CITY OF BEAVERTON COUNCIL AGENDA

TELEVISED

FINAL AGENDA

FORREST C. SOTH CITY COUNCIL CHAMBER
4755 SW GRIFFITH DRIVE
BEAVERTON, OR 97005

REGULAR MEETING
OCTOBER 4, 2004
6:30 p.m.

CALL TO ORDER:

ROLL CALL:

PROCLAMATIONS:

Breast Cancer Awareness Month – October, 2004

Smart Reading Program Week – October 3 – 9, 2004

National Arts and Humanities Month – October, 2004

National Day of the R. O. C. on Taiwan – October 7, 2004

CITIZEN COMMUNICATIONS:

COUNCIL ITEMS:

STAFF ITEMS:

CONSENT AGENDA:

Minutes of Regular Meeting of September 20, 2004

04200 Establish Monthly Water Meter Demand Charge for an 8 Inch Water Meter (Resolution No. 3781)

04201 Liquor License: New Outlet - Simple Pleasures; Change of Ownership - Juan Colorado Mexican Restaurant

Contract Review Board:

04202 Design Contract Award – Blakeney Storm and Sanitary Improvements Project No. 8049

PUBLIC HEARINGS:

04203 Public Hearing on the Proposed Use of the 2004 Local Law Enforcement Block Grant (LLEBG) Funds

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 and in accordance with ORS 192.660 (1) (e) to deliberate with persons designated by the governing body to negotiate real property transactions and in accordance with ORS 192.660 (1) (d) to conduct deliberations with the persons designated by the governing body to carry on labor negotiations. Pursuant to ORS 192.660 (3), it is Council's wish that the items discussed not be disclosed by media representatives or others.

ADJOURNMENT

This information is available in large print or audio tape upon request. In addition, assistive listening devices, sign language interpreters, or qualified bilingual interpreters will be made available at any public meeting or program with 72 hours advance notice. To request these services, please call 503-526-2222/voice TDD.

PROCLAMATION

OFFICE OF THE MAYOR
CITY OF BEAVERTON

WHEREAS, October 2004 is National Breast Cancer Awareness Month; and

WHEREAS, October 15, 2004 is National Mammography Day; and

WHEREAS, an estimated 216,000 new cases of female breast cancer will be diagnosed in 2004 and 40,000 will die from the disease; and

WHEREAS, an estimated 1,500 new cases of male breast cancer will be diagnosed in 2004 and close to 500 will die of the disease; and

WHEREAS, early detection and prompt treatment can significantly reduce the suffering and deaths caused by this disease; and

WHEREAS, mammography, an "x-ray" of the breast, is recognized as the single most effective method of detecting breast changes that may be cancer, long before physical symptoms can be seen or felt; and

NOW, THEREFORE, I, ROB DRAKE, MAYOR, City of Beaverton, Oregon, do hereby proclaim the month of October in the year 2004 as:

BREAST CANCER AWARENESS MONTH

and October 15, 2004 as:

MAMMOGRAPHY DAY

in the City of Beaverton.

CITY OF BEAVERTON INCORPORATED FEB. 10, 1893 OREGON

Rob Drake
Mayor

PROCLAMATION

OFFICE OF THE MAYOR
CITY OF BEAVERTON

WHEREAS, Beaverton recognizes the need for each generation to take care of the next and that all children whether our own, our neighbors, or children we don't know, are our collective responsibility; and

WHEREAS, The SMART (Start Making a Reader Today) book and reading program is Oregon's leading community-based volunteer program dedicated to increasing literacy among elementary school students; and

WHEREAS, The SMART program served more than 11,000 children throughout Oregon during the 2003-2004 school year and served more than 77,000 children since the program started 12 years ago; and

WHEREAS, In Beaverton, SMART volunteers will read with students at Aloha Park, Barnes, Beaver Acres, Chehalem, Greenway, Kinnaman, McKinley, Vose and William Walker elementary schools; and

WHEREAS, In all, 625 students in Beaverton will benefit from the SMART program during the 2004-2005 school year; and

NOW, THEREFORE, *I*, Rob Drake, Mayor of the City of Beaverton, Oregon, do hereby proclaim the week of October 3rd - 9th, 2004 as:

SMART WEEK

In the City of Beaverton and encrourage all citizens to join in this observance.

CITY OF BEAVERTON
INCORPORATED
FEB. 10,
1893
OREGON

Rob Drake
Mayor

PROCLAMATION

OFFICE OF THE MAYOR
CITY OF BEAVERTON

WHEREAS, the month of October has been recognized as National Arts and Humanities Month by thousands of arts and cultural organizations, and states across the nation, as well as by the White House and Congress for several years; and

WHEREAS, the arts and humanities embody much of the accumulated wisdom, intellect, and imagination of humankind; and

WHEREAS, the arts and humanities represent our community's diverse cultures and heritage; and

WHEREAS, the arts and humanities play a unique role in the lives of our families, our communities, and our state; and

WHEREAS, the nonprofit arts industry also strengthens our national economy by generating $134 billion in economic activity annually and by supporting the full-time equivalent of 4.85 million jobs; and

NOW, THEREFORE, *I*, Rob Drake, Mayor of the City of Beaverton, Oregon, do hereby proclaim October 2004, as:

National Arts & Humanities Month

in the City of Beaverton and call upon the citizens of Beaverton to participate and celebrate the arts during the month.

Rob Drake, Mayor

CITY OF BEAVERTON
INCORPORATED
FEB. 10,
1893
OREGON

PROCLAMATION

OFFICE OF THE MAYOR
CITY OF BEAVERTON

WHEREAS, the City of Beaverton derives much of its strength, beauty and unique character from the ethnically, culturally and racially diverse people who live here;

WHEREAS, Chinese Americans play vital roles in the economic, social and cultural life of our City;

WHEREAS, the citizens of Republic of China on Taiwan, are celebrating the anniversary of the 1911 founding of the Republic of China (R.O.C.); and

NOW, THEREFORE, I, ROB DRAKE, MAYOR, City of Beaverton, Oregon, do hereby proclaim October 7, 2004, as:

NATIONAL DAY OF THE R.O.C. ON TAIWAN

in the City of Beaverton and urge all citizens to join me in extending greetings and best wishes to our Chinese friends.

Rob Drake, Mayor

CITY OF BEAVERTON
INCORPORATED
FEB. 10,
1893
OREGON

DRAFT

BEAVERTON CITY COUNCIL
REGULAR MEETING
SEPTEMBER 20, 2004

CALL TO ORDER:

The Regular Meeting of the Beaverton City Council was called to order by Mayor Rob Drake in the Forrest C. Soth City Council Chamber, 4755 SW Griffith Drive, Beaverton, Oregon, on Monday, September 20, 2004, at 6:35 p.m.

ROLL CALL:

Present were Mayor Drake, Couns. Betty Bode, Dennis Doyle, Fred Ruby, Forrest Soth and Cathy Stanton. Also present were City Attorney Alan Rappleyea, Chief of Staff Linda Adlard, Finance Director Patrick O'Claire, Community Development Director Joe Grillo, Engineering Director Tom Ramisch, Operations/Maintenance Director Gary Brentano, Library Director Ed House, Deputy Police Chief Chris Gibson, Development Services Manager Steven Sparks, Associate Planner Sambo Kirkman, Auxiliary Services Program Manager Scott Keller and City Recorder Sue Nelson.

PRESENTATIONS:

04193 Metro Goal 5 Update

Metro Councilor Susan McLain reviewed a new Metro program entitled "Fork It Over." She said this was a waste reduction program designed to reduce the amount of food waste in the waste disposal stream. She said the goal of the program was to send safe and edible food to the needy. She said they were working with businesses throughout the region to deliver safe, refrigerated food that was not used, to non-profit organizations to be distributed to the needy. She said this was a successful program and she appreciated the participation by Beaverton businesses.

McLain reviewed the solid waste disposal rates; she explained Metro was a fee-for-service government, which meant it did not have a tax base; funding came from bond measures, fees for service, excise taxes and one tax program for management and operation of the Portland Zoo. She said the audit report for the Portland Zoo was released today; Metro staff would be analyzing the audit. She expressed appreciation to the Zoo Foundation for their fund raising.

McLain said Metro was looking at resurrecting HTAC (Housing Technical Advisory Committee) for affordable housing. She explained this Committee was made up of people from the public and private fields; they had worked for over 18 months to find ways to encourage affordable housing in the communities. She said the Metro Council will discuss this issue on September 21, 2004.

Coun. Soth asked regarding to affordable housing, what effect the reduction in the Federal Section 8 Program would have on Metro's programs or projections.

McLain replied she had not yet read the information. She explained Metro just started re-initiating discussions on affordable housing; it did not have programs or answers to offer yet.

Coun. Doyle said he looked forward to receiving the list of the restaurants participating in the "Fork It Over Program."

Coun. Stanton asked regarding affordable housing, if HTAC would look at multi-family housing or only home ownership.

McLain said she would assume they would look at both since home ownership was not possible for everyone.

Coun. Stanton urged McLain to include multi-family when this was considered. She said a study conducted in Washington County had determined that a family of four would have to make $30,000/net annually to be at 150% of the poverty line. She said that was not easy to do.

McLain said that was why Metro was trying to put the Committee back together to work on these issues.

McLain then reported on Goal 5. She said she and Mayor Drake served on the Tualatin Basin Committee. She said the Committee was reviewing an intergovernmental agreement with Washington County and the cities in Washington County, regarding what they consider to be a good idea for a basin approach for Goal 5, Fish & Wildlife Habitat. She said this was the most complicated and controversial project they had dealt with. She reviewed the work going into Goal 5 including amendments to the map and inventory. She noted the cities have different issues that need individual consideration. She said Metro was working to support the cities on the Tualatin Basin project.

Coun. Stanton asked if the meetings were still at the Beaverton Library at 1:00 p.m.

McLain said they were and the next meeting was September 27, 2004.

Mayor Drake said the reports just became available to the Basin members and he would distribute the report to the Councilors.

McLain said she would check to see if the reports could be put on the Web page.

Coun. Soth said Washington County was unique because it was the only County drained by one river system, the Tualatin River. He asked how Metro considered the property owners outside its jurisdiction in order to deal with Measure 37.

McLain responded all the water partners agreed that the basin approach and watershed approach were the only way to care for those water systems. She said that was why they entered into an intergovernmental agreement with Washington County since the County has the opportunity to make decisions in the areas outside the Urban Growth

Boundary. She said they accomplished this by working with the partners who have these responsibilities. She said it was a combination of programs and applications that would take care of the watershed.

Coun. Doyle said his concern was the speed at which Metro wanted to approach and solve these problems. He urged them to take their time because this would have a huge impact on the entire area. He said the Council heard information about the inaccuracy of the maps and other information being used. He urged them to take another year to establish accurate information.

McLain responded they had been working on it for eight years and could add another year. She said they would do this work pragmatically.

Coun. Bode said the amount of misinformation given to the public was appalling. She said the lack of definition of universal terms was a big concern. She said she wanted to see a "black and white definition" of riparian area, canopy and other terms. She said the inability to define these terms did not make County and Regional Government look people or community centered. She urged Metro to work hard on this and stressed the clarity and purposefulness with which Metro guided this project would benefit everyone.

Coun. McLain assured her they were working hard on these issues.

Coun, Stanton said she was concerned about the National Marine Fisheries Services (NMFS) requirements under the Endangered Species Act to protect salmon and steelhead smolt. She said what Metro developed under Goal 5 would impact what the City had to do to address the NMFS requirements. She asked what Metro was doing to include those issues, so the NMFS requirements do not have to be addressed separately when the Goal 5 work was completed.

McLain responded all the partners were looking at this through the Metropolitan Advisory Committee, on which Mayor Drake served. She said the issue involved terminology and definitions, and it was being worked on carefully and precisely.

McLain said she brought greetings from Metro Councilor Carl Hosticka.

04193 Presentation of Solid Waste and Recycling Program

Auxiliary Services Program Manager Scott Keller updated Council on the City's Solid Waste and Recycling Program. He explained the Oregon Legislature established recycling goals for the State of Oregon, and the Portland Metro region was given a goal of 62% of the solid waste being recycled by the year 2005. He said the region was currently at 54% and Metro was updating its Regional Solid Waste Management Plan for 2005-2015, which would update these figures.

Keller said to reach this goal they were focusing on three areas: Commercial recovery; Construction demolition; and Organics. He said the City worked with the six franchised waste haulers to achieve this recycling goal. He said they previously focused mainly on residential and were now beginning to focus on the business sectors.
Keller reviewed the Think Inside the Box Program to encourage recycling by businesses; the City has provided 5,000 recycling boxes to Beaverton businesses to date. He said

the City was working to establish pilot recycling programs in multi-family complexes. He said over the past year, staff conducted 97 site visits, 319 contacts and delivered 10,000 education packets to tenants and property managers to educate them about recycling. He said they also provided signage and recycling bags to help tenants get their recycling to the recycling bins. He said based on the information from these programs, the City was awarded a grant in the amount of $32,075 to expand the education and outreach in the multi-family sector. He said over the next year staff will focus on reaching other apartment complexes in the City.

Keller noted in addition to these programs, the City conducted two electronic recycling events, initiated a business newsletter regarding waste recovery and waste prevention, and held two home compost bin sales. He said they were also planning on completing four to six programs for public access television and the City will participate in a regional outreach program next spring to increase the quantity and quality of recycling in businesses and homes. He said the goal was to maintain a high level of service for the citizens and businesses in Beaverton.

Coun. Soth asked if the percentage goal for recycling included the bottles and cans on the deposit list.

Keller replied that was correct.

Coun. Soth stated the education factor of recycling in multi-family complexes was very important. He said when the complex managers changed, if the new managers did not support the program it was difficult to get the program going with the tenants. He said follow-up calls were necessary when managers changed, to get their support.

Keller said they experienced that and have continued regular contact and on-site visits every three to four months because the managers moved as often as the tenants.

Coun. Soth stated there was at least seven different kinds of paper in every office and all could be recycled.

Coun. Stanton thanked Mr. Keller for his presentation.

CITIZEN COMMUNICATIONS:

Barbara Wilson, Beaverton, said she was surprised to read in the Valley Times that the Council opposed Ballot Measure 34, the Tillamook 50-50 Plan. She said she felt it would have been important for the Council to hear from the public about this measure. She noted the vote to oppose the measure was 3-0 and she said there was a lot of confusion about Measure 34 and much of what was in the Valley Times article was incorrect. She stated there were two new studies available to the public on the economic benefit of recreational activities in the forest; one by Phil Ruder, Pacific University and one by John Powers, University of Montana. She asked the Council to review these studies.

Wilson stated she did not think a forest fell into the category of a crop. She said she thought people who opposed this measure had never been in the Tillamook Forest or seen its magnificence and beauty. She said after the burns in the 1930's, the ecosystem

only needed a few years to regrow. She said the forest was the closest she got to her god and to walk the forest when it had been clear-cut would make one sick. She referred to comments made by Coun. Soth when this was considered. She said Measure 34 did not lock up logging. She said under Measure 34, a board of experts in forest sciences would be appointed to review and manage 50% of the forest; the other 50% of the forest could still be logged by the timber companies. She said under the current program, the people who managed the forest were the people who had the most to gain financially; the timber companies. She said it was time to get real about Measure 34 and what it meant.

Coun. Soth asked Wilson if she was around in 1933, 1936, 1939, 1942 and 1945. He said he was and he saw the burns and the results. He said he saw soils burned so badly that nothing regenerated in those areas. He said his footsteps, and those of his children, were in parts of the forests where they replanted the trees in the early 1950's. He said they were now seeing the regeneration from those replantings as the log trains go through Beaverton. He said his point was that without that manual reforestation, as well as some aerial seeding, much of what one saw today would not exist. It would still be very sparse and inaccessible. He said when that land was turned over to the State and Counties by private owners, who could derive no benefit from it because of the burn damage, it was put into public ownership and was designated to be a resource for everyone under multiple management practices. He explained the State Forestry Division and the Oregon State Forest Practices Act now governed what happened in the forest. He said it now furnished a great deal of income to the counties who were subjected to the fire and whose income was diminished and eliminated by the lack of income from those woods. He said for all those reasons it provided an economic base for Washington, Tillamook and Clatsop Counties when the income from that logging was used. He said he knew the managers of that forest and they were not cut-and-run people.

Wilson stated when clear cutting occurred in the Tillamook it no longer was multiple use; erosion went into the streams and killed the fish. She said there was economic benefit to recreational opportunities and the studies she mentioned earlier illustrated these benefits, so the forest was not clear cut.

Mayor Drake explained the remainder of Citizens Communications would be heard after the public hearing.

RECESS:

Mayor Drake called for a brief recess at 7:40 p.m.

RECONVENED:

Mayor Drake reconvened the meeting at 7:45 p.m.

COUNCIL ITEMS AND STAFF ITEMS were heard after the Second Reading Ordinances

CONSENT AGENDA:

Coun. Bode MOVED, SECONDED by Coun. Soth, that the Consent Agenda be approved as follows:

Minutes of Regular Meeting of September 13, 2004

04195 A Resolution Adopting an Intergovernmental Agreement with Metro Regional Government for Implementation of the Annual Waste Reduction Plan (Resolution No. 3778)

04196 A Resolution Adopting an Intergovernmental Agreement with Metro Regional Government for Commercial Technical Assistance Program Funding (Resolution No. 3779)

04197 A Resolution Adopting an Intergovernmental Agreement with Metro Regional Government for Multifamily Recycling Education and Outreach Funding (Resolution No. 3780)

Contract Review Board:

04198 Bid Award - Traffic Signal Installation at Farmington Road and Erickson Avenue Project No. 5045

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

PUBLIC HEARINGS:

04199 APP 2004-0002 Appeal of SW Hills Baptist Church Private School (CU 2004-0002)

Community Development Director Joe Grillo read a prepared statement defining the process that needed to be followed for this hearing, including the various required disclosure statements (in the record).

Grillo asked if any of the Councilors had a potential or actual conflict of interest.

None were declared.

Grillo asked if any of the Councilors had an ex parte contact to declare.

Coun. Bode said at the Picnic in the Park she met the minister of the Church and he told her the issue might be coming to the City Council. She said her only response was that she looked forward to hearing the matter and receiving the information, if it came to Council. She said they did not discuss the merits of the case.

Grillo asked if any Councilor wished to declare any site visits.

Coun. Soth said he recently visited the site and he was on the Planning Commission in 1980 when this first came before the City.

Coun. Stanton said she drove through the site and had used the Church parking lot when attending the Picnic in the Park at Hiteon Park.

Coun. Doyle said he lived nearby and went by the area all the time.

Coun. Bode said she lived in that neighborhood and was familiar with the site.

Grillo asked if any member in the audience wished to challenge the right of any Councilor to consider this matter or challenge the right of any Councilor to participate in this hearing, or wish to request a continuance of the hearing to a later date.

There were no challenges or requests for continuance.

Grillo concluded the prepared statement.

Development Services Manager Steven Sparks and Associate Planner Sambo Kirkman introduced themselves. Sparks explained the Council was hearing the appeal of the Planning Commission's decision to approve the private school at the SW Hills Baptist Church. He said the item under appeal was a condition of approval which limited outdoor activity on the site related to the school use. He said staff and the appellant communicated over the past two weeks to discuss the appealed condition and they believed they had reached a compromise on the condition. He said the staff recommendation was that Council approve the Conditional Use as approved by the Planning Commission, but to change two conditions of approval (Conditions No. 5 and No. 8). He noted Council received a staff memorandum from Ms. Kirkman dated September 20, 2004, that outlined the revisions to Conditions No. 5 and No. 8.

Coun. Ruby said the prior staff memorandum dated September 9, 2004, had other proposed revisions to Condition 5, regarding control of outdoor loudspeakers. He asked if the September 20th memorandum was intended to supercede that and if the compromise was that the Planning Commission's Order would be upheld with only these two revised conditions.

Sparks replied that was correct; only Conditions 5 and 8 were revised. He said there was an additional change to Condition 8 that was in the September 20th memorandum. He said the appellant asked to change the date on Condition 8 from November 1, 2004 to December 1, 2004. He said staff felt it was an appropriate change.

Kirkman explained the Land Use Order was on Page 44 of the Council's packet. She said staff's recommendation was to revise Conditions 5 and 8, and the other conditions would remain, which included the loudspeaker condition referenced in Condition 6 of the Land Use Order.

Coun. Ruby confirmed with staff that all other conditions would remain as stated in the Land Use Order.

Coun. Soth asked if the appeal was directed toward Condition No. 5.

Sparks replied that was correct.

Mayor Drake asked if the Council was acting as the Planning Commission since this was a de novo hearing.

Sparks said that was correct; this was a new hearing and the entire Conditional Use request was before the Council. He said staff's recommendation was to uphold the Planning Commission's decision, except for the modifications to Conditions 5 and 8.

APPELLANT:

Herb Grey, attorney, Beaverton, said he was representing appellant David Cole/SW Hills Baptist Church. He said this appeal was filed in reference to Condition 5; however, Condition 8 was included in the consideration because the appellant felt since it was a condition for sound mitigation, there was no need for Condition 5. He said the appellant reached agreement with City staff on those conditions. He said there were two reasons this was brought before Council. He said Condition 5, in its original form, prohibited any outside activity involving children on the part of the school. He questioned if it was reasonable to condition school use on children never being able to go outside during the school day. He said the second question was if it was reasonable to require sound mitigation if the school use was conditioned on the children never being able to go outside. He said he felt the answer to both of these issues was no. He said the church wanted to determine conditions whereby the children would be allowed to go outside during the school day and to get approval for a fence that will be a sound reducing barrier to address the neighbors' concerns. He said he felt this was achieved with the revised conditions.

Grey referred to Map A1.1 (in the record) that indicated the site and surrounding area. He said the church was proposing to build a sound reducing barrier in the same location as the existing fence; this would be almost 1,000 feet of fence. He said this would be a solid barrier to reduce the sound level by five decibels at the property lines. He said Engineer Kerry Stanly reviewed the design and said it would accomplish the sound reduction (in the record); the fence will be eight feet tall at the property lines to help accomplish the sound reduction.

Grey reviewed the concerns the appellant had with the Planning Commission's action. He said after the hearing was completed, the Commission met with staff and revised the conditions. He said the Commission should have held the record open or contacted the appellant to let them know the Commission and staff had made some revisions. He said the second concern was that there was considerable testimony from a few neighbors about sound impacts. He said the Commission was turned around by the noise complaints and "lost sight of the forest for the trees." He said the only evidence in the record concerning sound impacts was the Stanley Noise Study that made it clear during the period of the study (when the home school co-op was in session) the children had not generated more than three decibels of noise; which was indistinguishable from the ambient noise in the area. He said if the Council looked at the charts in the Stanley Study, a thunderstorm, an airplane and traffic, generated more noise than the children. He said the third concern was the Commission ignored the effect of the sound mitigation measures included as Condition 8. He said their last concern was the Commission was unaware of what activities were planned for the school. He said if Council looked at the record, the materials clearly specified morning, lunch and afternoon breaks. He said it

was clearly noted they were not building playground equipment; the children would occasionally go across the street to the park for playground activities.

Grey said they submitted a barrier (fence) design that would provide a five decibel reduction. He said the Commission implicitly approved it when they required Condition 8; but it had not officially approved it. He said on their Notice of Appeal, one of the basis of the appeal was a violation of their RLUIPA (Religious Land Use and Institutionalized Persons Act of 2000). He referred to the evidence in the record, particularly David Cole's affidavit, and said there was a dramatic difference between the way the church school was being treated versus public schools in the area. He said Southridge was the last school that was built and it was allowed 55 decibels of noise at the property line. He said the church school was being asked to adhere to a five decibel reduction from existing ambient noise. He stated this was a dramatic disparity between what was expected.

Grey said under RLUIPA, the test was "is there a substantial burden on the religious exercise" and the case law interprets that to mean "becomes effectively impracticable." He gave examples of case law which he said supported the appellant's argument of substantial burden and said he felt the same thing was in effect here if Conditions 5 and 8 were not changed. He said the second part of the RLUIPA test was that there had to be a compelling government interest. He said in this case the compelling government interest was to limit sound and maintain the livability of the neighborhood. He said if one looked at the conditions imposed on the other schools in the area, they were not expected to do this. He said the third part of the RLUIPA test was the "least restrictive means of accomplishing the purpose." He said there were many things they could do to minimize noise impact besides restricting children from going outside. He said it was apparent the Commission was mostly right, with exception of a few key points and that was where the appellant was seeking Council's assistance.

Coun. Soth asked Grey if the objection was directed at existing activities connected with the Church rather that the school.

Gray replied that was correct.

TESTIMONY IN SUPPORT OF APPEAL:

Pastor Rick Elzinga, Beaverton, said they were excited about their plan for the school. He said it was a unique school that combined the strengths of classroom education with the strengths of home schooling. He said students would be in classrooms three days a week and at home working with their parents two days a week. He said they believed by melding these two models they could produce intelligent, successful and caring students. He said a lot of the wind was taken out of their sails through this process. He said they had to spend many thousands of dollars more than they budgeted to get this Conditional Use Permit. He said they had to hire engineering and consulting professionals and they were amazed at the level of detail required by the Planning Commission; it was not commensurate with the size of the project. He said it was unfair to approve the CUP and then say the children could not go outside; this would not work for a school. He said requiring them to build the sound fence was unfair because the play areas the children would use were 200 feet from the nearest neighbor. He said other schools did not have to do this. He said they had no physical education classes or

organized sports outside. He said they would try to address these issues as best as possible.

Coun. Soth asked if, in the process of the normal day, the children would go outside the building to the Park District playground.

Elzinga said the children would be outside when arriving and leaving the school, during the breaks and lunch hour. He said they had permission to use the park across the street to move the noise from the neighbors' area. He said the closest play area to any neighbor had a 200 foot setback and the sound barrier would be built. He said they agreed to this, though they do not see any other schools in the area having to do this.

Susan Anderson, Beaverton, home school parent representing the home school co-op, said the children in the school range from three-years to high school age; they studied history, biology, chemistry, algebra, sewing, cooking, and quilting. She said they did projects for the community hospitals and retirement homes. She said the kids did not fight or use foul language.

Rosealee Francetich, Tigard, indicated she supported the appeal though she did not testify.

Jolaine Davis, Dundee, said she was a certified teacher in Oregon; she taught in public and private school for several years. She said when she investigated the co-op; she was amazed at the high quality of teaching. She said the teachers were certified and the children were incredibly respectful, kind and hard working. She said she had worked for the co-op for one and one-half years. She reviewed the classes she taught and her experience with the children. She said it would be very sad to close the school down.

Coun. Soth asked if she and her children commuted from Dundee on the school days.

Davis said she did. She said she researched the public and private schools in the Dundee area and she could not find another school that matched what she was looking for in terms of high quality and care for the children.

Coun. Bode asked Davis to clarify the school schedule. She asked if the students were there Tuesdays and Thursdays, with no groups there on Mondays, Wednesdays and Fridays.

Davis said that was correct. She said if the private school was approved, it would run on Mondays, Wednesdays and Fridays. She said there would be two different groups (Tuesday/Thursday and Monday/Wednesday/Friday) and the school would be in session five days a week.

Ian Hanley, Beaverton, indicated he was in favor of the appeal though he did not testify.

TESTIMONY IN OPPOSITION TO APPEAL:

Lynn Boe, Beaverton, said she lived on the corner next to the church property for 26 years. She said the majority of the landscaping along the property line consisted of Douglas Fir tree trunks, widely spaced, that did nothing for sound or privacy. She said

they were not planted in accordance with the original Conditional Use Permit; they were supposed to plant five to six-foot trees and instead planted one-foot trees. She said there was a change of story regarding outside activity since the initial informal meeting the neighbors had at the church with the church staff. She said the church staff said originally there would be no outside activity, then at the Planning Commission they said they wanted to have lunch outside and now it has proceeded to lunch and breaks. She said the noise was not indistinguishable from other daily noise when the children were at the property line climbing the fences and the trees. She noted there was a potential for having one to two-hundred children at the school at one time. She said her main concern was the fence sound wall. She said it was supposed to be a solid wall and the design had changed to horizontal 1x8's and she questioned what would happen when the wood dried and shrank. She said based on her 26 years of experience, she was skeptical about maintenance of the fence when the wood shrank and needed to be replaced.

Mayor Drake said he expected the fence would be treated to resist warping and elongate the life. He said if something was not happening which she felt should happen as part of this approval process (such as fence maintenance), she had every right to talk to Code Enforcement. He said he always started from the positive side and hoped it would work for everyone.

Coun. Soth asked Ms. Boe what her doubts were regarding a wood fence verses a masonry fence.

Boe said her concern was the shrinkage of the wood.

Jon Greenblattt, Beaverton, said he was resigned that the school would be starting and he wanted to see adequate planning to ensure the surrounding neighbors could enjoy their homes in reasonable quiet. He said when the additional buildings were constructed on the church site, they unintentionally created an amphitheater; when there was noise on the south lawn or in the parking lot, it bounced off the building and into neighboring yards. He said sometimes he could almost make out conversations being held on the property though the people may not think they are speaking loudly. He said they observed organized sports on the site, though previous testimony said there would be none. He said the only question was whether it was a school activity or a church activity. He said the participants were school-age children and the activity took place during the school year, if not during school hours. He said there was a volleyball net setup on the south lawn. He said in the memorandum it said the sound wall was meant to mitigate the noise from children's arrival and departure. He said if the church wanted to have activities other than just arrival and departure, then the sound wall should block more than five decibels. He said when outside activities take place on the church property, voices are clearly audible above car and airplane noise. He concluded that because the original Conditional Use Permit for the church was granted without providing for possible noise problems associated with having a church located in a residential neighborhood, he was trying to anticipate what additional problems might be created by introducing a school onto the church site. He said he hoped some of the existing problems could be alleviated through conditions intended to anticipate and prevent additional potential problems caused by the installation of the private school.

Mayor Drake asked how long he lived in his current home.

Greenblattt said he lived there five years.

Mayor Drake asked when the new buildings were constructed.

Greenblattt said the buildings were constructed two to three years ago.

Tom Dagistino, Beaverton, said he lived southwest of the church. He said he was an engineer and studied audio engineering in college. He said it was stated that the noise level at the church was not significantly higher than other noises in the neighborhood, as measured by the sound engineer. He said that did not take into account that a correlated noise, such as a voice, at the same level as random background noise, was perceived differently by humans. Human hearing was more sensitive to noises such as voices; noises that measure the same will be perceived differently by the human ear.

REBUTTAL:

Grey said it was important to remember what was and was not an issue. He said going through this process helped them better understand the neighbors' concerns. He said the issue here was balancing the interests of the property owners. He said it was important to remember the church was voluntarily undertaking the sound mitigation, even though it was different from what was expected of public schools. He said they did this because they felt it was important for the relationship with the neighbors. He said testimony was heard regarding children playing on the fence. He said that problem was addressed in a variety of ways; one remedy was to create more of a solid barrier between the church property and the neighbors. He said it was important to realize only three of thirteen neighbors opposed the project. He said the record did not reflect that the church was a bad neighbor. He said their objective was to be a good neighbor and not to have an escalating impact on the neighborhood. He said the record before the Council indicated the church's proposed school and existing co-op will not dramatically change the character or livability of the neighborhood.

Elzinga responded to some of the concerns raised during testimony. He said the church staff had stated the children would be outside for breaks and lunch, but there would be no organized physical education or sports. He said there would not be 100 to 200 children along the fence line. He said the play area was 200 feet from the nearest neighbor and adults would supervise the children. He said there would not be gaps in the fence, even over time. He said it was a double layer fence; two layers of staggered wood. He said the volleyball game Mr. Greenblatt referred to was a church activity, not a school activity. He agreed perception of noise was different for different people; some have said there wasn't a noise problem and others have said there was.

Coun. Soth asked if the design of the new fence will break up the sound.

Grey said their engineer, Kerry Stanley, said the fence would give the sound reduction imposed by Condition 8. He said it was designed with that in mind.

Coun. Stanton asked Grey if he, the church and the co-op were comfortable with the changes to Conditions 5 and 8.

Grey responded they were.

There being no further questions or comments, Mayor Drake closed the public hearing.

Coun. Soth MOVED, SECONDED by Coun. Doyle, that the appeal presented in Agenda Bill 04199 (APP2004-0002: Appeal of SW Hills Baptist Church Private School CU 2004-0002) with the revised Conditions No. 5 and No. 8, as presented in the September 20, 2004, staff memorandum to Council, along with the other conditions included in the Planning Commission Order 1715, be approved.

Coun. Soth said this was an example of the ability Beaverton citizens have to talk with each other to come to a reasonable agreement. He said he felt Beaverton was a very tolerant community and with the cooperation of the appellant, the neighbors and the City, they came to a good solution to this issue.

City Attorney Alan Rappleyea asked Coun. Soth to amend the motion to direct staff to prepare findings and to bring those findings back for the Mayor's signature.

Coun. Soth explained that was implicit in his motion.

Mayor Drake explained that in the September 20, 2004 staff memorandum, Condition No. 8 said the wall needed to be built prior to November 1, 2004. He noted staff recommended changing that date to December 1, 2004.

Couns. Soth and Doyle accepted the revision of the date as an amendment to the motion.

Coun. Doyle explained though the process seemed onerous, it was the same process for every applicant. He said he was pleased they were able to come to a compromise and he appreciated the neighbors' participation through the entire project.

Coun. Stanton said she would support the motion and she thanked Ms. Boe, Mr. Greenblatt and Mr. Grey for addressing the criteria. She said she was pleased with the outcome.

Mayor Drake said the church was in a nice neighborhood and the balance in Beaverton had to do with maintaining livable neighborhoods. He explained this was a Conditional Use and everyone had the opportunity to be part of the process, which was beneficial. He said he did not see the Planning Commission's denial having anything to do with religion or an infringement of Federal law. He said he saw it as a decision made based on the current use. He said it was not realistic to expect children to stay indoors or to treat this school any differently than any other schools in the city. He said the City had received noise complaints from people who lived near other schools. He said this had been a positive experience for the church and the neighbors. He said if he was voting, he would vote in the affirmative.

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

RECESS:

Mayor Drake called for a brief recess at 9:05 p.m.

RECONVENE:

Mayor Drake reconvened the meeting at 9:15

CITIZENS COMMUNICATIONS

Jeremy Rogers, Tigard, spoke regarding Measure 34 (BM 34). He said he was disappointed that Council took a vote opposing BM 34 without a public hearing. He submitted written comments, the language for BM 34, and two reports, Economic Realities in the Tillamook and Clatsop State Forests and Drinking from the Rainforest, for the record. He said BM 34 was an initiative on the November, 2004 ballot, that would balance timber production in the Tillamook and Clatsop State Forests with protections for clean drinking water sources, fish and wildlife habitat, and recreational opportunities. He stated the forest had grown back since the replantings following the Tillamook Burns and the current management plan neglected some of the values of the forest. He said BM 34 addressed the management plan and asked for a balance of values. He said BM 34 required the State to consider all the values of the forest equally when making management decisions on the forest. It also required that 50% of the Tillamook and Clatsop Forests be managed to protect clean water sources, fish and wildlife, and recreation; the other 50% be managed for timber production. He said the current plan would log 85% of the forests over the next few decades, and the protections in place for streams were minimal.

Rogers said he read the resolution adopted by the Council. He said the resolution was drafted by Tillamook County Commissioner Tim Josi, a vocal opponent of BM 34. He said it was frustrating that an opponent of BM 34 distributed the resolution but the supporters were not contacted to present their side. He said 85% of the people in Beaverton received their drinking water from the Tillamook Forest and the watersheds were not protected under the current management plan. He said the highest level of protection in the management plan was called Special Stewardship and the primary watersheds for the City were not included in the Special Stewardship classification. He said Structure Based Management, which was the basis for the current management plan, was an experimental plan and it had never been implemented on a coastal forest or on a forest the size of the Tillamook and Clatsop. He said there was no science to suggest that Structure Based Management protected watersheds, wildlife habitat or recreational opportunities. He said BM 34 included these protections. He asked that Council reconsider the resolution after reading the information he provided.

Coun. Stanton asked for clarification on the harvesting; 85% of the forest would be harvested over how long a period of time.

Rogers replied if current harvest levels continued, in 25 to 30 years 85% of the forests would be harvested.

Mayor Drake asked if these areas would be replanted.

Rogers replied they would be replanted.

Mayor Drake asked Rogers if he was a forester, and if he had talked to the Tigard Council or to the Joint Water Commission (JWC) Manager. He said he was concerned when Rogers claimed it would harm the water sources for the JWC, when the JWC Manager had indicated to him (Mayor Drake) it would not harm those sources.

Rogers said he was not a forester and he had not talked to the Tigard Council since it had not adopted a resolution opposing BM 34. He said he had not spoken with the JWC Manager but would be happy to do so. He said the current management plan did not prioritize protection of the drinking water sources. He said operating a public forest with an experimental plan that had not been proven to protect the values of the forest, was a mistake.

Coun. Soth said both he and the Mayor served as Beaverton's representatives on the Joint Water Commission. He said one of the issues when Barney Reservoir was expanded was the protection of that entire watershed. He said they tried to prohibit any recreational activity on that watershed but the State Fish & Wildlife Commission said some recreational activity had to be allowed, though motorized activities were prohibited. He said the JWC members had very specific guidelines and directions for protecting that source. He said in that regard there was no danger to the water supply for Beaverton.

Rogers replied that all streams and rivers in the forest need to be considered when protecting the water sources and the amount of activity around those streams could potentially damage water sources. He said he was concerned about the entire system.

Mayor Drake said he was responding to Mr. Rogers' comments that the water source was in danger. He said he appreciated Mr. Rogers' and Ms. Simpson's comments, but he (Mayor Drake) had previously addressed this concern with the JWC Manager and received an affirmative answer that the water source would not be harmed.

Coun. Ruby said he appreciated Mr. Rogers' comments and, as with any measure on the ballot, there were differences of opinions. He said he was not willing to revisit this issue because he felt he had assimilated the information. He said he thought the point about receiving public input before taking a position on a ballot measure was legitimate. He said he wanted to discuss this with Council before taking a position on any future ballot measure. He thanked Mr. Rogers for his input.

Shantu Sham, Portland, said he was an electrical engineer from India and was experienced in electrical distribution/transmission systems and the construction of these facilities, in India and the United States. He spoke in support of Ballot Measure 35 (BM 35). He stated the public had the right to decide what should be charged for electricity. He noted there were many PUD's in Oregon that already provide electricity to many citizens at much lower rates than PGE (Portland General Electric). He said the private monopolies of electric companies, such as PGE and Enron, needed to be removed; and no private utility should have the monopoly on electric service. He said this would help ease the high cost of living for many Oregonians. He urged people to vote in favor of BM 35.

Coun. Soth said this issue was discussed a great deal. He said in 1937 Bonneville Dam was dedicated and the Bonneville Act specified the Bonneville Power Administration

would provide power at cost to municipal utilities and other public entities. He said the problem now was that BPA only provided half of the power the utilities were distributing and BPA had to go to the private market to purchase power in order to provide what its customers required. He said because of that purchasing power, a small rate reduction was projected in October or November. He said the advantage with private enterprise was that Public Utilities Commission regulated private entities.

Shaw said he was aware of the BPA setup, but he was concerned with distribution of electricity, not generation, and the public utilities provide 60% to 90% lower rates than PGE. He said that was why the middle man should be eliminated and electrical power should come directly from the source.

Lisa Melyan, Portland, said the People's Utility District (PUD), was one of the measures on the November, 2004 ballot. She said several books were written regarding the Enron scandal, including Pipe Dreams and The Smartest Guys in the Room. She said the books stated Enron purchased PGE to manipulate the energy markets on the West Coast. She reviewed the information from the books and said PGE could not be separated from Enron. She said her main concern was that PGE annually estimated its tax burden, approximately $92 million, and collected it in the rates. She said this money was sent to Enron and then written off because Enron was in bankruptcy. She said while this was legal, she considered it stealing. She said she did not like the idea of 14% of the rates being sent to shareholders. She said PGE was for sale and reviewed the three purchase options available. She stressed the PUD was the only alternative that Washington County residents had control over. She asked the Council to consider this information when deciding whether or not to support a Washington County PUD.

Coun. Stanton thanked her for coming and giving her perspective.

Gary Stewart, Sherwood, said he represented the Citizens Against the Costly PUD. He said this committee opposed forming a new Washington County PUD because it was costly, unnecessary and risky. He said the breakup of a reliable electricity supplier would jeopardize people throughout the northern Willamette Valley and would put economic viability and electric reliability at risk. He said the Washington County PUD was a solution looking for a problem that did not exist. He said PGE did not want to be taken over by a new government utility. He said the PUD would sever PGE's system at the County's political boundaries at a high cost to rate payers in terms of rates and reliability He said the opposition to the PUD was growing rapidly and noted many elected officials and business people opposed the PUD. He said claims that PUD rates would be lower were unsubstantiated by facts. He said BPA was oversubscribed with its current customers and it was unclear if they could meet additional demand. He stated the new tax might start small, but taxes increase over time. He said it made no sense for Washington County citizens to pay $800 million for something they already have. He said the idea that a new government entity could take over a private utility that did not want to sell was not right. He concluded that Washington County citizens did not need the risks, costs and uncertainties associated with a new PUD.

Coun. Stanton asked where he worked.

Stewart said he worked as the spokesman for the Committee and this was his third campaign. He said he was a graduate student at Oregon State University.

Donna Schmidt, Aloha, Chairwoman of Citizens Against the Costly PUD, said she spoke with many citizens throughout the area about the proposal to dismantle PGE. She said they told her they were not ready to secede from PGE's service territory, they were not ready to abandon their holdings in PGE's facilities, they were not ready for an uncertain future in terms of rates, safety and reliability, and they were not ready for the additional costs of a new layer of government. She urged Council to oppose the PUD and Measures 34-95 and 34-96.

Coun. Stanton thanked Ms. Schmidt for her comments and stated this was a difficult issue. She asked Ms. Schmidt where she lived and worked.

Schmidt said she was a volunteer for the campaign and lived in Aloha. She said she worked part time in a field that had nothing to do with PGE and she was a former newspaper reporter. She said she worked for this campaign because she strongly believed government should not take over private companies.

Mayor Drake said PGE had significant resources in Washington County; it paid property taxes and franchise fees to the City. He explained the PUD's in the area have been around a long time. He said there was no guarantee if the proposed PUD was formed, that there would be replacement revenue to the cities of any kind and that was a major concern because that was how the City provided police and other services to the citizens.

ORDINANCES:

Second Reading

Rappleyea read the following ordinances for the second time by title only:

04190 An Ordinance Amending Beaverton Code Section 6.02.250 to Create an Offense for Vehicle Parking in a Fire Lane Located on Privately-owned Premises Open to the Public (Ordinance No. 4321)

04191 An Ordinance Amending Ordinance No. 4270 Authorizing the Sale and Issuance of Water Revenue and Refunding Bonds for the Purpose of Refunding the City's Outstanding Water Revenue Bonds, Series 1994 and Series 1997, and Declaring an Emergency (Ordinance No. 4322)

Coun. Soth MOVED, SECONDED by Coun. Stanton, that the ordinances embodied in Agenda Bills 04190 and 04191, now pass. Roll call vote. Couns. Bode, Doyle, Ruby, Soth and Stanton voting AYE, the MOTION CARRIED unanimously. (5:0)

COUNCIL ITEMS:

Coun. Soth stated on Thursday, September 23, 2004, the City of Beaverton Senior Citizens Advisory Committee was sponsoring a Home Healthcare Seminar from 9:00 a.m. to noon at the Elsie Stuhr Center.

Coun. Stanton said on Wednesday night, September 22, 2004, there will be an Open House regarding the Cooper Mountain Natural Area at the Jenkins Estate from 6:00 p.m. to 8:00 p.m. She also noted the Picnic in the Park would be September 21, 2004, at the Five Oaks Middle School, from 6:00 p.m. to 8:00 p.m. for the Five Oaks, Triple Creek and West Beaverton NACs.

STAFF ITEMS:

There were none.

ADJOURNMENT

There being no further business to come before the Council at this time, the meeting was adjourned at 10:00 p.m.

_____
Sue Nelson, City Recorder

APPROVAL:

Approved this _____ day of _____, 2004.

_____
Rob Drake, Mayor

AGENDA BILL

Beaverton City Council
Beaverton, Oregon

SUBJECT: Establish Monthly Water Meter Demand Charge for an 8 Inch Water Meter

FOR AGENDA OF: 10/04/04 **BILL NO:** 04200

Mayor's Approval:

DEPARTMENT OF ORIGIN: Finance

DATE SUBMITTED: 09/2704

CLEARANCES: City Attorney
Engineering

PROCEEDING: Consent Agenda

EXHIBITS: Resolution
Agenda Bill 94187 and Resolution 3275
Agenda Bill 03278 and Resolution 3745
Demand Charge Calculation

BUDGET IMPACT

EXPENDITURE REQUIRED $-0-	AMOUNT BUDGETED $-0-	APPROPRIATION REQUIRED $-0-

HISTORICAL PERSPECTIVE:

The City's current rate structure for water services includes a Water Consumption Rate which is currently $1.79 per CCF (100 cubic feet) and a Demand Charge, which includes meter sizes from ¾ inch to 6 inch meters. The current Demand Charges have been in existence since August 1998 (Agenda Bill 94187 and Resolution 3275 copy attached). They have been re-established (with no changes or modifications) with each subsequent increase to the Water Consumption Rate, which was most recently enacted on Agenda Bill 03278 and Resolution 3745 (copy attached).

With the recent water system work performed at the Cedar Hills Crossing properties, the City will begin providing water service to this property (located at 3205 SW Cedar Hills Boulevard), which up until this time had been served by the Tualatin Valley Water District (TVWD). The change in water service was contemplated in the latest amendment to the intergovernmental agreement with TVWD in March 2002. City staff are working with TVWD staff and the affected businesses to coordinate the water service change over. The water service to the property requires two 8 inch meters; however our current rate structure (see attached Resolution 3745) does not currently include a Demand Charge for an 8 inch meter. The City needs to establish a demand charge rate for an 8 inch meter.

INFORMATION FOR CONSIDERATION:

The firm of Integrated Utilities Group, Incorporated of Portland, Oregon, a financial consultant specializing in utilities rates and charges has completed the calculation for an 8 inch water meter based upon our demand charges currently in existence (report attached). The firm has established $176.57 as the monthly demand charge for an 8 inch meter.

Beaverton's City Code 4.02.150 provides that the City's water rates and charges be established by Council resolution. Attached is a resolution that establishes the rate for an 8 inch water meter and retains the current Water Consumption Rate and the various existing Demand Charges (by meter size) that were last established under Resolution 3275 and were continued in Resolution 3745.

RECOMMENDED ACTION:

Council adopt the attached resolution that establishes a Demand Charge for an 8 inch meter.

RESOLUTION NO. 3781

A RESOLUTION ESTABLISHING A NEW WATER CONSUMPTION RATE FOR THE CITY OF BEAVERTON AND REPEALING RESOLUTION 3745

WHEREAS, the City's water system has established monthly Demand Charge rates for water meter sizes ¾ inch to 6 inch; and,

WHEREAS, the water system now needs to provide water service through an 8 inch water meter and a monthly Demand Charge for an 8 inch water meter needs to be established; and ,

WHEREAS, the consulting firm of Integrated Utilities Group, Incorporated has calculated the demand charge for an 8 inch water to be $176.57; and,

WHEREAS, Beaverton City Code Section 4.02.150 provides that the rates and charges for City water services be established by Council resolution; now therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BEAVERTON, OREGON:

Section 1. Water Rate Structure: The City's charges for domestic water effective October 15, 2004 are as follows:

Water Consumption (Use) Rate $1.79 (No change from Resolution 3745)

Demand (Meter) Charges:

¾" Meter	$ 7.27 (No change from Resolution 3745)
1" Meter	$ 11.45 (No change from Resolution 3745)
1-1/2" Meter	$ 18.42 (No change from Resolution 3745)
2" Meter	$ 26.80 (No change from Resolution 3745)
3" Meter	$ 46.32 (No change from Resolution 3745)
4" Meter	$ 74.24 (No change from Resolution 3745)
6" Meter	$143.99 (No change from Resolution 3745)
8" Meter	$176.57

Section 2. Resolution 3745 establishing the old rates is hereby repealed.

Adopted by the Council this _____ day of _____, 2004.

Approved by the Mayor this _____ day of _____, 2004.

Ayes: _____ Nays: _____

ATTEST: APPROVED:

_____ _____

SUE NELSON, City Recorder ROB DRAKE, Mayor

AGENDA BILL

Beaverton City Council
Beaverton, Oregon

SCANNED

SUBJECT: A resolution establishing a new water rate structure for the City

FOR AGENDA OF: 06-27-94 **BILL NO:** 94-187

Mayor's Approval:

DEPARTMENT OF ORIGIN: Finance

DATE SUBMITTED: June 17, 1994

CLEARANCES: Finance
City Attorney

PROCEEDING: PUBLIC HEARING

EXHIBITS: Water Rate Structure For FY95 - FY99

BUDGET IMPACT

EXPENDITURE REQUIRED $0	AMOUNT BUDGETED $0	APPROPRIATION REQUIRED $0

HISTORICAL PERSPECTIVE:
The City's water system faces increased expenditure requirements for operation and maintenance, and the consulting firm of CH2M Hill has updated and reviewed the City's water rates, using the water rate model they developed in 1992.

INFORMATION FOR CONSIDERATION:
Beaverton Code Section 4.02.150 provides that the rates and charges for City water services be established by Council resolution.

RECOMMENDED ACTION:

Hold a public hearing regarding new water rates.

RESOLUTION NO. 3275

A RESOLUTION ESTABLISHING A NEW WATER RATE STRUCTURE FOR THE CITY OF BEAVERTON AND REPEALING RESOLUTION 3192

WHEREAS, the City's water system faces increased expenditure requirements for operation and maintenance; and,

WHEREAS, the consulting firm of CH2M Hill has updated and reviewed the City's water rates using the water rate model they developed in 1992; and,

WHEREAS, Beaverton Code Section 4.02.150 provides that the rates and charges for City water services be established by Council resolution; and,

THEREFORE, be it resolved by the Council of the City of Beaverton, Oregon:

Section 1. Water Rate Structure. The City's charges for domestic water and the effective dates for those charges are those shown on Exhibit A, attached hereto and incorporated as part of this resolution.

Section 2. Resolution No. 3192 establishing the old rates hereby is repealed.

Adopted by the Council this 11th day ~~of June~~ July 1994.

Approved by the Mayor this 13th day ~~of June~~ July 1994.

Ayes: 5 Nays: 0

ATTEST:

Darleen Cogburn, City Recorder

APPROVED:

Rob Drake, Mayor

EXHIBIT "A"

Item	FY1995	FY1996	FY1997	FY1998	FY1999
Effective Date:	1-Aug-94	1-Jul-95	1-Jul-96	1-Jul-97	1-Jul-98
Meter Charge:					
3/4" Meter	$5.57	$6.10	$6.53	$6.92	$7.27
1"	8.78	9.62	10.29	10.91	11.45
1-1/2"	14.13	15.47	16.55	17.54	18.42
2"	20.55	22.51	24.08	25.53	26.80
3"	35.52	38.90	41.62	44.12	46.32
4"	56.93	62.34	66.70	70.70	74.24
6"	110.42	120.91	129.37	137.14	143.99
Volume Charge:	$1.31	$1.44	$1.54	$1.63	$1.71

AGENDA BILL

Beaverton City Council
Beaverton, Oregon

SUBJECT: Proposed Water Consumption Rate Increase for Operating the City's Water System

FOR AGENDA OF: 12/15/03 **BILL NO:** 03278

Mayor's Approval:

DEPARTMENT OF ORIGIN: Finance

DATE SUBMITTED: 11/20/03

CLEARANCES: City Attorney
Engineering

PROCEEDING: Public Hearing

EXHIBITS: Resolution
Agenda Bill 02353
Agenda Bill 94187

BUDGET IMPACT

EXPENDITURE REQUIRED $-0-	AMOUNT BUDGETED $-0-	APPROPRIATION REQUIRED $-0-

HISTORICAL PERSPECTIVE:

The City's current rate for water consumption (water use) is $1.76 per 100 CCF (cubic feet) of water, which is equivalent to approximately 748 gallons. The water consumption rate was last increased in January 2003 by 2.9% from $1.71 to $1.76 (copy of Agenda Bill 02353 and Resolution 3696 attached). The January 2003 increase was the first increase since implementing the series of five annual rate increases that began in August 1994 and ended in August 1998 (copy of Agenda Bill 94187 and Resolution 3275 attached).

In addition to the water consumption rate, the City also charges a monthly demand charge (sometimes called a meter charge or a base charge), which is based upon the meter size. The standard meter size for a single-family residence is a 3/4" meter and the associated monthly meter charge is $7.27. The demand charge was last increased in August 1998 under Resolution 3275.

INFORMATION FOR CONSIDERATION:

The FY 2003-04 Adopted Budget includes a proposed three-cent increase in the water consumption rate from $1.76 to $1.79 per CCF beginning January 1, 2004 (there is no proposed increase in the monthly meter charge). The proposed three-cent water consumption rate increase represents a 1.7% increase over the current charge, and it will produce an additional $70,000 in operating revenue for the remaining six months of FY 2003-04. The effect of the increase on the average single-family residence that consumes eight CCF of water per month would be 24 cents a month or $2.88 on an annual basis.

In total, the Water Fund's budget is expected to generate revenues of $6,279,000 for water consumption charges (this figure includes the additional $70,000 from the proposed rate increase), $1,618,184 for demand charges, and $558,572 in other revenues for a combined revenue stream of $8,455,756 for FY 2003-04. The Water Fund's revenues provide the resources for the water system's operating costs, which for FY 2003-04 are as follows:

Personal Services	$1,272,316	
Materials and Services	2,595,473	
Capital Outlay -Current	810,717	(does not include prior year carryover appropriations)
Transfers	657,755	
Debt Service	3,108,991	
Total Expenses	$8,445,252	

Based upon FY 2003-04's revenues of $8,455,756 and expenditures of $8,445,252, the proposed three-cent increase will maintain the Water Fund's revenue stream in line with its expenditure stream.

Beaverton's City Code 4.02.150 provides that the City's water rates and charges be established by Council resolution. Attached is a resolution that establishes the new water consumption rate of $1.79 per CCF and retains the various demand charges (by meter size) that were last established under Resolution 3275 and were continued in Resolution 3696.

RECOMMENDED ACTION:

Council

- Conduct a Public Hearing on the proposed three-cent increase to the water consumption rate from $1.76 to $1.79 per CCF; and,
- Adopt the attached resolution that establishes the $1.79 CCF water consumption rate and retains the various demand charges that were last established in Resolution 3275 and were continued in Resolution 3696.

RESOLUTION NO. 3745

A RESOLUTION ESTABLISHING A NEW WATER CONSUMPTION RATE FOR THE CITY OF BEAVERTON AND REPEALING RESOLUTION 3696

WHEREAS, the City's water system has experienced increased expenditure requirements for operations, maintenance and capital construction; and,

WHEREAS, the Water Fund's FY 2003-04 Adopted Budget included a proposed three-cent increase in the water consumption (use) rate beginning January 1, 2004 and the revenues associated with the increased water consumption rate was included in the FY 2003-04 Adopted Budget in order to maintain a balance between the Water Fund's revenues and expenditures; and,

WHEREAS, Beaverton City Code Section 4.02.150 provides that the rates and charges for City water services be established by Council resolution; now therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BEAVERTON, OREGON:

Section 1. Water Rate Structure: The City's charges for domestic water effective January 1, 2004 are as follows:

Water Consumption (Use) Rate $1.79

Demand (Meter) Charges:

¾" Meter	$ 7.27 (No change from Resolution 3696)
1" Meter	$ 11.45 (No change from Resolution 3696)
1-1/2" Meter	$ 18.42 (No change from Resolution 3696)
2" Meter	$ 26.80 (No change from Resolution 3696)
3" Meter	$ 46.32 (No change from Resolution 3696)
4" Meter	$ 74.24 (No change from Resolution 3696)
6" Meter	$143.99 (No change from Resolution 3696)

Section 2. Resolution 3696 establishing the old rates is hereby repealed.

Adopted by the Council this 15th day of December, 2003.

Approved by the Mayor this _____ day of _____, 2003

Ayes: 5 Nays: 0

ATTEST: APPROVED:

Sue Nelson, City Recorder ROB DRAKE, Mayor

RESOLUTION NO. 3745

Agenda Bill No. 03278 6

INTEGRATED UTILITIES GROUP, INC.

TECHNICAL MEMORANDUM

TO: David Winship, City of Beaverton

FROM: Paul L. Matthews

DATE: September 20, 2004

SUBJECT: Calculation of 8-inch Meter Charge

PROJECT: P108.041.RS

This technical memorandum estimates the appropriate fixed monthly charge for an 8-inch meter connecting to the City of Beaverton's water system. The fixed monthly charge for an 8-inch meter was estimated by examining the current fixed monthly charges for other meter sizes and comparing those to the equivalent meter ratios published in the Manual of Water Supply Practices, AWWA M1, *Principles of Water Rates, Fees, and Charges.*[1]

Fixed monthly charges can consist of multiple cost items. In general, the cost items recovered by a fixed monthly charge include:

- Costs that vary by meter size. These costs recover the cost of owning and maintaining meters and services, and
- Charge per billing cycle to recover the cost of customer accounting, meter reading, etc. that do not vary by meter size or the amount of water consumed.

IUG completed an empirical analysis of Beaverton's fixed monthly charges to determine the composition of the costs that vary by meter size versus the costs associated with customer accounting. IUG's analysis determined that a monthly accounting charge of $0.5727 per bill resulted in the closest relationship of the resulting meter charge to those based on the equivalent meter ratios published by the AWWA in its M1 Manual. Table 1 presents and overview of the results.

IUG estimated the fixed monthly charge for the 8-inch meter by applying the published value for the equivalent meter ratio to the estimate of the equivalent meter cost assuming the customer accounting charge equals $0.5727 per month. Therefore, the fixed monthly charge for an 8-inch meter would equal $6.70 times the equivalent meter ratio of 26.36 plus $0.5727 for the customer accounting charge. The fixed monthly charge for an 8-inch meter, therefore, would be $176.57.

[1] *Principles of Water Rates, Fees, and Charges, Manual of Water Supply Practices—M1,* Fifth Edition. American Water Works Associates, 2000, page 67.

Table 1
Empirical Analysis of Fixed Monthly Charges

			Current Charges				
Meter Size	AWWA 5/8 x 3/4 Eq. Meter	Equivalent Mtr based on 3/4	Assumed Account Charge	Assumed Meter charge	Total	Resulting Implied Eq. Meter Charge	Difference
3/4-inch	1.10	1.00	$0.57	$6.70	$7.27	1.00	0.00
1-inch	1.40	1.27	0.57	10.88	11.45	1.62	(0.35)
1 1/2-inch	1.80	1.64	0.57	17.85	18.42	2.66	(1.03)
2-inch	2.90	2.64	0.57	26.23	26.80	3.92	(1.28)
3-inch	11.00	10.00	0.57	45.75	46.32	6.83	3.17
4-inch	14.00	12.73	0.57	73.67	74.24	11.00	1.73
6-inch	21.00	19.09	0.57	143.42	143.99	21.41	(2.32)
8-inch	29.00	26.36	0.57	175.99	176.57	26.28	0.09

Total							(0.00)

AGENDA BILL

Beaverton City Council
Beaverton, Oregon

SUBJECT: LIQUOR LICENSE

NEW OUTLET
Simple Pleasures
7881 SW Cirrus Drive
Beaverton, OR

CHANGE OF OWNERSHIP
Juan Colorado Mexican Restaurant
14795 SW Murray Schools Rd., Suite 111
Beaverton, OR

FOR AGENDA OF: 10/04/04 **BILL NO:** 04201

MAYOR'S APPROVAL:

DEPARTMENT OF ORIGIN: Police

DATE SUBMITTED: 09/21/04

PROCEEDING: Consent Agenda

EXHIBITS: None

BUDGET IMPACT

EXPENDITURE REQUIRED $ 0	AMOUNT BUDGETED $ 0	APPROPRIATION REQUIRED $ 0

HISTORICAL PERSPECTIVE:
Background investigations have been completed and the Chief of Police finds that the applicants meet the standards and criteria as set forth in B.C. 5.02.240. The City has published in a newspaper of general circulation a notice specifying the liquor license applications.

INFORMATION FOR CONSIDERATION:
Lynne T. Slavish is opening a new establishment and has made application for an Off-Premises Sales License under the trade name of Simple Pleasures. The establishment will sell custom gift baskets. There will be no entertainment offered. An Off-Premises Sales License allows the sale of additional beverages in sealed containers to go.

Juan Colorado Mexican Restaurant, formerly licensed by the OLCC to Puerto Vallarta, Inc., is undergoing a change of ownership. La Colmena, Inc. has made application for a Full On-Premises Sales License. The establishment will serve Mexican food. It will operate Monday through Sunday, serving lunch from 11:00 a.m. to 3:00 p.m., and serving dinner from 4:00 p.m. to 10:00 p.m. There will be no entertainment offered. A Full On-Premises Sales License allows the sale of distilled spirits, malt beverages, wine and cider for consumption at the licensed business.

RECOMMENDED ACTION:
The Chief of Police for the City of Beaverton recommends City Council approval of the OLCC license applications.

AGENDA BILL

Beaverton City Council
Beaverton, Oregon

SUBJECT: Design Contract Award – Blakeney Storm and Sanitary Improvements Project No. 8049

FOR AGENDA OF: 10/4/04 **BILL NO:** 04202

Mayor's Approval:

DEPARTMENT OF ORIGIN: Engineering

DATE SUBMITTED: 9/21/04

CLEARANCES: Purchasing
Finance
City Attorney
Capital Proj.

PROCEEDING: Consent Agenda (Contract Review Board)

EXHIBITS:
1. Location Map
2. Scope

BUDGET IMPACT

EXPENDITURE REQUIRED $125,872	AMOUNT BUDGETED $240,000*	APPROPRIATION REQUIRED $0

* Account Numbers 502-75-3811-683 ($90,000) – Sanitary Sewer SDC; 513-75-3915-683 – Storm Drainage Miscellaneous Conveyances SDC ($75,000); 513-75-3950-683 ($75,000) – Storm Drainage Maintenance and Replacement.

HISTORICAL PERSPECTIVE:

As identified in the 2004 Sanitary Sewer Collection System Master Plan prepared by Tetra Tech/KCM, and the 2004 Bel Aire Creek Drainage Study prepared by David Evans and Associates (DEA), the storm and sanitary systems in the project area shown on Exhibit #1 are in need of repair or replacement to prevent damage to adjacent properties. The sanitary sewer portion of this project is the continuation of the program to relieve the surcharging conditions in the basin that began with the Denney West Sanitary Sewer Project, completed in 2003, which increased the capacity from the interceptor to Blakeney Avenue. The storm drainage portion will address the flooding issues identified in the DEA drainage report and increase the capacity of the Green Lane Detention Pond in anticipation of the future construction of SW 125th Avenue. This project is scheduled for construction in the 2005/06 fiscal year Capital Improvement Program.

INFORMATION FOR CONSIDERATION:

In order to ensure that construction is in accordance with the 2004 *Engineering Design Manual and Standard Drawings for the City of Beaverton*, construction plans and specifications need to be prepared for the project. Staff selected David Evans and Associates from the Approved Professional Services Retainer List for 2004/05 and received a fee proposal based on the negotiated scope of services not to exceed $125,872. David Evans and Associates was selected because of their familiarity with the design issues to be addressed with this project.

RECOMMENDED ACTION:

Council, acting as Contract Review Board, award a contract to David Evans and Associates, for an amount not to exceed $125,872 to provide engineering design services for the project identified above under the provisions of the Professional Service Retainer Agreement and in a form approved by the City Attorney.

City of Beaverton
2004-2005 CIP

EXHIBIT 1
Storm

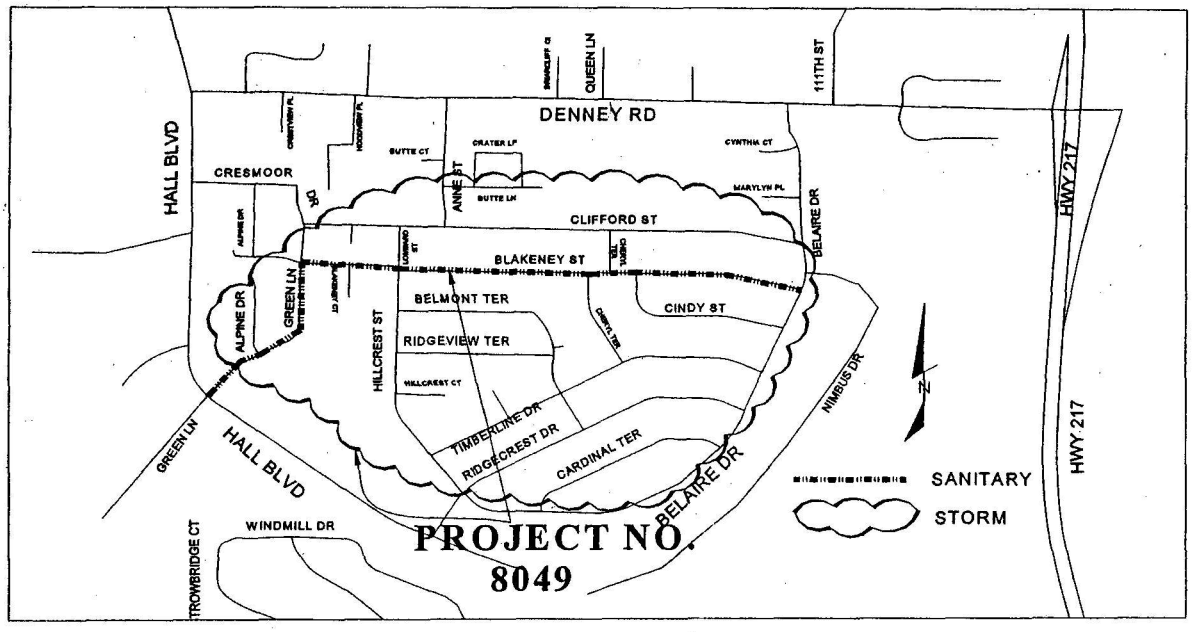
Project Data

Project Number: 8049

Project Name: BelAire Creek Storm Drainage/Blakeney Trunk Sanitary Sewer Improve

Project Description: Storm drainage: Five design options have been identified. The final scope of work will be determined after review and study of the options. Sanitary sewer: Replace approximately 3,700 feet of 8-inch pipe with 10- and 12-inch pipe on Blakeney St and Green Ln.

Map:



Project Justification: The 8" sanitary sewer pipe under the north sidewalk along Blakeley St was constructed with the Cresmoor Subdivision in the early 1960s. Also at this time BelAire Creek was put into a pipe that runs mostly along back lot lines just to the north of Blakeney. The area contributing flow to these pipes west of Hall Blvd has had an increase in the number of homes and an increase in the amount of impervious cover. System modeling shows that both of these pipes are deficient in capacity for both existing and build out conditions and overflows/flooding have occurred in several locations over the past few years. Storm system improvements may include expanding and enhancing the floodplain function of the wetland area near Green Ln.

Project Status: Project is scheduled to be designed in FY2004/05 and constructed in FY2005/06

Estimated Date of Completion: 06/30/2006

Estimated Project Cost: $2,300,000

First Year Budgeted: FY04/05

Funding Data:

Project No.	Fund No.	Fund Name	Amount	FY
8049	3811	Sewer SDC	$90,000	FY2004/05
	3915	Storm SDC Conveyance	$75,000	FY2004/05
	3950	Storm Maint/Replacement	$75,000	FY2004/05
		Total for FY:	$240,000	

EXHIBIT 2

DAVID EVANS
AND ASSOCIATES INC.

September 10, 2004

Ben Shaw, P.E.
Project Manager
Engineering Department
City of Beaverton
4755 SW Griffith Drive
Beaverton, OR 97076

Subject: Proposal for Bel Aire Storm Drainage and Sanitary Sewer Improvements

Dear Ben:

David Evans and Associates, Inc. (DEA) is pleased to have this opportunity to submit this proposal on the **Bel Aire Storm Drainage and Sanitary Sewer Improvements Project**. The primary objective of designing and constructing this project is to provide additional capacity in the storm drainage system to help eliminate localized flooding in the basin and to provide sanitary sewer improvements identified in the City of Beaverton's 2004-2005 CIP. We believe many of the project elements will be relatively straightforward. Success on this project hinges instead on:

- Accurate base mapping to identify all existing public and private utilities, and identifying all landscape and surface features within the project area.
- Close communication with the city staff and open communication with the local Neighbor Association during the design process and during construction.

The design team you are familiar with led by myself as project manager, coupled with Mr. Whitehead will facilitate successful and timely completion of **Bel Aire Storm Drainage and Sanitary Sewer Improvements Project.** Please contact me at (503) 499-0358 or jag@deainc.com if you have any questions regarding our proposal.

Sincerely,

DAVID EVANS AND ASSOCIATES, INC.

James A. Gilmer, PE
Senior Associate, Project Manager

Donald M. Whitehead, PE
Vice President, Principal-in-Charge

2100 Southwest River Parkway Portland Oregon 97201 Telephone: 503.223.6663 Facsimile: 503.223.2701

UNDERSTANDING/APPROACH/WORK PROGRAM

Introduction

The Blakeney Pond Area (Bel Aire Creek) Drainage Study included an analysis of the existing storm system and evaluated potential mitigation solutions to address flooding and ponding issues. Additionally, DEA analyzed the wetland area at Green Lane and Hall Boulevard for potential use as a wetland mitigation area for the SW 125th Avenue Extension N/S Arterial project. This analysis evaluated the existing system through modeling, field observation, and discussions with City of Beaverton (City) staff. Based on the analysis, existing system deficiencies were identified and potential solutions were evaluated.

The analysis identified several deficiencies with the existing storm system, including undersized pipes, a detention facility that results in storm water backing up into upstream storm pipes, an underutilized outfall due to its high invert elevation, pipes flowing in the wrong direction, and inlet capacity deficiencies.

DEA recommended increasing the size and slope of the conveyance system between Green Lane Wetland and the outfalls; replacing the south outfall with a lower outfall, and increasing storage volume and improving flow control at Green Lane Wetland.

Based on these recommendations this project will provide the design of the storm drainage improvements including approximately 2,460 feet of 36-inch pipe, 1,450 feet of 30-inch pipe and 860 feet of storm drain pipe 18-inch and smaller. The project will also include the design of approximately 3,700 feet of 12-inch sanitary sewer in Blakeney and Cresmoor identified in the City's 2004-2005 CIP.

Jim Gilmer will lead DEA's design team for this project. Mr. Gilmer recently managed the Bel Aire Creek Blakeney Pond Area Drainage Study Project that included the proposed drainage improvements for this basin. Our design team has completed recent similar storm and sanitary sewer system projects for the cities of Portland, McMinnville, Independence, and North Plains. Complete information on our proposed team is provided later in this Proposal

Project Understanding

The primary objective of designing and constructing this project is to provide additional capacity in the storm drainage system to help eliminate localized flooding in the basin and to provide sanitary sewer improvements in Blakeney and Cresmoor.

The project will involve preparation of 30-percent, 60-percent and 95-percent Preliminary and Final Design documents. Final documents will be suitable for bidding and construction, including a traffic control plan.
In addition to the design work, DEA will support the city during the presentation of the project to the local Vose Neighborhood Association including attending one meeting with the Association.

The preliminary and final plan and profile drawings of the storm drainage and sanitary sewer systems will be completed at a scale of 1-inch = 20-feet indicating pipe sizes and depth of the storm and sanitary sewer lines. Storm drain and sanitary sewer lines that will be replaced and/or abandon will be filled with sand or grout.

We are familiar with the City of Beaverton's Standard Specifications and propose to use the standard contract documents for this project. The documents will be modified and amended to address specific technical concerns for this project.

During the preparation of the Preliminary Design Report, field survey work will be completed to include site topography and base map preparation for the gravity sewer plan and profile drawings.

Final design will include the preparation of Special Provisions and Special Technical Specifications to include with the City's front-end contract documents sufficient for bidding and construction. Services during bidding, supporting the City staff, are also included and are described in the Project Work Plan.

Project Approach

Project Management

Effective project management will be important to the successful completion of this project. DEA's approach to overall project management stresses clear communication, strict adherence to deadlines, and steady monitoring of the project's progress. Quality assurance checks are an important element throughout the project. DEA has developed a work program with a sequential flow of work tasks that integrates technical reviews and input by City staff, allowing for regular communication with the City staff regarding project progress and results.

Schedule Management

The project schedule will be developed using Microsoft Project 2000. It will be reviewed and updated regularly by Jim Gilmer.

The project schedule will be updated and distributed to the City at least once a month. A written summation detailing progress and anticipated issues for upcoming work tasks will accompany each update of the project schedule.

Budget Management and Invoicing Procedures

DEA has established internal procedures and policies to monitor cost control. Our management information system (MIS) is customized to provide budget information for each project on a daily, weekly, or monthly basis, as required by the City of Beaverton.

The City will receive a monthly invoice showing project budget by task, cost per task for that month, and cost-to-date by task for the overall project. Any specific invoicing format or required documentation to assist the City's accounting procedures will be discussed and developed at the beginning of the project and maintained through project completion.

Communication and Coordination

Communication and coordination with the City will begin at the initial kick-off meeting. During this meeting, a project overview and discussion of the City's criteria, standards, and expectations, as well as project goals, process, deliverables, and schedule will be accomplished. As a result, the City and DEA team members will share a common understanding of expectations for the project.

DEA's project manager/project engineer, Jim Gilmer will attend scheduled meetings at the City offices or at DEA's office, and City staff are encouraged to contact Mr. Gilmer via telephone, electronic mail, (jag@deainc.com), and fax with questions or concerns. Scheduled meetings include the design kick-off meeting, periodic coordination meetings, one neighborhood meeting, 30, 60 and 95-percent review meetings, a pre-bid conference, and the bid opening.

Quality Assurance

DEA focuses on building quality into all of our work, from the beginning of a project through its completion. Our goal is to work efficiently and complete each project correctly the first time, thus lowering our costs and adding value in cost savings and enhanced quality to our clients.

All final engineering products go through an in-house peer review. This review follows a checklist that considers all aspects of the design, as well as graphics and presentation. Senior engineers who are not involved in the day-to-day project design perform peer reviews. For this project, Don Whitehead will perform reviews as principal-in-charge.

Project Work Program

The work program is organized around the following work tasks:

- Task 1 – Project Management and Data Collection
- Task 2 – Field Investigations
- Task 3 – Preliminary Design
- Task 4 – Final Design

A project schedule is provided in the next section that shows the time frames for the phases, subtasks, and review meetings with City staff, and clarifies the activities to be undertaken simultaneously.

Task 1.0 Project Management and Data Collection

Task Schedule: Project Management will continue throughout the duration of the project through construction. Except for fieldwork, data collection will be completed within one to two weeks following Notice to Proceed.

Deliverables: Monthly status report, updated project schedule, summary of any meetings, and telephone conversation records that impact the progress of the work.

1.1 Project Management

DEA anticipates that City staff will assist in gathering any existing data that we have not already utilized in the preparation of the Bel Aire Drainage Study project. Other tasks determined during the project kick-off meeting will also be completed by City staff and include the following:

- Provide a project engineer/manager who is responsible for overall project management and will provide coordination between the consultant and the City.
- City staff member(s) to provide timely response to any questions and to be available for any meetings requested by the consultant.
- Make available mapping and design information previously developed.
- Coordinate collection of data from City records such as as-built data.
- Maintain records and process payment requests.
- Pay all permit fees to DSL, Corps of Engineers, Clean Water Services and any other agencies.
- Provide review of all contracts, bid forms, and easement descriptions, as necessary.

The City and DEA will review the schedule, which is included as part of this proposal, and revise it as necessary to establish a workable schedule for the completion of the identified tasks. As a minimum, review meetings with City staff will be established as described below. The Consultant will, at a minimum, meet with the City for the following meetings:

- Project Kick-Of
- Periodic coordination meetings
- Vose Neighborhood Meeting
- Preliminary Design submittal (30%)
- Review submittal (at 60%)
- Final review submittal (at 95%)
- Final Plans and specs submitted (at 100%)
- Pre-Bid meeting with prospective contractors

1.2 Data Collection

DEA, with the assistance of the City staff, will collect and review existing data pertinent to the project, including:

- The City's design criteria
- Description of existing rights-of-way and easements
- City of Beaverton's standard construction specifications
- "As-Constructed" plans available from the City's web site for the water, sanitary sewers, and storm drainage systems within the project area.

DEA currently has copies of the City design drawings of the existing collection system.

Task 2.0 *Field Investigations and Base Mapping*

After the kick-off meeting the first task to be completed will be the field survey work that will include a topographic base map for the project area including right-of-way to right-of way in Blakeney and Cresmoore between Bel Aire Dr. and Hall Blvd. In addition final topography will be completed in the Green Lane wetlands area to provide an increase in storage volume from the existing 106,950 cubic feet, (cf) to 127,710 cf.

2.1 Design Surveys

DEA's crews under the direct supervision of project surveyor Gary Hutcheson, PLS will perform field surveys. DEA will perform the record search, coordinate the utilities locates, and schedule the design survey. The field survey will include existing landscaping and the location of existing water services and sanitary sewer laterals using City As-built mapping and plumbing records.

Existing Conditions Survey and Base Mapping on Blakeney and Cresmoor Between Bel Aire Drive and Hall Boulevard: The existing conditions survey is necessary to develop an accurate base map for the project area. DEA proposes using Real Time Kinematic (RTK) GPS methods to collect most of our measurements. RTK GPS allows us to measure corrected x, y, and z positions in the field in a matter of seconds. This is done by first setting a base station receiver/antenna and radio on a known control point, per City land survey base maps. The base station receives satellite data, corrects the data based on its known position, and sends out the corrections via the radio to a GPS rover unit. When satellite observations are made with the rover unit, the same corrections made at the base station are also made at the rover. In ideal conditions the measurements are made in about 10 seconds, and we achieve centimeter accuracy. Each GPS session shall include at least one occupation of a known vertical control point, to provide a clear check on the accuracy of the vertical values being collected.

Task Schedule:

- Field survey work and base mapping will be completed within four (4) weeks of Notice to Proceed.

Deliverables:

- Hard copy and electronic files for the base mapping.

Coordinate System and Control for Base Mapping and Design: Horizontal control shall be State Plane Coordinates, Oregon North Zone, NAD 83(91), expressed in International (SI) Feet. Vertical control shall be NGVD 29, expressed in U.S. Survey Feet. City of Beaverton control monuments shall be used as the basis of all work. When establishing horizontal control, preference shall be given to using the monuments and values determined in Washington County Geodetic Survey, of record, GC-3 and GC-42. All digital maps and data files shall be on the same coordinate system.

The purpose of using this type of coordinate system is to provide for a simple and straightforward (mapping accuracy) insertion into the City's various GIS and facilities map systems. All maps shall contain a statement that clearly describes the coordinate system used, whether the distances are ground or grid, and the control held.

Using this method, the project area will be surveyed to include the full width of the right-of-way improvements from back edge of sidewalk to back edge of sidewalk. In addition, spot elevations on top of curbs, on top of catch basin and rims of manholes water lines, private utility per-marks, trees and landscape features. Elevation data will be gathered in a consistent fashion such as: elevation of north rim of manhole, and elevation of curb-side-center of catch basin grates. The location, size, depth, and direction of flow of storm drains, culverts, and sanitary sewers serving the basin will be shown. The survey will also indicate the invert elevations of pipes at each catch basin and manhole. DEA will process field data

and prepare a design level base map with 2-foot contours showing known utilities and surface features. A storm drainage, sanitary sewer and water system existing conditions map will be prepared using the City year 2000 planimetric map(s) as the base, showing the rim or top elevations of the structures, the pipe sizes, and invert elevations of the field verified storm system. DEA will prepare updates to the City maps in the project area where discrepancies exist using the following hierarchy, 1) field verified data, 2) maintenance record data from City Operations, 3)"as-built" drawing data, 4) existing storm index mapping.

The Project Engineer will work closely with the survey crew to ensure that necessary information is obtained. Our Scope of Work includes a minimum of two (2) days in the field for the Project Engineer to initially direct the survey crews.

Task 3.0 Preliminary Design

3.1 Storm and Sewer at 30 Percent

Using the base mapping completed in Task 2, the preliminary design of the storm drainage system and sanitary sewer collection system will be completed including plan and profile drawings at a scale of 1" = 20'. Preliminary grading plans will be developed for the Green Lane wetland area. City of Beaverton standard drawings, details, and draft technical specifications will be prepared. DEA will utilize the City's standard specifications as a starting point for the technical specifications for this project.

The following is a preliminary list of drawings we anticipate will be required to be completed for this project.

Task Schedule: The Preliminary Design will be completed within approximately eight (8) weeks after the completion of the base mapping. The City will complete their review within two (2) weeks.

Deliverables: Five copies of the Preliminary 30% and 60% Design plans and specifications. Six copies of the traffic control plan.

Bel Aire Storm Drain and Sanitary Sewer Sheet Count

G-1	Cover Sheet, Vicinity map, General Notes, & Index of Drawings
G-2	Key Map
C-1	Storm Drainage Improvements - Plan & Profile - 1
C-2	Storm Drainage Improvements - Plan & Profile - 2
C-3	Storm Drainage Improvements - Plan & Profile - 3
C-4	Storm Drainage Improvements - Plan & Profile - 4
C-5	Storm Drainage Improvements - Plan & Profile - 5
C-6	Storm Drainage Improvements - Plan & Profile - 6
C-7	Green Lane Wetlands – Grading Plan-1
C-8	Green Lane Wetlands – Grading Plan-2
C-9	Green Lane – Outlet Modifications

C-10 Sanitary Sewer Improvements – Plan & Profile – 1
C-11 Sanitary Sewer Improvements – Plan & Profile - 2
C-12 Sanitary Sewer Improvements – Plan & Profile - 3
C-13 Sanitary Sewer Improvements – Plan & Profile - 4
C-14 Sanitary Sewer Improvements – Plan & Profile - 5
C-15 Sanitary Sewer Improvements – Plan & Profile – 6
CD-1 Miscellaneous Storm Drainage Details
CD-2 Miscellaneous Sanitary Sewer Details

3.2 Support for Vose Neighborhood Meeting

DEA will prepare graphics for use in a presentation to the local Neighbor Association. DEA will attend one neighborhood meeting to support the city staff during the presentation of the project scope and objectives.

3.3 City Review and Revisions to Preliminary Designs

DEA will submit five (5) copies of the 30% preliminary design to the city for their review. After the two (2) week review period, DEA will attend a review meeting at the City to receive comments on the 30% design.

3.4 Storm and Sanitary Sewer at 60 Percent

DEA will make adjustments and changes to the 30% design as required, based on comments received from the City review and advance the project design to a 60% level of completion.

3.5 City Review and Revisions to 60% Designs

DEA will submit five (5) copies of the 60% design to the city for their review. After the two (2) week review period, DEA will attend a review meeting at the City to receive comments on the 60% design.

Task 4.0 Final Design

4.1 Storm and Sanitary Sewer at 95 Percent

Final design of the storm drainage system and sanitary sewer collection system will incorporate the review comments from the Preliminary Design phases. DEA will refine the drawings so detailed construction documents can be produced. Plans will be prepared in a format acceptable to the City and suitable for bidding and construction. Final plans will include 20-scale plan and profile drawings of the improvements, final grading plans and details of the Green Lane

Task Schedule:

- Final Design of the storm drains and sanitary sewers will be completed within four (4) weeks after the DEA receives comments from the City.
- The City will complete their review of the 95% design within two (2) weeks of receiving comments.
- DEA will complete the 100% design of the storm drains and sanitary sewer improvements within two (2) weeks after receiving comments from the City.

Deliverables:

- Five (5) copies of the 95% design to the City for review.
- Five copies of the traffic control plan.
- Thirty sets of 11-inch by 17-inch half-size drawings, ten sets of full size 22-inch by 34-inch contract drawings on vellum, and electronic files. DEA will provide two copies of the final cost estimate and design calculations.

wetlands area and outlet structure modifications, and standard details for storm and sewer line construction.
During the final design phase DEA will develop a traffic control plan identifying construction phasing and proposed detour routes

4.2 City Review and Revisions to 95% Designs

DEA will submit five (5) copies of the 95% design and traffic control plan to the city for their review. After the two (2) week review period, DEA will attend a review meeting at the City to receive comments on the 95% design. DEA will make adjustments and changes, as required, based on comments received from the City review.

4.3 Revisions to Final Design

DEA will make adjustments to the final designs, as necessary based on the comments received from the City.

4.4 Contract Documents at 100 Percent

The plans will include a cover sheet, an estimated eighteen to nineteen drawings showing the plan and profile drawings at 1-inch = 20-feet scale. Grading plans, Standard details, and miscellaneous details, will be provided.

4.5 Bid Documents

Specifications for the project will be prepared in a format that meets City of Beaverton standards. DEA will utilize the City of Beaverton Standard Specifications as a starting point for the technical specifications for this project. Specifications will include bidding requirements, an agreement, general requirements, technical specifications, supplemental technical specifications, and contract drawings

4.6 Bidding Assistance

DEA will prepare the Notice to Bidders for the City to publish in the local newspapers. We assume that the City will pay for the cost of advertisement in the newspapers. DEA will assist the City during the bidding period as necessary including attending a pre-bid meeting. Jim Gilmer will be the primary key staff involved during this phase. Mr. Gilmer will assist in evaluating the bids received from the contractors. At the completion of bidding we will prepare a set of conformed documents incorporating any addenda items.

Task 5.0 Services During Construction

5.1 Construction Observation Administration

DEA will provide periodic, on-site observations of the construction progress and coordinate with the City as needed.

5.2 Pre-Construction Conference

DEA will work with the City and attend the pre-construction conference. Copies of the agenda and minutes will be prepared by the City and issued to all parties. The responsibilities of all team members will be outlined for the conference participants. The purpose of this meeting is to clearly establish an understanding of the roles of DEA, the City, and the contractor during construction.

5.3 Construction

The frequency of on-site field inspection, as requested by the City of Beaverton, will depend on the contractor's activities. DEA proposes to visit the site approximately once every two weeks during the actual construction. Design team leader Jim Gilmer will be DEA's lead in providing engineering support to the City, as necessary, during the construction process, including assisting in the preparation of change orders, design clarifications, and assistance in the final review of the project. Mr. Gilmer will require sufficient construction observation time to conform with professional standards involved in applying a professional engineer's stamp to the design drawings, estimated at one trip every two weeks.

5.4 Construction Staking (Optional Service)

Construction staking is not included in the proposal, however, DEA's surveyors are available to establish horizontal and vertical control throughout the project limits and complete construction staking of the improvements if requested by the City. Typically, DEA will provide one set of construction stakes. The Contractor using the established horizontal and vertical control will be required to provide any additional construction staking or re-staking.

5.5 Final Inspection

A final inspection will be arranged when the contractor agrees that the work is complete. The inspection will include the Contractor, City staff, and DEA. A punch list of items to be completed or corrected will be prepared.

5.6 Record Drawings

The contract documents will require the contractor to maintain red-line drawings to be used by DEA in compiling record drawings. Based on information gathered by the City's on-site inspector and red-line drawings supplied by the contractor, DEA will prepare record drawings that show the "As-Constructed" improvements of the strom drainage and sanitary sewer improvements as they were actually installed. Record drawings will be submitted to the City on full size mylars (22-inch by 34-inch) and in digital format that is fully compatible with the City's current release of AutoCAD 2002.

AGENDA BILL

Beaverton City Council
Beaverton, Oregon

SUBJECT: Public Hearing on the Proposed Use of the 2004 Local Law Enforcement Block Grant (LLEBG) Funds

FOR AGENDA OF: 10-04-04 **BILL NO:** 04203

Mayor's Approval:

DEPARTMENT OF ORIGIN: Police

DATE SUBMITTED: 9-21-04

CLEARANCES: Finance
City Attorney

PROCEEDING: Public Hearing

EXHIBITS: Resolution 3771

BUDGET IMPACT

EXPENDITURE REQUIRED $0	AMOUNT BUDGETED $0	APPROPRIATION REQUIRED $0

HISTORICAL PERSPECTIVE:

On July 19, 2004, the City Council adopted a resolution authorizing the filing of an application for a 2004 Local Law Enforcement Block Grant (LLEBG) through the U.S. Department of Justice. The LLEBG program provides funds to units of local government to underwrite projects that reduce crime and improve public safety. The LLEBG program is a formula program based on the jurisdiction's number of Uniform Crime Reports (UCR) Part I violent crimes reported to the FBI.

The City of Beaverton has been awarded a 2004 Local Law Enforcement Block Grant (LLEBG) through the U.S. Department of Justice in the amount of $12,922 with a matching fund requirement of $1,436. The Beaverton Police Department is proposing that grant funds be used to purchase Taser equipment.

The purpose of the public hearing is to provide an opportunity for public input on the proposed use of funds, and meet grant requirements. Likewise, the Chief's Advisory Board met on September 8, 2004, as a condition of the grant, and approved the proposed use of funds to purchase the Taser equipment.

INFORMATION FOR CONSIDERATION:

The Beaverton Police Department proposes the purchase of Taser equipment, including Tasers, training and field cartridges, and holsters to enhance its law enforcement capabilities. Tasers are less lethal weapons that use compressed air to fire two wire probes that attach to a subject and deliver electrical energy to incapacitate combative or high risk individuals.

The Department has effectively used Tasers since last year, and has Policies and Procedures in place for the appropriate use and required training for operation. Currently, the Department has a limited number of Tasers, and the proposed purchase of additional Tasers would provide equipment coverage for all shifts.

RECOMMENDED ACTION:

Hold a public hearing to solicit public input for the proposed use of LLEBG grant funds, and authorize the acceptance of $12,922, and the use of $1,436 in matching funds from the forfeiture fund to purchase Taser equipment. Direct staff to bring forward an agenda bill with a specific purpose grant adjustment resolution authorizing the expenditure appropriations.

RESOLUTION NO. 3771

A RESOLUTION
AUTHORIZING THE FILING OF AN APPLICATION
FOR A LOCAL LAW ENFORCEMENT BLOCK GRANT
FOR THE 2004 FISCAL YEAR

Whereas, the City of Beaverton seeks award from the US Department of Justice of a Local Law Enforcement Block Grant for the 2004 fiscal year; and

Whereas, a condition of receipt of such grant is that the City's governing body adopt a resolution authorizing the filing of the application for the grant; and

Whereas, a condition of receipt of such grant is that a person be identified as the official representative of the grant applicant, and that the person be authorized to file all grant documentation and take such other action required in connection with the application, including providing such additional information as may be required by the US Department of Justice; now, therefore,

The City of Beaverton Resolves as Follows:

Section 1. The City is hereby authorized to apply to the US Department of Justice for a Local Law Enforcement Block Grant for the 2004 fiscal year.

Section 2. Michelle Harrold is hereby identified as the official representative of the City to file all grant documentation and take such other action as may be required in connection with the grant application, including providing such additional information as may be required by the Department of Justice.

Passed by the Council this 19th day of July 2004.

Approved by the Mayor this 20th day of JULY 2004.

ATTEST:

Sue Nelson, City Recorder

APPROVED:

ROB DRAKE, Mayor

Resolution No. 3771

Agenda Bill: 04162