

REGULAR MEETING  
December 13, 1999

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 December 13, 1999 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, Chief of Staff Linda Adlard, Human Resources Director Sandra Miller, Finance Director Patrick O'Claire, Community Development Director Joe Grillo, Engineering Director Tom Ramisch, Operations/Maintenance Director Steve Baker, Police Chief David Bishop, Library Director Shirley George, Facilities Supervisor Ron Koppel, City Utilities Engineer David Winship, Emergency Manager Mike Mumaw, Associate Planner Jeff Salvon, Economic Development Manager Janet Young, and City Recorder Darleen Cogburn.

Mayor Drake introduced Boy Scout Troop 673 representing Sexton Mountain School and said they were at the meeting that night observing the Council and City Government.

PROCLAMATION:

December 14, 1999, Day of Champions in Honor of the 1999 Beaverton High School Football Team.

Mayor Drake read the proclamation honoring the Beaverton High School Football Team for Winning the State Football Championship.

Coun. Doyle congratulated the team and said it was a real season to behold because they epitomized the definition of team and team sports. He commented that the school and the kids should be proud.

Mayor Drake said the agenda would be out of order that evening with the presentations coming before the citizen communication.

PRESENTATIONS:

99-379 Presentation of Award for Significant Contributions to Fitness and Health of Oregonians

Ralph Brown, Mayor of Cornelius, and Mayor Drake made the presentation for the Award for Significant Contributions to Fitness and Health of Oregonians.

Mayor Brown stated that on a different note, that he wanted to acknowledge the help and support the larger cities give the smaller communities, with various things, such as selecting a new police chief. He said the County had to work together in order to be successful and under the leadership of Mayor Drake, the City of Beaverton had always been a strong supporter of Cornelius and other small communities. He said that support was appreciated.

Mayor Brown called Leslie Mundt forward to be acknowledged as the recipient of the award. He noted that he was on the Governor's Council on Physical Fitness and Sports and they were recognizing people throughout the state, with nominations from mayors for citizens in their communities. He said the award was presented at the League of Oregon Cities in November.

Mayor Brown read the information in Mayor Drake's nomination of Mundt to receive the award. He related that Mundt had worked in the Sports Department of Tualatin Hills Parks and Recreation District (THPRD), for eleven years, coordinating sports and activity programs for both youth and adults. He said Mundt was the current president of the Oregon Recreation and Parks Association, Recreation Sports Section, a statewide organization. He said she was also active in Special Olympics, a volunteer for the Beaverton Dispute Resolution Center Victims/Offender Mediation Program, the Oregon Judicial Department's Citizen's Review Board Program, a Rape Victim Advocate, and is involved in many sporting activities. He congratulated Mundt.

Mayor Drake presented the award to Mundt.

Coun. Stanton noted that Mundt had been the lead person with THPRD on the Good Neighbor Parade each year, and thanked her for her good work in that capacity also.

Census Bureau:

Shirley Minor, 6938 NE 13<sup>th</sup> Ave., Portland, addressed Council and thanked them for the opportunity to present the Census Bureau information. She said the Census Bureau was part of the Dept. of Commerce, and commented that the Census Bureau felt that Americans knew what Americans needed so the Census message would be presented through mass media, on TV, radio, Internet, through the mail and various other media. She said Census 2000 would be the largest

peacetime effort in the history of the United States. She reported that they would be responsible for counting about 30 million people in the northwest region. She said they were responsible for 7 counties along the northwest coastline and there were 275 million people to count and 118 million households to mail to.

Minor explained that her job was also to help with the recruitment of Census workers and noted they were aware of the barriers to getting an accurate count. She noted that some of the problems were: the population was highly mobile and busy, there were language barriers, a higher concentration of unmarried residents, irregular and multi-family households, secure buildings and gated communities. She said children were undercounted, as well as were migrant and seasonal workers. She said people received a great deal of junk mail, and displayed the Census envelope, which she said was quite plain and could easily be missed.

Minor said the multiple purposes of the Census were: to determine the apportionment of the House of Representatives, which has 435 members; to set the assembly district boundaries for state and local governments; to determine the allocation of dollars of Federal and State funding (in terms of funding they were talking about \$200 billion a year); to plan for government and business; and determine the funding levels for non-profit agencies that depended on Federal grants. She explained that the Census figures enhanced the long-term financial impact of communities around the country. She reported there was a long and short form and the short one took about 10 minutes to complete, and 17% of the households would be getting the long form, which would take about 58 minutes to answer.

Minor explained that they were making the Census presentations to ask for help, since the number of forms being completed had been falling in past years. She said the forms would be mailed out in mid-March. She explained that they needed help from the City in building awareness before Census Day and in spearheading major publicity during the mail-back period, finding locations for questionnaire assisted centers and count sites. She talked about a "Census in the School Program," and how churches would be promoting the Census. She said there would be between 120 and 140 employees in the local area working from two to three months. She said they were using technology and advanced tools such as scanning machines for this Census. She reviewed several of the ways participating in the Census would be user-friendly. She noted that Census Day would be April 1, 2000, and she concluded by saying the census was very important, it was about money, power and identity.

Jeff Salvon, Associate Planner, said he was the Census Liaison for the City and reported they were one of the partners of the Census Bureau. He noted they were participating with the County in the Complete Count Committee. He said they had worked with the Committee for Citizen Involvement (CCI) and had put a small article in the *Your City Newsletter*, and planned to put information on the City's Internet webpage. He noted

they hoped to make the Community Center available for a Census testing center and they were also looking at certain sites for questionnaire assistance centers and "Be-counted" sites.

Minor said in terms of the Census undercount, Oregon was the 14<sup>th</sup> most undercounted state in the country. She explained that in 1990 the City had about 58,000, and now in terms of the recent reports it was around 68,000 to 69,000. She said if they predict with that multiplier, the City could lose around \$ 6-7 million over the next ten years.

Coun. Doyle asked who should be called if someone was interested in a job with the Census Bureau.

Minor said the contact number was 626-6786 for the local Beaverton office and she would leave informational flyers.

Coun. Brzezinski said she hoped they would put some information in the *Your City Newsletter* and suggested they print a photocopy of the envelope and tell people not to throw it out as junk mail. She noted they needed to explain that money comes to local government according to the number of citizens. She asked how they knew that Washington County was 1.4% undercounted.

Minor explained that there was a way of going out and doing a mini-census and the percentage was based on a sampling.

Coun. Brzezinski suggested the City print the Census information in both of the newsletters that would be out prior to Census Day, and they should announce it at the televised Council meetings.

Mayor Drake suggested that if the Government had a more professionally designed Census envelope it would have looked a lot better (and would not have been counted as possible junk mail).

Coun. Soth suggested that they should overprint the envelope with some colorful wording that said census form.

Minor said a lot of the material was very colorful and she was surprised about the look of the envelope. She said she had talked to someone in Washington DC who said they would not make any further changes. She said she would send in the suggestion for the next time around.

Coun. Soth said at one time there was a proposal to do a sampling in certain areas to verify the accuracy of the census. He asked if that proposal had been dropped.

Miner said they did that last year in California and that allowed them to make some adjustments for this time.

Coun. Soth said he thought there were people who would be helpful in the ethnic minority or multi-family areas.

Minor said anyone interested could call her office or Email her at sgminor@coho.net.

Mayor Drake thanked her for her presentation and encouraged her to keep working with Salvon to keep the City informed.

#### CITIZEN COMMUNICATION:

Francine Kaufman, PO Box 25701, Portland, addressed Council and asked which camera was directed at her, and wondered if it was Tualatin Valley Communications Agency (TVCA) and was the meeting recorded from the beginning.

Mayor Drake responded that the filming began when the meeting started.

Kaufman said she was a new resident and had some suggestions. She commented that there should be time limits on the agenda items. She said she was from a city that put the meetings on the radio station, and suggested that the Council research the possibility of that since many households did not have cable TV. She said her main reason to be there that evening was to point out a project that was in the process of being done on 5th and Lombard which concerned the bike lane striping on 5th Avenue. She said she lived near there and was concerned about the impact on parking in the area.

Mayor Drake pointed out that he was aware that she contacted the City staff prior to the Traffic Commission (TC) hearing and said that was the proper place to register any concerns about that change in plan. He said that unless it was appealed before the City Council the opportunity for addressing the issue was before the TC. He reiterated that he was aware that she had contacted City staff.

Kaufman asked Mayor Drake if that was a problem for him.

Mayor Drake said it was not a problem for him, but it was appropriate to speak at TC, which made a decision on the issue a few weeks earlier. He said unless it was appealed that decision would stand.

Kaufman asked what the decision was.

Mayor Drake said the decision was to go with the recommendation, which was to reduce parking along 5<sup>th</sup> Avenue in that area. He said if she would like she could talk to Tom Ramisch, the City Engineer and he could give her a copy of the staff report.

Kaufman said she talked to Randy Wooley, Traffic Engineer, and he was only able to present a lengthy report and she wanted a short, succinct report. She said there were some signs placed along 5<sup>th</sup> Ave. that were lengthy and a pedestrian or driver would have to stop and read them. She said she contacted Mike Palazzo, the Vose NAC president and he provided a map for her. She said her concern was that information was not distributed quickly enough and she thought that the decision making process should be more in line with people's time commitment; more people might participate and be happier with the decisions that were made.

Kaufman commented on the memo dated November 19, from Steve Baker, Operations and Maintenance Director to Wooley (in record) and said she reviewed the memo and thought there could have been more time to make the decision regarding the street striping.

Mayor Drake noted that the Council and the TC had heard the issue twice and they notified all the households as well as the neighborhood chair. He said it was done in a timely manner so if people wished to comment they could do so. He noted that she had implied the hearing was on a national holiday, which it was not, and there had been many opportunities for comment. He said that unless it was appealed the decision by the TC was final.

Kaufman said the signs that were placed along 5th Ave. were lengthy, and if they were to include pictures people who did not read English could understand them. She said the City might consider using that sort of communication in the future.

Mayor Drake said the map that Palazzo provided her was included in the staff report that she did not want to read.

Kaufman said it was too lengthy.

Mayor Drake said that providing a thorough report was part of the public process and the reports explained what the current situation was, what was being proposed and what the recommendation was.

Kaufman asked how many people were lawyers who sat on the City Council.

Mayor Drake said none of the Councilors were lawyers.

#### CONSENT AGENDA:

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

Minutes of the regular meetings of September 13, October 4, and November 1, and the special meetings of March 12 and May 10, 1999

- 99-380 A Final Order Upholding Appeal and Reversing Planning Commission Approval of CUP for Extended Hours; Oregon Entertainment Corp. (dba Fantasy Adult Video), Applicant; APP 99-00016, CUP 99-00019
- 99-381 CPA 99-00019/RZ 99-00010 CE John and Millikan Way Property Comprehensive Plan Map Amendment and Rezone
- 99-382 Town Center/Transportation System Plan Edit Text Amendment
- 99-383 CUP 99004 Gramor Service Station
- 99-384 CUP 99009 PGE Bulk Power Substation
- 99-385 Bid Award – Emergency 72-Hour Kits

Contract Review Board:

- 99-386 Award Personal Services Contract for Design and Construction Management for the Seismic Upgrade of Operations Center
- 99-387 Consultant Contract Award - Traffic Analysis for Hart Road Project
- 99-388 Consultant Contract Award - Engineering Services for ASR No. 2 Pump Station, Sorrento Reservoir No. 2 Reactivation, Murrayhill Pump Station Upgrade and Sorrento Storage/Building Space Addition
- 99-389 Contract Award – Consultant Services for Investigation and Preliminary Engineering for Sidewalk and Curb on SW Downing Drive
- 99-390 Specify Brand Name for Sealed Bid of MP5 Carbine Rifles
- 99-391 Waiver of Sealed Bid – Purchase of Herman Miller Furniture From an Existing Bid Award Through the State of Oregon
- 99-392 Consultant Contract Award – Economic Development Strategic Planning

Coun. Stanton said she would not vote on the October 4 minutes since she was not at the meeting that evening. She said she would give other corrections to the minutes to the City Recorder, and a clarification suggestion for the November 1 minutes.

Coun. Soth referred to AB 99-388 and asked about the 1 mg (million gallon) reservoir in the Hanson Road area. He noted that it had been out of service for a long time, and was built so long ago, and wondered if there was any idea whether it could be rendered seismically sound as well as useful as a storage reservoir.

David Winship, City Utilities Engineer, said they knew they wanted to be able to use one or more of the reservoirs. He stated they had the engineering firm of CH2M Hill do an initial inspection of the reservoir and it was found to be sound. He pointed out that the proposal stated that they wanted to do a seismic evaluation, since a level of almost-full would be maintained in the tank, which was different from the way the reservoirs were operated currently.

Coun. Soth asked if that would also include a non-destructive analysis in order to determine that seismic evaluation.

Winship said it would include a structural analysis based on the original plans, which were in the as-built archives. He said it might or might not be available to use without substantial repair. He noted that if they could bring it on-line for a limited amount of dollars to analyze, it would be worth a lot of money. He commented that it was a very expensive reservoir if it had to be re-built from scratch.

Coun. Soth said if it should prove non-feasible, he would assume they would report back to Council with an explanation or proposal.

Winship clarified that the two wells did pump and the Hanson Road well was directly injected into the distribution system. He said the 1 mg reservoir would provide a lot more potential for different ways of running the system and an additional one million gallons of water in the summer.

Coun. Soth asked Chief Bishop, regarding AB 99-390, if the MP 5 Carbine rifles were an American make of weapon, and wondered if they had done a comparison with American made weapons. He said he was curious because his father once tested Remington arms.

Bishop said they were not American-made, and reported that the study had been done by the Federal Bureau of Investigation (FBI), and they had recommended this weapon.

Mayor Drake said in late January, Winship would give Council a detailed work session on the status of the Water System along with a broad overview.

Coun. Yuen thanked Chief Bishop and Janet Young for answers to questions he submitted earlier. He said he would abstain from voting on the minutes of March 12 and November 1, and abstained from voting on AB 99-380.

Coun. Brzezinski abstained from voting on the minutes of September 13, and also abstained from voting on AB 99-380

Coun. Brzezinski referred to AB 99-390, and said one of the questions that had been asked was whether they needed to replace the .40 caliber rifles they had and the answer was they were working on trading the .40

caliber rifles with Washington County. She asked why that was necessary when Washington County used the 9-mm carbine rifle.

David Bishop said the .40 caliber was what had been purchased the past year, and that was the same caliber as used by the Tactical Negotiations Team (TNT). He said Washington County would trade their .39 caliber rifles for Beaverton's .40 caliber rifles and then the City would be consistent with .39 caliber rifles.

Coun. Brzezinski asked if a .39 caliber was the same as a 9-mm.

Bishop said it was the same.

Question called on the motion as re-read by Mayor Drake. Couns. Doyle, Stanton, Yuen, Soth and Brzezinski voting AYE, motion CARRIED unanimously. (5:0) Coun. Brzezinski abstained from the minutes of September 13, Coun. Stanton abstained from the minutes of October 4, and Coun. Yuen abstained from the minutes of November 1 and March 12. Couns. Brzezinski and Yuen abstained on AB 99-380.

Coun. Doyle thanked Mark Pilliod for the good work he had done on findings relating to AB 99-380.

#### PUBLIC HEARING:

99-393 Public Hearing on the Proposed Use of the Local Law Enforcement Block Grant

Mayor Drake asked if there were any questions for Chief Bishop.

Coun. Soth referred to the last page of the agenda bill, and asked what the difference was between the two types of cameras and said he thought the cameras were more expensive.

Bishop said one was more of an upgraded type and the others were for the patrol cars.

Coun. Soth asked about the proposal concerning the helicopter.

Coun. Stanton noted the City was not buying a helicopter, only using one when the occasion arose.

Coun. Soth asked where the helicopter would be based.

Bishop said the helicopter was located in Hillsboro, and Beaverton Police Officer Mark Clark had already been involved.

Coun. Soth asked if the time involved in going to Hillsboro to get it and come back would obviate the use of it.

Bishop reported that they had used the helicopter recently when they had already been looking for a handicapped young boy for three hours. He said they notified Officer Clark and he was in the air and over Beaverton within 20 minutes and located the boy five minutes later. He noted that if Officer Clark was in his marked car patrolling in another part of the City it could take longer.

Coun. Soth asked if the communication would be through the 9-1-1 agency, through a non-emergency dispatch, or would he be called through the Police records department.

Bishop explained that communication would be through the dispatch system and also in contact with air control.

Bishop noted that the helmets that were being applied for were more communication devices than helmet. He explained the helmets could be used to communicate with all emergency dispatch sources.

Coun. Soth asked if that was still in conformance with the 800 megahertz system.

Coun. Stanton reiterated that the City did not own a helicopter but they had a private partner who made it available for the City to use when needed. She said they were looking at the Local Law Enforcement Block grant funds to train other police officers to act as observers to maximize the time in the air. She explained the City had one officer who was a licensed helicopter pilot.

Bishop clarified that the City borrowed and also rented the helicopter. He said they used it to cover ground units, search warrants, surveillance on high-risk drug stings, and searching for missing persons. He explained that had been funded by Beaverton and other agencies and they would be sharing the helicopter with five agencies in the County on New Year's Eve.

Coun. Doyle asked if there were other agencies that had pilots.

Bishop said Officer Clark was training a Tigard officer and Tualatin also had a pilot. He noted that they wanted to continue training observers in a partnership program with other agencies.

Coun. Doyle said the dollars would be well spent if they could utilize the value of the helicopter in locating other small children, as well as the other potential benefits in terms of safety for everyone in the community and the professional policemen.

Coun. Brzezinski asked if the observers could be in the helicopter when someone flew it other than a police officer pilot.

Bishop explained that it was more effective to have a law enforcement background and have some experience with this type of flying. He said they were very fortunate to have a quality pilot in Officer Clark.

Coun. Brzezinski said she thought this would be a difficult personnel management issue at times when the pilot or the observers were not on duty.

Bishop said they had not run into that, because so far they had been available. He explained that the people involved in the program were extremely motivated, and they were expanding the program to cover that issue.

Coun. Brzezinski asked if the Tualatin officer was available instead of the Beaverton officer, could a City observer be teamed up with him.

Bishop said that was definitely the plan especially in light of expanding the program.

Coun. Brzezinski asked if there were the same kinds of limitations as those observed by commercial pilots.

Bishop said there were definite restrictions and he gave examples of time limitations.

Brzezinski explained that she was concerned about an officer working for 10 hours and then being called upon to fly.

Bishop said the guidelines were based on common sense and explained that they knew the limitations and the guidelines.

Coun. Stanton asked if the 10% was coming out of contingency or a particular budget.

Mayor Drake pointed out that it was forfeiture funds.

Bishop said it was civil forfeiture and forfeiture funds were money seized from people with illegal drug activity.

Coun. Soth asked if there was a certification for the observers, and did the certifying instructor have to be certified to train the observers by either the Federal Aviation Administration (FAA) or FBI or other police agency.

Officer Clark responded by saying there was no certification for observers and the training was done in-house for most agencies. He noted that some training would come from the California Police Officer Certification training program, but once a pilot was certified with the FAA there was no requirement for a different kind of certification.

Mayor Drake opened the Public Hearing.

There was no one who wished to speak.

Mayor Drake closed the Public Hearing.

Coun. Soth MOVED, SECONDED by Coun. Yuen, that Council approve AB 99-393 and authorize the acceptance of the grant of \$45,920, transfer of \$5,102 in matching forfeiture funds, and instruct the Finance Director to make the appropriate transfers in the next Supplemental Budget.

Coun. Soth noted that this had been one of the things that had been near the top with law enforcement agencies throughout the country and it had proved its worth. He said the example of the young person who was found, was an indication that they would see the worth of such a program in Washington County.

Coun. Stanton noted that it was nice to see federal money coming back to the community. She said the Chief's Advisory Board reviewed this first and it was good that it went to the Council for approval of disbursement of funds.

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

Bishop thanked the Mayor and Council for their support.

#### ORDINANCES:

##### Second Reading and Passage:

Mark Pilliod, City Attorney, read the following ordinances for the second time by title only:

- 99-376 An Ordinance Amending Ordinance No. 1800, The Comprehensive Plan Map And Ordinance No. 2050, The Zoning Map, To Reassign the County Residential (R-15) Designation to City Urban Medium Residential Comprehensive Plan Map Designation and City Urban Medium Density (R-2) Zoning District for 1.65 Acres of Property; CPA 99-00012 and RZ 99-0008 (157<sup>th</sup> Avenue/Pechan Property)
- 99-377 An Ordinance Annexing 0.9 Acres of Land Lying Generally Outside of the Existing City Limits to the City of Beaverton; ANX 99-00010, (Hart Road)
- 99-378 An Ordinance Annexing .56 Acres of Land Lying Generally Outside of the Existing City Limits to the City of Beaverton; ANX 99-0009, (Prince)

Coun. Soth MOVED, SECONDED by Coun. Doyle that the ordinances embodied in AB 99-376, 99-377, 99-378 now pass. Roll call vote. Couns. Yuen, Brzezinski, Doyle, Soth and Stanton voting AYE, the motion CARRIED unanimously (5:0)

RECESS:

Mayor Drake called for a recess at 7:47 p.m.

RECONVENED:

The meeting reconvened at 7:55 p.m.

EXECUTIVE SESSION:

Coun. Soth MOVED, SECONDED\_by Coun. Brzezinski 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. Yuen, Brzezinski, Doyle, Soth, and Stanton voting AYE, the motion CARRIED unanimously (5:0)

The executive Session convened at 7:56 p.m.

The executive session adjourned at 8:16 p.m.

Mayor Drake reconvened the meeting at 8:17 p.m.

OTHER BUSINESS:

Coun. Doyle MOVED, SECONDED by Coun. Yuen to authorize the City Attorney to spend up to \$5,000 to cover the legal issues discussed in executive session.

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

ADJOURNMENT:

There being no further business to come before the Council at this time, the meeting was adjourned at 8:18 p.m.

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Darleen Cogburn, City Recorder

APPROVAL:

Approved this 10<sup>th</sup> day of January, 2000.

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Rob Drake, Mayor