

REGULAR MEETING

October 12, 1998

CALL TO ORDER:

A regular meeting of the Beaverton City Council was called to order by Council President Wes Yuen in the Council Chambers, 4755 SW Griffith Drive, Beaverton, Oregon, on Monday October 12, 1998, at 6: 34 p.m.

ROLL CALL:

Present were Couns. Wes Yuen, Dennis Doyle, Forrest Soth, and Cathy Stanton. Mayor Rob Drake and Coun. Evelyn Brzezinski were excused. Also present were City Attorney Mark Pilliod, Finance Director Patrick O'Claire, Community Development Director Joe Grillo, Engineering Director Tom Ramisch, Operation/Maintenance Director Steve Baker, Library Director Shirley George, and City Recorder Darleen Cogburn.

CITIZEN COMMUNICATION:

There was no one who wished to speak.

COUNCIL ITEMS:

Coun. Soth said he had the pleasure of conducting a bus tour of the City of Beaverton with a stop at *The Round* for the group The Leadership Beaverton, 1998. He said he was pleased that several members of the group were from the "younger generation" who would be the decision-makers in the City in the next few years.

Coun. Yuen said he attended the Grand Opening of Bassett Furniture in the old Silo location and suggested it was another place to shop for furniture for those interested.

STAFF ITEMS:

Steve Baker, Operations and Maintenance Director, updated the Council on the accident on Greenway where the pedestrian bridge was demolished by a garbage truck. He indicated he had brought photographs and reported the City was working on the replacement of the bridge. He noted he was preparing information on the proposal and hoped to present Council with that information at the next meeting. He stated that they would like to employ the contractor who built the bridge and once the

contractor was chosen, the bridge could be completed in eight to nine weeks.

Coun. Stanton asked if he meant the original contractor or the contractor who built it the last time.

Baker said the contractor who built the bridge the last time.

Mark Pilliod, City Attorney announced the City would participate in the oral argument at the Court of Appeals on the NIKE appeal in Salem on the following Friday. He said Coun. Soth had been notified because he was interested in attending.

PRESENTATIONS:

Good Neighbor Days Float

Steve and Marcy Spear said they were present to represent the Float Committee. Steve Spear noted that when June arrived in Portland, the communities joined together to celebrate the Rose Festival which was named by the International Festival Association to be among the top 10 festivals in the world. He said Beaverton shared in that experience and he would like to see the City even more involved. He reported the theme for 1998 was *Ticket to Adventure* and the Float Committee had produced a float which depicted a quartet of brightly colored Frogs and was titled "Jammin' at the Taste."

Mr. Spear reported that for the second year the float was honored with the Golden Rose award for best float under 35 feet and expressed the Committee's pride in that accomplishment. He noted that coming up with a plan for the float each year was quite an adventure, and the 1999 Theme was *Set Sail for Fun*. He reported that a professionally built float ran between \$25,000 to \$50,000 and some cost more, depending on animation and how elaborate they were. He said the City typically got by for less than \$10,000, including storage and building space fees. He noted the main expense was \$2,000 to \$5,000 for the flowers. He reported the fees were going up; next years entry fee was \$350 and space rent would increase by \$1000. He said Council's support helped create the float, and their support was greatly appreciated.

Ms. Spear presented the Award Plaque and the Ribbon given to the City from the Portland Rose Festival Association for the Grand Floral Parade entry.

Mr. Spear said they also participated into the Good Neighbor Days (GND) Parade and they tried to tie it all together with the Taste of Beaverton celebration. He reported they won the First Place Floats/Best Community award for the GND Parade.

Ms. Spear presented a certificate and ribbon to the City. She said they appreciated the effort and support they had given over the past years.

Mr. Spear noted that they first got involved in 1988, and first participated in the Starlight Parade in 1990 and in the Grand Floral in 1993. He remarked they had come a long way and had fun doing it.

Coun. Yuen commented the he always wondered why they presented the City plaques when the City should be presenting them the awards for the amount of work, enthusiasm and commitment they had put into the Float Committee. He said the Spears were the Parade Committee and noted their involvement in many other things.

Coun. Doyle expressed his appreciation on behalf of the Council and said he always looked forward to seeing the next year's float design. He complimented the Spears for fostering a real sense of community through their participation

Coun. Soth said many years ago, they had floats that were sponsored by the Jaycees but that had dwindled away. He thanked the Spears and the Committee for reviving it, and said he thought the City was deeply indebted to them and the Committee for their continued dedication.

Coun. Stanton reported to the audience that it was lots of fun to help put the floats together. She asked the audience to participate and noted they could call her voice mail at 526-2343, and she would pass the information along to the Spears. She said children could help and it was a wonderful way to participate in their community. She also thanked the Spears on behalf of the Council and led the Council and audience in a standing ovation for the Spears.

Good Neighbor Award

Jack Franklin said he was representing the Good Neighborhood Days (GND) Parade Committee and had been a member of that Committee for several years. He said they were presenting a plaque to the Council in appreciation of their support of the GND Parade. He reported that the Committee worked about 10 months of the year to put together the agenda for the next year's Parade. He asked Leslie Mundt, the chairman of the GND committee to present the plaque of appreciation from the Committee.

Mundt presented the plaque to Council.

Franklin said. the second presentation of the night was the Good Neighbor of Year award. He explained that this award recognized the outstanding contributions by an individual or a couple and explained the requirements. He said the nominee must be active on a regular basis as opposed to one kind or generous act. He said various types of service to the community such as with schools, seniors, in the neighborhood, etc., were considered.

Franklin read the qualifications of Gary and Kathy Bray, the couple nominated for the Award. He noted that the Bray's nomination had come from three different sources and he read from their nomination applications. He said they had been involved in the Toy and Joy project with 700 hours participation each year. He noted that they also responded to the needs of the low-income tenants in the apartment building they managed. He named several other volunteer activities that the Brays participated in each year and said they volunteer regularly for the whole community. He read from another nomination letter about Kathy Bray heading a block party to help keep their community clean and safe and organized a Halloween Block Party to keep kids safe, as well as designating their home a "safe house."

Franklin noted the Brays were a great asset to the community and they really understood what it meant to take an active part in making a community a better place to live. He presented the Brays with the Good Neighbor Award.

Mr. Bray thanked Franklin for his kind words, and those who had put those words on paper. He thanked the Council for their work, and said he and his wife were just little fish in the big sea. He noted that Halloween was approaching, and they were tossing the coin to see if they should do it again, but just like those on the Council, they were volunteers. He commented that there had been many changes in the community and there were so many things people could volunteer for, and said they would like to see more people involved. He said he was making a plea to the Council to join them for the Toy and Joy Project this year and asked them to spend a day with them. He thanked the Spears for the work they did on the Float Committee.

Ms. Bray said she hoped their work would encourage others to volunteer since there was such need in the community. She thanked the City for letting them be Good Neighbors of the Year and asked everyone to volunteer one hour per week.

Coun. Doyle asked the Brays how someone could volunteer if they were interested.

Mr. Bray said they could call the City to work on the Parade or call 649-8577, which was the voice mail for the Toy and Joy.

Ms. Bray noted that another project they were involved in was a fishing derby for handicapped children. She explained that Tualatin Valley Fire and Rescue (TVF&R) had a man made lake and each year they took the children there and each child was assigned a fishing buddy. She said this year there were 40 handicapped children from the Beaverton School District who participated, and they would like to double that for next year providing they got more volunteers. She said everyone always knows the

need at Christmas but in June they needed volunteers for the fishing derby.

Mr. Bray said the TVF&R number to call to volunteer was 649-8577.

Coun. Doyle thanked them for their commitment to the community and said it was overwhelming to hear about everything they did.

CONSENT AGENDA:

Coun. Doyle MOVED, SECONDED by Coun. Soth that the consent agenda be approved as follows: Reschedule AB 98-279 to Council meeting of 11/2/98, and

98-277 Adopt Resolution Calling for a Public Hearing to Consider Formation of the Lombard Gardens Local Improvement District

98-278 Approve Applications and Adopt Resolution of Support for Projects for Metro's Metropolitan Transportation Improvement Program

Bid Award – Replacement of Camera Control Unit

98-280 Bid Award – Replacement of One Heating, Ventilation, and Air Conditioning (HVAC) Unit at the Operations Department Facility

98-282 Ratification of a Personal Services Contract with Outside Legal Counsel Regarding Public Records

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

WORK SESSION:

98-281 Intergovernmental Agreement (IGA) with Washington County to Accomplish Community Plan Updates Within the City of Beaverton's Urban Service Area

Joe Grillo, Community Development Director, pointed out that this was a draft of the proposed IGA, and said he had talked to some of the Councilors and answered some of their questions. He explained that Washington County (WC) came to the City and said they were interested in entering into an IGA along the lines of what WC and the City of Tigard had done for both planning and development services. He said that had led to the staff having conversations regarding the area that might be under consideration to bring before the City Council.

Grillo explained that staff was recommending in the draft that the Council only consider long range planning services and bring certain unincorporated areas into compliance with the 2040 mandate, as well as handle any plan amendment requests. He pointed out that this draft did

not deal with the balance of the services that would be found in the WC/Tigard IGA, which included development review, code enforcement and road maintenance.

Grillo said the IGA anticipated a three-year agreement with the County, and extensions were possible if the work program required it. He reiterated that the IGA only dealt with long range planning services. He noted there was a copy of the area map exhibited on an easel. He said there had been some sub areas where the County had already undertaken substantial work in terms of making those areas compliant with 2040. He noted that some of those areas were the Sunset Transit Station area, the Elmonica Transit Station area and the Tektronix area. He explained that the City was participating with WC on the Raleigh Hills Town Center Plan area which involved a portion of the City.

Grillo noted that key points in the agreement were the anticipated borrowing of a County staff person and hiring an additional person for a three-year term, to be paid for by the County. He said the costs to the City would be support staff, and noted that the County would continue to handle any transportation work required within the area, to comply with 2040 as well as assist the City in any graphics.

Grillo asked Council to consider the IGA and give the City Attorney and Mayor authority to proceed with the County to finalize the agreement and bring it back to the Council for final approval. He said the area was within the City's Urban Service Area, and the staff believed it would be appropriate in terms of having the City provide some oversight to the planning effort over the next three years. He announced Commissioner Katsion and the Department of Land Use and Transportation Director John Rosenberger were present that night to answer any questions that he (Grillo) could not answer.

Coun. Soth said he supported this from a number of standpoints. He noted that he had served on the Senate Bill 122 committee and the Urban Services Area committee. He said this would connect with the work of those committees, establishing the USB between Beaverton and Hillsboro and which would be a vehicle for that kind of an agreement. He reported they heard from County people that the County 2000 Plan, (which was instituted in 1986) was coming closer to reality; the time frame was about 10 years. He explained that in order to accomplish what the County 2000 Plan envisioned, the planning of all of the areas was very important. He said there had been times when the County's plan had not agreed with various City plans. He noted that this plan would provide service to those people in the affected areas so they would know long before they were annexed into any city, that the common planning had been done, everyone was in agreement, and they had something they could count on. He clarified that this was not a short-term agreement, and he thought now was the time to do it. He remarked that they had been criticized in the past for not planning. He stated that his experience was that the more they could give the residents some kind of certainty as to what the future

might hold for them, the better off they would be. He reiterated his support for the proposed IGA.

Coun. Stanton asked for more clarification regarding her question number two, regarding that under the agreement, there were 11 numbers, 10 of which referred to delegating from the County to the City. She said number 11 was not delegating but only a statement of what the County would do. She asked why it would be included under delegating.

Mark Pilliod, City Attorney, said he supposed the section could have been organized differently, but it largely followed a form that the County had negotiated with Tigard, which those parties found acceptable. He clarified that the delegation language in the first section might or might not ever occur. He said it authorized the City to defend or participate in defense of a land use decision, Comprehensive Plan Amendment (CPA) or 2040-implementation measure. He explained that it did not require this to occur, which was to be distinguished from the later section where there were specific actions that each party was required to fulfill. He said that was the reason it (itme 11) was found in the section where it was, allowing that authorization to occur but not requiring some further action in any event. He said it was only the possibility that such authorization might result in some City action in a land use proceeding or an appeal.

Coun. Stanton said she would like to see it clarified better in the document.

Pilliod said it seemed to him that the way it was written currently, it could more aptly follow IV,1a. He clarified that that section actually enabled either the City to represent the City and County interests in an appeal, or the City's own interest. He noted that they could broaden it to make sure the combination of the City and County was also referred to in that revision.

Coun. Stanton stated that she would like to have some assurance that the County would represent the City in any appeal. She said she did not want the language there to somehow negate it later on.

Grillo said they could assume they would do some word-smithing on number 11.

Coun. Stanton noted that in her other question regarding pre-application meetings she used the wrong word. She said it would not be about land use applications but about CPA's and committee planning. She asked if the level of citizen involvement that would be coming out in the IGA would meet City standards.

Grillo responded that in some aspects they would.

Coun. Stanton asked if City standards would be used in working on community plans and CPAs in the unincorporated areas of Washington County, within the service boundary.

Grillo said that was not a yes or no question, but if that was the direction of the Council then they would include it in the IGA. He noted that the City had a higher standard than the County.

Coun. Stanton asked if the City's higher standards would apply.

Coun. Yuen asked if she was talking about notification and hearing standards or the land use Development Code standards.

Coun. Stanton said she was starting with the notification standards.

Grillo said he would take Coun. Stanton's comment as a direction from the majority of the Council that they would like the City's higher standards as they related to certain types of plan requests which came before the City, that City standards prevailed over the County's lesser standards.

Coun. Stanton said if the County had a higher standard, should the County prevail.

Grillo explained that in terms of getting the public in general to participate, both the County and City staffs tended to perform similar types of public involvement programming as part of getting people out and participating in 2040. He said an example of that could be seen in the Murray Scholls Town Center Area Plan. He said the City's public outreach was similar to the type of outreach that would be found at the County.

Coun. Stanton clarified that, 2040 notwithstanding; there were other things that they would be doing on behalf of the County in the unincorporated areas. She said in every case, if they were talking about the Urban Service Planning Area, she wanted them to use the highest standards available for citizen notification, in order to allow for the highest level of citizen involvement.

Coun. Yuen asked if the agreement allowed for who would be paying for the notifications; would the County pay for the difference between the City and the County notification.

Grillo said he could not answer that specifically. He explained that if they were talking about a quasi-judicial CPA which came to the City as part of the agreement, then the County would typically require an escrow which would need to cover the full cost of that individual action. He pointed out that imbedded within their discussions with the County, in terms of paying for the cost of the staff and public involvement required for the 2040 work in general, that would be paid by the County. He reiterated that there were two ways to answer the question, one was the 2040 work and the second was a particular quasi-judicial CPA.

Coun. Yuen said they were not talking about a lot of money, but it was an amount of money, and by law, the escrow money for public involvement for quasi-judicial, would be the County. He clarified that if he was a developer (in the County), as something went through the County process, he would not want to have to pay more for the City requirements than he would normally have to pay in the County.

Grillo said that might be true, but if the Council, and the Board of County Commissioners deemed it to be the new plateau and the County Board decided to delegate that authority, then it would be a moot point. He explained that when someone came in and filed for a quasi-judicial CPA, the County would delegate it under certain rules and authorities vested with the City and the City would have the ability to carry that out. He said if that required a large notice then that was what it would be.

Coun. Stanton said it had to do with a measure requiring additional noticing for CPAs at whatever level or jurisdiction it would be. She asked if that measure passed, if the County would still be responsible, and the City would not have to absorb the cost.

Grillo said they would take it into consideration as part of the final draft. He stated that he would not second-guess the electorate at that point.

Coun. Stanton said, regarding County support in law suits, she recalled the Cooper Mountain situation where the County's R7 was 7 dwelling units per acre which transferred to the City's R5 which was 5,000 square foot lots. She reminded the others that it turned out that when the transfer was made on a piece of property, it had deed restrictions that went with the land that required larger lot sizes and lower densities. She expressed her concern that the City would get caught in some kind of litigation loop where there were deed restrictions on a piece of property.

Grillo responded that there was really no way to definitively answer the question since it was clearly an issue with which every community had to deal. He explained that private covenants and restrictions that might run with the property, were issues that the City and the County (with or without an IGA) were required to make their best faith effort to address. He said at the same time they had to comply with all the requirements of the Urban Functional Plan in terms of determining how best to accommodate the population and employment numbers, and they were not required to undo private CC & R's. He commented that Coun. Stanton brought up a point where a planning effort such as this wasn't necessarily going to make it so. He said in the future, property owners might take issue with other property owners, within their same subdivision, who disagreed with somebody trying to exercise their new found right under the City's amended Development Code where they believed it violated their CC& R's. He stated that his position was that it was a civil issue.

Coun. Stanton said as they annexed land, there might be deed restrictions they did not know about.

Coun. Doyle said he would support directing staff to proceed with the finalization of the IGA. He said it made so much sense to do it that way; it should have been done along time ago. He said as infill occurred and the areas that were perceived as vacant space continued to disappear throughout the region (whether or not it was in the City), common planning among government entities was cost effective. He said it would lower the cost of building and lower the frustration level of people involved in the final process as things got put together. He said it made so much sense to go forward and he was glad they were going to do it.

Coun. Stanton referred to task six, page three, and read from the material. She asked if this would all be done with extensive community involvement, and that whatever plans came forward would have the approval, or at least the involved CPO would know what was coming forward to the Planning Commission for adoption.

Grillo said that was correct.

Coun. Soth commented that in that section, he assumed it would take much the same form as the County followed several years ago in formulating the plans with the CPOs. He said, in regard to the CC&Rs, if they tried to codify every one of those in the City of Beaverton, they would have a huge stack that wouldn't quit.

Coun. Yuen thanked Grillo for answering his questions. He noted that there were two possible types of hearings; one was the quasi-judicial, which would follow into the 120-day role, and other would be the text legislative, which did not. He said text legislative should be able to be scheduled in at their convenience but the quasi-judicial did not give them that opportunity, and wondered how many could they expect to see.

Grillo said he could not give them a figure, but based on his conversation with the County, they would probably not see many quasi-judicial. He said the County had a "one-map system" under quasi-judicial, the 120 did not apply. He agreed there would be additional workload on the Planning Commission (PC) and the Council.

Coun. Yuen if they had discussed this with the PC.

Grillo said he had not, since if the Council was not willing to proceed, he did not see the value of presenting it to the PC.

Coun. Yuen commented that they had just participated in recognition of some valuable volunteers that evening, but the Councilors were elected and if they did not "like the heat they needed to get out of kitchen." He commented that the PC members were volunteers who worked hard, so he thought it would have been nice to include some of their opinions on

this. He thought it could affect PC greatly and he was reluctant to approve of something without having a greater sense of how they were going to be affected and how they felt about it.

Coun. Soth commented that in his view it would be premature to run it by the PC until they had the IGA signed and in effect, because then the actions that might be required would be part of their regular agendas, etc.; without the IGA they would have not jurisdiction.

Coun. Stanton reported that the previous evening, a past, and two current Planning Commissioners, reviewed the draft and they all thought it made sense and was something that should go forward. She noted that they realized it would take a lot more time and involve many issues, but still thought it was important.

Coun. Yuen thanked Coun. Stanton for sharing that information. He said in the future, he thought they should include those people who would be affected in advance. He noted that the IGA required that the City have a \$1 million liability insurance policy, and asked if it was necessary for the City to carry an additional liability policy.

Grillo deferred the question to Pilliod.

Pilliod said he believed this was covered by the City's current policy, and noted that it referenced the City County Insurance Services Trust, which was like, but not the same thing as insurance.

Coun. Yuen explained that it occurred to him that the City must have a substantial liability insurance policy, and it seemed redundant to have a second policy. He said if it was required to have another policy, he was not interested in the City picking up the cost of that policy as part of the agreement.

Grillo said this was a draft and if the City Attorney was comfortable with the City's current insurance policy, they might find that the section was not necessary.

Coun. Stanton asked for a copy of Coun. Yuen's questions and Grillo's responses.

Grillo said he would get them for them.

Coun. Stanton asked if they would get to review of the final draft.

Grillo replied that the final IGA draft would be back in front of Council to approve and authorize.

Coun. Soth MOVED, SECONDED by Coun. Stanton to direct staff to proceed with the finalization as outlined in the recommended action taking

into consideration those concerns, which had been voiced at the work session.

Question called on the motion. Coun. Stanton, Soth, Doyle and Yuen voting AYE. Motion CARRIED unanimously. (4:0)

ADJOURNMENT:

There being no further business to come before the Council at this time, the meeting was adjourned at 7:45 p.m.

Darleen Cogburn, City Recorder

APPROVAL:

Approved this 8th day of February, 1999

Rob Drake, Mayor