

REGULAR MEETING

February 9, 1998

CALL TO ORDER:

A regular meeting of the Beaverton City Council was called to order by Mayor Rob Drake in the Council Chambers, 4755 SW Griffith Drive, Beaverton, Oregon, on Monday, February 9, 1998, at 6:38 p.m.

ROLL CALL:

Present were Mayor Drake, Counc. Dennis Doyle, Evelyn Brzezinski, Wes Yuen, Forrest Soth, and Cathy Stanton. Also present were City Attorney Mark Pilliod, Chief of Staff Linda Adlard, Finance Director Patrick O'Claire, Human Resources Director Sandra Miller, Police Chief David Bishop, Community Development Director Elaine Wilkerson, Operations Maintenance Director Steve Baker, City Engineer Terry Waldele, Building Official Brad Roast, Senior Engineer David Winship, Administrative Chief Gary Nees, City Librarian Shirley George, and City Recorder Darleen Cogburn.

PROCLAMATION:

Scouting Anniversary Week

PRESENTATIONS:

Mayor Drake moved the Scout presentation to be the first item on the agenda and called the Scouts from Troop 57 forward to present the colors.

98-37 Flag Presentation by Troop #57 in Honor of Boy Scouts of America Anniversary Week

The entire assemblage participated in the Pledge of Allegiance.

98-36 Presentation of the Distinguished Budget Presentation Award to Nancy Earp

Mayor Drake asked Nancy Earp, Finance Department Administrative Assistant, to come forward. He commented that this was his 12th year of involvement with the City budget preparation and the award did not come close to describing the diligence and dedication of the staff during that process. He said the certificate was from the Government Finance Officers' Association to acknowledge Ms. Earp's invaluable contribution to this task. He thanked her on behalf of the City and the Council

98-11 Presentation of the Community Policing Award, Received From the National League of Cities, to the Beaverton Police Department

Mayor Drake said he was very proud of this presentation which was

earned by the members of the Beaverton Police Department, along with the citizens of Beaverton. He explained that the City was a member of the National League of Cities (NLC) which was a national lobbying agency for all the cities in the country. He said the organization offered several awards each year and Beaverton was the recipient of their highest honor for the current year for a Community Policing Award. He said the whole Community Policing Program had been evaluated by an investigatory group, and Beaverton's outstanding program had earned top honors over the other finalist, Colorado Springs, Colorado. He commented that Colorado Springs was considered to have the top Community Policing Program in the country, so the award was especially flattering. He presented the award to Police Chief David Bishop and commented that the entire community had earned it.

Bishop thanked the Council and Mayor, and noted that Mayor Drake had nominated them for the award. He said it was an honor to accept it for the Police Department and all the volunteers who had made it happen. He expressed his appreciation to all of those involved in the program.

98-10A Presentation of Shields and Swearing in of New Officers to the Beaverton Police Department; Presentation of Shield to Newly Appoint Sergeant

Mayor Drake said the community was very supportive of the Police Department, and the City wanted to reciprocate by honoring the men and women who were coming into the fold of the Department's family. He thanked those in attendance who were present to show their support for the officers participating in the presentation.

Bishop called Officer Pat Campbell forward and noted that he had been with the agency for 16 years working in many capacities. He then swore-in Campbell as Sergeant.

Bishop administered the Oath of Office to Officers Ian Morley, James Macfarlane, and Neil Stellingwerf. Mayor Drake presented the Shields.

Bishop thanked everyone for their support and extended an invitation to a reception for the officers following the presentation.

RECESS: Mayor Drake called a brief recess at 6:48 p.m.

RECONVENED:

The meeting was reconvened at 6:50 p.m.

CITIZEN COMMUNICATION:

Henry Kane, 12077 Camden Lane, Beaverton, said he had submitted a letter to the Planning Commission (PC), with a copy to the Mayor and Council (in the record), requesting corrections of deficiencies in the

appeal - APP 98001 (regarding Miller Sanitary Service). He referred to the executive session scheduled following the meeting, and said he hoped it would answer some of the questions he had raised. He stated that he would be filing a motion to reverse the decision of the PC on the grounds that they had no jurisdiction to: 1) allow the use, and 2) to interpret their words 14 months after the 1996 decision was final. He said once a decision was made, a year later, the County Commissioners could not later say that was *not* their intent. He said he had sent out flyers called "Save Beaverton's Environment" (copy in record) wherein he had mentioned that the Central Beaverton NAC had opposed (the proposed Miller Sanitary operation), but was later told that the NAC had taken a neutral position. He said he was asking that NAC for a copy of the resolution stating that that they *were* neutral.

COUNCIL ITEMS:

Coun. Stanton issued a reminder that a send-off was scheduled for Elaine Wilkerson, Community Development Director, Wednesday, February 11, at 4:00 p.m.

Coun. Doyle expressed his appreciation to the staff for their efforts in the preparation of the Boards and Commission dinner. He also thanked all those who had participated in the silent auction for the Beaverton Arts Commission by purchasing tickets for an afternoon of entertainment by pianist, Michael Allen Harrison.

Coun. Yuen added his thanks to everyone involved in those events and also to Joyce Storms, Administrative Assistant, for all her hard work on the Boards and Commissions Dinner. He said he had attended the special performance by Harrison, which was truly enjoyable.

Coun. Yuen noted that Bob Baker of Skyline Realty, would be the guest speaker at the Tualatin Valley Economic Development Commission's (TVEDC) monthly forum at the Sweetbrier Inn in Tualatin from 7:00 a.m. to 8:30 a.m. on February 19. He said the topic was "Affordable Housing in the Portland Area" which he thought would be an interesting subject from an interesting perspective. He also referred to a mailing he had received from Metro regarding six public hearings on their budget beginning February 19 and running through June 25. He called Council's attention to a memo from Metro Councilor Susan McLain, introducing herself as the Chair of the Metro Council Government Affairs Committee. He noted that she had asked for input on how to better facilitate communications between Metro and the City, and he hoped they would all respond.

Coun. Doyle offered his congratulations to Beaverton High School for their award winning science program which linked them to OSHU. He reported that Governor Kitzhaber would be visiting the school to go through the program with them. He said it was a great honor, and explained that the program was funded basically through private money, with the business community once again helping the educational system.

He commended the teachers for their excellent work.

Coun. Yuen said, in going through the recent Metro Council Agenda, he noted a resolution appointing Elaine Wilkerson as Director of the Growth Management Department. He congratulated Wilkerson, and added that it was a real loss to Beaverton.

STAFF ITEMS:

There were none.

CONSENT AGENDA:

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

Minutes of the regular meeting of December 22, 1997 (carried from 2/2/98), including the amended page.

- 98-38 Liquor Licenses – Annual Renewals
- 98-39 Authorize Mayor to Sign IGA with Unified Sewerage Agency for Cost Share of Storm Drain Construction Services (Jamieson Road and SW 87th Avenue)
- 98-40 Final Order Modifying the City Council Final Order in BDR Order 95122/TPP 95008/913, THPRD Nature Park

Contract Review Board:

- 98-41 Permit Tracking System Bid Award
- 98-42 Contract Award – Geotechnical Engineering Services for Peer Review of *The Round* at Beaverton Central
- 98-43 Waiver of Sealed Bidding – Purchase from State Price Agreement for space Planning Services and the Purchase and Installation of Herman Miller Furniture for Community Development and Engineering Departments

Coun. Brzezinski referred to AB 98-40 and said the final order stated the permit fees for approval of a suitable pedestrian pathway were waived. She said she did not recall the waiver ever being discussed.

Wilkerson said it had been part of the agenda bill.

Coun Brzezinski asked that it be listed on the Council's six-month update of fee waivers.

Coun. Brzezinski requested additional information on AB 98-42. She said under Historical Perspective, it stated the design of *The Round* had

changed, and she hoped to see what those changes were.

Wilkerson said the application was proceeding through the BDR process and a report would be presented to Council as soon as it was completed.

Coun. Stanton thanked the Community Development Department staff for answering the questions she had submitted earlier.

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

PUBLIC HEARING:

98-44 Capital Improvements Plan for Transportation, Water, Sewer and Storm Drain Projects – Annual Update for FY 97/98

Terry Waldele, City Engineer, David Winship, City Utilities Engineer, Jerry Williams, Project Engineer and Capital Improvements Plan (CIP) Coordinator, were present to answer questions.

Coun. Stanton clarified that they were looking at 1997-98 because of the impact of Ballot Measures 47 and 50, and asked when they would be looking at 1998-99.

Williams replied that they expected to bring the 1998-99 CIP to Council for review on June 1, 1998.

Mayor Drake said it would be brought in a timely manner for the completion of the 98/99 budget.

Coun. Soth said under Increased Capacity Project, it mentioned the Sexton Mtn. Pump Station, and asked if that was referring to the Aquifer Storage and Recovery project.

Winship said the Sexton Mtn. Pump Station was located next to the 15 million gallon reservoir to lift water to the Cooper Mtn. Reservoir.

Coun. Soth noted that Lombard did not extend to Cedar Hills Blvd., and asked for clarification on that statement in the material.

Waldele said it should be Center Street instead of Cedar Hills, and said they would correct that.

Coun. Yuen referred to the Distribution List (of the CIP) which was broken down into two categories; those who received it at no charge, and those who had to pay the \$12.50. He noticed that the Board of Design Review (BDR) was not included among those who got it free, and asked why. He also asked why the Development Liaison Committee (DLC) didn't receive it for free, since they were a City committee, also.

Waldele explained that they were following the distribution pattern which

had been approved for the previous year, but they could change it if that was Council's wish.

Mayor Drake said they would be glad to broaden the list it for 1998-99.

Mayor Drake suggested they proceed with the Financial Plan, Street Projects - FP-2, and asked for questions or comments.

Coun. Yuen noted that the Fanno Creek Bikepath was listed at \$72,000, and asked if that was part of the public involvement process.

Waldele said it was the local match amount that was needed for the grant.

Coun. Yuen asked why #3220, the Greenspaces Projects for \$384,400, was listed under Streets.

Williams reported that it was just the most convenient place to show the money.

Coun. Stanton referred to page 3 of the Funding Financial Plan regarding the Millikan Extension, Hart Road, Lombard, Broadway to Farmington and the Beaverton TOD (Transportation Overlay District), Phase II. She said she understood that funding was no longer uncertain in the aggregate long-term because the County was going to honor their MSTIP, although not within the original time frame. She noted that many projects got bumped for more visible ones, so she was glad the funding was going to be there.

Mayor Drake explained that the County concluded that the average length of the entire process, because of the mandated reductions in Ballot Measure 50 and the significant increase in the construction index, would extend the length of the MSTIP by about four years. He said they had received many comments from citizens regarding bicycle and pedestrian safety on Hart Road, and the good news was that the project would be about six months earlier than originally scheduled. He added however, that the other projects, with the exception of Davis Road, would slip back.

Coun. Stanton commented that the document was well-thought out and put together.

Mayor Drake asked for pages with concerns rather than going through page by page.

Coun. Doyle said in looking at the rehab projects, such as keeping the sewer lines up-to-date, he was interested in knowing if they were funding themselves adequately to keep it going.

Winship reported that about three years earlier, he had spent a great deal of time with a committee looking carefully at the depreciation of the system, and came up with the numbers that were put into the rates. He

noted that the sewer lines needed attention within the next year or two, and the problem with that was the rate was fixed with Unified Sewerage Agency (USA). He explained that if there was a backlog, the City would have to look at that. He said he felt confident about the water and storm drains.

Coun. Doyle urged staff to look at the portion that generated the most concern.

Winship said through the SB 122 discussions with USA, he had raised that subject, and they had exchanged ideas on how it might be accomplished. He said they discussed taking a look a revenue distribution since, as the City annexed more areas, they were picking up miles of lines that formerly belonged to USA.

Mayor Drake reported that the County was currently going through a process of looking at the sewer lateral program and related problems. He noted that the City had not had a "rainy day" fund or replacement fund for either old water lines or storm drain lines. He explained that four years ago, they embarked on a five-year plan to upgrade the water system and replace old pipes. He said with that came a rate increase, along with a bona fide program to replace aging pipes. He noted that each year in the budget, the Council had approved dollars for replacing old lines and upgrading existing ones on a regular basis. He said as an example, Council had authorized an emergency expenditure in the current year in the Highland Hills area for added piping to alleviate some flooding problems. He stated that other cities besides Beaverton had similar problems and he thought the County Board would recommend a process for replacing and upgrading sewer lines.

Coun. Soth called their attention to Project #3123 on page T3, which stated that the next phase of the project was scheduled for MSTIP 3 funding *after* the Davis Road project. He said he understood that since the City was fronting the money for Davis Road and would be repaid from MSTIP 3 funds, 125th would be the next priority. He noted that tied in to Project #3158.

Williams said the reference Coun. Soth made to funding for Lombard, following the Davis Road construction, was related strictly to the MSTIP projects that were funded through the County's serial levy. He said it did not speak to other City projects that had not been funded by MSTIP. He noted that the reference to Lombard as an MSTIP project was dependent upon the action of the Washington County Coordinating Committee (WCCC) Policy Group who would be reviewing future MSTIP 3 programs.

Coun. Soth stated that he didn't want to lose sight of the commitment made when they found that MSTIP funding would not be immediately available for Davis, and because of the necessity to proceed, with the expectation of reimbursement from MSTIP funds.

Coun. Stanton said she thought the road was done.

Waldele said only Phase I was complete, but Phase II, from Broadway to Farmington, was not.

Williams said there was still some minor work to be completed between Canyon and Broadway.

Coun. Doyle referred to Project #3125, the Highland/135th connection, and asked if the circulation study would determine if that need still existed.

Williams said that was correct, but was not sure when it would occur.

Coun. Stanton commented that the \$15,000 allotted for that project had been brought forward every year since 1988. She said she wanted it to stay on the CIP.

Coun. Soth asked if the Street Condition Inventory included any of the newly annexed areas.

Williams said the inventory was done in conjunction with the Operations/Street section. He explained that as areas were identified for anticipated improvement, the street inventory was used as a mode of testing and evaluating the roadway. He said those projects and the list of projects identified for that activity were generated by the Street section in Operations.

Waldele clarified that they only included projects shown on the map and did not include the annexation areas.

Mayor Drake said it probably wouldn't affect the West Slope area. He reported that Steve Baker, Operations/Maintenance Director, had informed him that discussions with the County regarding acceptance of the roads the County had agreed to upgrade in the West Slope area, had been concluded. He explained that were some right-of-ways (ROWs) that were not asphalted, and anyone who lived adjacent to them, needed to understand that they were just ROWs. He stated that if they were to be improved, it would be through a Local Improvement District (LID) which would have to be funded by a developer or the property owner.

Coun. Soth asked if they had received any information from the County about reimbursement regarding Davis Road.

Winship replied they were billing the County regularly on the project and were getting reimbursed up to the limit of the MSTIP.

Mayor Drake recalled that the project exceeded the original MSTIP estimate because of some additional work that was needed.

Coun. Soth said on W-16, in the Project #3633 description, he noticed it stated the UP Railroad, and he believed it should be the WP.

Coun. Stanton clarified that Project #3633 was the Murray Blvd. waterline, from Farmington Road to TV Highway.

Coun. Soth also asked if the work currently underway at the intersection near the apartments on Farmington was part of the project.

Winship said if he was referring to the intersection at Murray and Farmington, it was not.

Coun. Soth referred to the Waterline Replacement Program, and the work scheduled for 2006-2007. He noted that many of the streets mentioned, connected into a four-inch main on Menlo, which was to be replaced by a six-inch main, but Menlo itself did not appear until 2019-2020. He said if they were putting a six-inch main in all the connecting streets, he wondered why they didn't do Menlo and get it done in a shorter span of time.

Winship explained that the plan was set out to replace water lines based on their age, and then general geographic area. He said he thought the line on Menlo was younger.

Coun. Soth reported that it was the same four-inch line that he connected to in 1950, and all the other streets were done at the same time.

Winship said he would look into it.

Coun. Soth said the document was very well prepared and set matters out in a straightforward fashion and was very clear. He noted that several places they had called Stott Street "Scott," and asked that staff make those corrections.

Mayor Drake noted that since the document was a draft, they would also clear up the question related to 2019 and 2020, and see if possibly the line on Menlo should be updated sooner.

Coun. Stanton reiterated that it was an excellent document, which she had enjoyed reading since it was very clear and well laid out. She said as much as the Finance Department and Nancy Earp were deserving of the award presented earlier in the meeting, this also was an important document in providing credibility for the citizens to know what was planned.

Mayor Drake opened the public hearing.

There was no one present who wished to testify.

Mayor Drake closed the public hearing.

Coun. Soth MOVED, SECONDED by Coun. Doyle, to adopt the final CIP for fiscal years 97-98 through 2000-01 (as discussed and modified with

the exception that staff will correct errors), for distribution to the parties on the distribution list. After corrections, it will be returned to Council with additional information covering the questions related to the "out-years."

Coun. Yuen requested to amend the motion to include DLC and BDR in the distribution list.

Mayor Drake said that was understood as part of the motion. Couns. Soth and Doyle agreed.

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

Wilkerson said as one last official act while working for the City, it gave her great pleasure as the acting Director of Engineering, to thank these three gentlemen (Waldele, Winship and Williams) for pushing the CIP through. She said it was her pleasure to depend on these men for the past two-and-a-half years and commended them for the quality of document they had produced. She said she thought it had improved because of their efforts.

ORDINANCE:
Suspend Rules:

Coun. Soth MOVED, SECONDED by Coun. Brzezinski, that the rules be suspended and that the ordinance embodied in AB 98-45 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. Doyle, Brzezinski, Yuen, Soth, and Stanton voting AYE, the motion CARRIED unanimously (5:0)

First Reading:

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

98-45 An Ordinance Amending Ordinance No. 2050, the Development Code, Reorganizing the Existing Format; TA 970003

RECESS: 7:50

RECONVENED: 7:59

EXECUTIVE SESSION:

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

The Executive Session convened at 8:00 p.m.

The regular Council meeting reconvened at 8:50 p.m.

OTHER BUSINESS

Coun. Yuen MOVED, SECONDED by Coun. Soth to take the action which was discussed in the executive session.

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

Council Liaison Assignments:

Coun. Yuen said that he had distributed the tentative Council Liaison assignments, and would finalize it later in the week. He noted that he had made the assignments based upon some of their comments, but he had mistakenly thought that Coun. Brzezinski had not ever served as liaison to the Social Services Committee, but she had. He clarified that if they stayed with what he had outlined, she and Coun. Doyle would just be trading places, and he was not sure that served the purpose of making new assignments.

Coun. Brzezinski reported that the only thing she had not done was DLC, so she thought Coun. Yuen would have to give repeat assignments.

Coun. Stanton noted that DLC was what she had asked for.

Coun. Yuen reported that he did not have a definitive list of committees and their meeting times and places. He said they had previously had a liaison with the Sister Cities, but noted that the City did not officially recognize the Sister Cities program at the Boards and Commissions dinner. He commented that since Coun. Brzezinski was on the Sister Cities Board, she would probably keep the Council informed. He recommended that other Councilors might want to join the Sister Cities and drop in to see what projects they were working on. He noted that Coun. Soth might need more assignments. He said he would be glad to discuss any changes or concerns with the assignments.

ADJOURNMENT:

There being no further business to come before the Council at this time, the meeting was adjourned at 8:58 p.m.

Darleen Cogburn, City Recorder

APPROVAL:

Approved this day 6th day of April, 1998

Rob Drake, Mayor