

REGULAR MEETING  
November 13, 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, November 13, 2000 at 6:35 p.m.

ROLL CALL:

Present were Mayor Drake, Counc. Fred Ruby, Dennis Doyle, Forrest Soth, and Cathy Stanton. Coun. Evelyn Brzezinski was excused. Also present were Chief of Staff Linda Adlard, City Attorney Mark Pilliod, Human Resources Director Sandra Miller, Finance Director Patrick O'Claire, Community Development Director Joe Grillo, Engineering Director Tom Ramisch, Operations/Maintenance Director Steve Baker, Library Director Shirley George, Development Services Manager Irish Bunnell, Building Official Brad Roast, Economic Development Program Manager Janet Young, and City Recorder Darleen Cogburn.

CITIZEN COMMUNICATION:

There was no one present who wished to speak.

Mayor Drake noted there were Boy Scouts present and asked what troop they belonged to.

The Scouts responded that they were Troop 587, from Stoller and Five Oaks Middle Schools.

COUNCIL ITEMS:

Coun. Soth said he was pleased to see the turnout at the Veterans' Memorial dedication the past Saturday, November 11, 2000. He said it was an excellent event and one of the best happenings in Beaverton in a long time. He noted that was not just because he was a Veteran, but because it was good to recognize veterans in Beaverton.

Coun. Soth said the following evening, November 14, 2000, there would be an Open House on Watershed Drainage. He said they had a meeting

a week earlier in Hillsboro, and urged those who were interested in issues related to stream corridors in Washington County, to attend.

Coun. Ruby noted that there was a complimentary article in the *Oregonian* about the Beaverton City Library, on the editorial page. He said they had good remarks about Linda Adlard and Shirley George and the effort that was put into the library.

Coun. Doyle thanked Mayor Drake and others who made it possible to have the first Gala Event for the Beaverton Arts Commission (BAC) at the Beaverton library and noted that it was a great event.

Mayor Drake agreed that it was very nice and drew attention from outside the City, also.

#### STAFF ITEMS:

Linda Adlard, Chief of Staff, noted that Mike Summers, a homebuilder, was remodeling the home of Kris Tyack, the Beaverton High School football player who was injured in the Fall of 2000. She said Summers had requested a permit fee waiver.

Coun. Soth said it was only fitting that the Council take that action, and noted that Tyack was a young man with his life ahead of him who was required to make serious life adjustments so early in his life.

**Coun. Soth MOVED, SECONDED by Coun. Doyle that the Council waive the required permit fees for the remodel of the Tyack home as discussed.**

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

#### CONSENT AGENDA:

Mayor Drake noted that AB 00-367 was pulled from the agenda in consideration of the impacts of Ballot Measure 7.

Coun. Stanton asked if Council could not just move forward and wait and see what happened with Measure 7.

Mayor Drake clarified that the prevailing legal opinion was to wait because there was so much uncertainty related to Ballot Measure 7, and this was additional regulation that could be impacted by Measure 7. He noted that this was something that could be brought back to the Council. He noted that Mark Pilliod, City Attorney, was working with the other city attorneys in the state on evaluating Ballot Measure 7

Coun. Stanton asked about Metro compliance requirements.

Mayor Drake noted that Metro was not doing anything at that point until impacts of Measure 7 could be calculated.

Coun. Stanton said she would rather not pull back from what Council knew the citizens in Beaverton wanted or requirements of Metro, but would acquiesce to the rest of the Council.

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

Minutes of the regular meeting of September 11, 2000

- 00-366 Liquor License: Thai Roses Cuisine II – New Outlet
- 00-367 Title 4 Text Amendment (PULLED FROM AGENDA)
- 00-368 CPA 2000-0004 Hall/Metz Site Comprehensive Plan Amendment
- 00-369 RZ 2000-0007 Hall/Metz Site Rezone
- 00-370 CUP 2000-0003 Sexton Mountain Village Project/Sexton Mountain Village Conditional Use Permit (PUD)
- 00-371 RZ 2000-0003 Sexton Place Townhomes Zone Change
- 00-372 TPP 2000-0001 Beard Court Tree Preservation Plan
- 00-373 CUP 2000-0001 Beard Court Planned Unit Development Conditional Use Permit
- 00-374 RZ 2000-0001 Beard Court Rezone
- 00-375 Findings and Order Denying Appeal and Approving Request to Amend the Zoning Map with Respect to the Northerly Approximately 10 Acres of Two Parcels, 1S129D00100 and 1S129D00200; RZ 2000-0002/APP 2000-0008 (Haggen Store Rezone)
- 00-376 Findings And Order Granting Appeal and Approving a Conditional Use Permit to Operate a Haggen Store 24 Hours a Day; CUP 2000-0002/APP 2000-0006 (Haggen Store Extended Hours of Operation)
- 00-377 Findings And Order Denying Appeal and Approving a Haggen Grocery Store; BDR 2000-0004/APP 2000-0010 (Haggen Store at Sexton Mountain Village)
- 00-378 Bid Award – Root Cutter Disc Trencher

Contract Review Board:

Contract Award – Design and Construction Engineering Services for the Central Interceptor Storm Drainage Improvements (CIP Projects 8001D and 8001E)

Coun. Soth referred to AB 00-375, on page 12, in the paragraph marked Fact and Finding in the fourth line from the bottom and said he thought the word “to” should be inserted after the word “contrary” in that line.

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

Coun. Doyle asked about 00-367, on page one of the findings, he thought there was one error in the first paragraph, he thought the ordinance should be 4079.

Mayor Drake said they would take the ordinances at this time.

ORDINANCES:

Suspend Rules:

**Coun. Soth MOVED, SECONDED, by Coun. Stanton that the rules be suspended, and that the ordinances embodied in ABs 00-381 and 00-382 be read for the first time by title only at this meeting, and for the second time by title only at the next regular meeting of the Council. Couns. Doyle, Ruby, Soth, and Stanton voting AYE, the motion CARRIED unanimously. (4:0)**

Pilliod read the ordinances for the first time by title only:

First Reading:

00-381 An Ordinance Amending Ordinance 2050, the Development Code, to Effectuate Annexation-Related Amendments; TA 99-00010

00-382 An Ordinance Amending Ordinance 1800, the Comprehensive Plan, to Effectuate Annexation-Related Amendments; CPA 98-00011

First and Second Reading and Passage:

Suspend Rules:

**Coun. Soth MOVED, SECONDED, by Coun. Doyle that the rules be suspended, and that the ordinances embodied in ABs 00-383, 00-384, 00-385 be read for the first time in full at this meeting and the second time by title only at this meeting. Couns. Doyle, Ruby, Soth, and Stanton voting AYE, the motion CARRIED unanimously. (4:0)**

Pilliod read the ordinances for the first in full and for the second time by title only:

00-383 An Ordinance Amending Ordinance No. 2050, the Zoning Map, From (R-5) to (CS) With Respect to the Northerly Approximately 10 Acres of Two Parcels, 1S129D00100 and 1S129D00200 (Haggen Store Rezone); APP 2000-0008; RZ 2000-0002

00-384 An Ordinance Amending Ordinance No. 2050, the Zoning Map, From (NS) to (R-5), For Four Parcels Located at the Northeast Corner of SW 155th and SW Beard Road (Beard Court Rezone); RZ 2000-0001

00-385 An Ordinance Amending Ordinance No. 2050, the Zoning Map, From (R-5) to (R-2), For The Southern, Approximately 7.5 Acres of Two Parcels Located at the Northwest Corner of SW Murray Boulevard and SW Beard Road (Sexton Place Townhomes Rezone); RZ 2000-0003

**Coun. Soth MOVED, SECONDED by Coun. Doyle that the ordinances embodied in ABs 00-383, 00-384, and 00-385 now pass. Roll call vote. Couns. Soth, Doyle, and Ruby voting AYE, motion CARRIED. (3:0) (Coun. Stanton was out of the room and did not vote.)**

Pilliod read the following ordinances by title only:

Second Reading and Passage:

00-363 An Ordinance Amending Ordinance No. 2050, The Development Code, to Amend the City's Floodplain Regulations Affecting Development and Properties within the Beaverton Creek and Hall Creek Floodplains; TA 2000-0006 (Not voted on at this time in the meeting.)

00-364 An Ordinance Annexing 0.5 Acres of Land Lying Generally Outside of the Existing City Limits to the City of Beaverton; ANX 2000-0003, (13675 NW Cornell Road)

Pilliod said he would like Council to wait to vote on AB 00-363 until later date after he had time to review it in relation to Measure 7.

**Coun. Soth MOVED, SECONDED, by Coun. Doyle that the ordinance embodied in AB 00-364 now pass. Roll call vote. Couns. Ruby, Soth, Stanton, and Doyle voting AYE, the motion CARRIED unanimously. (4:0)**

WORK SESSION/ACTON:

00-380 Phase 1 Final Report for Business Process Auditing and Re-Engineering for Development Services and Building Inspection Services Project Ratify Additional Work Performed, Approval to Begin Phase 2 and Transfer Resolution

Sandra Miller, Human Resources Director, said she was there with the internal project team for the Community Development Audit and Re-Engineering Project. She noted that the internal project team consisted

of Community Development Director Joe Grillo and Finance Department Director Patrick O'Claire. She said that evening the president of Citygate, David DeRoos would make the presentation to Council, because the project manager from Citygate was unable attend the meeting that evening.

David DeRoos, President, Citygate Associates, 705 Gold Lake Drive, Suite 100, Folsom, CA, said it was his pleasure to present Council the methodology, findings and recommendations of their business process audit. He explained that he would give a brief description of the ingredients of the performance audit and talk about the scope of work and describe the methodologies used to perform this kind of analysis.

DeRoos said the general accounting office had a definition of a performance audit, which he read. He said Citygate's role in the local government process was to perform analysis of government function (such as the City of Beaverton) and examine what worked, or needed improvement, where the deficiencies were located and how Citygate, through constructive and corrective stance, could help the City improve. He described Citygate as a local government performance audit firm and noted they had traveled throughout the world and had looked at all the primary government systems in use. He said he thought he could give Council a short sense of relief in that he knew the City was in a day-to-day process that could be very deliberative, frustrating and sometimes contentious. He stated that Citygate's role was to take the city form of government and make it better, which was why they could be performance auditors and advocates at the same time.

DeRoos noted that the study focused primarily on the Development Services and Building Divisions processes in that they related to land use development, building plan checking and permit issuance. He stated that it had not taken them long to see that the City had done a good job of pinpointing the project, because Citygate did find that area to be of significance within the City. He noted they found many opportunities to improve it, as well as many ways it was working very well.

DeRoos said they started by looking at the department's mission, goals, and objectives to see if they were clear, specific and well identified and if they defined a clear and comprehensive set of services that were well executed and well planned. He reported that they correlated that information by interviewing Councilors, the Mayor, people in the department, citizens, developers, etc., and this allowed them to get the perspectives from a variety of views. He said they could see where it was operating well and where it needed improvement. He noted that there was an opportunity for each employee to complete a confidential survey, so they could get their perspectives, also. He explained that they conducted some customer focus group meetings, asked a variety of customers, and also did a customer survey, which helped them to focus on the areas or functions that needed to be improved. He said they performed a walk-through, noted space allotments and reviewed several

wheelbarrows full of documents that they had asked the department to provide.

DeRoos reported that they documented the process flows in various areas of the department so they could understand what the sequential steps were, who was involved in each step, how much staff time was involved and what kind of information sets were necessary to successfully complete an application. He noted that cycle times or elapsed processing times were important and were longer than the customers wanted them to be. He said this was where they began to understand the wisdom of the City's scope of work listed in the Request for Proposal. He said they marveled at the precision the City put it into suggesting a Phase One and Two, to streamline some of the processes and remediate the identifiable issues.

DeRoos reported that once Citygate had developed its initial findings, they then worked with the project team, talked about what they had seen and asked for comments, background, interpretation and for whether or not they believed Citygate was on target. He explained that they then put together a benchmark of functions with comparable cities and were able to point out where resources were on target and where they were not on target, perhaps because they were under resourced compared to the work load.

DeRoos said the project team consisted of Bruce McClendon (recently elected national president of the American Planning Association) a real estate developer, and other key staff members who were able to separate perception from reality and get to the basics. He reported that one of the most important things was that the findings and recommendations were validated by multiple sources. He stated that they were confident in their recommendations and findings and noted this was a large report that contained 72 recommendations in terms of improvement, which was more than typical. He commented that if he were the Department Head he would be overwhelmed because of the work and challenges. He said he appreciated the cooperation of staff in their openness.

Mayor Drake noted that they thought Citygate had an excellent team, and noted that McClendon managed a Community Development department on the East Coast that was larger than the entire City staff. He said he understood that DeRoos' team had exhibited respect for City staff, and they were asking Council to accept the report and support a request for additional payment.

Coun. Soth said he had many questions. He said he was concerned about the Executive Summary IV, the last bullet at the top of the page, because the City did rely on contract plans examiners in numerous cases. He asked if the contract plans examiners were not familiar with Oregon or Beaverton's requirements and policies or was it a case of overlooking those things that the field inspectors were required to look at.

DeRoos said all of those reasons that Coun. Soth mentioned were potential causative reasons for a finding, but none of them were the primary or exclusive reason for this issue. He noted that they had clients that had their plans review done by an outside contractor, but since they had such a phenomenal oversight and management review and quality control process in place that provided oversight for this contract function, the levels of error were miniscule.

Coun. Soth referred to page II-9, Recommendation Six, it was not clear what they exactly proposed.

DeRoos said they had seen a number of departments who had designated an ombudsman (or expediter) who was a rover who zeroed in on issues, which were problems and worked on them. He said the idea was to "staff for success" because development review was a complex process and was vulnerable to break down. He said a staff person designated to be a process advocate to help with some special care, was required.

Coun. Soth said for example, someone came in with an application, and the counter person said here is something that needed more attention, the expediter would be able to step in and see if it was a larger issue or something that could be fixed quickly.

DeRoos said that was fine example and noted that they had seen a variety of departments using the ombudsman in a variety of ways. He said he would not want to limit the ways that person could help.

Coun. Soth referred to page 24, recommendation 36, and asked about the time marked i.e. engineers time spent on clerical duties, leaving insufficient time for plan review and the need for a part time clerical person so the engineers could have more time. He wondered if that was what DeRoos was referring to in the use of an ombudsman.

DeRoos said that was correct, and the advantage was that it would reduce cycle times, which was where the City was missing customer expectations. He said they would not be asking a highly paid professional person to perform clerical duties.

Miller noted that DeRoos did not know that the City had approved that, and a person had been hired for that position. She said there were some things that the City recognized from Citygate's process analysis and had acted upon.

Coun. Soth noted that he served as the elected City representative on the Tri-county Building Board which had been working on consistency of interpretations of building codes and processes within the Tri-county area. He said it had been a frustration for many developers who worked



with all three counties, and they needed to establish consistency so the process would be better.

Coun. Soth referred to page two, and asked if the word *alternation* should be *alteration*.

DeRoos replied it should be *alteration*.

Coun. Soth said that in the second paragraph he was unclear on the wording "...for percent of bonds processed..."

Grillo explained that on a weekly basis, they received requests from developers or other individuals who had filed a bond and were doing work. He said that once the work was done and inspected the developers or individuals requested a quick turnaround to have the bond released. He pointed out that staff was working on a weekly basis to review the bonds and see that they were released as appropriate.

Coun. Soth referred to page three, Recommendation 44, and said this went back to the beginning about discrepancies between plans examiners and what the inspectors found in the field on the plans. He said he was concerned because it did not leave a good impression with a lot of people.

Mayor Drake noted that with the work on the Library, the City had "jobbed- out" those plans and there had been similar difficulties with the field people planning things differently than the hired-out plan reviewers found.

Coun. Soth referred to page four, Recommendation 72, and said he thought a word was misspelled. He pointed out that it should be *conscientious*.

DeRoos agreed that was correct.

Coun. Soth said it was an excellent report and addressed many issues of concern. He said another concern was the customer service and noted they needed to be attuned to this.

DeRoos commented that they had gone into some departments where they found so few complaints that Citygate wondered how that department could be doing their job so thoroughly and accurately without raising some hackles.

Coun. Stanton referred to the ombudsman, and said in the evaluation from both customers and staff, the perception was for more staff needed. She said that to her an ombudsman would only point someone in the direction they were supposed to go as opposed to actually making changes. She said she thought cross training or cross-information would work better, and found that more valuable. She explained that she did

not think a citizen/customer would come in and ask to talk to an ombudsman because they did not like something, but would ask whom to talk to because they did not like it. She noted any staff person should be able to do that.

DeRoos reported that one thing they saw in such situations was that it was helpful to have professional-level planners, building inspectors, and plan inspectors, available at the counter so the customer could ask a detailed technical question and get a good answer. He said one of the disadvantages in functions like here in Beaverton was that those professionals were too busy to be at the counter so the customer did not receive the caliber of expertise everyone would hope for. He said they recommended having a Planner of the Day, and they preferred to have an ombudsman that was higher in seniority and could really respond to the questions in a professional way. He noted that often the answers were not apparent and it took a different caliber person to respond to that level of request.

Coun. Stanton said that Development Code review was a concern, and would be critical so that everyone would be speaking to the same issues. She noted that in Citygate's recommendation on redoing the Development Code, she did not see set information such as a blueprint or outline, or something an entity like the League of Oregon Cities (LOC) had developed. She commented that she did not want to reinvent the wheel.

DeRoos said first of all, from the perspective of an efficient operation a Development Code that was not current or up to date was not clear. He said that had a lot of negative impact on attempting to operate a department efficiently and effectively.

Coun. Stanton asked why they picked Washington County for their model.

DeRoos replied that Washington County's use of technology was superior and an applicant could dial in from home and get the status of their application.

Coun. Stanton stated that she did not think Washington County had a Development Code model they would want to follow.

DeRoos said he believed the reference Coun. Stanton was making was in reference to the technology in use so that examples of the Code in drafts or updates could be easily accessed by applicants.

Coun. Doyle noted that they were referring to IV-1, the last paragraph, recommendation 57.

Coun. Stanton noted that the sentence before that was about drafting new code and framing policy objectives.

DeRoos said it had more to do with process or how one could go about updating development codes. He said an issue was the condition of this department and its capacity to take on a major project like a development code update. He said the department was working at "high rpms" and did not have excess capacity to get all of the work it was required to get done within the cycle time standards that the customers expected, and also implement Citygate's 72 recommendations. He stated that at the same time, they all needed to be done. He said the question was how would a performance auditor make both findings at the same time: that the department was working very close to full capacity and that they had 72 things it needed to do within a two-year time frame. He said there was a dilemma there and the auditor needed to recommend how the dilemma could be resolved in the short-term.

DeRoos pointed out that they suggested various staffing approaches of an intermediate/non-permanent nature to approach that. He said an example was long-range planners such as in Washington County, could be utilized. He said there were ways of going about it that would help to mediate the dilemma. He stated that it was only fair to the department to recognize that they were "redlining," and Citygate needed to be sensitive to that.

Coun. Stanton agreed the department was overworked and was also working with a Development Code that was not always easy to read or sequential.

Coun. Doyle noted that he was amused about some of Coun. Soth's comments about the misuse of words due to word processors and spell checkers being far from perfect. He stated that he was looking forward to the dollars and cents of the implementation of the 72 recommendations. He noted IV-2, "Sample Performance Measures" which had always been a debate with the Budget Committee. He said they were interesting and noted that it was difficult to come up with meaningful performance measures that made you better at what you did.

Coun. Doyle said he hoped they would get a handle on what the costs were all about and it might shock a few folks as to how understaffed the department was. He commented that in reading through many of the recommendations, they were technology-related, and noted that the Information Technology staff was short also. He expressed his concern that staff were fighting at a system that was supposed to help. He said the report was great and he hoped they would find the wherewithal to provide what was needed. He said he assumed they would be looking throughout the budget cycle, and was sure that if they could do this, it would be more helpful than they realized. He expressed his appreciation for the work of City staff as well as that of the Citygate folks. He commented that he would like to have heard more of the input.

Coun. Stanton commented that she also appreciated the document that was well written.

Coun. Soth referred to IV, page 7, Recommendation 72, and noted that they had heard the difference between Hillsboro and the City of Beaverton approaches and noted that Beaverton did require more citizen involvement than Hillsboro. He noted that Hillsboro relied on the hearings officer for most of their decisions and very few appeals go to Council there. He said he could be wrong, but understood it that way. He asked if this was correct, or did it appear to be that Beaverton was using too much citizen involvement, and Hillsboro, too little.

DeRoos noted that he had started his presentation that evening talking about the system of local government we have in the United States. He pointed out that this was a decision and a choice that every community got to make for itself. He said as he sat in the back of the room during the first portion of the meeting, he had looked at the eight Council Goals, and said he thought that CDD was in play in seven of the eight goals. He said it was all a matter of balancing things, and their job as independent auditors was to say this is the fact pattern and look for a way to improve the efficiency and effectiveness, given that set of facts.

Coun. Soth noted that Beaverton was often compared with Hillsboro, which was why he had asked his question.

Coun. Stanton asked which one of the Goals did not apply.

DeRoos said he would have to concede that they were complying with all.

Mayor Drake thanked DeRoos for the presentation and noted that they were asking Council to accept Phase 1, and the recommendations, then approve Phase 2 and the funding. He noted that when they approved Phase 1, if and before they went forward with Phase 2, Council wanted a report. He said they were there asking for their approval and approval of a change order for \$8,000 for Citygate Associates.

**Coun. Doyle, MOVED, SECONDED, Coun. Soth, that Council approve the three things Mayor Drake listed.**

**Mayor Drake restated the motion as accept the Phase 1 Final Report and Recommendations, authorize approval of completion of Phase 2 of the Business Process Auditing and Reengineering, and ratify the additional work performed under Phase 1, and approve a change order totaling \$8,000 to Citygate Associates.**

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

RECESS:

Mayor Drake called for a brief recess at 7:58 p.m.

RECONVENED:

The meeting reconvened at 8:08 p.m.

EXECUTIVE SESSION:

**Coun. Soth MOVED, SECONDED, by Coun. Doyle 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. Ruby, Doyle, Soth, and Stanton voting AYE, the motion CARRIED unanimously. (4:0)**

The executive session convened at 8:09 p.m.

The executive session adjourned at 8:25 p.m.

RECONVENED:

The regular meeting reconvened at 8:25 p.m.

OTHER BUSINESS:

**Coun. Soth MOVED, SECONDED by Coun. Stanton, authorize the City Attorney to continue discussions and extend the DDA discussion period to December 1, 2000.**

**The vote was taken. Couns. Soth, Stanton, Ruby and Doyle voting AYE, the motion CARRIED unanimously. (4:0)**

**Coun. Soth MOVED, SECONDED by Coun. Stanton, to enter into an agreement for outside counsel as discussed in executive session.**

**The vote was taken. Couns. Soth, Stanton, Ruby and Doyle voting AYE, the motion CARRIED unanimously. (4:0)**

Mark Pilliod, City Attorney said after discussing it with Joe Grillo, Community Development Director, he felt they could go forward on the ordinance AB 00-363 at this time.

ORDINANCE:

00-363 An Ordinance Amending Ordinance No. 2050, The Development Code, to Amend the City's Floodplain Regulations Affecting Development and Properties within the Beaverton Creek and Hall Creek Floodplains; TA 2000-0006

**Coun. Soth MOVED, SECONDED by Coun. Stanton, that the ordinance embodied in AB 00-363 now pass. Roll call vote. Couns. Soth, Stanton, Ruby and Doyle voting AYE the motion CARRIED unanimously. (4:0)**

Pilliod said among City staff as well as others they would be discussing the appropriate adoption of Measure 7, and noted he had given them a report on the impact of Measure 7 on state and local governments. He noted that there were a number of issues in it that were ambiguous and would have to be interpreted. He said he believed they would have to develop a process to address claims as they came in. He reported that he was not aware of any parties that had contemplated a legal challenge and noted that he heard that 1000 Friends would not challenge as earlier said. He said there could be a counter measure put on the ballot by the next legislature but that could not occur before March. He noted that it would take effect on 12/08/00, and he hoped to have something to share with the Council soon, for their adoption.

Coun. Doyle asked if this was considered a money measure, and would it require a double majority.

Coun. Stanton said it was not a tax so it could not be considered that.

Coun. Soth referred to Metro's Title 3, and noted that it appeared Metro would not be under any obligation because they were not the implementing agency, so it would be Beaverton's responsibility.

Pilliod said he would recommend they look at the source of the regulation and see if the City had imposed it, and if so, could they release the property from that regulation.

Coun. Stanton said it seemed to her that they (the voters of Oregon) passed an unfunded mandate law.

Pilliod said they would make that argument at the appropriate time, but he was unsure if they would prevail on it.

Coun. Ruby recapped the Library Board meeting regarding the porn site that was left on the computers in the children's area. He said the Board understood it was a serious issue, and had no sense that the City was overreacting to it. He reported that the Board suggested that staff increase monitoring in the area and try to reconfigure the furniture to make the computers more visible. He said the Board was not averse to filtering in to the children's area only. He explained that the Board wanted information as to what kinds of filters were available since the general information is that they were somewhat inefficient and primitive. He reported that there was a feeling among the Board that if they were going to filter the children's computers, then they should also look into if some of the filtering software would make it more difficult to access violence or hate group affiliations. He noted that Shirley George,

Librarian, would work with the Mayor's office and IS staff to see what was available.

Coun. Doyle noted that in the memo the Library Board indicated they would make a recommendation by their next meeting, and he wondered what then would happen to end this nonsense in the children's area.

Mayor Drake explained that if the incremental measures had already been taken, once the Library Board returns an opinion, he would report to the Council and if the Council instructed them to do so, they would install filters.

Coun. Doyle stated that time was of the essence with this.

Coun. Stanton noted that the Library Board would not be doing the research, it would be staff.

Mayor Drake said as soon as the information was available he would get it to them.

Coun. Doyle stated that they could not dawdle on this, they owed it to the community to resolve it.

ADJOURNMENT:

There being no further business to come before the Council at this time, the meeting was adjourned at 8:38 p.m.

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Darleen Cogburn, City Recorder

APPROVAL:

Approved this 8<sup>th</sup> day of January, 2001

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Rob Drake, Mayor

**MINUTES  
NOVEMBER 13, 2000**

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