

REGULAR MEETING
April 13, 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, April 13, 1998, at 6:33 p.m.

ROLL CALL:

Present were Mayor Drake, Couns. Wes Yuen, Evelyn Brzezinski, Dennis Doyle, Forrest Soth, and Cathy Stanton. Also present were City Attorney Mark Pilliod, Finance Director Patrick O'Claire, Human Resources Director Sandra Miller, Community Development Director Joe Grillo, Operations/Maintenance Director Steve Baker, Police Chief David Bishop, Library Director Shirley George, Transportation Engineer Randy Wooley, Principal Planner Ali Turiel, and City Recorder Darleen Cogburn.

CITIZEN COMMUNICATION:

Barbara Wilson, 12820 SW 20th Ct. Beaverton, said she did not come to talk about the Beaverton High School Championship, but thought I was exciting that the Council would honor them. She stated that her purpose was to inform them about parks, and asked if anyone had attended the Washington County Public Officials Forum. Coun. Soth and Coun. Stanton had attended. She reported that she was told that Tom Brian brought up a proposal for a large park that would extend into Washington County as part of the Tillamook Burn. She said she was excited that a public official would express the idea that a Washington County Chair could show leadership in moving ahead for a large park for the County. She noted that she had always had the feeling that the County Commissioners would relegate this responsibility to their very poorly funded Washington County parks.

Wilson asked if they had heard about the poll in the *Oregonian* which contacted 600 people in Oregon and reported that people were still talking about open space. She reported that the poll indicated that when asked how they would rate environmental problems in the State, open space rated about fourth, and on a scale of one to ten, it rated about seventh. She noted the Nature Park was being dedicated on Saturday April 18th, and pointed out that the Nature Park started out when someone stood up and said they had an idea and pursued it.

Coun. Stanton said the dedication of the Nature Park was at 11:00 a.m. on Saturday, April 18. She said Brian was talking about a State park because Washington County is the second largest county geographically

and did not have a State facility for camping. She stated that Brian thought it would be a valuable resource for everyone in the community to have access to a State park and camping facilities.

COUNCIL ITEMS:

Coun. Soth gave an update on the Joint Water Commission and Joint Barney Commission and said that the treatment plant was complete. He said they would have a dedication ceremony sometime later when the weather improved. He reported that they were now able to treat 60-70 million gallons per day from the reservoir sources, which would assure plenty of water for the City and its partners for some time. He stressed that the project came in on time and on budget, and the only hold up had been when they had to grant an extension to the contractor because of the lack of qualified electricians. He reported that the Barney Reservoir was now filled about half-way, and the rest would be filled next winter after they had determined that everything was in place and operating correctly. He noted that part of the control building would be powered by solar panels. He said they still needed to put in place and test some of the early warning systems for those people downstream, which had been a prime concern, and also landscaping and some of the environmental corrections still needed to be made. He reported that by November it would be completed and ready to fill.

Coun. Yuen asked Coun. Soth if the potential problem of the Year 2000 had been addressed by the Water Commission, since a lot of pumps and other systems had "imbedded" computer systems. He said he wondered if they had looked into the possibility of the systems becoming non-functional as the date rolls over to 2000.

Coun. Soth said at this time, most of the systems were more in the nature of telemetry systems, rather than data systems, which would be susceptible to that particular "glitch." He said to the best of his knowledge those kinds of things were being addressed and should not cause a problem.

Mayor Drake said Hillsboro was the designated manager for the Joint Water Commission and he believed that their computer technology was on the "cutting edge," but he would verify that.

Coun. Yuen reported that anything that had a logic chip in it would be susceptible to this problem, not just computers. He said it would effect the elevators, sewer pumps, lights, air conditioning, etc.

Coun. Doyle congratulated Police Chief David Bishop on the awards for the officers who were being honored by the Oregon Peace Officers Association, and asked Bishop to pass on his congratulations.

Bishop said they nominated an additional officer and said they were very proud of the officers, especially Sergeant Ed Kirsch, who found the elderly gentleman who had wandered away.

Couns. Doyle congratulated the Beaverton High School Basketball team and coach. He said he watched all the games. He commented that it was neat to see the third State title come to the high school in the last 12 months between softball, water polo and basketball.

Coun. Brzezinski updated the Council and the Mayor on the Sister Cities Scholarship fund. She reported that they had come up with a set of criteria on how the money would be distributed, and would keep some funds in reserve each year to build up a pool in case they do not do well in the auction in future years. She said in early September they would notify all schools in the Beaverton School District that there were modest amounts of money available for scholarships. She noted they would distribute the funds equally among the schools who have expressed interest, and said the money could only be used to send students on school sponsored visits to one of the Sister Cities. She said the students would be asked to write something before they went, saying what they hoped to get out of their trip, and then report back at the next auction. She said in May there would be a group from Whitford Middle School going to Gotemba, Japan, and in June a group from Valley Catholic was going to Trossengin, Germany.

Coun. Yuen reported that the past Saturday, he attended a City sponsored workshop on tree pruning and tree care. He noted that he had been one of the offenders caught by the recently passed street tree ordinance and received a gracious invitation to attend and learn how to prune his trees. He said the Five Oaks/Triple Creek area seemed to have many young trees that needed some early care so they would get a good start. He reported that he was the only person at the workshop and wanted others to know all the TLC and personal attention was really good and the information was great. He said he hoped they would do a better job getting the message out next time. He suggested they try to better integrate the program with the NACs and get the NAC leadership involved. He said it was a very good presentation.

Coun. Stanton asked Librarian Shirley George if the deadline to get into the contest, regarding the automatic check-out, was on April 20 or 27.

George said it was April 20.

Coun. Stanton explained that if citizens went to the Library on Monday, April 20, and used the automatic checkout, they would be entered into a sweepstakes which the 3-M Corporation was sponsoring, with a prize of \$2,500 or \$1,000 if the Library won, for the book fund. She clarified that it was only for using the automatic checkout machine.

STAFF ITEMS:

There were none.

PRESENTATIONS:

Beaverton High School Boys State Basketball Champions

Mayor Drake called up Nick Robertson, Coach of the Beaverton Basketball team, and asked the players to come forward. They were: Brent Smith, Craig Schuler, Taylor Barton, Scott Boardman, Grant Poujet, and Heath Bailey.

Robertson said they were proud to represent the Beaverton Community, and said there was a lot of pride in the community and they were excited about it.

Mayor Drake presented certificates to members of the team, and their hard work and Championship were applauded by those present.

Coun. Soth said his son had played varsity at Beaverton High his last two years of high school about 25 years ago, when the tallest player was 6' 4" on tip-toe. He said they were proud to have such fine representatives for Beaverton.

98-85 Presentation by the Beaverton Optimist Club to the Beaverton Police Department

Dave Mets, Optimist Club President, said the Club was approached by the Beaverton Police Department (BPD) to help sponsor the bicycle safety van because of their strong support for the BPD. He noted that the request was for \$500 to buy shelves for the van. He reported that they did not take the money out of their budget, they took it before the membership and exceeded the \$500 and came up with \$625 on behalf of Beaverton Optimist Club.

Bishop thanked them on behalf of the Mayor and Council. He said when they started the partnership concept of Community Policing the Optimist Club were the first ones to come forward. He said the partnership had been wonderful.

Tualatin Valley Economic Development Corp. (TVEDC) Quarterly Update

Mike Schmid, Chairman of TVEDC, introduced Debbie McCabe as Interim Director.

McCabe said they had sent out an update earlier and that evening she would share a little more about a Stakeholders' Survey, which had a 43% return, with 26 of the interviews in-person. She noted that what the respondents valued from TVECD was the private/public partnerships, and the ability to achieve consensus among the diverse interests that sit at the table. She said they represented a very diverse constituency and yet when it came to talking about the issues they were able to bring the different perspectives together. She reported that one of the things the

survey pointed out was a need for a unified voice to represent the Westside's economic interests, that they are looking for joint advocacy from the public and private side, but really want one voice speaking for the Westside in regional discussions.

McCabe noted that the critical issues were no surprise as they had been before them before: transportation, growth management/land use, and housing affordability. She reported that some items would be added to the list which had not been worked on extensively in the past, including education and work-force development, and a new committee was being formed in TVEDC to study some of these issues.

McCabe said better communication with the membership was another issue that came out of the survey, so the newsletter would be published on a more regular basis. She said they would send out more alerts to the members on where the private sector can become more involved, and where their perspective was needed at the table as issues moved forward. She reported that a Web-site should be up within a month; an e-mail system had been established; they were expanding their membership and their advocacy; and they were identifying opportunities for project based efforts.

McCabe reported that the current issue focus for TVEDC was the Housing Affordability Study (RFP) in the packet (in record). She said she thought that the last time her predecessor was before the Council, she talked about a study that was being created, and that they were really looking at it with a coalition of organizations from the Tri-County/Metropolitan area. She noted that it was put on hold when Mary Tobias left. She said when she got back to it, the building industry and some other statewide organizations had come up with the same idea. She explained that everyone was finding a need for good, solid research on what was involved in the true cost of housing. She said everyone was trying to prove it without solid data, but that was what the project was, and TVECD was staffing and coordinating the effort. She stated that the research was expected to be done in October and the final report would be ready November 1, so it would be complete before the Legislative Session.

McCabe said they were working with Transportation funding, and they would talk about funding issues that are critical to the West Side. She reported that they were also working on Title 3 Water Planning and Policy, and their transportation focus was the I-5/217 interchange, with Phase I moving into implementation. She said they were really working hard at the Federal level to identify resources to bring Phase II in as quickly as possible so they could make a difference in the congestion issues plaguing that end of the freeway. She noted they were also working on Sunset Highway improvements. She said the last issue she wanted to report was that TVECD was involved as a friend of the court in a LUBA appeal on urban reserves and the process that was involved in establishing the urban reserves, and how the tiers were brought into place.

Schmid added his was thanks for the City's continued financial support, Coun. Yuen for his past active support, and Mayor Drake's current active support on the Board. He said it was appreciated very much.

Coun. Doyle said McCabe mentioned education for the workforce and asked if they were they looking at any particular range of grades from junior college, university, or high school. He wondered if there was some direction for this study.

McCabe said they had not really reached agreement on the focus but would bring in the players to figure out where they might be able to help the most. She said the survey indicated that employers were looking for good workers, of which there was a shortage at this time.

Coun. Doyle asked McCabe to keep him posted on what and who would be involved in this discussion because he had spent a lot of time working with the schools at different levels and there were some significant people who should be involved. He said there were some exciting things that have come up across the country that could be utilized. He noted that the purpose of the study for Housing Affordability was to establish a data base used for understanding changes in the housing market for projecting impacts. He asked if they would use the study for gathering information for policy bodies to help make decisions.

McCabe said it would be available to them when they had to make policy decisions.

Coun. Doyle noted that it would be interesting to see the results and said he appreciated the fact that someone was going to come up with data they could use.

Coun. Soth said he would like to see the Housing Affordability study give a definitive answer for what the cost was of a single family home; what the minimum was that any builder could provide a single family two to three bedroom home. He noted that the information he had seen indicated that most builders could not provide that type of house anywhere for less than \$100,000. He asked that they try to get some figure that was a consensus among builders, which would put some sort of a figure on the illusive term "affordable housing."

McCabe said she believed the focus of the study would be on first-time homebuyer type of homes, which would be tricky. She reported that they were hopeful data would come out in a neutral policy way, and said the report would be given to everyone.

Coun. Brzezinski noted that she was also interested in the education committee, and noted that she had volunteered to be part of that, but it had not actually started yet when McCabe's predecessor came the last time. She would like to put her name in again as a volunteer. Through her work, she is knowledgeable about the CIM and CAM initiatives and

would be glad to help.

Mayor Drake said that at the last Board meeting, because the organization was seeking a new full-time director, they had delayed forming the committee. He noted that the organization had a listing of who would be a potential candidate for some of the committees, and Coun. Brzezinski's name was at the top of the list.

Schmid said it was such a broad topic they had trouble framing it, so it had taken them a year to get back to this point where they really think they can move forward with the committee.

Coun. Yuen asked what their web address was.

McCabe said it was not up yet, but assumed it would be simple.

Coun. Yuen asked if they were going to try to get WWW.TVECD.org. He said presumably they would get Internet e-mail rather than State of Oregon based e-mail. He commented that he appreciated the amount of work that Schmid and the Board had done, and knew that when Mary Tobias announced she was leaving it was a shock to all involved. He noted that to Schmid's credit, he and the Board stepped up and their activeness and commitment were obvious and appreciated. He said they may have missed a couple of beats, but they did not let that become a setback.

Schmid said the credit should go to the Board. He noted they just said they would move on and be strong, and they had proved it a true statement.

Mayor Drake thanked McCabe for the report.

CONSENT AGENDA:

Coun. Yuen MOVED, SECONDED by Coun. Soth to approve the Consent Agenda as follows:

Minutes of the regular meeting of December 15, 1997

98-86 Traffic Control Board Issues 370, 371 & 372 and Transfer Resolution

98-87 A Resolution Adopting an Intergovernmental Agreement and Year 8 of Beaverton's Annual Waste Reduction Program and Waste Evaluation Service Provision Plan

Coun. Yuen said he would abstain from voting on the minutes since he was absent from that meeting.

Coun. Stanton said she would also abstain from voting on the minutes because she did not attend that meeting either.

Coun. Stanton asked, regarding AB 98-87, if the question would be answered before August of 1998. She clarified that she was referring to the eight "we don't know yet, we will let you know" answers. She wondered when the information would be available to Metro. She noted that they were approving something that should have been done in July 1997.

Mayor Drake said Linda Adlard, Chief of Staff, had been handling this issue, but it would be before the end of the fiscal year and the Council would get copies.

Coun. Doyle remarked, regarding AB 98-86, that on No. 371, he hoped staff would do an actual analysis to see the types of problems in the area. He suggested they also see if the initial treatment has the effect they were hoping for, before they had to look at spending another \$100,000 on it. He commented on No. 372, that he thought it was terrific that the business committee was funding the entire project with permitting and oversight from the City. He said this cooperation was great, as was the work, and it was a good way to solve the problem.

Mayor Drake noted that a big "Thank You" should go to staff who were working at Cornell Oaks, and Susan Cadell who was the manager at Cornell Oaks and also the Chamber president-elect. He explained that it took some arm wrestling to work it though because of Federal requirements, but it did work out. He said, regarding the item about the street crossing at Hall and Watson, it was brought forward by the Senior Citizen Advisory Committee and was a major issue with the folks who attend the Elsie Stuhr Center. He reported that it appeared staff had come up with a good solution, which would be monitored to be sure that it was appropriate in terms of safety.

Coun. Brzezinski noted that she agreed with Coun. Doyle about the Stuhr Center crossing.

Coun. Stanton asked for clarification on AB 98-86, because her understanding was that they were not actually approving Issue 371-B.

Coun. Brzezinski said here understanding was that they were interested in 371-B, but at that point they were approving 371-A, just the crosswalk. She explained that they wanted to see how things went with 371-A, to see if further crossing assistance was needed.

Coun. Stanton said as she read the Recommended Action, 3), 371-B would be added to the Capital Improvement Projects (CIP) before they could tell how well 371-A worked.

Coun. Doyle stated that he agreed with the concern, but clarified that the final part of the recommendation was to *consider* 371-B for funding at the time of the next CIP budget review.

Coun. Stanton stated that it did not say to approve funding *if it was*

needed; it read as if the Council were saying to just “plug it in.” She said it was not a big deal, but she was not sure where 371-B fit.

Randy Wooley, Transportation Engineer, explained that the recommendation to put it on the CIP needs list would put it in the program to be considered for funding, keep it in front of the Council to remember it, but it would not fund it. He said he thought the intent was similar to what the Councilors were describing.

Coun. Stanton noted that it would have to come back to the Council for funding approval. She clarified that the Council never approved the Traffic Commission (TC) recommendation for 371-B and they would have to address just the recommendation, so it was a process issue.

Mayor Drake clarified that as he read it, 371-A was recommended, but 371-B was to be added to the projects list and considered.

Coun. Stanton asked how they could take it from the bottom of the list and implement it without ever deciding by Consent Agenda that, in fact, they need to go forward with it.

Mayor Drake asked Wooley for any comments about the TC's intent and what they wanted the Council to do.

Wooley said the TC was clear that they did not have a specific project in mind, but wanted the Council to keep it in mind. He reiterated that this was a way of putting it on the CIP needs list to be considered.

Mayor Drake said they could put it on the needs list but until it was put in the funding cycle, it would not be there.

Coun. Stanton stated that it was a process issue, they were not approving the TC recommendation because their recommendation was for Council to consider additional treatment. She said it was not in Recommended Action No. 1, which only referred to 371-A; 371-B was excluded from what they are approving.

Couns. Brzezinski explained that her understanding was they were implementing the TC recommendation that they would consider if additional treatment was necessary. She clarified that the way they were doing that was by adding it to the project need list and before it could come back to Council for funding, staff would have had to analyze how the new crosswalk was working and decide whether something more was needed to make the crosswalk safer.

Coun. Stanton asked if they decided it was needed, would staff come back to the Council. She asked if after a few months, they would know what the review was.

Mayor Drake said it would come back and they would know. He said they would have it in six months, look at it to see how effective it had

been and if it turned out that a justification was there for 371-B, they would bring it to the Council and make a recommendation.

Coun. Brzezinski explained that for the benefit of those watching at home who had no idea what 371-A and 371-B were, 371-A was for crosswalks on Hall and Watson in the vicinity of the Stuhr Center, to be installed. She continued that 371-B was any additional safety paraphernalia such as a pedestrian activated signal, which might be needed. She explained that the crosswalks would be installed now, and the other options would be on the list, while they waited to see how the crosswalks work, before deciding to spend additional funds.

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

ACTION:

98-88 Resolution Requesting Annexation of Various Developed Properties Within the Cornell Oaks Corporate Center

Coun. Soth commented that he thought it was a straightforward request.

Coun. Brzezinski MOVED, SECONDED by Coun. Doyle, that the Council approve AB 98-88, Resolution Requesting Annexation of Various Developed Properties Within the Cornell Oaks Corporate Center, effective June 25, 1999.

Coun. Stanton recalled that when this came before the Council earlier, regarding a sewer hook-up, they agreed to delay annexation. She asked what the initial delay date was.

Mayor Drake recalled that the only provision was that it was after the property was developed.

Coun. Brzezinski reported that the agreement had a life of 10 years, but it was contingent on the properties being developed and when they were substantially complete, they would be annexed into the City. She said she did not believe there was a particular timeline for that.

Coun. Stanton said this would modify the earlier action and allow the buildings to defer annexation another year or two.

Mayor Drake explained that it was not a matter of deferring it, but to get those properties on the tax rolls, they needed to go through the Boundary Commission before March 31. He noted that they had missed that date, but the properties in question were likely to be complete or substantially complete by annexation on June 25, 1999.

Mayor Drake clarified that Council would be authorizing this to go forward to the Boundary Commission to complete the agreement with Prudential.

He noted that they expected to get this on the Boundary Commission's Agenda before the end of the year.

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

WORK SESSION:

Annexation Policy

Mayor Drake explained that this was a follow up to an earlier work session, when Council had asked that their recommendations to the initial staff draft be brought back prior to continuing. He said they were there to see if the new draft met the intent of what the Council had asked for and if there were any corrections or additions.

Ali Turiel, Principal Planner, said they were going to Planning Commission (PC) that week to follow through with the previous two work sessions with Council. She stated that if she got any issues from those previous work sessions clarified she would make sure she conveyed the information to PC. She explained that staff's intent was to get the Councilor's thinking to take to the PC for a Public Hearing, and then to come back to Council for another Public Hearing, rather than a consent item.

Coun. Soth referred to page 22, middle of page, paragraph beginning following the Policy Section and sub-paragraph, and read from it (in record). He reported that there had been a couple of cases where they had (by contract) extended services until when the property was annexed or the service was contingent upon the property being annexed. He said he would like to see something to that effect with a date certain, such as one year, because he could see the situation arising where annexation of a particular area was not prudent or desirable at that time. He continued that an annexation plan should set up some time frames, for some of those kinds of things.

Turiel said she understood that he thought the policy was too narrow in terms of criteria, and there were also other issues that could figure into this.

Coun. Soth read from the next paragraph, and said he would like to see the term "owners of real property" rather than "property owners." He noted that on page 16, under the paragraph headed "Transfer of Roads from Washington County," that they had not done an LID for a road in about 10 years. He said he was reminded of a question about the current status of Bancroft Bonds, which were designed to finance those kinds of things (LIDs). He noted that he thought Ballot Measure 5 had an adverse impact on their ability to use those bonds.

Turiel said she would have to look into that.

Coun. Soth said on page 4, the paragraph that began on page 3, he wanted it changed to "owners of real property," also. He asked about item 10, saying he understood the thrust of that, but he thought this was regarding the provision for the residents in annexed areas to agree to recognize the City's taxing authority.

Turiel explained that this simply recognized that should the City decide to pursue, and the voters agree to an annexation plan, then those areas might annex in on a different timetable than what might be considered optimum, but would be appropriate for the area.

Coun. Soth asked if they had a situation of a double majority annexation, would that constitute approval by the area to agree to the City's tax authority.

Mark Pilliod, City Attorney, clarified that it meant they were not required to have an election, and the Boundary Commission had jurisdiction.

Coun. Soth clarified that he was referring to the provision that said the voters in the area to be annexed had to give their approval to be subject to the City's tax. He said he believed that was in Measure 50.

Turiel said she did not believe there was anything in ORS 222 or 199 that addressed that issue.

Pilliod said he did not know if the question of Measure 50's requirement of double majority vote on new or additional tax had any effect in the area of "Consents to Annexation." He noted that he was not aware that the courts had ever addressed the issue.

Coun. Soth clarified that he was referring to a double majority annexation. He said there was a provision which said the voters in the area would have to approve of the City's taxing authority.

Turiel said the provision was intended to address ORS 195 annexation plans. She said she would review the wording to see if she could clarify that.

Mayor Drake noted that he assumed that after Dec. 31, when the Boundary Commission was dissolved, the Council would be the final decision-makers on annexations other than contested ones which would go to the hearing body of Metro or the Council. He said in terms of finality, nothing would change unless it was appealed.

Pilliod said Patrick O'Claire, Finance Director, reminded him that Measure 47 contained some limitations on the power of annexation and the requirements for double majority, which was omitted or deleted with Measure 50.

Coun. Stanton noted that her questions were on page 22 and 23, and referred to the same section Coun. Soth referred to. She said her notes

said "in conjunction with Washington County." She said she could not believe that the City would declare that there was a clear threat to public health, safety, or welfare, and decide to annex something without the County saying the City had to take care of it. She stated that was good for two reasons: 1) it would prevent a megalomaniac on the City Council or in the Mayor's chair at some future date from going around annexing; and 2) it put Washington County in the loop and they could decide at some point to say, "Beaverton, you've got to deal with this." She said she didn't know if the language "in conjunction with Washington County" made sense, but she thought it might be valuable so that the City could do it in partnership or at the suggestion of the County.

Coun. Stanton said her other question had to do with the bullet points at the bottom of the page on "Factors to be Considered," and read from the section. She asked if it was just any single item or was it more to delay an annexation. She wondered how many criteria had to be met.

Turiel said they were structured as factors for consideration, but they were not criteria, and any one of the factors could delay an annexation. She noted these were written before they knew the Boundary Commission would be dissolved. She explained that the intent was to provide some flexibility and some latitude for annexing areas that were appropriate to annex in the not too distant future, but not immediately. She noted that it would allow staging of annexations in a way that would provide the best possible service to citizens.

Coun. Stanton asked if any one of those factors could be the determining factor to "blackball" an annexation.

Turiel said one would be enough.

Coun. Stanton stated that they needed to make sure it was clear that it could be any one of those factors that could delay an annexation.

Joe Grillo, Community Development Director, said, in terms of the points made by Coun. Stanton, an additional clarifying sentence might be there for consideration at both the PC's and again at the Council's final Public Hearing. He suggested the sentence should imply that there would be a coordination with Washington County and the Unified Sewerage Agency (USA) in those appropriate instances where the Council was being asked to extend service for health reasons, but was not quite ready to annex the area.

Grillo also spoke to the concern raised in dealing with roads. He said it would be fair to say that Washington County was sensitive to the City Council's concern about when an area was annexed, and to the condition and the status of a particular road. He reported that his conversations with the Department of Land Use and Transportation indicated that they were prepared to work with the City, particularly in dealing with roads that were of less than a minor arterial. He said they were also prepared to work with the City through the County's Urban Road Maintenance District,

to provide some monetary input to help advance those roads being taken over by the City in conjunction with an area of annexation.

Coun. Stanton said her friends were not at all pleased with tar and gravel and she was pleased that he said monetary support.

Coun. Yuen noted that Coun. Stanton brought up some good points regarding the factors for consideration on pages 22 and 23. He commented that he hoped the members of PC would see how this would provide guidance for them. He said when he was on PC, often times they would wonder what the City Council meant and what was the intent when something got into the Comprehensive Plan (Plan). He stated that the staff might say they were not criteria, but if they were factors of consideration, when PC or the Council were trying to make a decision they would be criteria. He stated that if they are binding in some nature, they were criteria. He said that issued needed clarification so they would be used properly and not have decisions based on confusion. He noted that he thought there were problems in the Plan update that were also gray areas.

Turiel explained that the way they typically handled criteria in the Plan, and the reason these were not framed as criteria, was that a requirement was that if you have a list of five or ten criteria, each criterion must have an affirmative answer to it before you could proceed. She said they felt that every annexation had its own flavor and there were many things to consider, but they did not necessarily have a checklist that was the same for every one.

Coun. Yuen commented that there were problems with not having clarity and having no one who was really sure how these applied. He gave the example of there being a party or parties, either for or against a particular action, who would look at the list and think that if all of the list did not apply, then it could not happen. He reiterated that it needed clarity.

Turiel said she would make sure they talked about that with the PC.

Coun. Brzezinski asked if with factors vs. criteria, would it be appropriate to put "not applicable." She wondered if they had gone back to the recent annexations and looked to see how those situations applied to the factors.

Turiel said they could have a set of criteria and could say not applicable, but sometimes you have pros and cons. She gave the example that potential effects on fiscal and operational impacts on City Services were a concern, but they might be outweighed by other benefits to the City.

Coun. Brzezinski said she was comfortable with the list being factors, recognizing that they would be weighed.

Coun. Brzezinski noted that, in the same sentence on page 3 in "Proposed Annexation Policy, it was related to the provision by the City

Planning Services on behalf of the County. She wondered if there was anything in the sentence that would prohibit them from entering such an agreement.

Coun. Stanton said this goes back to her “in conjunction with Washington County” question.

Grillo stated that staff would urge Council to not adopt any language that would preclude them from entering into other types of agreements with the County or with USA. He explained that would allow the Council to extend the level of service that the citizens enjoy right now, into the annexed area. He said they would be happy to review it again with the City Attorney.

Coun. Soth commented that on page 22-23, he had no problem with it as a consideration, because in the process, many points would be considered. He said it did not necessarily mean it had to be given a plus or minus on the face of it. He noted that this would give the PC the flexibility they needed and allowed for the use of common sense in evaluating those kinds of issues.

Coun. Stanton asked about having some criteria, i.e. – they’ve got to want to come into the City, or it’s for public health, safety, welfare, etc. She commented that she lived in a donor City, in a donor County, and in a donor State. She expressed her concern that without laying the groundwork firmly in the beginning, hers would become a donor neighborhood, and she was not sure people wanted that.

Coun. Brzezinski noted that she thought that was embodied in No. 5 about fiscal and operational impacts on City services.

Coun. Stanton said it was a factor, not a criteria, and those three would have to be met, before the area was even considered.

Mayor Drake commented that her point in a broad viewpoint was correct, but there were problems with just considering dollars. He explained that an annexation might not make sense immediately, but a year later when a development occurred, it would, so the earlier decision would be viewed as good. He said you would need to be very careful with whatever criteria you set.

Coun. Stanton said she was not advocating they go back to the planning board, it was just a thought and it brought back to mind traffic calming.

Turiel asked if she was suggesting they have a first cut to determine if an area would be considered.

Coun. Stanton said she was, but did not think it belonged in the policy document and she did not want to be the one to write it!

Turiel said she heard one other factor, when Coun. Stanton said, “the

area wanted to be annexed.”

Coun. Stanton said that was one important thing, but if they did not want to come in at a certain time, they should not have to.

Coun. Brzezinski said she was willing to see if they could come up with some “first cut criteria.” She stated that as far as residents wanting to be in the City, she felt very strongly about that, and recalled that in the Canyon/West Slope area, there was good support except for one person.

Mayor Drake said there were several spots where there were “islands” that were not annexed, where collectively they had taken a posture that when somebody really did not want in, then the City had not actively pursued it. He noted that at some point, it could turn out that it might be in the City’s interest to annex those pieces, such as if it was creating an obstacle for police to go around it, or it was an issue with planning. He said there were occasions where they City might need to do an annexation.

Coun. Doyle commented that was why they needed to be factors, not criteria. He complimented Turiel on a nice job of incorporating many diverse and extensive points.

ORDINANCE:

First reading

Suspend rules

Coun. Soth MOVED, SECONDED by Coun. Brzezinski, that the rules be suspended and the ordinance embodied in AB 98-89, be read for the first time by title only at this meeting, and for the second time by title only at the next regularly scheduled Council meeting. Couns. Soth, Brzezinski, Yuen, Doyle and Stanton voting AYE, the motion CARRIED unanimously. (5:0)

City Attorney Mark Pilliod read the ordinance as follows:

98-89 An Ordinance Amending Ordinance No. 1800, the Comprehensive Plan, to Add Provisions Pertaining to Multiple Use Designations; CPA 97001

OTHER BUSINESS:

Pilliod commented that a couple of weeks earlier, one of the Councilors asked him to investigate the signs ordinance enacted by Wilsonville. He reported that word had gotten back to him that Wilsonville may have had some difficulty enforcing the provisions involving the placement of political signs. He said Wilsonville characterized political campaign signs and then identified by street where they were permitted to be placed in the right-of-way (ROW) and where they were not. He noted that they had not been challenged. He clarified that Beaverton strongly prohibited placing

political signs in the ROW, and noted that along collectors and arterials, staff routinely picked those up.

Coun. Brzezinski asked when the signs were picked up, did staff keep track of where they were found.

Mayor Drake said they did not track them as a rule. He explained that Bruce Cleeton, Code Enforcement Officer, would pick them up if he had time, and would do so if they were in the divider on Murray Boulevard, but they were difficult to track.

Coun. Brzezinski noted that she had her signs in some places that looked like empty lots, but she had the property owner's permission.

ADJOURNMENT:

There being no further business to come before the Council at this time, the meeting was adjourned at 8:16 p.m.

Darleen Cogburn, City Recorder

APPROVAL:

Approved this 13th day of July, 1998

Rob Drake, Mayor