

REGULAR MEETING

January 10, 2000

CALL TO ORDER:

A regular meeting of the Beaverton City Council was called to order by Mayor Rob Drake in the Forrest C. Soth Council Chambers, 4755 SW Griffith Drive, Beaverton, Oregon, on Monday January 10, 2000 at 6:42 p.m.

ROLL CALL:

Present were Mayor Drake, Couns. Wes Yuen, Evelyn Brzezinski, Forrest Soth, and Cathy Stanton. Coun. Doyle was excused. 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, Landscape and Interim Forestry Supervisor Steve Brennan, Police Chief David Bishop, Lieutenant Jim Byrd, Officer Bob Leonard, and City Recorder Darleen Cogburn.

Mayor Drake suspended the usual agenda and scheduled Citizen Communication for the end of the meeting.

COUNCIL ITEMS:

Coun. Brzezinski noted that recently there had been a presentation by a representative from the Census. She asked people to keep their eye open for the Census envelope that would come in the mail in March or April, and noted that it might look like "junk mail" but it was not, it was very important. She explained the importance of participating in the Census, because much of the money that came to any jurisdiction was based on the population. She pointed out that if they did not do a good job of counting the citizens in Beaverton, the City would suffer financially. She encouraged people to participate, because it was important to have a sense of who lived here.

STAFF ITEMS:

Linda Adlard, Chief of Staff, invited citizens to the Civic Issues Day, sponsored by the Senior Citizens Advisory Committee on Jan. 27, from 3:00 p.m. to 4:30 p.m. at Beaverton City Hall. She explained that Mayor

Drake, Councilors and staff would be available to answer questions regarding issues effecting the community.

PRESENTATIONS:

00-14 Presentation of Shields and Swearing In of New Officers to the Beaverton Police Department

Chief David Bishop noted that he was swearing in two new officers and promoting one officer to Sergeant. He noted that the two new officers had been with the Forest Grove Police Department and he issued the oaths to Michael Purdy and Eric Oathes.

Bishop noted that James Monger had been with the Beaverton Police Department for thirteen years and had worked his way up through the ranks. He swore Monger in as Sergeant.

Mayor Drake presented the new officers their shields and welcomed them to the City. He also presented Monger with his promotional shield for the rank of Sergeant.

Bishop thanked the families and guests in attendance for their support and participation and invited them to a reception in honor of the new police officers and Sergeant Monger's promotion.

Mayor Drake remarked that Forest Grove's Mayor might give him the cold shoulder after Beaverton hired two of their officers.

Coun. Stanton noted that on Thursday, January 27, Washington County was having a 2040 Planning Workshop at the Christ United Methodist Church, 12755 NW Dogwood St., Portland. She explained that it was good to attend the workshops and understand what the County was looking at in terms of density and transportation changes. She also noted that there would be another 2040 Workshop at Aloha High School planned for January 18.

Annual CCI Update:

Bob Tenner, Committee for Citizen Involvement (CCI) Chair, addressed Council and said he was recently re-elected Chair of CCI and introduced Jim Persey as Vice Chair, Scott Winter as Treasurer, and Susan Cook, reelected as Secretary.

Tenner said 1999 had been a successful year for CCI. He reviewed two recent events, one being a seminar about land use planning and the other was the Fall Clean up. He reported that the Fall Clean up at City Hall was very successful.

Tenner read his annual report (in record). He reviewed the history of the CCI, explaining that it was created in 1978 to make recommendations to

the City Council concerning Goal 1 of LCDDC (Currently the DLCD – Department of Land Conservation and Development). He explained that CCI was composed of a representative from each Neighborhood Association Committee, as well as five at-large appointed members.

Tenner thanked Coun. Stanton for serving in the capacity of Council Liaison. He noted that Coun. Stanton kept the CCI updated on the Council's actions and proposed agendas and worked to increase citizen involvement.

Tenner also thanked Linda Adlard, Chief of Staff. He said she attended every meeting and updated CCI on the events and activities of the City. He noted that Megan Callahan, Neighborhood Program Manager, also attended CCI meetings and presented semi-annual neighborhood office reports.

Tenner included the CCI calendar for the year 2000 and noted the proposed Voters Forums in April and October.

Tenner stated that they had one disturbing concern and that was the recurring lack of citizen involvement in the decision making process at all levels of government. He said he had earlier reported on CCI's involvement in the Raleigh Hills Town Center process, and there had been other similar cases. He stated that few had been deliberate, ignoring of the citizens, and added that might have been an oversight that the CCI program was not included on the agenda and noted that time constraints might have contributed to lack of citizen involvement. He said it had been and would continue to be CCI's intention to bring to light situations where the citizen involvement process had been inefficient, where citizens were not brought into the decision making process. He said at that time they were not pointing fingers at any one individual or project, but CCI's intention was to serve as a watchdog for citizen involvement.

Coun. Stanton thanked the Council for letting her be liaison again, and said she had been a member of CCI for many years. She said if the viewers were not involved with their NAC, or CCI, they should call the Neighborhood Office at 526-2243. She said that if they lived outside the City they should contact Linda Gray at Washington County for participation information. She said that CCI was a requirement of Senate Bill 100 on land use planning, and that component required citizen participation, and CCI provided for participation and overview. She commended Tenner for his leadership.

Tenner acknowledged those who were present from CCI at the meeting that evening and asked them to stand.

Mayor Drake asked if there was any CCI member present who wished to address Council.

There was no one who wished to speak.

CONSENT AGENDA:

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

Minutes of the regular meetings of November 8, and December 13, 1999

- 00-15 Boards and Commissions Appointment
- 00-16 Beaverton Veterans Memorial Donation Request
- 00-17 CPA 99-00020/RZ 99-00011 16705 SW Hart Road Comprehensive Plan Amendment and Rezone
- 00-18 CPA 99-00021/RZ 99-00012 Prince Property Comprehensive Plan Amendment and Rezone

Contract Review Board:

- 00-20 Waiver of Sealed Bid – Purchase of Herman Miller Furniture From an Existing Bid Award Through the State of Oregon and Transfer Resolution

Coun. Soth referred to AB 00-16, the Donation for the City of Beaverton's Veteran's Memorial Fund and said as one who had participated in military actions he thought it was only fitting that Beaverton was recognized as having contributed more than its share of support for those actions which had affected the United States of America. He noted that if he sounded like a flag-waver, he was! He said he took the responsibility of serving this Country very seriously. He commented he supported the Memorial Fund and complimented the group putting the memorial together.

Coun. Stanton explained that AB 00-16, was about a request for support for the Beaverton Veterans Memorial. She noted that between the streets of Watson and Washington, on 9th Street there was a sign indicating that a memorial was planned for that location. She noted the City was contributing \$5,000 for the memorial, but anyone could buy a brick to be used in building the wall of the Memorial for \$75. She displayed a brick and said she had bought one for her father and would probably buy one for her family.

Mayor Drake noted that the reason he brought the agenda bill for the Memorial forward, was that there had been a great effort on the part of the American Legion, and he was pleased to hear that the Veterans of Foreign Wars (VFW) was going to join them to reach their fundraising goal. He said the Tualatin Hills Park and Recreation District had donated some money and there had been some contributions by individuals. He commented that there were great opportunities from local businesses to

help finish the memorial as well. He said one could contact either the American Legion or the VFW, or the Mayor's office for more information.

Coun. Brzezinski noted that she had two corrections to the minutes of November 8, to clarify statements, and gave the corrections to the City Recorder.

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

WORK SESSION:

00-19 Work Session on the Beaverton Police Department's Community Oriented Policing and Problem Solving Strategic Implementation Plan – Second Phase

Chief Bishop introduced Lieutenant James Byrd, Project Manager of the Community Policing Plan and Officer Bob Leonard, acting as technician in the presentation.

Bishop said he was pleased to present Phase Two of the Community Policing Plan (copy of the PowerPoint presentation in the record). He noted that in 1994 he had presented Phase One, which the Council approved and adopted. He thanked the Mayor and Council for their involvement and commitment.

Bishop said they surveyed the citizens to find out what they wanted from their police department, and the survey changed their priorities and the way the police do business today. He reported that the top priority of the community was high police visibility, and said that resulted in the change of the color of the cars to a higher profile, which included the unmarked vehicles. He said other priorities were more officers (accomplished by levies and a new tax base), a safer environment (crime had been reduced), increased attention to drug and gang problems (continuing to be worked on), and the high priority of enhanced traffic enforcement.

Bishop reviewed the actions they had taken to address the Council's goals, through the Department. He said probably the greatest accomplishment of the survey was taking the police to the community and the community to the police, since it had been said that the police and the community had to be one in order to be successful. He listed the various programs (Citizen's Academy, Landlord Tenant Program, Home Safe, etc.) that brought the police and the community together as one.

Bishop reported that the Beaverton Police Department had been recognized in 1997 at the national level for excellence in community policing. He noted that he, Mayor Drake and Coun. Soth had accepted the award in Philadelphia.

Bishop stated that Phase Two would be the blueprint for the future, and would be the most important document to come out of his police administration. He explained that it would provide them with the opportunity to continue enhancing their partnerships with the community and other departments. He said much of their operation was done with a team approach, all members of the agency had been involved in putting together the program, so it had become everyone's program. He noted that it was a living document and would change as issues and concerns changed. (Phase Two in detail in agenda bill, in record.) He thanked the Council and Mayor for their support.

Lt. Byrd addressed Council and explained that one of his responsibilities was to facilitate community oriented policing and problem solving. He said they might have wondered why they needed a second plan, if the first plan was good. He explained that they gained a lot of knowledge and experience from the first plan, and they had translated that into the new plan. He said on page 78, (in record) the Core Values were listed, and noted the police had always had the Core Values, but had not openly discussed them or put them in a public document. He pointed out that when you know what your values are, making decisions becomes easier.

Byrd directed Council to page 27, Council Goals, and noted that in facilitating the development of the goals, he met with every member of the agency and also with some committees. He reported that, in pulling all the information together, he was struck by how similar and supportive of the Council Goals were the six goal areas arrived at from his interviews. He said it became apparent to him that it was important to include them in the document, to show that not only Community Policing, but Community Government, had made a commitment to making this a safe and livable community and City for everyone.

Byrd noted that on page 80, there were definitions, and noted that there were acronyms and jargon listed and explained on the next ten pages. He said Phase Two spelled out who was responsible for each portion of the plan.

Byrd said they would measure their efforts through quarterly reports, problem solving sheets, "how did we do cards", partnerships, attendance at NAC meetings, victim callback programs, and quality assurance checklists. He said the saying that community policing and problem solving was a journey and not a destination was very true. He said there had been bumps and bruises along the way, but there had also been much joy as they worked to develop the program. He said they had talked about where they had been and how they got there and now wanted to discuss what was next.

Byrd used a story about an elderly lady, approaching death, making plans for her service, and told the pastor that she would like to be buried with a fork in her right hand. She explained to the pastor that she had been to so many potluck dinners where they were told, once the table was

cleared to "save their forks." She said she always kept her fork and waited in anticipation for the best to come, something wonderful and with substance. He stated that this first plan had been a good plan and brought it to where they currently were, and if they stopped right then, they would still be ahead of 90% of the other agencies that say they do Community Policing. He pointed out that in the words of James Lowell, "Not failure but low aim is a crime." He said they aimed high with this plan, this was an ambitious plan with ambitious time lines, and that was what the community had come to expect from their Police Department. He related that there was a saying that a rose only became beautiful when it bloomed, and the greatest of tragedies was when it stayed in a closed tight bud and never reached its full potential. He commented the second phase would allow them to fulfill their potential and bloom in critical areas of managing change, partnerships, education and training, problem solving, analysis and assessment, and accountability.

Coun. Soth noted that the current saying was "what goes around, comes around" and this reminded him of his younger years, when the cop on the beat knew all the kids, and that was when Portland first introduced the two-way radio. He said the cop knew the kids and usually could figure out who had done something wrong, and he thought Community Policing was getting back to that kind of concept. He commented that they had learned that the more contact they could have with their individual citizens the better it would be.

Coun. Soth said one of the things they were faced with was the release of mentally unstable persons into the community and the role of the responding officers on the street. He noted that when an officer was in a position where there was a problem, there was no way of knowing if the person they were confronting had a dangerous unstable mental outlook. He commented that the officer would react the way he or she had been trained and he applauded that. He noted that he knew that Beaverton's officers tried to analyze situations to be sure that nothing unfortunate happened. He asked Chief Bishop how that would work out in the future, particularly with Phase Two.

Bishop responded that in the past two to three years they had identified the key factor as training. He cited a shooting incident on Murray Road that involved a person who was mentally disturbed, which prompted the Department to review a variety of different levels of force, from voice commands through escalation of force as the need and the situation dictated. He explained that there was also the possible situation of "suicide by cop," which was an example of people who were mentally disturbed to the point where they wanted to be injured or killed. He said Sgt. Mike Janin was one of the experts in the various levels of force, and noted that Beaverton was instrumental in assisting the City of Portland's decision to go to beanbag shotguns prior to escalated force. He commented that ongoing training; learning to deal with mentally deficient people and where to take those people were all-important factors. He explained that they were dealing with an element of society that,

unfortunately, nobody wanted. He said the best form of policing was the beat officer, and hi-tech had helped a lot, but the best form of policing was still personal contact.

Coun. Soth said one great step was the officer's liaison with the NACs so there was two-way communication in all areas.

Coun. Brzezinski noted that she was pleased with Goal Two, objective C, (Reduce Fear of Crime) and said she recalled that on an early survey, crime and traffic had been major citizen concerns. She said she could not recall how crime had been rated in recent surveys and had read that sometimes people were more concerned about fearing crime than the actual crime itself. She expressed her appreciation that there were strategies for addressing that concern in the Phase Two report.

Bishop said he thought that was a national trend, and noted that in the last two years even violent crime had dropped, but they did not want to be complacent.

Mayor Drake complemented the Chief and his staff on an outstanding report. He noted that it showed evolution and maturity of how the Police Department was working with the public.

Coun. Stanton asked Byrd if he put it together, and noted that it was very well done and easy to follow. She commented that it was very ambitious.

Bryd said he facilitated it, and knew it was ambitious, but they would be busy working on it. He reminded Council that this was a living document, and other ideas would come forward and change the document often.

Coun. Stanton asked if the document was final, since she had noted some typos.

Bishop said the final document would be in a nice cover, and much more professional.

Coun. Yuen echoed the earlier comments and said it was a terrific document and presentation. He commented that they had done a great job of laying out projects and timelines. He said he would like (during the budget process) some information on how they were doing on their timelines.

Bishop said they would provide Council with quarterly reports.

Coun. Yuen commented that he appreciated the definitions and also the explanation of the "Broken Windows" theory. He explained the "Broken Windows" theory was that if there was a broken window in a building and it was not fixed, people would expect more windows to be broken and neglect increase. He asked what the Department did if they saw general neglect in an area.

Bishop replied that they took action, and explained that anytime they let a neighborhood deteriorate, someone would take over the neighborhood and it would continue to deteriorate. He said that was why they were so adamant about the Landlord program, which had been very successful. He reported that 52% of the population in Beaverton lived in apartments and a few years ago the majority of calls came from apartments. He said there was one apartment complex that had over 200 calls per month, and the officers went in and worked with the residents and owners to clean it up and now there were six to ten calls per month. He explained that the Police Department handled 80% of the community problems, and in an ideal world the community would take responsibility for 80% of the problems with the Police facilitating 20%. He commented that in the future with a plan like the one presented that evening it would be possible.

Coun. Yuen noted that Coun. Soth commented on community policing and said it was very much like what they used to do, and he thought that society in general had found how important it was to get back to what we once had. He explained a concept called "New Traditionalism", which was getting back to the village notion, where people were not living in sprawling communities that were hundreds of miles across and disconnected from neighbors. He said in listening to the comments about that, it reminded him that it was important for the citizens to get out and meet the neighbors as well as for the police to get out of their cars. He recounted they had just had a presentation by CCI and he hoped they would take it a step further as neighbors and get to know each other.

Bishop said he agreed and thought that was critical. He reiterated that the police and the community had to be "one" to be successful.

Coun. Soth noted that on page 9, they referred to the myths and mystic of Community Oriented Policing, and had read that there were some areas of the country where there was a move away from this and he did not want to see that happen in Beaverton. He said as Coun. Yuen had indicated, the more you knew about someone the better you were able to understand that person and relate to and with them.

Bishop said a lot of what happened at the beginning of Community Oriented Policing had to do with funding and the "100,000 Cops Program" was designated for Community Oriented Policing. He recalled that they had to make some tough decisions a few years ago, whether or not they would go for "Cops" money at \$.25 on the dollar, or go to the people for a levy and a later for a new tax base. He explained that the decision to go for the levy and tax base, allowed them to hire officers as whole, so that after three years, they did not have to try and find the money to pay them. He stated that he felt the Council made the right choice and gave the Department the officers they needed to accomplish what they were doing. He explained that it was unfortunate that in other areas where they went with the "Cops" money, the three years were up and they did not have the

funds to keep their officers, so they were reverting to reactive policing rather than proactive policing. He said when they read about the failures, it was perhaps failures of government, not Community Policing. He stated that Community Policing had to be Community Government and that was why they were proud to be there that night because they had been provided that luxury.

Coun. Stanton wondered what the ratio of police to citizens currently was in Beaverton.

Bishop said on paper it was 1.5 officer per 1000 citizens, but they were down about six officers so it was currently approximately 1.4 until they filled those positions. He noted that the County was .36 per 1000.

Mayor Drake noted that the ratio for the Enhanced Sheriffs Patrol was .9 per 1000.

Coun. Brzezinski complimented the team on the document and noted that she was on three strategic planning committees and wished they were at this point on those committees.

Bishop reiterated that every member of the agency had input so this was not the Chief's program, it was the Department's Program.

RECESS:

Mayor Drake called for a brief recess at 7:50 p.m.

RECONVENED:

The meeting was reconvened at 8:00 p.m.

CITIZEN COMMUNICATION:

Dick Schouten, 6105 SW 148th Ave., said he was there as the attorney representing the Make Our Park Whole Committee (Committee). He stated that their purpose was to preserve the north and south parcels, adjacent to the Nature Park, and he was there to bring up two questions. He noted that the first question was about the difference in the decision making process between the north and south parcel. He commented that with the south parcel it was clear that the City's decision-maker was the City Council and there was an opportunity for all parties that were involved to get notice of the Council's decision. He clarified that he was referring to the decision making process with respect to whether or not the City Attorney would be authorized to sign a document which would put pending litigation on a holding pattern while the parties were negotiating the future of the two parcels. He reiterated that with the south parcel it was clear that the Council was the decision-maker, and they made the decision in the public eye. He said there was an opportunity for everyone to have notice and an opportunity for written and oral testimony.

He recounted that the decision went against them, but stated that they thought the process was the best process. He said in contrast, with the north parcel process there was no notice that kind of decision or authorization was made, there was no opportunity for any written or oral testimony and it was not clear who was making the decisions, the Mayor or the Council.

Schouten reported that this was summarized in a letter the Committee wrote (in record) to the City on November 18, pointing out their concerns. He said their letter recommended that in the future, in similar situations, they would like the same process repeated that was used for the south parcel (Magnolia Green). He said the response letter from the Mayor (in record) did not respond to any of the questions outlined in their letter, nor did it comment on their recommendations. He said it was for those reasons the Committee had returned to Council to ask why there were differences in the decision making process with respect to the two parcels and also to consider the Committee's recommendation that in the future to use the previously used south parcel process.

Schouten explained that his second question stemmed from the same letter from the Mayor dated November 22, 1999. He noted that in the letter Mayor Drake stated the City Attorney executed the Aspen Woods litigation Stay of Appeal request after receiving verbal authorization from the City Council in a previous Executive Session. He stated that public meeting law required that any final decision made or any final action taken, not be taken in Executive Session. He asked what was going on and asked for Council's thoughts and comments.

Mayor Drake thanked Schouten for his comments and said Council would take his comments under advisement and the City Attorney would respond.

Tom Hjort, 15715 SW Division, said he was there to practice citizen involvement and he was also part of the Committee. He described the Committee as a group of concerned citizens who were not extremists, but were rather quite conservative. He noted that they had banded together because they believed the development of Aspen Woods would greatly damage the Nature Park that surrounded it on three sides. He noted they felt that adding the land to the Nature Park would enhance the Park and they believed the neighbors supported their efforts. He reported that they had put in hundreds of hours of work on the project to prepare good and objective testimony and to present themselves before Council. He commented that they appreciated that the majority of the Council supported them on Aspen Woods, and they respected those who disagreed. He said they would like to see that property acquired at a fair price and understood there were negotiations going on, although he was not a party to those negotiations. He commented that on the other hand they were concerned that the process would last a long time, and they hoped that the process would give the Committee equal consideration with the other parties and the developer and that it would be fair.

Henry Kane, 12077 SW Camden Lane, said as they could see from his prepared statement (in record) that part of it had electronically “crashed” and was not complete. He said there were two parts, the first one concerned his view for a need for a City policy announcement that the City would defend any Councilor sued for any action they took in their official capacity. He said he thought they should say, “of course” they would defend the Councilors. He commented that they were familiar with the practice of lawsuits and threatened lawsuits.

Kane stated that the second part concerned the possible public meeting law violation, and stated that no executive sessions could be held for the purpose of taking any final action or making any final decision. He noted that Council (in executive session) could discuss and analyze things, but could not take official action. He noted that assuming there was an executive session to authorize mediation, he could not find that Council in (open session) took the final action. He said this was a serious matter for the City because there were two expensive statutes and he described them as ORS 192.680, relating to enforcement by the courts of a violation of ORS 610 to ORS 192.690. He said the next statute was ORS 192.685 additional enforcement, which he explained would be by the Government Standards and Practices Commission. He declared that whatever had happened should be reported and whatever remedial action should be taken as a policy matter. He related that he was an intervenor in the Aspen Woods appeal to the Land Use Boards of Appeals (LUBA) and he had been kept in the dark. He said it was in his interest to not be insistent that it go back up to LUBA. He commented that he had written many land use options over the years and he knew that if the landowner wanted to put a short time limit, and if the mediation continued, that option might expire. He said the developer acted as if it was the owner, but only if it exercised the option (to buy the property), and it could not get the money to exercise the option without having the property clear for development. He said he did not know what would happen, but he was prepared to be persistent.

Mayor Drake thanked Kane for his testimony and asked if there was anyone else who wished to testify.

There was no one else who wished to testify.

EXECUTIVE SESSION:

An executive session was not necessary.

City Council Meeting

01/10/00

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ADJOURNMENT:

There being no further business to come before the Council at this time,
the meeting was adjourned at 8:13 p.m.

Darleen Cogburn, City Recorder

APPROVAL:

Approved this 7th day of February, 2000

Rob Drake, Mayor

**MINUTES
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