

REGULAR MEETING
February 12, 2001

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 February 12, 2001, at 6:36 p.m.

ROLL CALL:

Present were Mayor Drake, Couns. Fred Ruby, Evelyn Brzezinski, Dennis Doyle, Forrest Soth, and Cathy Stanton. 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, Police Chief David Bishop, Library Director Ed House, Landscape/Urban Forestry Supervisor Steve Brennan, and City Recorder Darleen Cogburn.

PRESENTATIONS:

01048 Introductions of the Mayor's Youth Advisory Board Members

Mayor Drake said they would start that evening with a presentation of the Mayor's Youth Advisory Board.

Rahmin Sarabi, Sunset High School and Alec Papazian, Sunset High School, introduced themselves as Co-Chairs of MYAB.

Mayor Drake noted that the past year he announced the formation of a Mayor's Youth Advisory Board (MYAB) and 30 very outstanding young people applied to serve on the Board. He said they appointed 20 people to the board, and the remaining applicants would be used as alternates. He said they were a remarkable group of young people from area schools who had worked hard to develop bylaws, form a process for organization, elect officers and formulate project ideas.

Alec Papazian read MYAB's mission statement (in the record), and said they were planning three activities, which included a movie night for high school students at the Beaverton Library. He said it would be something people could do on a Friday night that would be an inexpensive and positive activity.

Rahmin Sarabi gave a brief update of MYAB and noted the group began meeting in November of 2000. He explained that they had plans for a Youth Summit on May 12, 2001, with a theme of "Focusing on Acceptance," and they hoped to have between 300-500 students. He noted that the summit would provide further opportunities to meet with other students from various schools in the area. He explained further objectives of the Youth Summit would be discussions describing differences and awareness issues. He said they were hopeful that Secretary of State Bill Bradbury and some other officials might be able to speak with them. He noted that they had formed a Committee for a Downtown Beautification Project modeled after what Lake Oswego had done in their downtown. He commented that they had been working with Dominic Biggi, a Beaverton businessman, and other business people in the downtown area.

Sarabi asked the other members of the MYAB to introduce themselves and give their class year and high school. He noted that several members of the group had not been able to attend that evening.

Coun. Brzezinski asked if there was a connection between the Youth Summit and the Human Rights Commission, since they had similar goals, and suggested they would be good resources.

Mayor Drake said that contact had not been made yet, but it was a great idea.

Sarabi noted that the Councilors would be welcome to attend their meetings.

01002 Professional Basketball Team Portland Fire Community Outreach Program (Carried from 1/22/01)

Sandi Bittler said she was Vice President of Business Operations for Portland Fire Women's National Basketball Association (WNBA) team, and explained the team played during the summer in the Rose Garden and last year was their inaugural season. She noted the WNBA had only a three-month season, which allowed the team to be involved in some community outreach programs. She explained that they would like to come to Beaverton to hold basketball clinics as well as other free events to make a connection to the community and the City.

Bittler showed a short video of the Portland Fire in action.

Sophia Witherspoon said she was a member of the Portland Fire team and explained that the team had a real passion and love for the game. She reported that they worked hard for their fans and wanted to give them something to cheer about. She thanked the Council for their support.

Linda Hargrove stated that she was head coach and general manager for the team, and the team played with a lot of energy, and wanted fans to know the team was there to help in the communities. She commented that Witherspoon had conducted fitness and positive self-image programs for schools and the team wanted to reach out to the areas around Portland. She noted that in three years they hoped to have a championship franchise.

Bittler pointed out three specific programs, which included the Community Outreach program. She explained the program as one that reached out to kids, adults who might want to volunteer, and coaches that might want to pick up some tips. She said they wanted to have a day in the community to exchange ideas and reach out, and asked for someone to be a contact so they could come to the City in the next two months prior to their season starting.

Bittler said the second program included selling blocks of tickets for communities for Portland Fire's opening night.

Bittler concluded by saying the final program was a sponsorship ticket program that would benefit community groups to enable underserved youths to attend the games.

Mayor Drake suggested that his assistant, Joyce Storms, could give them the names of contacts with schools and the Tualatin Hills Park and Recreation District (THPRD).

Coun. Brzezinski suggested the Police Activities League (PAL) as another contact. She said she appreciated the Portland Fire's presentation to Council that evening.

Bittler distributed T-shirts and videos.

Mayor Drake recommended giving the T-shirts and videos to PAL.

01047 Presentation of Shields and Swearing in of New Officers to the Beaverton Police Department; Promotion of Officers

Mayor Drake noted that public swearing-in and promotion ceremonies was held so the members of the community could see who was being hired, who had done an excellent job and was qualified for promotions.

David Bishop, Police Chief, noted that it was an appropriate evening for this event with the presentations by MYAB, the Portland Fire, and the new police officers because he saw all of those people as the future. He called forward the new officers and those who were being promoted.

Bishop swore in new officers Michael Bewersdorff and Scott Warren. He said Bewersdorff had been with the Siletz Tribal Police and had been a Reserve Officer with the Hillsboro Police and Warren had worked at the

McLaren School for Boys and had served with the Silverton Police Reserves.

Bishop announced that Officer Scott Burke and Officer Steve Stevenson were promoted to the rank of Sergeant. He noted that Burke had been with the Beaverton Police Department for five years and Stevenson had been with the Department for seventeen years.

Bishop noted that Sergeant Andrea Gatrell-Moore and Sergeant Gary Dodson were promoted to the rank of Lieutenant. He said that Dodson had been with the Department for twenty-four years and was promoted to Sergeant in 1995. He talked about Dodson's many accomplishments through the years as a Beaverton Police Officer. He explained that Gatrell-Moore had been with the City for eleven years and before that with the Corvallis Police Department. He noted that she had several assignments with the City including Administrative Sergeant in charge of accreditation, grants, and other programs. He said she was promoted to Sergeant in 1997.

Mayor Drake presented the shields to the newly sworn officers and those who were promoted.

The officers were given a round of applause.

RECESS:

Mayor Drake called for a brief recess at 7:09 p.m.

RECONVENED:

The regular meeting was reconvened at 7:15 p.m.

Tualatin Valley Fire & Rescue Accreditation Award

Marc Reed, Battalion Chief with Tualatin Valley Fire and Rescue (TVF&R), explained that he was there to present to the City of Beaverton an accreditation plaque from the Commission on Fire Accreditation International that had been awarded to TVF&R. He explained that a simple analogy between fire accreditation and non-accreditation was similar to what one could see in the difference between an accredited college and a non-accredited college. He said they were one of 36 organizations in the entire world that had qualified, and that meant that the City was providing services that were internationally recognized. He gave a brief background on the Fire Accreditation Commission and said it was formed as a joint venture between the International Association of Fire Chiefs and the International City, County, Management Association. He said the Commission wanted to provide a way of evaluating fire departments. He thanked the Mayor and Councilors on behalf of all the members of TVF&R for the opportunity to serve them and then read the inscription on the plaque.

Mayor Drake noted that most of those serving on the current Council had been present when the decision was made to annex fire services with TVF&R. He said they had never looked back or regretted that decision. He commented that everyone agreed that the service was better than expected and the working relationship continued to improve. He said as a parent and a citizen of the community he felt very secure when it came to emergency services and fire protection.

Reed thanked the Mayor said TVF&R appreciated the opportunity to serve the City.

Coun. Stanton asked if they would be presenting an Accreditation Awards to the other cities they served.

Reed replied that he thought they would.

Coun. Soth commented that the difficult part of the accreditation process involved the Washington County E-9-1-1 services and they were proud of how that worked out.

Coun. Doyle added his thanks for all of his friends and neighbors who had benefited from the service that TVF&R provided and he was proud that they had TVF&R on their side.

Reed said he was also part of the process during the change with the annexation, and it had worked out well.

CITIZEN COMMUNICATION:

Connie Haws, Beaverton, said she had left information for Council at an earlier date about Senate Bill 230. She thanked Council for allowing her to address SB 230, which dealt with animal abuse, neglect and abandonment issues and noted that the most important material she had brought (in the record) was the one that she had highlighted. She said the issue touched everyone at one time or another, whether it was our own animals that were affected or by hearing about animal abuse issues on the news. She said everyone heard about the abuse of the elephant (Rose-Tu) at the Zoo the past year and she could not understand why the Multnomah County district attorney chose not to prosecute the elephant's abuser.

Haws noted that she worked in animal fostering and rescue, and rehabilitation of neglected animals. She talked about how the abuse laws did not apply well to animals since they had no voice in which to describe their pain suffered by the abuse. She said second-degree abuse to animals became basically non-prosecutable and unless the animal was killed or completely crippled the abuser could not be prosecuted. She talked about the issues related to SB 230, and noted that Senator Ryan Deckert had assisted her with getting the bill drafted, which would be

heard later that week at the Legislature. She stated that there were many organizations that supported the bill, and noted that the bill had been amended as she had indicated on the copies supplied to Council. She reviewed the changes in the bill and clarified the reasoning behind some of the changes.

Mayor Drake asked about the issues related to organized dog fighting or gamecock fighting.

Haws replied that there were current statutes, which defined dog fighting as illegal activity, and there was another bill before the current legislature to firm up the gamecock-fighting ban as well as the export of gamecocks.

Haws clarified that all activities with veterinary practices, livestock practices and animal husbandry practices were clearly exempted from the bill, and those would not be changed. She explained that if someone in a rural area (where veterinary help could not be readily obtained) needed to destroy a fatally wounded or ill animal they would not be prosecuted under the bill. She said they also eliminated the word *cruelty* from current law because there was no definition for that word anywhere in Oregon Revised Statutes, and since it was not well defined it was difficult to prove in a court of law. She gave other examples of how wording had changed so that it better applied to animals. She noted that some of the penalties had been changed, and there were also provisions to allow rescue of an animal if permission of the property owner was obtained. She noted that many states had laws that prohibited convicted animal abusers from owning an animal for a certain period of time after their conviction. She also noted that it was important to deal with people who practiced "collector behavior" which she defined as owning too many animals to adequately care for. She concluded by asking Council to endorse Senate Bill 230.

Coun. Stanton commented that the City did not do animal control, and asked if Haws had contacted the County for their support.

Haws said that she had talked to the County Animal Control officers and noted that she had a meeting scheduled with the district attorney.

Coun. Stanton specified that Haws needed to contact the Washington County Board of Commissioners because she thought most cities in the County did not enforce animal control.

Haws remarked that she appreciated Mayor Drake's assistance with Senate Bill 230.

Coun. Soth referred to the sentence about "establish the suffering of pain," and asked if this would allow a witness to animal abuse to provide testimony.

Haws clarified that the witness would be able to provide testimony and it would not require confirmation by a licensed veterinarian. She said the goal was to allow the prosecutor to call lay people as witnesses as well as allowing professionals to testify, so it could be established that there was a witness to the abuse.

Coun. Soth asked where on the district attorney's priority list would felonies of this kind be prosecuted.

Haws related that it might be a higher priority in rural counties than in urban areas, but that was also influenced by the fact that this law had been established for many years. She said there was a problem with establishing witnesses and proving guilt in animal abuse early on so the ability to prosecute had diminished. She pointed out that this would give them a better way of prosecuting the offenders. She noted that there was a proven connection between animal abusers, child abusers, domestic violence and serial killers. She mentioned that Sen. Deckert amended the bill to require counseling for juveniles convicted of animal abuse offenses.

Coun. Doyle commented that he was glad to see the link established between the types of abuse. He wished Haws well and thanked her for championing this cause.

Coun. Ruby said the changes seemed to make a lot of sense, and asked if this would have any negative impact on medical research programs.

Haws said there would be no negative impact on medical research. She clarified that this law could not be applied to rodeos, research facilities, and circuses.

Coun. Stanton questioned why the laws could not be applied to rodeos and circuses.

Haws explained that a circus was considered an exhibit, they were licensed through the United States Department of Agriculture (USDA), and the State could not control them. She said the Oregon Zoo (Zoo) was a different situation since it was State and locally controlled.

Coun. Stanton noted this was not a reflection on the Zoo, since it was one employee at the Zoo who committed the animal abuse.

Haws said she had reviewed the personnel records of that person and the Zoo had done all they could do. She reported that the Metro Council was in support of SB 230.

Mayor Drake commented that he went to the Washington County Rodeo and he thought the riders were getting abused. He noted that he had talked to Mike Burton, Metro's Executive Officer about what happened at the Zoo, and Burton had expressed his frustration.

Haws reported that the bill would allow such incidents to be addressed.

Mayor Drake asked for consensus to send a letter of support.

The Council agreed to send a letter.

Mayor Drake said he would draft the letter and send it the following day.

COUNCIL ITEMS:

There were no Council items.

STAFF ITEMS:

There were no staff items.

CONSENT AGENDA:

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

- 01049 A Resolution Consenting to the Vacation of a Portion of SW Murray Boulevard, in the City of Beaverton, Washington County, Oregon
- 01050 Liquor License: Thai Flavor Restaurant – New Outlet
- 01051 Bid Award – Street Surface Slurry Seal Project
- 01052 Bid Award – Street Surface Crack Sealing Project
- 01053 Authorize Mayor to Sign Annexation Agreement with Developers of Gossamer Hills Master Planned Property (Pulled for separate consideration at this meeting.)
- 01054 Reallocate Salary Grade of the Reprographics Technician Classification
- 01057 Contribution to League of Oregon Cities for Measure 7 Legal Council

Contract Review Board:

- 01055 Waiver of Sealed Bidding – Purchase Two Vehicles From the State of Oregon Price Agreement
- 01056 Specify Brand Name for Sealed Bid of MP5 Carbine Rifles

Coun. Brzezinski referred to AB 01053, and asked if the Ryland Homes Plan was the one that had recently written about in *The Oregonian*, where they had not intended to have a neighborhood meeting, but were now planning to have one.

Joe Grillo, Community Development Director, replied that was correct.

Coun. Brzezinski stated that she was confused when put the agenda bill and the response to the Councilor questions together. She clarified that her understanding was that there was a large tract of land that was not currently owned by Ryland, but they had options on most of the property within that large area. She asked if Ryland was proposing the Master Plan even though they did not have control of the total area.

Grillo clarified that all of the property owners in the area had signed the Development Application with the County for the Master Plan. He said the second part of the application was before the County, and included the specific development review for a portion of the 109 acres, which was specifically under option to Ryland Homes.

Coun. Brzezinski asked who developed the Master Plan.

Grillo stated that the Master Plan that was currently in front of Washington County (County), he suspected was developed primarily by the majority of the money and the funds by Ryland. He reiterated that the application was submitted by all of the owners, and all had signed off on the application.

Coun. Brzezinski asked if the Master Plan could not be approved until the Metro reconsideration took place, to decide whether it should have been brought into the Urban Growth Boundary (UGB).

Grillo said he could not make a conclusion about that issue. He explained that they (the developers) had filed an application with the County, which had accepted the application and was processing it. He said the application would go in front of the County Hearings Officer, who might approve it or deny it. He explained that if the Hearings Officer approved it, it would be subject to quite a few conditions. He said one of the conditions would be the positive conclusion to the current appeal of the previous action that was taken by Metro, which was now at the Court of Appeals.

Coun. Brzezinski referred to Grillo's answer in the Council questions, and read from his response (in record). She stated she thought his answer had meant the application would not be allowed to be approved, but now she interpreted his answer to mean they might or might not approve it.

Grillo explained that he did not want to speculate, but he did not think they would approve it, but they could with conditions as caveats.

Coun. Brzezinski noted that she had misread it to mean, "is not allowed to approve," and now realized that was not the interpretation she should have applied.

Grillo apologized for not making that paragraph clear and said there were other actions that would be conditions to the agreement if the Hearings Officer approved it. He gave the example that the County Commissioners

had not taken final action on requesting that certain service districts be expanded to that area, such as the Unified Sewerage Agency. He clarified that even if the Hearings Officer were to approve it, it would have to be on a very long set of conditions, all of which would have to be met before the development could go forward. He pointed out that not the least of such conditions was the affirmation, at some point, by either the judicial system or remand it back to Metro to fix their original Metro action, which brought the property into the UGB to begin with.

Coun. Brzezinski asked why they were doing this at this time.

Grillo explained that without going way back in history on the UGB; one of the issues that Metro required from local government was who was going to be providing services in the long run, to any area that was brought into the UGB. He reported that at the time that this area (and many others at the same time) was being discussed, Washington County did not want to be the long-term service provider, and since this was more clearly in Beaverton's sphere, they said the City would provide service. He noted that Metro said that was fine and they needed some kind of agreement, and the City settled on an annexation agreement to do that. He explained that the reason the annexation agreement was going forward at this time, was it was a condition that needed to be dealt with as part of proceeding with the application. He said that since the applicant had decided to go forward with the application, then the City had previously committed to be the service provider in the form of an annexation agreement. He noted that at the staff level, they thought (albeit erroneously) that the developer would wait until the original appeal was resolved at the Land Use Board of Appeals (LUBA) and the Court of Appeals before they deemed it in their best strategy to go forward with the development application. He said the developer (Ryland) chose to go forward and therefore an agreement was created with the City which said if Council agreed, Beaverton could exercise its option to become the service provider any time within the next 10 years or not at all.

Coun. Brzezinski said if they could choose to do it anytime in the next 10 years, she did not understand why it had to be done at this time. She read from the agenda bill (in record), and said it was clear that the developers had to agree to annex to the City, but she did not see why the City had to take action at this time. She explained that if under State law, cities could not annex land outside a UGB, she did not see why they would want to agree to this, until they knew for sure if the land was inside or outside the UGB. She wondered why they should go through the effort at this point, if the conclusion of the remand back to Metro was that the area was outside of the UGB.

Grillo explained that when Metro was seeking assurance on who would be the ultimate service provider; the City had transacted a Memorandum of Understanding (MOU) to become the service provider. He said that ultimately the MOU translated into a commitment that the developer would have to sign an annexation agreement, coming under the City's

discretionary timing. He clarified that he did not think the Council had to exercise the annexation until the conclusion of the underlying UGB amendment issue was resolved. He noted that from the staff's standpoint it was seen as fulfilling the City's commitment as the ultimate service provider for that area.

Coun. Soth stated that to him this said this was not an annexation action, since they could not annex it until the UGB was decided, so it was only a preliminary action until the UGB was decided. He said at such time that LUBA was satisfied that Metro could bring the property into the UGB, and once it was brought into the UGB, then the developer would go ahead with the application to the County. He said at some time subsequent to that, the developer would state his readiness to annex, then it would come before the Council as a annexation action.

Grillo said that was partially correct, and clarified that the applicant would also have to sign an agreement to annex. He stated that the bottom line was it remained with Council to decide when and if they wanted to exercise the agreement and the petition to annex the property into the City, which was always the case with these petitions. He explained what made this confusing was that the developer had proceeded when the staff did not think they would. He pointed out that the developer needed to present the County an annexation agreement as part of the application.

Coun. Brzezinski explained that said she knew this was not an annexation, but she was concerned that it would be potentially confusing to the neighbors in the area who would see this, and might think they could get Beaverton to listen to their concerns and issues over the development. She pointed out that the City would have no control over the development, since Washington County would have approved the development instead of the City.

Mayor Drake said the City would have opportunity for input on the development, as they had done all along and would continue to do. He reiterated that the City had been talking with Metro and the County for a long time about providing service in that area and this was not a new discussion.

Coun. Brzezinski clarified that she was not opposed to the area being annexed to Beaverton, but she was opposed to why was being done at this time. She said she understood why the developer had to agree to eventually annex and why there had to be a legally binding document, but she did not know why the City had to sign a document saying they would enter into the annexation agreement at this time.

Mayor Drake said the annexation agreement showed who the ultimate service provider would be.

Coun. Brzezinski noted that they had that in a MOU already.

Grillo explained that the MOU was not adequate for Metro as part of their final deliberation to make their initial decision to bring the area into the UGB. He clarified that the reason the applicant had come back and asked staff and Council to agree was that when Washington County changed their Comprehensive Plan in that area to reflect Metro's decision, one of the provisions in that area was the developer had to show evidence of an agreement with the City as part of filing any development application.

Coun. Stanton asked if Coun. Brzezinski wanted to pull AB 01053 for separate consideration.

Coun. Brzezinski said she did want it pulled for separate consideration.

Coun. Soth, seconder of the original motion on the Consent Agenda, agreed to AB 01053 being pulled.

Mayor Drake read the original motion to pass the Consent Agenda, pulling AB 01053 for Separate Consideration.

Question called on the motion. Couns. Brzezinski, Doyle, Soth, Stanton and Ruby voting AYE, the motion CARRIED unanimously with AB 01053 pulled for separate consideration. (5:0)

Separate Consideration:

01053 Authorize Mayor to Sign Annexation Agreement with Developers of Gossamer Hills Master Planned Property

Coun. Soth MOVED, SECONDED by Coun. Doyle that Council approve AB 01053, Authorize the Mayor to Sign an Annexation Agreement with the Developers of Gossamer Hills Master Planned Property.

Coun. Brzezinski stated that she would oppose the motion for reasons that she had stated. She said she felt the timing was premature to sign something that the City might or might not choose to do especially since it was not known if the property would be inside or outside of the UGB. She said she would have preferred some other kind of agreement that was less formal than this agreement.

Question called on the motion. Couns. Ruby, Doyle, Soth, and Stanton voting AYE, Couns. Brzezinski voting NAY. The motion CARRIED (4:1)

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

ORDINANCES:
Second Reading and Passage:

01043 An Ordinance Annexing Approximately 8.5 Acres of Land Plus Right of Way Lying Generally Outside of the Existing City Limits to the City of Beaverton and Amending Ordinance No. 1800, the Comprehensive Plan Map and Ordinance 2050, the Zoning Map for Property Consisting of Two Parks and a Portion of Sunset Highway; ANX2000-0006; CPA 2000-0016/RZ 2000-0014

01044 An Ordinance Amending Ordinance No. 1800, The Comprehensive Plan Map, and Concurrently Amending Ordinance No. 2050, The Zoning Map, for The Property Adjacent to The Beaverton Operations Center, Located at 6685 SW Scholls Ferry Road; CPA 2000-0007/RZ 2000-0009

01045 An Ordinance Annexing a Parcel of Land Lying Generally Outside of the Existing City Limits to the City of Beaverton; ANX 2000-0005 (1750 NW 173rd)

01046 An Ordinance Annexing a Parcel of Land Lying Generally Outside of the Existing City Limits to the City of Beaverton; ANX 2000-0007 (820 SW 173rd)

Coun. Soth MOVED, SECONDED, by Coun. Doyle that the ordinances embodied in AB 01043, 01044, 01045, and 01046 now pass. Roll call vote. Couns. Soth, Doyle, Brzezinski, Ruby, and Stanton, voting AYE, the motion CARRIED unanimously. (5:0)

EXECUTIVE SESSION:

An executive session was deemed unnecessary.

ADJOURNMENT:

There being no further business to come before the Council at this time, the meeting was adjourned at 8:06 p.m.

Darleen Cogburn, City Recorder

APPROVAL:

Approved this 9th day of April, 2001

Rob Drake, Mayor

