was Coun. Soth's intent to apply Mr. McIver's suggestion of the modified layout.

Coun. Soth replied that was correct. He continued that he was concerned about the new Oregon Traffic Laws regarding sixteen year olds not being allowed to carry passengers would increase the automobile traffic at Jesuit. He concluded that the compromise was an equitable solution all around.

Coun. Doyle stated he would support the motion. He noted compromise was the best solution; staff would determine the restrictions by AAA. He said it seemed to him that the High School was comfortable with the proposed plan. He said he felt it would minimize the parking flight into other neighborhoods. He added it appeared the administration of the high school would support the solution.

Coun. Brzezinski stated one of the Traffic Commissioners was concerned about the fairness of restricting Jesuit students. She added it was first come, first serve for the parking spaces and one group would always be there first and that was not equitable. She concluded that was the problem from the argument of the Traffic Commission minutes.

Coun. Ruby said he supported the motion and he would have been willing to support two-hour parking limitations completely on Apple Way. He related he was sensitive to the issue that residents of rental communities, especially ones that were well laid out like this one with a town square concept, should not have to deal with obstructions that others who live in single family home neighborhoods would not want to live with. He added he was impressed that they had thought about the compromise.

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

ADJOURNMENT:

There being no further business to come before the Council at this time, the meeting was adjourned at 8:30 p.m.

Sue Nelson, Interim City Recorder

APPROVAL:

Approved this 28th day of January, 2002

Rob Drake, Mayor