



FINAL AGENDA

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

REGULAR MEETING
MARCH 6, 2006
6:30 P.M.

CALL TO ORDER:

ROLL CALL:

PRESENTATIONS:

- 06036 Presentation of Shields and Swearing In of Two Officers to the Beaverton Police Department
- 06037 Traffic Signal Maintenance, Street Lighting and Street Markings Programs Presentation
- 06038 Presentation of the Distinguished Budget Presentation Award and Certificate of Recognition for Budget Preparation to Joanne Harrington for the City's FY 2005-06 Annual Budget Document
- 06039 Presentation of the Certificate of Achievement for Excellence in Financial Reporting and the Award of Financial Reporting Achievement to J.J. Schulz for the City's FY 2003-04 Comprehensive Annual Financial report

VISITOR COMMENT PERIOD:

COUNCIL ITEMS:

STAFF ITEMS:

CONSENT AGENDA:

- Minutes of Regular Meetings of February 6 and 13, 2006
- 06040 Boards and Commissions Appointment - Heyke Nickerson to Human Rights Advisory Commission
- 06041 Traffic Commission Issues No.:
TC 590 Yield Control on SW 162nd Avenue at Jay Street
TC 591 Parking Restrictions on SW Jay Street Between 160th Avenue and 162nd Avenue

Contract Review Board:

06042 Bid Award - Demolition of the Westgate Theater Project

ORDINANCES:

First Reading, Second Reading and Passage:

06043 An Ordinance Amending the Beaverton Code in Chapter Two Relating to the Inventory of Prisoner Personal Property and Declaring an Emergency (Ordinance No. 4385)

Second Reading:

06030 An Ordinance Requiring Use of Criminal Offender Information for Applicants for City Employment (Ordinance No. 4381)

06031 TA 2005-0008 Amendment of Quasi-Judicial Zoning Map Amendment Approval Criteria (Ordinance No. 4382)

06032 CPA 2005-0010 Amendment to Add the SC-E Zone to Sections 3.2 and 3.14 of the Comprehensive Plan (Ordinance No. 4383)

06033 An Ordinance Prohibiting Vehicle Camping in Parking Lots Associated with Commercial Structures (Ordinance No. 4384)

EXECUTIVE SESSION:

In accordance with ORS 192.660 (2) (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 (2) (e) to deliberate with persons designated by the governing body to negotiate real property transactions and in accordance with ORS 192.660 (2) (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.

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Presentation of Shields and Swearing In of
Two Officers to the Beaverton Police
Department

FOR AGENDA OF: 03/06/06 **BILL NO:** 06036

MAYOR'S APPROVAL:

DEPARTMENT OF ORIGIN:

Police

DATE SUBMITTED:

02/28/06

PRESENTATION: Presentation

EXHIBITS:

BUDGET IMPACT

EXPENDITURE REQUIRED \$ 0	AMOUNT BUDGETED \$ 0	APPROPRIATION REQUIRED \$ 0
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HISTORICAL PERSPECTIVE:

The Beaverton Police Department is in the process of filling two officer positions that are vacant as a result of attrition. As part of the hiring process, these individuals are sworn in before the City Council during a brief ceremony.

INFORMATION FOR CONSIDERATION:

The department is pleased to swear in Michael George, and Patrick McNair.

RECOMMENDED ACTION:

City Council offer their support to the new officers through a presentation made during the City Council meeting.

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Traffic Signal Maintenance, Street Lighting
and Street Markings Programs Presentation

FOR AGENDA OF: 3/6/06 **BILL NO:** 06037

Mayor's Approval: *Linda C. Gadd*
Mary Bente
DEPARTMENT OF ORIGIN: Operations 

DATE SUBMITTED: 02-28-06

CLEARANCES: City Attorney *AR*

PROCEEDING: PRESENTATION

EXHIBITS:

BUDGET IMPACT

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED N/A	BUDGETED N/A	REQUIRED N/A

HISTORICAL PERSPECTIVE:

The City has 55 traffic signals, 3,753 street lights, 16,775 regulatory and warning signs and 65.42 lane miles of pavement markings that are maintained by city staff. Maintenance programs for traffic signals, regulatory and warning signs and street markings must conform to national, state and city standards. Beaverton is the only jurisdiction within the County that has established repair and complete maintenance programs in each of these specific areas.

INFORMATION FOR CONSIDERATION:

In addition to the traffic signals that are owned and operated by the City, staff maintains 32 traffic signals for the Oregon Department of Transportation and 32 traffic signals for Washington County through Intergovernmental Agreements. City staff assigned to traffic signal maintenance also perform street light maintenance and installations. In 2004, staff installed 42 decorative street light poles and fixtures on S.W. Watson between Farmington and 5th Street as part of the Hall Watson Beautification Project. In prior years, street markings on newly resurfaced streets were installed by a contractor. Beginning in 2004 and continuing, city staff now installs all new street markings. Nearly all improvements and changes to street markings and signage authorized by the Traffic Commission are now completed by city staff.

RECOMMENDED ACTION:

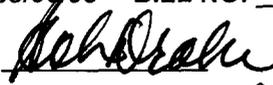
Listen to the presentation.

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Presentation of the Distinguished Budget Presentation Award and Certificate of Recognition for Budget Preparation to Joanne Harrington for the City 's FY 2005-06 Annual Budget Document

FOR AGENDA OF: 03/06/06 **BILL NO:** 06038

Mayor's Approval: 

DEPARTMENT OF ORIGIN: Finance 

DATE SUBMITTED: 02/10/06

CLEARANCES: None

PROCEEDING: Presentation

EXHIBITS: Award Letter from GFOA
Copy of Certificate of Recognition for Budget Preparation

BUDGET IMPACT

EXPENDITURE REQUIRED \$-0-	AMOUNT BUDGETED \$-0-	APPROPRIATION REQUIRED \$-0-
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HISTORICAL PERSPECTIVE:

The Government Finance Officers Association of the United States and Canada (GFOA) has presented a Distinguished Budget Presentation Award to the City of Beaverton for its annual budget document for fiscal year beginning July 1, 2005. In order to receive this award, the City must publish a budget document that meets program criteria as a policy document, as an operations guide, as a financial plan, and as a communications device. This award is the highest form of recognition in governmental budgeting. This is the eighteenth consecutive year that the City has received this award.

INFORMATION FOR CONSIDERATION:

When the Distinguished Budget Presentation is awarded, a Certificate of Recognition is also presented to the individual designated by the City as the person primarily responsible for having earned the certificate. The Certificate of Recognition will be presented to Joanne Harrington as the person primarily responsible for preparing the award-winning document.

RECOMMENDED ACTION:

Present the Distinguished Budget Presentation Award plaque and the Certificate of Recognition to Joanne Harrington.



Government Finance Officers Association
203 North LaSalle Street, Suite 2700
Chicago, Illinois 60601-1210
312.977.9700 fax. 312.977.4806

December 19, 2005

Mr. Patrick O'Claire
Finance Director
City of Beaverton
4755 SW Griffith Drive
Beaverton, OR 97005

Dear Mr. O'Claire:

A Panel of independent reviewers has completed its examination of your budget document. We are pleased to inform you that the panel has voted to award your budget document the Distinguished Budget Presentation Award for the current fiscal period. This award is the highest form of recognition in governmental budgeting. Its attainment represents a significant achievement by your organization.

The Distinguished Budget Presentation Award is valid for one year. To continue your participation in the program, it will be necessary to submit your next annual budget document to GFOA within 90 days of the proposed budget's submission to the legislature or within 90 days of the budget's final adoption. Enclosed is an application form to facilitate a timely submission. This form should be submitted with four copies of your budget accompanied by the appropriate fee.

Each program participant is provided with confidential comments and suggestions for possible improvements to the budget document. Your comments are enclosed. We urge you to carefully consider the suggestions offered by our reviewers as you prepare your next budget.

When a Distinguished Budget Presentation Award is granted to an entity, a Certificate of Recognition for Budget presentation is also presented to the individual or department designated as being primarily responsible for its having achieved the award. Enclosed is a Certificate of Recognition for Budget Preparation for:

Joanne Harrington, Budget Coordinator

Your award plaque will be mailed separately and should arrive within eight to ten weeks. Enclosed is a camera-ready reproduction of the award for inclusion in your next budget. If you reproduce the camera-ready in your next budget, it should be accompanied by a statement indicating continued compliance with program criteria.

The following standardized text should be used:

Mr. Patrick O'Claire

December 19, 2005

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The Government Finance Officers Association of the United States and Canada (GFOA) presented a Distinguished Budget Presentation Award to **City of Beaverton, Oregon** for its annual budget for the fiscal year beginning **July 1, 2005**. In order to receive this award, a governmental unit must publish a budget document that meets program criteria as a policy document, as an operations guide, as a financial plan, and as a communications device.

This award is valid for a period of one year only. We believe our current budget continues to conform to program requirements, and we are submitting it to GFOA to determine its eligibility for another award.

Also enclosed is a press release.

The Government Finance Officers Association encourages you to make arrangements for a formal presentation of the award. If you would like the award presented by a member of your state or provincial finance officers association, we can provide the name of a contact person for that group.

We appreciate your participation in this program and we sincerely hope that your example will encourage others in their efforts to achieve and maintain excellence in governmental budgeting. If we can be of further assistance, please contact the Technical Services Center.

Sincerely,

A handwritten signature in cursive script that reads "Stephen J. Gauthier".

Stephen J. Gauthier, Director
Technical Services Center

Enclosure



The Government Finance Officers Association
of the United States and Canada

presents this

CERTIFICATE OF RECOGNITION FOR BUDGET PREPARATION

to

**Joanne Harrington, Budget Coordinator
City of Beaverton, Oregon**

The Certificate of Recognition for Budget Preparation is presented by the Government Finance Officers Association to those individuals who have been instrumental in their government unit achieving a Distinguished Budget Presentation Award. The Distinguished Budget Presentation Award, which is the highest award in governmental budgeting, is presented to those government units whose budgets are judged to adhere to program standards.

Executive Director

Date

December 19, 2005

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Presentation of the Certificate of Achievement for Excellence in Financial Reporting and the Award of Financial Reporting Achievement to J.J. Schulz for the City's FY 2003-04 Comprehensive Annual Financial Report

FOR AGENDA OF: 03/06/06 **BILL NO:** 06039

Mayor's Approval: *Ash Drake*

DEPARTMENT OF ORIGIN: Finance *HOC*

DATE SUBMITTED: 02/10/06

CLEARANCES: None

PROCEEDING: Presentation

EXHIBITS: Award Letter from GFOA
Copy of Award of Financial Reporting Achievement

BUDGET IMPACT

EXPENDITURE REQUIRED \$-0-	AMOUNT BUDGETED \$-0-	APPROPRIATION REQUIRED \$-0-
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HISTORICAL PERSPECTIVE:

The Government Finance Officers Association of the United States and Canada, (GFOA) has awarded the Certificate of Achievement for Excellence in Financial Reporting to the City of Beaverton for its comprehensive annual financial report (CAFR) for the fiscal year ended June 30, 2004. The Certificate of Achievement is the highest form of recognition in governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management. This is the twenty-sixth consecutive year that the City has received the certificate.

In order to receive this Certificate, the City must publish an easily readable and efficiently organized CAFR that conforms to program standards. The CAFR must satisfy generally accepted accounting principals and be audited in accordance with generally accepted auditing standards. The City's CAFR has been judged by an impartial panel to meet the program's high standards including demonstrating a constructive 'spirit of full disclosure' to clearly communicate its financial story to potential users and user groups.

INFORMATION FOR CONSIDERATION:

When a Certificate of Achievement is awarded, an Award of Financial Reporting Achievement is also presented to the individual designated by the City as the person primarily responsible for having earned the certificate. The Achievement Award will be presented to J.J. Schulz as the individual primarily responsible for preparing the award-winning document.

RECOMMENDED ACTION:

Present the Certificate of Achievement plaque and the Award for Financial Reporting Achievement to J.J. Schulz.



Government Finance Officers Association
203 N. LaSalle Street - Suite 2700
Chicago, IL 60601

Phone (312) 977-9700 Fax (312) 977-4806

June 22, 2005

Patrick F. O'Claire
Finance Director
City of Beaverton
P.O. Box 4755
Beaverton OR 97076

Dear Mr. O'Claire:

We are pleased to notify you that your comprehensive annual financial report (CAFR) for the fiscal year ended June 30, 2004, qualifies for a Certificate of Achievement for Excellence in Financial Reporting. The Certificate of Achievement is the highest form of recognition in governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

Each entity submitting a report to the Certificate of Achievement review process is provided with a "Summary of Grading" form and a confidential list of comments and suggestions for possible improvements in its financial reporting techniques. Your list has been enclosed. You are strongly encouraged to implement the recommended improvements into the next report and submit it to the program. If it is unclear what must be done to implement a comment or if there appears to be a discrepancy between the comment and the information in the CAFR, please contact the Technical Services Center (312) 977-9700 and ask to speak with a Certificate of Achievement Program in-house reviewer.

Certificate of Achievement program policy requires that written responses to the comments and suggestions for improvement accompany the next fiscal year's submission. Your written responses should provide detail about how you choose to address each item that is contained within this report. These responses will be provided to those Special Review Committee members participating in the review.

When a Certificate of Achievement is awarded to a government, an Award of Financial Reporting Achievement (AFRA) is also presented to the individual(s) or department designated by the government as primarily responsible for its having earned the Certificate. Enclosed is an AFRA for:

J. J. Schulz, Senior Accountant

Your Certificate of Achievement plaque will be shipped to you under separate cover in about eight weeks. We hope that you will arrange for a formal presentation of the Certificate and Award of Financial Reporting Achievement, and that appropriate publicity will be given to this notable achievement. A sample news release has been enclosed. We suggest that you provide copies of it to local newspapers, radio stations and television stations. In addition, enclosed is the Certificate Program "Results" for reports with fiscal years ended during 2003 representing the most recent statistics available.

A current holder of a Certificate of Achievement may include a reproduction of the award in its immediately subsequent CAFR. A camera ready copy of your Certificate is enclosed for that purpose. If you reproduce your Certificate in your next report, please refer to the enclosed instructions. A Certificate of Achievement is valid for a period of one year. To continue to participate in the Certificate of Achievement Program it will be necessary for you to submit your next CAFR to our review process.

In order to expedite your submission we have enclosed a Certificate of Achievement Program application form to facilitate a timely submission of your next report. This form should be completed and sent (postmarked) with three copies of your report, three copies of your application, three copies of your written responses to the program's comments and suggestions for improvement from the prior year, and any other pertinent material with the appropriate fee by December 31, 2005.

Your continued interest in and support of the Certificate of Achievement Program is most appreciated. If we may be of any further assistance, please contact Delores Smith (dsmith@gfoa.org or (312) 578-5454).

Sincerely,
Government Finance Officers Association

A handwritten signature in cursive script that reads "Stephen J. Gauthier". The signature is written in black ink and is positioned above the printed name of the signatory.

Stephen J. Gauthier, Director
Technical Services Center

SJG/ds



**The Government Finance Officers Association
of the United States and Canada**

presents this

AWARD OF FINANCIAL REPORTING ACHIEVEMENT

to

J. J. Schulz
Senior Accountant
City of Beaverton, Oregon



The award of Financial Reporting Achievement is presented by the Government Finance Officers Association to the individual(s) designated as instrumental in their government unit achieving a Certificate of Achievement for Excellence in Financial Reporting. A Certificate of Achievement is presented to those government units whose annual financial reports are judged to adhere to program standards and represents the highest award in government financial reporting.

Executive Director

Date June 22, 2005

DRAFT

**BEAVERTON CITY COUNCIL
REGULAR MEETING
FEBRUARY 6, 2006**

CALL TO ORDER:

The Regular Meeting of the Beaverton City Council was called to order by Mayor Rob Drake in the Forrest C. Soth Council Chamber, 4755 SW Griffith Drive, Beaverton, Oregon, on Monday, February 6, 2006 at 6:35 p.m.

ROLL CALL:

Present were Mayor Drake, Couns. Betty Bode, Dennis Doyle and Fred Ruby. Couns. Catherine Arnold and Cathy Stanton were excused. 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, Human Resources Director Nancy Bates, Police Chief David Bishop and City Recorder Sue Nelson.

PRESENTATIONS:

06015 Presentation on Metro's Proposed Bond Measure for the Protection of Natural Areas, Clean Water, and Fish and Wildlife Habitat

David Bragdon, Metro Council President, introduced Metro Councilor Susan McLain. He referred to Metro's proposed 2006 Natural Areas Bond Measure that will be on the ballot this November. He said the bond measure would provide funds to protect natural areas, clean water, and fish and wildlife habitat. He said the protection of natural habitats was crucial to water quality; the strongest tool for protecting natural habitats was acquisition. He said this bond measure would build on the work accomplished over the past decade under the 1995 Greenspaces bond measure.

McLain presented a PowerPoint presentation on the proposed ballot measure (in the record). She reviewed the projects funded by the 1995 bond measure, including Stonegate Woods, Lowami Hart Woods Park, Forest Glen Park/Hiteon Creek and Johnson Creek Greenway. She said elements of the proposed 2006 bond measure included acquisition and improvement of regional and local natural areas, and a new Opportunity Grant Program. She said a Blue Ribbon Committee made recommendations to the Metro Council concerning how the bond measure funds should be used and these recommendations would be forwarded to area city councils for review.

McLain reviewed the Blue Ribbon Committee's recommendations for 11 new target areas, six proposed greenways and continued investment in existing areas. She said the Committee recommended that the total \$220 million package be distributed to provide \$44 million for local projects, \$165 million for regional target areas and \$11 million for the Opportunity Grant Fund. She said target areas would be selected based on water quality, habitat value, rarity, parcel size, restoration, connectivity, scenic resources, public access and partnerships. She distributed to the Council a packet of detailed information about the bond measure (in the record) that included a map and descriptions of the target areas. She said Beaverton's proposed local share was \$2,357,895. She said Council would be considering a resolution listing the proposed local share projects at this meeting; this list would need to be submitted to Metro by March 1, 2006.

McLain reviewed the Opportunity Grant Program which she said was a new element in the proposed bond measure. She said this grant program would provide funds to "re-nature" neighborhoods, build community partnerships, leverage resources, restore habitat and implement demonstration projects.

Bragdon summarized their presentation stating there was a lot of continuity with the past values of the greenspaces program and there were new innovations in how the funds would be used. He said all these factors work together to build for the future. He said they were currently making this presentation to all the local councils in the region to obtain feedback on the proposal. He said the public hearings would be held on February 23rd in Hillsboro, on March 2nd in Damascus and on March 9th at the Metro Regional Center.

Mayor Drake thanked Bragdon and McLain for the presentation. He said the City Council was holding the hearing on the recommended project list at this meeting. He added that Beaverton's need was greater than the funds available.

Coun. Doyle said he supported the past measure. He said he liked that there was continuity in the new proposal and that the bond measure was for a larger amount than last time because inflation has to be considered. He said it was impressive that the last bond measure received 60% of the vote and this new measure needs to be aggressively supported. He asked for additional information on the Opportunity Grant Program.

Bragdon said one of the strengths of the program was that by identifying in advance what projects would be done through the bond measure, there has been financial accountability and it can be shown that those promises were fulfilled. He said the Blue Ribbon Committee was made up of civic and business leaders who felt that in over a ten-year period there could be opportunities that were not thought of and that might not have been in a target area. He said one example was the acquisition of the Mount Williams property; the Committee recommended having a small amount of funds available for such opportunities. He said the Committee thought these funds should also be available to non-profit groups for they have been very active in environmental projects over the past several years. He said the Committee recommended having \$11 million available for such a program over the next ten years. He said this was five percent of the overall total of the bond measure and it would be a useful tool for working with these groups.

Coun. Doyle said he thought this was a good avenue of service for non-profit groups; for every dollar spent from this fund Metro would get back much more in terms of volunteer services. He said this was outstanding.

Coun. Bode referred to the flooding along Fanno Creek and asked if this was part of the natural evolution in this area.

Bragdon said Fanno Creek was an existing target area and it would continue to be a target area. He said protection of the floodplain has been an objective of the program. He said there was value in flood mitigation through acquisition.

McLain said they were often asked why they were trying to protect flood areas since building would not occur there. She said flood mitigation and water quality were very important to this program. She said they were protecting a resource that is used for flood mitigation, recreation, trails and habitats. She said this was a diverse program and Fanno Creek was important to this program.

Coun. Bode agreed it was a beautiful recreation area certain times of the year and it should be protected.

Mayor Drake said there was an article in the Oregonian about the Willamette in 1850 and how it used to flood. He said today the general thought was that it might be better to allow the flooding upstream to avoid flooding downstream in the more urban areas.

Bragdon said the acquisition of the stream areas has been a priority in the program. He said over the last ten years they were able to acquire 74 miles of stream frontage. He added that in cooperation with the Tualatin River Keepers, two of the sites along the Tualatin have been restored to more of a natural condition so those areas do store more water during the runoff periods which is good for the areas downstream. He said government agencies working with groups like the Tualatin River Keepers has been good for public involvement.

Mayor Drake said in the long run it was a benefit to this area to be able to preserve the creeks and streams. He said people value these resources and there is strong citizen support for preserving streams, farms and forest lands in this area.

Coun. Bode thanked Bragdon for the Metro meeting where they floated down the Tualatin River. She said that was a great experience for her and she learned a lot about rivers, streambanks, erosion and natural resources that day.

Coun. Ruby thanked Bragdon for the Cooper Mountain presentation last summer.

VISITOR COMMENT PERIOD:

There were none.

COUNCIL ITEMS:

There were none.

STAFF ITEMS:

There were none.

CONSENT AGENDA:

Coun. Ruby stated he would abstain from voting on Agenda Bill 06018 (a resolution authorizing a loan application with the Oregon Department of Energy for the Beaverton Central Plant at The Round) because his agency, the Oregon Department of Justice (DOJ), was the legal advisor to the Department of Energy, and his section at the DOJ has this responsibility. He said he was screened from any consideration of this item at the DOJ and he wished to follow through and do the same at the City.

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

Minutes of the Regular Meeting of January 23, 2006

06016 Traffic Commission Issue No. TC 589 - Parking Restrictions on the Public Streets of Murray Grove Townhomes (Eagle Ridge)

06017 Authorize Purchase of Tax Lots 1S1 16AD 2600 (4675 SW Main Avenue and 4605 SW Main Avenue) and 1S1 16AD 2700 (12820 SW First Street) and Transfer Resolution (Resolution No. 3849)

06018 Resolution Authorizing the Mayor to Apply for and Enter into a \$1 Million Loan with State of Oregon, Department of Energy, to Expand and Extend the Beaverton Central Plant at The Round (Resolution No. 3850)

06019 Transfer of Road Jurisdiction from the Oregon Department of Transportation (ODOT) to the City of Beaverton (Resolution No. 3851)

Contract Review Board:

06020 Waiver of Sealed Bidding and Award Contract to Provide Structural Engineering Services for Seismic Upgrade Project for City Hall from the Beaverton School District Contract and Approve CM/GC Solicitation Process for Construction of the Project

Question called on the motion. Couns. Bode, Doyle and Ruby voting **AYE**, the **MOTION CARRIED** unanimously. (3:0) Coun. Ruby abstained from voting on Agenda Bill 06018.

WORK SESSION:

06021 Work Session on Graffiti Issues

Mayor Drake stated Police Chief David Bishop and Deputy Police Chief Chris Gibson would present the report. He said he also invited Penny Douglas, Vose Neighborhood Association Committee (NAC) Chair, and Darla King, Central Beaverton NAC Chair, to comment on this issue.

Chief Bishop said graffiti was a community problem and the Police and community need to work together as partners to solve the problem. He said the problem was two fold; tagging graffiti and gang graffiti. Gang graffiti brings an increase in gang problems. He said the gang problems have increased in Beaverton and the majority of the problems are in the schools. He said he was pleased and confident that the school officers, along with gang members have done a good job in maintaining the problem. He said in controlling the problem at the schools, this activity has been pushed out into the community that has been experiencing an increase in graffiti. He said they were working with the probation department to hold gang summits to resolve this problem. He said if they did nothing, within a short period time the gangs would take over the neighborhoods. He said it was absolutely critical that the community and the City work together to maintain and control the neighborhoods.

Deputy Chief Gibson showed pictures of graffiti found in the city. He said the majority of the graffiti was done by gangs marking their territory. He said there was a graffiti reporting site on the City's Web site or it could be reported to the Police. He said when the reports are received, they are documented and investigated. He said when the officers go out and take police reports they talk to the property owners and encourage them to cleanup the graffiti. He said the officers will follow-up to see if the graffiti was cleaned up but the onus is on the property owners to cleanup private property. He said the City's Operations Department has taken the lead in graffiti removal and there is a group of volunteers who also assist with cleanup. He said the City has developed an enhancement plan to deal with this problem and Operations will continue to take the lead in cleaning public property. He added the Council would consider an ordinance dealing with graffiti at this meeting; if adopted, the Code Enforcement Division will enforce the ordinance and will help with follow-up and tracking. He said the City Attorney's Office would be responsible for prosecution and the Neighborhood Office would be the key to the program in educating the public about graffiti reporting and removal. He said the neighborhood association committees have also offered to help.

Coun. Doyle said he liked the multi-faceted process for resolving this problem. He recognized former City Councilor Evelyn Brzezinski (who was in the audience) and said this was an issue she was very concerned about. He asked how much it would cost the City to process a graffiti case.

Bishop said they had not determined the cost as yet.

Coun. Doyle asked how large of a problem graffiti that had not been removed was and if there was a level of cooperation from the property owners.

Bishop said cooperation has been positive, but the length of time has been the hard part. He said there were a few pockets in the city where gang activity was strong and it took about six months to get the area cleaned. He said the proposed ordinance would help in getting faster cleanup.

Coun. Doyle said the community would not tolerate the graffiti and he supported the ordinance. He noted the ordinance allowed seven days for cleanup of graffiti and asked if staff felt that was adequate.

Bishop replied seven days was reasonable and the majority of other cities allowed seven to ten days.

Mayor Drake said the idea behind the ordinance was to encourage people to take care of the problem before the City has to act. He said he spoke to a joint meeting of the Central Beaverton and Vose NACs and he was told it was taking too long to get the graffiti cleaned up. He said the goal was to change the City's process to respond to the change in need.

Coun. Bode said the report showed there was a 188% increase in graffiti since 2004. She said the other issue was the cost to citizens and the City. She said that was not the picture they wanted to paint of the City. She said she supported this and she wanted to hear people's comments on the seven-day window for cleaning up the graffiti.

Mayor Drake said the Code only seeks compliance and the goal was to ask people if they were making progress in compliance.

Chief of Staff Linda Adlard said the average cost to the City was \$166 per Code enforcement case. She said it would cost several hundred dollars for the police officers to be involved. She said if the Code Division has to do the cleanup, the cost would be a bit higher. She said if the citizens do the cleanup, the cost would be less.

Coun. Ruby said he did not see anything in the pictures that looked like street art and it sounded like zero tolerance was the only way to go.

Bishop and Gibson agreed.

Penny Douglas, Vose NAC Chair, said much of the graffiti and tagging was in the Vos Neighborhood. She said she checked what other cities did regarding graffiti cleanup. She said some cities require cleanup in 24 hours, which she felt was a hardship. She said seven days sounded good to her. She said many kids shoplift the products they use for graffiti and this needed to be stopped. She said the community needed to be involved and many people do not realize they need to do the cleanup or that it needs to be reported. She said community education was needed. She expressed concern that gang graffiti activities could lead to hate crimes if not controlled. The community needs to partnership with the City to control the problem.

Darla King, Central Beaverton NAC Chair, said she agreed with Ms. Douglas. She said she obtained a no trespassing sign for her business which has helped with the problem. She said the graffiti gets worse after a three-day holiday from school. She said art was a required course in high school and her daughter told her this graffiti was in many students' artwork at school. She suggested involving the art teachers in this problem.

Mayor Drake thanked Douglas and King for their comments.

The City Council considered Agenda Bill 06024, An Ordinance Amending Provisions of the Nuisance Code relating to graffiti, at this time.

ORDINANCE:

Coun. Doyle **MOVED, SECONDED** by Coun. Bode, that the rules be suspended, and that the ordinance embodied in Agenda Bill 06024, be read for the first time by title only at this meeting, and for the second time by title only at the next regular meeting of the Council. Couns. Bode, Doyle and Ruby voting **AYE**, the **MOTION CARRIED** unanimously. (3:0)

First Reading

City Attorney Alan Rappleyea read the following ordinance for the first time by title only:

06024 An Ordinance Amending Provisions of the Nuisance Code Chapter 5.05 of the Beaverton Code (Ordinance No. 4380)

Mayor Drake invited the public to comment on the ordinance. He explained public comments could be submitted by calling the Beaverton Police Department at the non-emergency number (503-629-0111) or through the City's Web site, under the Police Department section:

Coun. Doyle explained to the public that this ordinance formally defines "graffiti" and states that failure to remove graffiti from property within seven days of the graffiti's appearance is a class one civil infraction. He said property owners would be cited if the graffiti was not removed within seven days.

City Attorney Alan Rappleyea explained a class one infraction carries a \$250.00 fine and would be prosecuted through the municipal court. He said property owners would be notified if there was a problem with abatement of the graffiti. He said if the owners did not remove the graffiti, City crews would do the abatement and the property owner would be charged for that expense.

Mayor Drake thanked Doyle and Rappleyea for the information.

PUBLIC HEARINGS:

06022 Development Services Fee Schedule Amendment (Resolution No. 3852)

Community Development Director Joe Grillo said staff was recommending amendment of the Development Fee Schedule to add a \$5,000 fee for a Traffic Impact Analysis (TIA) report. He said this was related to a recently-annexed parcel on Scholls Ferry Road. He said the current owner did not wish to pay for the TIA upon annexation, so an agreement was reached with the staff that the City would prepare the TIA, at a cost of \$5,000, and then recoup the cost when a development application is submitted. He said the proposed amendment establishes the fee and allows the City to recoup the cost when a development application is submitted.

Mayor Drake opened the public hearing.

There was no one present who wished to testify.

Mayor Drake closed the public hearing.

Coun. Ruby **MOVED, SECONDED** by Coun. Doyle, that the Council adopt A Resolution Superseding Resolution No. 3823 and Establishing Fees for Planning Permits, Appeals and Other Services Pursuant to Section 10.55 of the Beaverton Development Code. (Ordinance No. 3852). Couns. Bode, Doyle and Ruby voting **AYE**, the **MOTION CARRIED** unanimously. (3:0)

06023 A Public Hearing to Determine a List of Projects to Submit to Metro for Receiving Local Legacy Program Funds from the Proposed 2006 Metro Nature In Neighborhoods Bond Measure

Planning Services Manager Hal Bergsma reviewed the staff report. He said the proposed 2006 Metro Nature in Neighborhoods Bond Measure would dedicate \$44 million to local projects (Local Legacy Program funds). He said by March 1, 2006, each agency receiving Local Legacy funds was to submit a project list to Metro of the projects that would be done through the Local Legacy Program. He said this list was to be adopted by a resolution of the governing body after conducting a public hearing. He said Metro wanted this done for there was a greater chance that the bond measure would be approved if the projects were specifically defined. He said the purpose of this hearing was to present the proposed project list and receive comments on the proposed projects, and suggestions for other projects, that could be funded with Beaverton's share of the Local Legacy funds.

Bergsma added that Metro Councilor McLain had said earlier that the City would receive \$2.3 million in local share money from the bond measure. He said that figure was based on 2004 population calculations. He said based on 2005 population estimates, the City would receive a little over \$2.6 million. He said the Council would act on the resolution for the project list at the meeting of March 13, 2006. He reviewed the notification process for this hearing. He said the Tualatin Hills Park and Recreation District (THPRD) Board was also considering its list of proposed projects at its meeting this evening. He said some of the THPRD's proposed projects are included in the City's list, so there is an opportunity to combine resources. He said the proposed projects fit well with the Tualatin Basin Program. He reviewed the proposed projects in detail (in the record). The proposed projects were: 1) North side of Beaverton Creek and Light Rail Transit line, between Hall and Lombard Avenues; 2) SE Corner of Farmington Road and Menlo Drive; 3) West side of 155th Avenue, south of Sexton Mountain Drive; 4) Sexton Mountain Reservoir; 5) East side of 173 Avenue, between Cornell and Walker Roads; 6) Beaverton Creek, between Cedar Hills Boulevard and Hocken Avenue; 7) West side of 155th Avenue, at Snowy Owl Lane and Siskin Terrace; 8) Griffith Park; and 9) West side of Highway 217, between Fifth Avenue and Allen Boulevard. He said the total estimated cost for the primary projects was \$2,675,000; estimated cost for the secondary projects was \$500,000. He said the costs were a good fit in relation to the funding the City would receive from the bond.

Coun. Doyle asked if the City would receive an alternate list if the bond measure did not pass.

Bergsma said that was correct and the City would conduct another public hearing to consider the revised list. He confirmed that staff discussed the proposed projects with the THPRD in developing the list.

Coun. Ruby asked about the Fanno Creek Trail as it was not on the proposed list. He said there had been discussions about filling in the missing element of that trail, from Allen Boulevard, near the former Trianon Restaurant, to Denny Road, near the rock store. He asked if there was any reason this was not on the list.

Bergsma said projects along the Fanno Creek Trail and along the Power Line Trail, were on Metro's list for regional projects and would be funded from the \$165 million funds dedicated to regional projects.

Mayor Drake opened the public hearing.

There was no one present who wished to testify.

Mayor Drake closed the public hearing.

Coun. Bode asked if these top nine projects were in random order.

Bergsma replied that the first seven on the list were in random order. He said projects eight and nine were secondary projects.

Coun. Doyle MOVED, SECONDED by Coun. Ruby, that Council direct staff to prepare a final list of projects as presented at this meeting, to be included in a resolution to be brought back to Council for adoption. Couns. Body, Doyle and Ruby voting AYE, th MOTION CARRIED unanimously. (3:0)

06024 An Ordinance Amending Provisions of the Nuisance Code Chapter 5.05 of the Beaverton Code - See Page 7

ADJOURNMENT

There being no further business to come before the Council at this time, the meeting was adjourned at 8:10 p.m.

Sue Nelson, City Recorder

APPROVAL:

Approved this day of , 2006.

Rob Drake, Mayor

DRAFT

**BEAVERTON CITY COUNCIL
REGULAR MEETING
FEBRUARY 13, 2006**

CALL TO ORDER:

The Regular Meeting of the Beaverton City Council was called to order by Mayor Rob Drake in the Forrest C. Soth Council Chamber, 4755 SW Griffith Drive, Beaverton, Oregon, on Monday, February 13, 2006 at 6:35 p.m.

ROLL CALL:

Present were Mayor Drake, Counc. Catherine Arnold, Betty Bode, Dennis Doyle 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, Human Resources Director Nancy Bates, Police Chief David Bishop and City Recorder Sue Nelson.

PRESENTATIONS:

06035 Beaverton School District's \$195 Million Capital Bond Measure - May 16, 2005 Primary Election

Mayor Drake explained this presentation was not on the agenda for this meeting, however, Beaverton School District representatives had asked to speak on this issue. He distributed copies of a proposed resolution supporting the bond measure to Council for its review.

Beaverton School Board Vice Chair Priscilla Turner thanked the City Council for considering the resolution supporting the District's capital bond measure. She said the Beaverton School District was one of the fastest growing districts in the northwest and the schools were at and above capacity at the elementary and high school levels. She said the Board would appreciate the Council's support in this effort and they would make room for all the students in the District's schools. She said their campaign committee, the Citizens for School Support, was running a grassroots campaign with many community and business volunteers involved. She said they looked forward to approval of the bond measure at the May 16, 2006 election.

Coun. Stanton said there were 3,000 new students in the last five years and the District was expecting 4,000 more in the next four years. She asked if there was a contact person or number to call for people who wanted to help with the campaign.

Turner replied that Citizens for School Support was their campaign committee. She said interested persons could contact her at 503-292-2456 or tpturner@comcast.net. She said they would need everyone's help to get the measure approved.

Coun. Doyle MOVED, SECONDED by Coun. Bode that Council approve the Resolution Supporting the Beaverton School District's \$195 Million Capital Bond Measure - May 16, 2006. Couns. Arnold, Bode, Doyle and Stanton voting AYE, the MOTION CARRIED unanimously. (Resolution No. 3854)

06025 Presentation of Shields and Swearing In of Newly-Promoted Lieutenant and Sergeant to the Beaverton Police Department

Police Chief David Bishop introduced Police Sergeant Eric Oathes and Lieutenant Terry Merritt and said they were being promoted into these new positions. He explained Oathes had been with the City for six years and Merritt for 20 years, and he reviewed the work records of both men. He swore both officers into their new positions and both men received their new badges.

Bishop thanked the families and friends who were present and said the officers could not have achieved this without their support.

06026 Westside Transportation Alliance Certificate of Excellence

Kathy Lehtola, Westside Transportation Alliance (WTA) Board Member introduced Karen Frost, WTA Executive Director.

Lehtola said the WTA was a ten-year old transportation management association with members from both public and private entities. She said the WTA was formed in response to the State Department of Environmental Quality's Employee Commute Options Rule to help employers reduce single occupancy commute trips among their employees. She said Beaverton was instrumental in the WTA's formation and had been an active partner. She said the City has a strong commitment to the goal of reducing vehicle commute trips and has offered incentives in its Development Code to help meet that goal, such as reducing required parking spaces for developments along transit routes. She said because of the City's innovative use of incentives, the WTA was pleased to present its Outstanding Achievement Award to the City of Beaverton.

Frost thanked the City for its innovative approach in using the Development Code to decrease vehicle commute trips and for joining the WTA. She said the WTA was currently involved in the Drive Less Save More campaign. She said this campaign was supported by many organizations in the Metro region. She said she hoped the City would continue to value the work of the WTA as a strong partner in the future for improving the lives of the residents in Beaverton and improving the economic health of businesses in this region.

Mayor Drake thanked the WTA for the recognition. He said he watched the evolution of the WTA as it grew throughout the region and the City supported WTA's goal. He acknowledged City Planner Margaret Middleton who has been a tireless advocate for participation in the program.

Lehtola presented the WTA's Outstanding Achievement Award to Mayor Drake.

Coun. Doyle thanked Lehtola and Frost for acknowledging that Beaverton was a business-friendly community.

Coun. Stanton said she tried to reduce her vehicle miles traveled (VMT) 20% by taking transit one day a week. She thanked Lehtola, Frost and the WTA for all their work.

06027 Presentation on Street Sweeping

Operations Manager Terry Priest presented a PowerPoint presentation about the City's Street Sweeping Program. He distributed a handout concerning the City's Street Sweeping Program to Council (in the record). He said recently changes were made to the Street Sweeping Program. He said an intergovernmental agreement with Clean Water Services (CWS) and the City's MS4 Permit requires that the City sweep the streets once a month; as an added service the downtown area is swept once a week for this area is heavily trafficked. He said sweeping the streets keeps the debris from littering the City's storm drain system. He said they swept 703 lane miles each month. He reviewed the sweeping program during the leaf season and during the winter to pickup sanding rock after snow/ice storms. He said recently the City and CWS traded some of the areas they sweep for better efficiency; CWS agreed to sweep some of the areas closer to the CWS maintenance yard and the City agreed to sweep some areas outside of the City that are close to the City's maintenance yard. He said this change resulted in costs savings for both agencies. He said because of this the City was able to eliminate its night shift and that work can now be done during the day.

Coun. Stanton asked about the MS4 permit.

Maintenance/Operation Director Gary Brentano said this was the Municipal Separate Storm Sewer System Permit. He said it was part of the NPDES (National Pollutant Discharge Elimination System) Permit required for discharges into creeks and streams. He said it was part of the Clean Water Act as administered by the Environmental Protection Agency and the Department of Environmental Quality, through CWS and the City.

Coun. Bode asked when the Street Sweeping handout was last sent to residents and suggested this brochure could be sent out with the utility bills.

Priest said that was a good idea; he was not sure when it was last sent to citizens.

Coun. Bode asked what time of day the street sweeping begins in the neighborhoods.

Priest replied it starts at 7:30 a.m.

Coun. Arnold asked how people could find out which day of the week their neighborhood would be swept.

Priest explained that on the schedule, A-1 refers to the first day of the week, A-2 the second day, and carries on consecutively. He said they stay pretty close to schedule.

Coun. Arnold referred to the Street Sweeping Grid map (in the record). She noted there were areas and streets on the east side of the City, marked in red and identified as Tax Lot Sweep. She asked what that meant.

Priest replied those were the areas that the City and CWS traded off. He said CWS would take care of the upper northwest corner marked in yellow as A-1 (CWS) and the City would take care of the eastern areas marked in red.

Coun. Doyle asked how big a problem the City was having with leaves left on the streets.

Priest said people do not usually throw their leaves into the street. He said the street sweepers sweep what is on the street and if they find someone has leaves on the street, there is a flyer that is hung on a resident's door to remind them to use the refuse bags.

Mayor Drake thanked Priest for the presentation.

VISITOR COMMENT PERIOD:

Rev. Ja West, Beaverton, talked about her personal health issues.

COUNCIL ITEMS:

Coun. Stanton said on Thursday, February 16, 2006, there would be an Interfaith Breakfast hosted by the Interfaith Vision Action Network in Washington County at the Kingstad Center at 7:30 a.m. She said also on February 16, at Dessert Noir Cafe, in the mall at Cedar Hills Crossing, the comedian Sinbad would perform during a dinner benefit for Community Action. She said information on the dinner event was available by calling Community Action at 503-648-6646.

STAFF ITEMS:

There were none.

CONSENT AGENDA:

Coun. Stanton MOVED, SECONDED by Coun. Doyle, that the Consent Agenda be approved as follows:

06028 Liquor License Renewals - Annual Renewals

06029 A Resolution Adopting a List of Projects to Submit to Metro for Receiving Local Legacy Program Funds from the Proposed 2006 Metro Nature in Neighborhoods Bond Measure (Resolution No. 3853)

Question called on the motion. Couns. Arnold, Bode, Doyle and Stanton voting AYE, the MOTION CARRIED unanimously. (4:0)

ORDINANCES:

Coun. Stanton referred to Agenda Bill 06033 (An Ordinance Prohibiting Vehicle Camping in Parking Lots Associated with Commercial Structures). She asked the City Attorney if the cab portion of a semi-truck fell into the definition of a camping vehicle.

City Attorney Alan Rappleyea said the ordinance did not apply to a cab of a semi-truck. He said the ordinance applied to operators or owners of a trailer house, camp trailer, mobile home, auto home, camp car, recreational vehicle or other similar conveyance. He said the cab portion of a commercial truck does not fall under any of the definitions in this ordinance.

Coun. Doyle **MOVED, SECONDED** by Coun. Bode, that the rules be suspended, and that the ordinances embodied in Agenda Bills 06030, 06031, 06032 and 06033, be read for the first time by title only at this meeting, and for the second time by title only at the next regular meeting of the Council. Couns. Arnold, Bode, Doyle and Stanton voting **AYE**, the **MOTION CARRIED** unanimously. (4:0)

First Reading:

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

- 06030 An Ordinance Requiring Use of Criminal Offender Information for Applicants for City Employment (Ordinance No. 4381)
- 06031 TA 2005-0008 Amendment to Quasi-Judicial Zoning Map Amendment Approval Criteria (Ordinance No. 4382)
- 06032 CPA 2005-0010 Amendment to Add the SC-E Zone to Sections 3.2 and 3.14 of the Comprehensive Plan (Ordinance No. 4383)
- 06033 An Ordinance Prohibiting Vehicle Camping in Parking Lots Associated with Commercial Structures (Ordinance No. 4384)

Second Reading:

Mayor Drake said that prior to the second reading of Ordinance 4380, the anti-graffiti ordinance (Agenda Bill 06024), he had asked Police Chief David Bishop to explain the intention of the ordinance. He said he thought people believed if their property was vandalized with graffiti and they did not clean it up within a week, they would be fined \$250 immediately. He said this ordinance was intended to be used as a last resort, not the first resort. He thanked Coun. Stanton for her pertinent questions and asked Chief Bishop to present additional information to clarify the intent of the ordinance.

Bishop said Hillsboro adopted a similar ordinance one year ago. He said that the City of Hillsboro staff has daily contact with someone regarding graffiti; either a complainant or victim of graffiti. He said they had either phone or personal contact in each situation, which is followed up with a letter. He said in this first year Hillsboro has not had to enforce the ordinance; it has accomplished what was intended through cooperation.

Bishop said the key to this program was the partnership between the community and the City. He stressed the ordinance was the last resort, not the first step, in getting the graffiti cleaned up. He said the Police Department would work with the community through community policing.

Coun. Doyle thanked Bishop for the clarification. He asked if this was a written procedure.

Bishop said they would be working with Code Enforcement to write the procedure, part of which was already written under the nuisance abatement procedure. He said the Deputy Chief would be tracking all areas where there is graffiti to ensure the cleanup has taken place. He said this past weekend the Police Department was successful in apprehending four people responsible for major graffiti problems in the Sexton Mountain area. He said whenever possible the City will recommend restitution for the damages; so that people who deface property with graffiti pay for the damage. He added in the case of juveniles, the parents would be held responsible.

Coun. Doyle clarified that the citation was an avenue of last resort.

Bishop replied that was correct and Hillsboro had not had to impose the fine.

Mayor Drake said the best way to proceed in Code Enforcement was to seek compliance. He said Code staff works hard to solve problems by working cooperatively with citizens.

Coun. Bode asked for an update next year on the effectiveness of the ordinance.

Bishop said he would be happy to give an update next year.

Coun. Arnold said she watched the video tape of the meeting where this was discussed. She said one person contacted her because she has a fence that runs along a park and she felt it might take two weekends to get graffiti cleaned off the fence.

Bishop said graffiti was a high priority but the Police had lots of high priority issues. He said they would work with people to get their property cleaned up and could give time extensions if the property owner was trying to comply. He added that like the nuisance abatement ordinance, enforcement is only used when property owners refuse to comply.

Coun. Arnold asked if there were areas in the City that needed a quicker turn around for cleanup.

Bishop said taggers were different than gang bangers. He said the graffiti related to gangs should be cleaned up as soon as possible, to avoid gangs fighting for turf. He said most of the gang graffiti was on public facilities like utility poles. He said the Operations Department and businesses have been very cooperative and worked quickly to get it cleaned up.

Coun. Stanton asked if Chapter 5 was the general nuisance Code or the chronic nuisance Code.

Rappleyea said Chapter 5 was part of the general nuisance Code and this ordinance was part of the safety issues.

Coun. Stanton said she received four phone calls, two e-mails and two personal contacts on this ordinance. She said only two of the eight contacts were in support of the ordinance. She said because of this she discussed the matter with the Mayor and since getting the data from Hillsboro, she was much more comfortable with the ordinance. She said Code enforcement was the first step and she was comfortable with that because Code enforcement has worked well in Beaverton. She acknowledged that some people felt the victims were being punished. She said if a window was broken by an unknown person, the property owner would have to fix that window. She said this was part of how we live. She said she would now support the ordinance.

Coun. Stanton asked if there was information available on how to remove graffiti on the City's Web page.

Bishop said that was not available at this time.

Brentano said that type of information could be placed on the City's Web page.

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

06024 An Ordinance Amending Provisions of the Nuisance Code Chapter 5.05 of the Beaverton Code (Ordinance No. 4380)

Coun. Stanton MOVED, SECONDED by Coun. Arnold, that the ordinance embodied in Agenda Bill 06024 now pass. Roll call vote. Couns. Arnold, Bode, Doyle and Stanton voting AYE, the MOTION CARRIED unanimously. (4:0)

RECESS:

Mayor Drake called for a brief recess at 7:35 p.m.

RECONVENED:

Mayor Drake reconvened the meeting at 7:50 p.m.

COUNCIL ITEMS:

06034 Discussion Regarding Process for City Council Replacement

Mayor Drake said that Coun. Fred Ruby resigned last week. He distributed an information packet regarding the recommended process and timeline for filling this Council Position No. 1 (in the record). He said he reviewed the proposed timeline with Council President Stanton. He said the position would be posted on the City's Web page. He explained the term for this interim council position expires December 31, 2006 and this position is up for election in the May Primary and November General Elections. He reviewed the information in the packet which included a recommended timeline, application, samples questions and an interview rating form. He said Coun. Stanton was also developing new interview questions and would distribute them to the Council.

Coun. Stanton referred to the interview questions in the information packet and noted these questions were used in the past. She said she thought some of the questions could be reworded to be more contemporary and focused to today's issues. She said she would gladly accept any suggestions from the Council for additional questions or revisions to the sample questions. She referred to the interview rating page and said she liked the ten criteria because it addressed more of the issues a councilor would need to address. She said the timeline was developed to get the process done in a timely fashion and provide sufficient time to attract many good applicants.

Mayor Drake said Council would adopt a process this evening. He said beginning February 14, anyone interested in the position would need to contact the City Record r's Office for the appropriate packet.

Coun. Doyle said that they needed to be sure that from the interview questions the Council would be able to determine if the applicant's answers address the ten rating criteria. For example, he said, when discussing the budget process, the question used needs to solicit the applicant's knowledge of the budget process. He said he thought the timeline was fine.

Coun. Arnold asked what groups within the city would be notified and how would p ople be notified of the recruitment.

Mayor Drake said notices could be sent out to the Neighborhood Association Committees, the Committee for Citizen Involvement, the Chamber of Commerce, the Westside Alliance and any other groups the Councilors would like to notify. He said the announcement would be on the City Web page and could also be noticed on the City's Web site calendars. He said there would also be coverage from The Oregonian and the Valley Times, as well as from this meeting which was being televised.

Coun. Bode asked to include information on all the activities in which the Council participates, including Council meetings, budget meetings, picnics in the park, meetings with other agencies and community responsibilities. She said she wanted applicants to be aware that the time commitment for councilors is more than just Monday night meetings. She added they also serve as liaisons to committees and were involved in the parade and holiday tree lighting ceremony. She said being a councilor was a half-time job and she wanted to be sure applicants could make this time commitment.

Mayor Drake reconfirmed the questions were being drafted. He said this was a public meeting and the candidates would be asked to wait outside of the Council Chamber until it was time for their interview.

Coun. Stanton asked about the length of time for the interviews; 15, 20 or 30 minutes.

Coun. Doyle said once the questions are drafted, it will be easier to determine the length of time needed for the interview.

Coun. Bode asked if approval of this process was done by motion or general agreement.

Rappleyea said he recommended a motion to approve the process.

Mayor Drake said the meeting for the interviews would be a public meeting and would be noticed according to public meeting laws.

Coun. Stanton said she would meet with the Mayor and staff to review the applications on the Friday before the interviews. She said background checks were now done for City employees and asked if that would be done for city councilors.

Mayor Drake said he did not think that could be done.

Coun. Stanton said Council candidates had to be 18 years old, a registered voter, and had to have lived in the City six months prior to appointment or election.

Coun. Stanton MOVED, SECONDED by Coun. Bode that Council approve the timelin for filling City Council Position No. 1 as proposed. Couns. Arnold, Bode, Doyle and Stanton voting AYE, the MOTION CARRIED unanimously. (4:0)

Coun. Stanton said she had not sent out the Council's liaison appointments to the Boards and Commissions because she was waiting until they had appointed the new councilor. She asked if everyone agreed to continue their current assignments until the new person is appointed.

All the councilors indicated they would continue with their current appointments.

RECESS:

Mayor Drake called for a recess at 8:00 p.m. to setup for the executive session.

RECONVENED:

Mayor Drake reconvened the meeting at 8:20 p.m.

EXECUTIVE SESSION:

Coun. Bode MOVED, SECONDED by Coun. Arnold, that Council move into executive session in accordance with ORS 192.660(2)(h) to discuss the legal rights and duties of the governing body with regard to litigation or litigation likely to be filed. Couns. Arnold, Bode, Doyle and Stanton voting AYE, the MOTION CARRIED unanimously. (4:0)

The executive session convened at 8:20 p.m.

The executive session adjourned at 8:35 p.m.

The regular meeting reconvened at 8:35 p.m.

ADJOURNMENT

There being no further business to come before the Council at this time, the meeting was adjourned at 8:35 p.m.

Sue Nelson, City Recorder

APPROVAL:

Approved this day of , 2006.

Rob Drake, Mayor

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Boards and Commissions Appointment –
Heyke Nickerson to Human Rights Advisory
Commission

FOR AGENDA OF: 03-06-06 **BILL NO:** 06040

Mayor's Approval:



DEPARTMENT OF ORIGIN: Mayor's
Office/Neighborhood Program

DATE SUBMITTED: 02-23-06

CLEARANCES:

PROCEEDING: CONSENT AGENDA

EXHIBITS: Application for new appointment

BUDGET IMPACT

EXPENDITURE REQUIRED\$0	AMOUNT BUDGETED\$0	APPROPRIATION REQUIRED \$0
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HISTORICAL PERSPECTIVE:

There is currently a vacancy on the Human Rights Advisory Commission. Mayor Rob Drake is forwarding Heyke Nickerson's application with the recommendation that she be appointed to fill the vacancy. Ms. Nickerson's term is effective immediately and will expire on December 31, 2006.

RECOMMENDED ACTION:

Confirm recommended appointment to the Human Rights Advisory Commission.

Community Database
Web Application Request Detail Listing
Application # 2

Status: <input type="text" value="Processed"/>		
Choice #1: <input type="text" value="Human Rights Advisory Commission"/>		
Choice #2: <input type="text" value="Library Advisory Board"/>		
First Name: <input type="text" value="Heyke"/>	Last: <input type="text" value="Nickerson"/>	Customer #: <input type="text"/>
Street: <input type="text"/>		Home Phone: <input type="text"/>
City: <input type="text" value="Beaverton"/>	Work Phone: <input type="text"/>	Extension: <input type="text"/>
State: <input type="text" value="OR"/>	Zip: <input type="text" value="97007"/>	E-Mail: <input type="text"/>
City Resident: <input checked="" type="checkbox"/>	How Long: <input type="text" value="8 years"/>	Employer: <input type="text"/>
<input checked="" type="checkbox"/> Keep Name on List (if not appointed)		Position: <input type="text"/>
Heard How?	<input type="text" value="Newsletter"/>	
Background:	<p>3 years of experience as an attorney in 2 major law firms and 2 years in private practice Experience drafting and negotiating various contracts (e.g., employment, vendor, non-compete, LLC, operating agreements, etc. Performed legal research, analyzed law, and wrote skills; strong legal research, writing and several briefs and memorandums in support of positions for employment and labor law issues Successfully argued jury, judge, and arbitration cases. Independently managed up to 185 people in 18 retail locations, which were located across Oregon (i.e., from Astoria to Sweet Home, and from Molalla to Philomath). Collaborated with support groups, business partners, and all levels of management and staff to strategize and define business focus and drive high-level productivity and bottom-line results. Juris Doctor degree from Lewis and Clark college of law. Ranked within top 29% of graduating class. In first year of law school at Gonzaga University School of law, ranked within top 2% of class. Currently admitted to Oregon and Washington bar.</p>	
Skills:	<input type="text" value="Legal training and bar membership"/>	
Motivation:	<input type="text" value="My family and I love living in Beaverton--it is our home. For my family and the other Beaverton families, it is important to promote a harmonious, inter-related, discrimination-free community--where everyone is treated fairly. I want to serve on a Board that seeks to promote these high standards."/>	
Goals:	<input type="text" value="To maintain Beaverton's reputation as a wonderful place to live, work, and play."/>	

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Traffic Commission Issues No. :
TC 590 – Yield Control on SW 162nd
Avenue at Jay Street;
TC 591 – Parking Restrictions on SW
Jay Street Between 160th
Avenue and 162nd Avenue.

FOR AGENDA OF: 3-06-06 **BILL NO:** 06041

Mayor's Approval: *[Signature]*

DEPARTMENT OF ORIGIN: Engineering *[Signature]*

DATE SUBMITTED: 2-21-06

CLEARANCES: Transportation *[Signature]*
City Attorney *[Signature]*

PROCEEDING: Consent

- EXHIBITS:**
1. Vicinity Map
 2. City Traffic Engineer's reports on Issues TC 590 and 591
 3. Final Written Order on TC 591
 4. Draft minutes of the meeting of February 6, 2006 (excerpt)

BUDGET IMPACT

EXPENDITURE REQUIRED \$0	AMOUNT BUDGETED \$0	APPROPRIATION REQUIRED \$0
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HISTORICAL PERSPECTIVE:

On February 2, 2006, the Traffic Commission considered the subject traffic issues. The staff reports are attached as Exhibit 2.

INFORMATION FOR CONSIDERATION:

The staff recommendation on Issue TC 590 was approved by the Commission on consent agenda.

A public hearing was held on Issue TC 591. Following the hearing, the Commission voted to approve the staff recommendation on this issue.

RECOMMENDED ACTION:

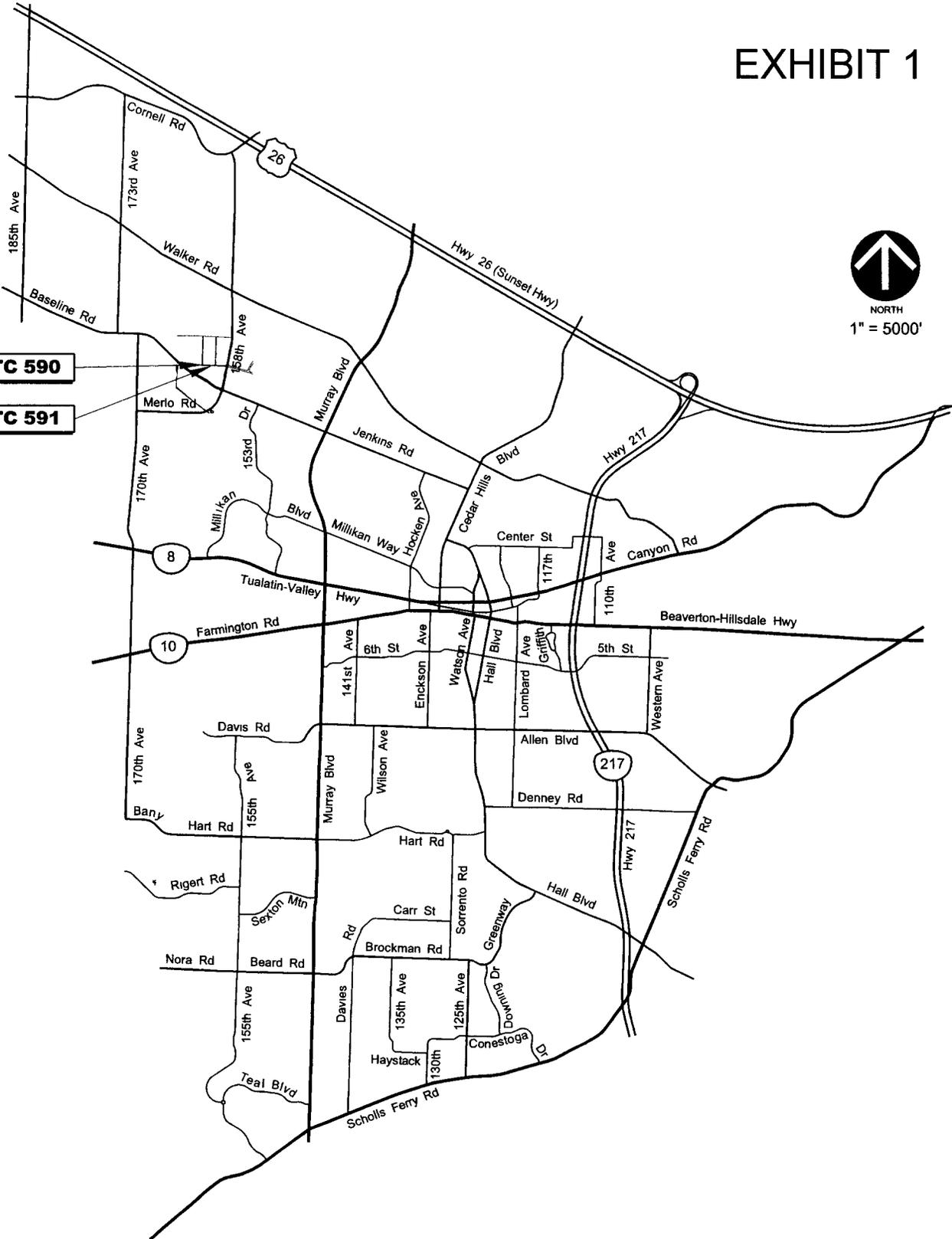
Approve the Traffic Commission recommendations on Issues TC 590 and 591.

EXHIBIT 1

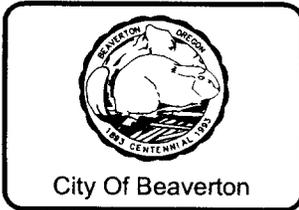


NORTH
1" = 5000'

TC 590
TC 591



Y: \ Traffic \ Drawings \ TC Vicinity Map \ VICINITY MAP TC 590-591 2-2-05.dwg



Vicinity Map for February 2006
TC Issues: 590 and 591

ENGINEERING DEPARTMENT
TRANSPORTATION DIVISION

Drawn By: MC Date: 1/24/06
Reviewed By: _____ Date: _____
Approved By: _____ JOE

CITY TRAFFIC ENGINEER'S REPORT ISSUE NO. TC 590 (Yield Control on SW 162nd Avenue at Jay Street)

January 11, 2006

Background Information

Mr. Dale Brekke requested reviewing traffic and pedestrian safety on Jay Street between 158th Avenue and 162nd Avenue. He is concerned because his elderly parents walk to the Costco store.

Jay Street between 160th Avenue and 162nd Avenue is a City street. The part east of 160th Avenue is under Washington County jurisdiction.

The Intersection of 162nd and Jay Street is a tee intersection. The west leg of the intersection is a private driveway. There is currently no traffic control at the intersection. During a field review it appeared that there is confusion as who has the right of way at the intersection. The traffic volume at the intersection is low. A traffic count taken in January 2006 showed in a 24 hour period approximately 514 vehicles entered the intersection from the east, 185 vehicles entered from the west and 75 vehicles entered from the north. Most of the traffic is entering or leaving the private driveway in the east west direction. The 85th percentile speed on Jay Street east of 162nd is approximately 28 mph. No crashes were reported during the most recent 3 year period of crash records.

The Manual on Uniform Traffic Control Devices (MUTCD) guidance on the installation of a Yield sign is to minimize the number of vehicles having to stop and at intersections where a full stop is not necessary at all times.

It appears that a Yield sign on 162nd Avenue at Jay Street would meet the MUTCD guidance since the traffic volume entering the intersection from 162nd is the lowest.

Applicable Criteria

Applicable criteria from Beaverton Code 6.02.060A are:

- 1a (provide for safe vehicle, bicycle and pedestrian movements);
- 1b (help ensure orderly and predictable movement of vehicles, bicycles, and pedestrians);
- 1g (carry anticipated traffic volumes safely).
- 2 (all proposed new traffic control devices shall be based on the standards of the MUTCD)

Conclusions:

1. Installing a Yield sign on 162nd Avenue at Jay Street will assign the right of way and improve safety and insure orderly movement of vehicles, satisfying Criterion 1a, 1b and 1g.
2. A Yield sign meets the guidance of the MUTCD satisfying criterion 2.

Recommendation:

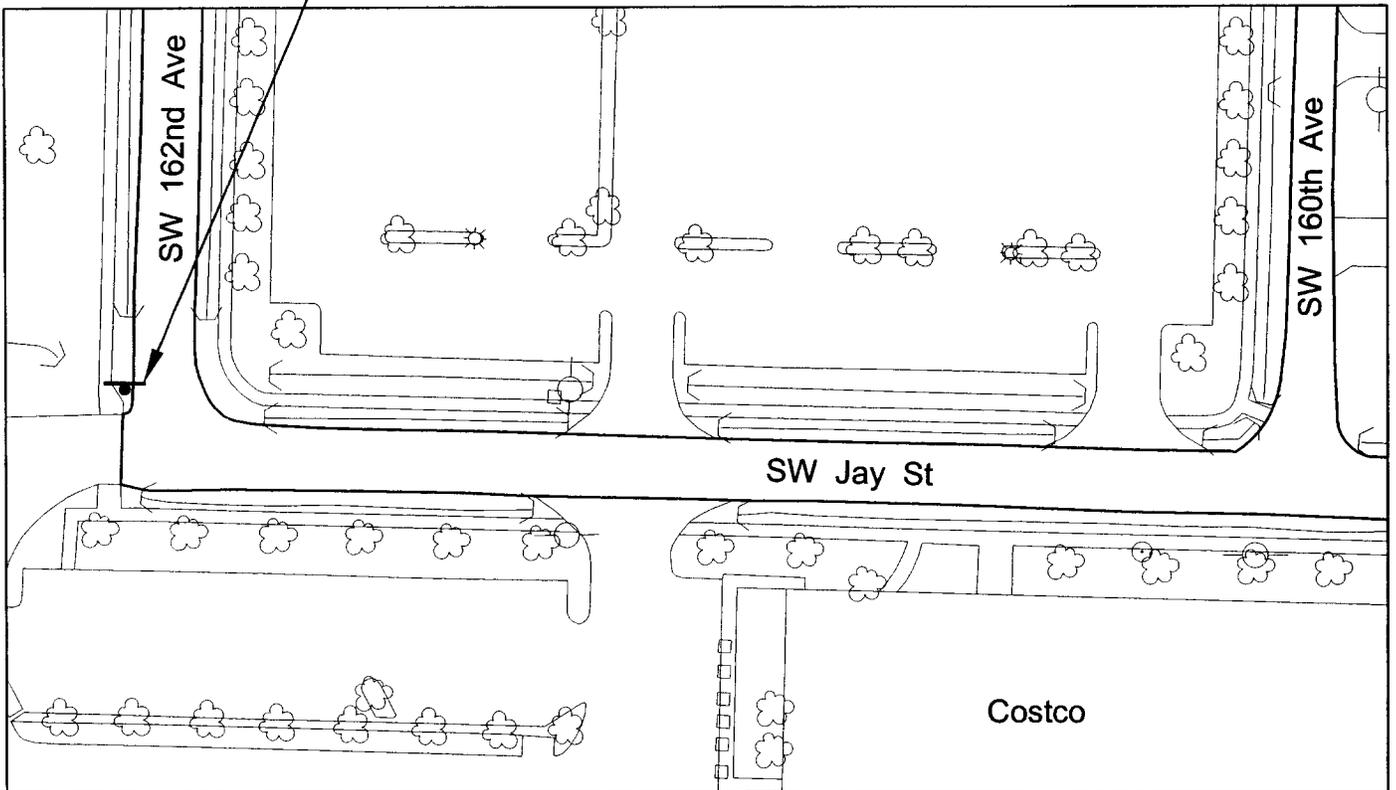
Install a Yield sign for southbound traffic on SW 162nd Avenue at Jay Street.

TC 590



NORTH
1" = 75'

Proposed Yield Sign



Y:\Traffic\Drawings\2005\05-139 Jay at 162nd Yield.dwg



City Of Beaverton

Yield Control
On SW 162nd Ave at SW Jay St

ENGINEERING DEPARTMENT
TRANSPORTATION DIVISION

Drawn By: MC Date: 1/11/06

Reviewed By: _____ Date: _____

Approved By: _____ 303

MEMORANDUM

Beaverton Police Department



Chief David G. Bishop

DATE: January 26, 2006
TO: Randy Wooley
FROM: Jim Monger
SUBJECT: TC 590 & 591

TC 590. I concur with the recommendation to install a yield sign for southbound traffic on SW 162nd Avenue at SW Jay.

TC 591. I concur with the recommendation to prohibit parking on both sides of SW Jay between 160th and 162nd.

CITY TRAFFIC ENGINEER'S REPORT

ISSUE NO. TC 591

(Parking Restrictions on SW Jay Street between 160th Avenue and 162nd Avenue)

January 12, 2006

Background Information

Mr. Dale Brekke requested reviewing traffic and pedestrian safety on Jay Street between 158th Avenue and 162nd Avenue and requested to prohibit on street parking on both sides of the street. He indicated that when cars are parked on the street, it restricts two-way traffic and restricts the view of pedestrian crossing the street between the parking lot on the north side of Jay Street and the Costco store. He is also concerned because his elderly parents walk to the Costco store.

Jay Street between 160th Avenue and 162nd Avenue is a City street. The part east of 160th Avenue is under Washington County jurisdiction. The paved width of Jay Street is 22 feet. The street has sidewalks and a 10 foot ditch on both sides.

Under the current standards of the City's Engineering Design Manual, parking should not be allowed on 20-foot wide streets and should not be allowed on both sides on 24-foot wide streets.

Staff met with Costco store manager to see if they have any concerns or objection to restrict on street parking on Jay Street. The store manager indicated that since they opened a new store in Hillsboro, there is less customers shopping at his store and consequently there is less demand for parking.

Staff request to prohibit parking on both sides of Jay Street between 160th Avenue and 162nd Avenue.

Applicable Criteria

Applicable criteria from Beaverton Code 6.02.060A are:

- 1a (provide for safe vehicle, bicycle and pedestrian movements);
- 1b (help ensure orderly and predictable movement of vehicles, bicycles, and pedestrians); and
- 1d (accommodate the parking needs of residents and businesses in a safe and equitable fashion);

Conclusions:

1. Restricting parking on both sides of SW Jay Street between 160th and 162nd would improve vehicular safety and ensures orderly and predictable movement of vehicles, satisfying Criterion 1a and 1b.
2. The proposed parking restriction would not adversely impact parking and accommodate the needs of the residents and businesses satisfying Criterion 1d.

Recommendation:

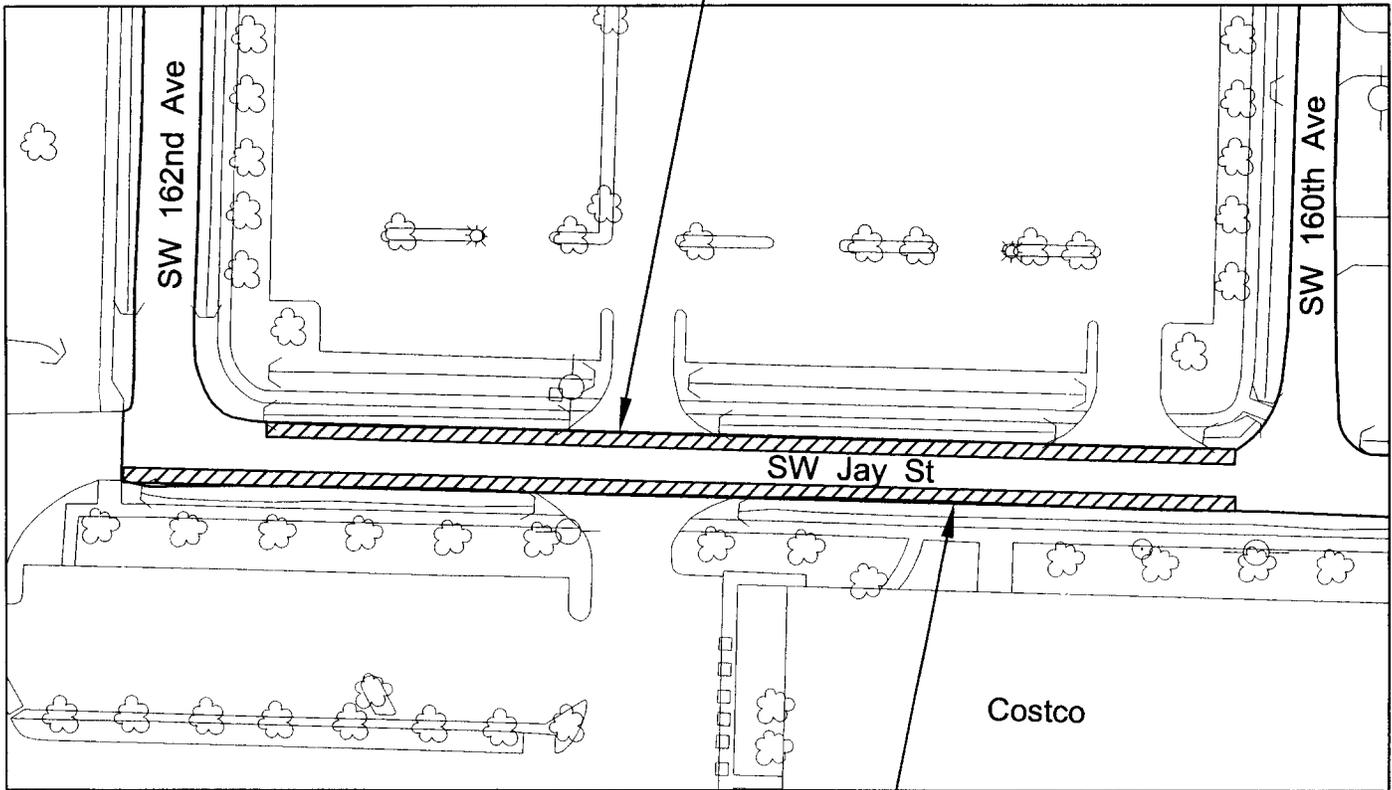
Prohibit parking on both sides of SW Jay Street between 160th Avenue and 162nd Avenue.

TC 591



NORTH
1" = 75'

Proposed No Parking Area



Proposed No Parking Area

Y:\Traffic\Drawings\2005\05-128 Jay from 160th to 162nd Parking.dwg



City Of Beaverton

Parking Restrictions On SW Jay St
Between 160th Ave and 162nd Ave

ENGINEERING DEPARTMENT
TRANSP RTATION DIVISION

Drawn By: MC Date: 1/11/06

Reviewed By: _____ Date: _____

Approved By: _____ **007**

RECORD COPY

1/16/06

RECEIVED

JAN 17 2006

ENGINEERING DEPT.

Beaverton Traffic Commission
C/o City Traffic Engineer
City of Beaverton

To all concerned;

I am responding in regards to Issue No. TC 591. I am very much in favor of prohibiting parking on both sides of SW Jay Street between 160TH and 162nd Avenue.

Since parking by Costco members on one or both sides of SW Jay Street has become more and more the norm, those of us using the parking lot across SW Jay Street take our chances crossing the street. Parked cars block the pedestrian view of on-coming cars. The parked cars also block the view of pedestrians to those who are driving.

I understand that a marked crosswalk is not an option. No-parking on the street would be a cost effective solution to this problem.

Thank you for taking the time to address this situation.

Sincerely,



Dale Brekke

1490 SW 180 TH Court
Aloha, Oregon 97006
503-649-9666

CITY OF BEAVERTON

FINAL WRITTEN ORDER OF THE TRAFFIC COMMISSION

REGARDING ISSUE NUMBER TC 591

Parking Restrictions on SW Jay Street between 160th Avenue and 162nd Avenue

1. A hearing on the issue was held by the Traffic Commission on February 2, 2006.
2. The following criteria were found by the City Traffic Engineer to be relevant to the issue:
 - 1a (provide for safe vehicle, bicycle and pedestrian movements);
 - 1b (help ensure orderly and predictable movement of vehicles, bicycles and pedestrians);
 - 1d (accommodate the parking needs of residents and businesses in a safe and equitable fashion);
3. In making its decision, the Traffic Commission relied upon the following facts from the staff report and public testimony:
 - Parking restrictions were requested by Mr. Dale Brekke.
 - The width of SW Jay Street is 22 feet.
 - Current City standards show that parking should not be allowed on streets less than 24 feet in width.
 - Parked cars restrict two-way traffic on Jay Street and restrict sight distance for pedestrians crossing the street.
 - The manager of the adjoining business has indicated no objections to parking restrictions on Jay Street.
4. Following the public hearing, the Traffic Commission voted (__ aye, __ nay) to recommend the following action:
 - Prohibit parking on both sides of SW Jay Street between 160th Avenue and 162nd Avenue.
5. The Traffic Commission decision was based on the following findings:
 - Restricting parking on both sides of SW Jay Street between 160th and 162nd would improve vehicular safety and ensures orderly and predictable movement of vehicles, satisfying Criterion 1a and 1b.
 - The proposed parking restriction would not adversely impact parking and accommodate the needs of the residents and businesses satisfying Criterion 1d.
6. The decision of the Traffic Commission shall become effective upon formal approval of the City Council.

SIGNED THIS 2nd DAY OF FEBRUARY 2006


Traffic Commission Chair

DRAFT

City of Beaverton

TRAFFIC COMMISSION

Minutes of the February 2, 2006, Meeting

CALL TO ORDER

Chairman Scott Knees called the meeting to order at 7:00 p.m. in the Forrest C. Soth City Council Chamber at Beaverton City Hall, Beaverton, Oregon.

ROLL CALL

Traffic Commissioners Scott Knees, Carl Teitelbaum, Bob Sadler, Maurice Troute, and Tom Clodfelter constituted a quorum. Commissioners Kim Overhage and Ramona Crocker were absent by prearrangement. Alternate Member Tom Wesolowski was in the audience to observe.

City staff included Project Engineer Jabra Khasho, Traffic Sergeant Jim Monger and Recording Secretary Debra Callender.

— EXCERPT START —

CONSENT ITEMS

Chairman Knees reviewed the consent items, including Issue TC 590 (Yield Control on SW 162nd Avenue and Jay Street) and approval of the January 5, 2006, Traffic Commission minutes.

Commissioner Clodfelter **MOVED** and Commissioner Teitelbaum **SECONDED** a **MOTION** to approve Issue TC 590 and the January 5, 2006, Traffic Commission minutes. There was no discussion. The **MOTION CARRIED** unanimously, 5:0.

PUBLIC HEARING

**ISSUE TC 591: PARKING RESTRICTIONS ON SW JAY STREET
 BETWEEN 160TH AVENUE AND 162ND AVENUE**

Chairman Knees opened the public hearing on Issue TC 591.

Staff Report

Mr. Khasho said the request is to prohibit parking on both sides of SW Jay Street between 160th and 162nd Avenue. Mr. Dale Brekke brought this request to the City because he is concerned about pedestrian safety. When customers park in the north Costco parking lot and along both sides of Jay Street, it is difficult for drivers to see pedestrians who are trying to cross Jay Street to reach the store. Mr. Khasho said Jay Street traffic is also squeezed into only one lane when vehicles park on both sides

Mr. Khasho said staff met with Costco management to hear their opinion of this proposal. Costco management indicated that the Beaverton store has fewer customers since the new Hillsboro Costco opened. This reduces the demand for customer parking. Costco management supports the proposal in the interest of safety.

Mr. Khasho asked the Commission to approve the request.

Public Testimony

The Commission reviewed written testimony submitted for this hearing from Dale Brekke, Aloha, Oregon, and from Traffic Sergeant Jim Monger of the Beaverton Police.

There was no additional public testimony.

Staff Comments

Mr. Khasho had no additional comments. He offered to answer questions.

Chairman Knees closed the public hearing on Issues TC 591.

Commission Deliberation

Commissioner Clodfelter concurred with the staff report. He cannot imagine parking on either edge of Jay Street because there are ten-foot ditches on both sides. Parking should have been prohibited long ago. He supports the recommendation.

Commissioner Troute referred to the letter from Mr. Dale Brekke where it states that he understands a marked crosswalk is not an option (paragraph 3). Is that correct?

Mr. Khasho said that, at one time, there was a painted crosswalk when Jay Street was under Washington County jurisdiction. The County removed the crosswalk. City staff does not recommend repainting the crosswalk because the crosswalk simply led pedestrians to an area between the ditch and the driveway. Without a

crosswalk on Jay Street, pedestrians are more likely to stay alert and watch for on-coming traffic.

Commissioner Troute said he has parked in this Costco parking lot and has observed many pedestrians crossing Jay Street in this area. He asked about the sidewalks.

Mr. Khasho said there are sidewalks on both sides of Jay Street, but there is no connection between the sidewalks and the pathway leading to the store. Customers have to walk through the main parking lot or the driveway to reach the store entry.

Commissioner Troute **MOVED** and Commissioner Sadler **SECONDED** a **MOTION** to adopt the staff recommendation on Issue TC 591 and to accept the draft final written order.

There was no further discussion. The **MOTION CARRIED** unanimously, 5:0.

— EXCERPT END —

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

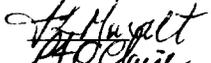
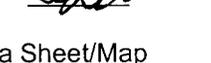
SUBJECT: Bid Award – Demolition of the Westgate Theater Project

FOR AGENDA OF: 3/06/06 **BILL NO:** 06042

Mayor's Approval: 

DEPARTMENT OF ORIGIN: Engineering

DATE SUBMITTED: 02-08-2006

CLEARANCES: Purchasing 
Finance 
City Attorney 
Capital Proj 

PROCEEDING: Consent Agenda
(Contract Review Board)

EXHIBITS: 1. CIP Project Data Sheet/Map
2. Bid Summary

BUDGET IMPACT

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$100,500*	BUDGETED \$546,000*	REQUIRED \$0

* Account Number 310-75-3314-652

HISTORICAL PERSPECTIVE:

The City of Beaverton purchased the Westgate theater located on tax lot 1S116AA08600, on December 15, 2005 in anticipation of the extension of the Rose Biggi Avenue from Millikan Way to Crescent Street. The Rose Biggi Avenue extension project is a federal aid project that is scheduled to begin construction in September 2006. The public right of way required for the public street improvement coincides with the eastern half the theater building.

In order to eliminate safety concerns associated with the vacant theater building and to expedite the construction of the roadway, City is proceeding with the demolition of the theater six (6) months prior to the start of construction. The cost of theater demolition is included in the City's share of the cost for the overall street extension project.

INFORMATION FOR CONSIDERATION:

The invitation for bid was advertised in the *Daily Journal of Commerce* on January 19, 2006. A mandatory pre-bid meeting was held on January 26, 2006. Eighteen contractors and subcontractors attended the pre-bid meeting. Five (5) bids were received and opened on February 7, 2006 at 2:00 p.m. in the Finance Department conference room (Exhibit 2). Groat Brothers Inc. of Woodland, Washington submitted the lowest responsive bid in the amount of \$100,500. The overall bid amount is \$9,500 or 8.6% lower than the Engineer's Estimate of \$110,000.

Staff reviewed the qualifications of Groat Brothers and investigated their performance with three previous customers. They received positive recommendations from all customers. Staff finds Groat Brothers has satisfied the bid requirements to demolish the Westgate theater.

With City Council approval of the bid award, a Notice to Proceed (NTP) would be issued to the Contractor on or about March 15, 2006. The project contract requires project completion, which includes all work and final cleanup, within 45 days of the NTP. This means the project's estimated substantial completion date is April 28, 2006.

RECOMMENDED ACTION:

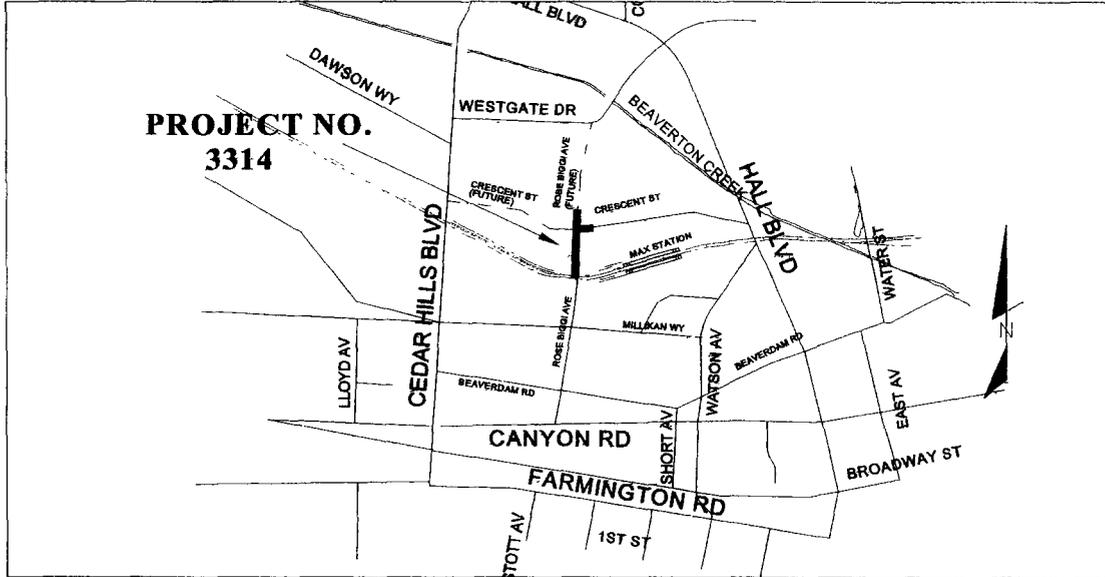
Council, acting as Contract Review Board, award the bid to Groat Brothers in the amount of \$100,500, in a form approved by the City Attorney, as the lowest responsive bid received for the Demolition of the Westgate Theater Project.

Project Number: 3314

Project Name: Rose Biggi Ave Extension (LRT to Crescent St)

Project Description: Construct a 300-foot extension of Rose Biggi Ave from the north side of the MAX tracks to Crescent St. The street extension will connect to the existing LRT crossing constructed in 1998 and will match the street section at the crossing (RX873) approved on 8-21-1998 under ODOT Order No. 98-040. The street section will be composed of two 14-foot travel lanes and two 10-foot sidewalks with trees planted in tree wells. Other improvements include storm drainage, water, sanitary sewer, street lighting, and irrigation.

Map:



Project Justification:

Since the construction of the Beaverton Central LRT Station in 1998, the City of Beaverton has pursued its vision of a multi-use downtown environment accessible by all forms of transportation and a place for living, working and community life. The City, in partnership with Tri-Met, ODOT and Washington County, has completed several elements of the Beaverton Downtown Connectivity Plan that aims at connecting major north-south and east-west streets such as Canyon Rd, Hall Blvd and Cedar Hills Blvd to the Beaverton Central LRT Station. In order to encourage development and redevelopment in the area, it is essential that access for all modes of transportation to the Beaverton Central LRT Station be completed on the north side of the LRT station as well as the south side. The project will complete a loop from Rose Biggi Ave at the LRT crossing to Hall Blvd via Crescent St by filling in the 300-foot gap in Rose Biggi Ave between the LRT and Crescent St.

Project Status:

MTIP amendment approved in summer 2004. 60% design complete in Oct 04. ODOT approved project prospectus in Jan 05. Council approved ODOT IGA on 2-7-05. ODOT approved IGA on 2-27-05. FHWA PE approval 5-24-05. Schedule: Design and land use complete in 2005, ROW acquisition complete by Jan 2006, and construction begins in July 2006. Work Order Contract #15 with David Evans approved 7-22-05. FHWA ROW approval 9-7-05. Pre-app for land use was 11-2-05. Theater property due diligence period ended 11-14-05. Theater last day on 11-21-05. Theater purchased 12-15-05. 75% design complete 1-18-06.

Estimated Date of Completion: 11/30/2006
Estimated Project Cost: \$1,648,000
First Year Budgeted: FY04/05

Funding Data:

Proj. ct No.	Fund No.	Fund Name	Amount	FY
3314	114	TIF Fund	\$106,800	FY2005/06
	Federal	Federal	\$133,700	FY2005/06
	Grant	Grant	\$512,400	FY2005/06
Total for FY:			\$752,900	

BID SUMMARY

CITY OF BEAVERTON

TO: Mayor & City Council

FROM: Purchasing Division

SUBJECT: Bid Opening

Bids were opened on **FEBRUARY** at **2:00 PM** in the **FINANCE CONFERENCE ROOM**

For: **CITY OF BEAVERTON WESTGATE DEMOLITION PROJECT**

Witnessed by: JIM BRINK

VENDOR NAME AND CITY, STATE	BID AMOUNT
MOORE EXCAVATION PORTLAND OR	\$230,000.00
STATON COMPANIES EUGENE OR	\$122,300.00
KONELL CONSTRUCTION SANDY OR	\$117,277.00
THREE KINGS ENVIRONMENT BATTLEGROUND WA	\$136,752.00
GROAT BROTHERS WOODLAND OR	\$100,500.00

The Purchasing process has been confirmed.

Signed: *Angela Muralt*
Purchasing Division-Finance Dept.

The above amounts have been checked: YES NO

Date: 2/7/06

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: An Ordinance Amending the Beaverton Code in Chapter Two Relating to the Inventory of Prisoner Personal Property and Declaring an Emergency

FOR AGENDA OF: 03-06-06 **BILL NO:** 06043

Mayor's Approval: *L. Dale Caldwell*
Mayor Pro Tem
DEPARTMENT OF ORIGIN: City Attorney *TR*

DATE SUBMITTED: 02-24-06

CLEARANCES: Police *DB*
Risk Mgt. *IP*

PROCEEDING: First Reading, Second Reading and Passage

EXHIBITS: 1) Ordinance with highlight/strikethrough and legislative comments
2) Ordinance

BUDGET IMPACT

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$221.00	BUDGETED \$0.00	REQUIRED \$0.00

HISTORICAL PERSPECTIVE:

Council passed the Prisoner Personal Property Inventory ordinance in December, 2005. When turning to implement the ordinance alongside existing Police Department orders on persons in custody, it became apparent both those documents would need to be amended in order to marry the inventory to existing and desired procedures.

INFORMATION FOR CONSIDERATION:

The new ordinance increases the amount of jewelry and other tokens which must be removed from a person to conduct the inventory. This matches the existing practices of removing anything small or hard from a prisoner to eliminate risk of injury or misuse. The ordinance also states that it applies within that part of Police premises which is the secure station on the 1st floor of the building. The ordinance clarifies that a subset of the category called "dangerous property," includes items of property which, in the wrong hands, could be used to damage physical property of the city or of fellow prisoners. The ordinance provides for a preliminary safety inspection to keep extremely dangerous items away from our building. Finally, the inventory was made to cover situations such as when an officer transports an arrestee directly to the county jail, and the jail refuses to accept prisoner property such as suitcases, thus leaving it up to the city to process and store the rejected items. The \$221 expenditure is the cost of new lockers to store inventoried items during periods of custody in our building.

A copy of the ordinance is attached with explanatory notes in italics embedded in the text. Should this ordinance need interpretation by a court or other body in the future, where the italics in this packet explain a code section which was previously explained in italics in the first ordinance, No. 4377, the present explanation shall control.

RECOMMENDED ACTION:

First and Second Readings and Passage

**AN ORDINANCE AMENDING THE BEAVERTON CODE
IN CHAPTER TWO RELATING TO THE INVENTORY OF PRISONER
PERSONAL PROPERTY AND DECLARING AN EMERGENCY**

WHEREAS, Council passed Ordinance 4377 on December 5, 2005,
providing for an inventory of prisoner personal property; and

WHEREAS, Both the Ordinance and the existing Police Department
Orders for processing prisoners and their property need amendments in order to
function smoothly together; and

WHEREAS, Council will pass an amendment to the Ordinance, and the
department will administratively amend its Orders pursuant to the grant of
authority contained in Beaverton Code section 2.08.055; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. The Beaverton Code is amended by amending Ordinance
4377 as set forth below

“INVENTORY OF PRISONER PERSONAL PROPERTY.

2.08.010 Legislative findings. The City Council observes, among other
reasons, that the findings and policies listed below support an inventory of
prisoner personal property

A. Beaverton Police Officers are often the first persons in contact with
suspects who are taken into custody, bringing such persons physically into the
police station.

B. Bringing a prisoner into the police department premises is a vehicle
for introducing valuable pieces of property or, alternatively, dangerous property
found on a person, into the police department premises.

C. Police officers currently face the risk that suspects in custody may
bear or carry dangerous items such as syringes, weapons, objects which could

be used as a weapon, or toxic or flammable substances, on their persons or otherwise accessible. An inventory separates a person from dangerous items.

D. An inventory of valuable and dangerous items provides mutual protection, accountability and safeguards when such items are brought into the police department;

2.08.015 Definitions. For the purpose of this ordinance, the following mean:

Attached property – Personal property such as jewelry and or other decorative personal objects in the manner of , ~~for example charms, pins, rings, lockets, watches, necklaces, body art or body piercing jewelry, brooches and similar items,~~ but not including ~~wallets or other~~ containers, to which all of the following apply:

A. The item appears reasonably securely fastened to or through ~~or~~ about the person's skin ~~body or an article of clothing by way of friction fit, or by clasps, latches, post and cap, pin back, chain or other recognizable fastening device;~~ and

B. The item is neither valuable nor dangerous personal property. *(As an example of how this could work, a solid spike driven through an earlobe as a piece of body art is practically worthless, yet could be used to puncture. So it will be removed.)*

~~_____ B. _____ The item need not be removed in order to remove or inspect clothing or other items to effectuate the ends of this ordinance. (This amended definition reduces the universe of property which will be considered "attached property," and, therefore, not subject to removal or inventory.)~~

Closed container – A container the contents of which are not exposed to view. Includes, but is not limited to, a wallet, backpack, bedroll, fanny pack, purse, suitcase, or food or drink canister.

Container – An item designed to hold other things, or an item which is used or may be used to actually hold other things. The term includes both open and closed containers. Some types of containers may be located within other containers.

Dangerous personal property - Any item of personal property that under the circumstances in which it is possessed is readily capable of causing physical injury, property damage, or providing a means of escape, including, but not limited to weapons and toxic, flammable or explosive substances. *This change clarifies that dangerous property can be the obviously destructive sort or even small, hard or sharp items which, while they may not pose a sharp puncture risk, could still cause property damage. An example of a seemingly small item would be a hard stone or a work boot, in the hands of an impaired or irate prisoner, who*

wants to scratch or kick apart city property, or property or the person of another prisoner being held in the same cell.

Officer – A police officer employed by the City of Beaverton or acting on behalf of the City of Beaverton.

Open container – A container that is unsecured or incompletely secured such that the container's contents are exposed to view, generally including but not limited to, a sack, bag or folder.

Personal property - Every kind of property except land, tenements and fixtures.

Pocket – An external or internal enclosure located on or within an item of clothing or other piece of property, in which items may be located or stored.

Police station – The secure portion of the Beaverton City Hall building set aside for police use which contains the police department temporary holding facility area. *(This new definition identifies the specific part of the City Hall structure to which the Ordinance applies, namely, the secure police facilities on the first floor.)*

Prisoner – A person under lawful custodial arrest or detention, including, but not limited to, a person taken into custody for violation of law or upon a mental health hold pursuant to ORS Chapter 426, including ORS 426.228; a person taken into custody for treatment of intoxication pursuant to ORS Chapter 430, including ORS 430.399; and a person taken into protective custody pursuant to ORS Chapter 419B, including ORS 419B.150. The term does not include a person issued a criminal citation and released under authority of ORS 133.055 to ORS 133.076 unless the citation and release occurs upon premises of the Beaverton Police Station.

Torso - The trunk of the body; the body exclusive of the head, arms and legs.

Treatment facility - Includes outpatient facilities, inpatient facilities and such other facilities as the Oregon Department of Human Services determines suitable, any of which may provide diagnosis and evaluation, medical care, detoxification, social services or rehabilitation for alcoholics or drug-dependent persons and which operate in the form of a general hospital, a state hospital, a foster home, a hostel, a clinic or other suitable form approved by the Oregon Department of Human Services.

Valuable personal property - Any cash, check, money order or other financial negotiable instrument, in any amount; any earring, necklace, ~~non-~~prescription eyeglasses, ring, watch, bracelet or other similar item of jewelry

which is removed from the person's body or from a container or other piece of the person's property, regardless of the item's apparent value; and any other item of personal property that the person examining the item reasonably believes has a fair market value of \$500 or more. Attached property is not valuable personal property. *(This amendment does two things. First, it clarifies that the monetary instruments involved are the easily-recognized "negotiable" instruments such as cash, money orders, etc. It also clarifies that we inventory only those pieces of jewelry which an officer removes from a person's body or belongings. If jewelry worth less than \$500 is left on the person, that is considered "attached property" not subject to inventory.)*

2.08.020 **Purpose.** The inspection and inventory of prisoner property pursuant to this ordinance is intended to:

- A. Protect a prisoner's property while in custody of the city;
- B. Protect the city, its employees and agents against claims or disputes over lost, stolen or damaged property; and
- C. Protect prisoners, city employees and others in the area of a prisoner or a prisoner's property from potential danger.
- D. This ordinance is not intended to diminish any law enforcement activities presently authorized under law.

2.08.025 Duty to inspect prisoner property.

A. An officer shall inspect the personal property of every prisoner as provided in this ordinance.

B. This ordinance shall also apply when a person in the custody of an officer is transported directly to another facility such as a jail, yet whose property is undeliverable to that facility and instead is left with the Beaverton police. *(This amendment clarifies that the city will inventory property in situations, for example, where persons are arrested and taken directly to the county jail, but are in possession of items such as suitcases which the jail will not accept. Since that property must remain with Beaverton for the time being it will be inventoried for everyone's benefit.)*

2.08.025 Preliminary safety inspection The purpose of this section is to identify readily-apparent and highly dangerous substances which would normally be brought into the police station and discovered in an inventory upon those premises, but which should not be brought into the Beaverton City Hall building due to the extreme and obvious danger they present to persons and property. This section applies to certain containers listed below in subsection (A) which are inevitably destined for arrival at the police station. This section shall only be triggered when a person is taken into custody by an officer, the officer knows he or she will be transporting the person to the police station (or if to

another facility, the officer retains custody of containers that the other facility has rejected), and the officer knows he or she will be conducting the manner of inspection set forth in BC section 2.08.035.

- A. The officer shall visually note any purse, sack, backpack, fanny pack, suitcase, or other container designed for, or actually used for, the purpose of carrying personal items, when it is inevitable that the container will be arriving at the police station.
- B. Before entering the police station the officer shall open such a container and conduct a preliminary safety inspection, which is defined as a cursory visual and manual inspection designed to identify the following subset of dangerous personal property:
 - 1. Explosive devices such as bombs, hand grenades or other similar military ordinance, plastic explosive, or incendiary explosive devices.
 - 2. Toxic or unstable chemicals such as gasoline, nerve gas or similar chemical weapons, or substances used in the manufacture of methamphetamine.
 - 3. Biologic weapon substances, including material such as strains of anthrax, ebola, bubonic plague, or other biologic warfare agent.
- C. Property described in subsection (B) which is discovered in a preliminary safety inspection shall be noted on the inventory form in the course of the identification of property required by BC section 2.08.040. The property shall be processed by a second officer according to existing orders or procedures of the Beaverton Police Department.
- D. The officer shall not remove any items of personal property from containers during the preliminary safety inspection other than the dangerous items listed in subsection (B).
- E. Closed containers which are opened pursuant to this section shall be immediately closed again after the preliminary safety inspection.

This section relates to a prisoner's containers which must arrive at the police station. It provides authority for officers to detect extremely dangerous substances such as explosive devices before they are brought into City Hall where they may pose a risk to scores of people. It is important to remember that dangerous items discovered in the preliminary safety inspection would have been discovered anyway, this section merely creates a safer environment. Items of lesser danger such as ammunition, handguns, knives, syringes, fireworks, other blades, etc. which may be present are acceptable for processing within the police

station. This section also implicitly recognizes that valuable property is appropriately processed in the station.

2.08.030 Timing of inspection. Except for the preliminary safety inspection the inspection of a prisoner's property pursuant to this ordinance shall occur after the prisoner is within the police station and prior to the prisoner being released or transported to another law enforcement agency, correctional facility, or treatment facility. If exigent circumstances reasonably require that the inspection be delayed, the inspection shall occur as soon as practicable after the exigency has passed.

2.08.035 Manner of inspection. The inspection of prisoner property shall occur in the following manner:

A. Unless otherwise authorized by law, the officer shall not remove the prisoner's blouse, skirt, dress, shirt, pants and/or underwear (including, but not limited to, underpants, T-shirt, bra, slip, nylons and/or pantyhose); provided, however, that if the prisoner is wearing more than one blouse, skirt, dress, shirt or pair of pants, the officer shall remove the outer blouse, skirt, dress, shirt or pair of pants, but shall not remove the blouse, skirt, dress, shirt or pair of pants worn closest to the flesh of the prisoner's torso. Unless otherwise authorized by law, if a prisoner is wearing an article of clothing not described in this subsection, the officer shall not remove the article of clothing if it is worn next to the skin of the prisoner's torso.

B. The officer shall remove:

1. the prisoner's footwear, including the prisoner's socks;
2. the prisoner's headgear, including the prisoner's hat, cap, or helmet; and
3. the prisoner's coat, jacket, vest or other clothing not described in subsection A of this section that is found on or in possession of the prisoner.

C. The officer shall remove the prisoner's accessories (including, but not limited to, any purses, backpacks, wallets, briefcases or fanny packs) that are found on or in possession of the prisoner. The officer shall not remove attached property.

D. The officer shall inspect the waistband and empty the pockets of the clothing worn by the prisoner. The officer shall perform an external patting of the clothing remaining upon the prisoner. An officer of the same sex, if reasonably available, shall visually inspect under the clothing covering the

prisoner's side and front abdominal area and back lumbar area above the prisoner's waist.

E. The officer shall empty the pockets of clothing removed from the prisoner's body.

F. Except for attached property, the officer shall remove all items of personal property from the prisoner's removed and remaining clothing.

G. The officer shall remove from and inspect all items of personal property within any open container found on or in possession of the prisoner.

H. Closed containers found on or in the possession of a prisoner shall be opened and objects therein shall be scrutinized and may be removed to accommodate the inspection.

I. The prisoner's footwear, including socks, may be returned to the prisoner after inspection, provided such return does not create an unreasonable risk of harm to the health or safety of the prisoner, the officer, or any other person, or the property of any of them, or the property of the city of Beaverton.

2.08.040 Identification and Safekeeping of Property. As soon as is reasonably possible after the completion of an inspection of prisoner property, an officer shall:

A. Segregate the valuable and dangerous property, but not attached property, identified during the inspection, from the prisoner's other possessions.

B. Make a written list of all valuable and dangerous personal property found on or in the possession of the prisoner. The list shall not include attached property.

C. Note the disposition of each piece of valuable or dangerous personal property, but not attached property, discovered during the inspection by recording who takes or keeps physical custody of each item so discovered.

D. Take reasonable steps to safeguard personal property removed from the prisoner.

2.08.045 Return of Property upon Release or Transfer Personal property kept safe under this ordinance, and not retained upon other grounds, shall be returned in accordance with the following provisions.

A. When the prisoner is released from law enforcement custody, kept property shall be released to the person forthwith, or as soon as practicable after the inventory document is drafted.

B. If a prisoner is transferred to another facility, such as a jail, hospital, or other law enforcement or care facility, the kept property and a copy of the inventory may be transferred to a responsible individual at the receiving facility, or retained by the city, whichever course seems most safe and expedient under the circumstances. In addition to the above, the officer shall observe any applicable department policies, procedures or practices then in effect.
~~If a prisoner is transferred to the custody of another law enforcement agency, the kept property and a copy of the inventory may be transferred to the other agency or retained by the city, whichever course appears most expedient under the circumstances.~~

~~—— C. —— If a prisoner is transported to a hospital or other care facility for treatment of a mental or physical condition, or to a facility such as a detoxification center, the kept property and a copy of the inventory may be transferred to a person at the facility in a position of responsibility over the prisoner, or retained by the city, whichever course appears most expedient under the circumstances.~~

~~—— D. —— If a prisoner is released from Beaverton custody, but the officer reasonably believes the safety of the officer, the prisoner, or a third party is at risk if kept property is returned to the prisoner, the *This change compresses the three previous property return scenarios into one, more general section. The idea is to provide a duty to return property in the ordinance, but not to limit the actual sequence of events such that the ordinance becomes too complicated to actually implement.* return shall be consistent with current policies, procedures or practices.~~

E This Ordinance shall not apply when persons are arrested, cited, and released at the scene of a crime. However, any property removed from a person during a stop, arrest or other detention, and which is not seized, should be timely returned to the person in conjunction with release.

F. Property which, for whatever reason, is not returned by operation of the subsections above shall remain with the Police Department for no fewer than 90 days, during which time any policies, procedures or practices currently in effect for property shall be followed.

2.08.050 Distribution of Property Receipts. The City shall maintain the original record of property and its disposition. A copy of such record shall be distributed as follows:

A. To the prisoner or included with prisoner's property.

B. To any person taken into custody to whom the officer must tender a copy pursuant to ORS 133.455.

2.08.055 Adoption of Administrative Policies or Procedures. The Beaverton Police department may adopt administrative procedures, rules or regulations, or establish forms to carry out this ordinance. “

Section 2: Severability. It shall be the legislative intent that if any part of this ordinance shall be held invalid or unconstitutional, the remaining parts of this ordinance shall remain in force and effect.

Section 3: Emergency Clause. Council finds that immediate adoption of this ordinance is necessary to implement police department procedures and ordinance text already in effect. Therefore Council declares an emergency to exist and this ordinance shall take effect immediately upon its passage.

First reading this _____ day of _____, 2006.

Passed by the Council this _____ day of _____, 2006.

Approved by the Mayor this _____ day of _____, 2006.

ATTEST:

APPROVED:

SUE NELSON, City Recorder

ROB DRAKE, Mayor

**AN ORDINANCE AMENDING THE BEAVERTON CODE
IN CHAPTER TWO RELATING TO THE INVENTORY OF PRISONER
PERSONAL PROPERTY AND DECLARING AN EMERGENCY**

WHEREAS, Council passed Ordinance 4377 on December 5, 2005,
providing for an inventory of prisoner personal property; and

WHEREAS, Both the Ordinance and the existing Police Department
Orders for processing prisoners and their property need amendments in order to
function smoothly together; and

WHEREAS, Council will pass an amendment to the Ordinance, and the
department will administratively amend its Orders pursuant to the grant of
authority contained in Beaverton Code section 2.08.055; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. The Beaverton Code is amended by amending Ordinance
4377 as set forth below

“INVENTORY OF PRISONER PERSONAL PROPERTY.

2.08.010 Legislative findings. The City Council observes, among other
reasons, that the findings and policies listed below support an inventory of
prisoner personal property

A. Beaverton Police Officers are often the first persons in contact with
suspects who are taken into custody, bringing such persons physically into the
police station.

B. Bringing a prisoner into the police department premises is a vehicle
for introducing valuable pieces of property or, alternatively, dangerous property
found on a person, into the police department premises.

C. Police officers currently face the risk that suspects in custody may
bear or carry dangerous items such as syringes, weapons, objects which could

be used as a weapon, or toxic or flammable substances, on their persons or otherwise accessible. An inventory separates a person from dangerous items.

D. An inventory of valuable and dangerous items provides mutual protection, accountability and safeguards when such items are brought into the police department;

2.08.015 Definitions. For the purpose of this ordinance, the following mean:

Attached property – Personal property such as jewelry or other decorative personal objects in the manner of body art or body piercing jewelry, but not including containers, to which all of the following apply:

A. The item appears reasonably securely fastened to or through the person's skin; and

B. The item is neither valuable nor dangerous personal property.

Closed container – A container the contents of which are not exposed to view. Includes, but is not limited to, a wallet, backpack, bedroll, fanny pack, purse, suitcase, or food or drink canister.

Container – An item designed to hold other things, or an item which is used or may be used to actually hold other things. The term includes both open and closed containers. Some types of containers may be located within other containers.

Dangerous personal property - Any item of personal property that under the circumstances in which it is possessed is readily capable of causing physical injury, property damage, or providing a means of escape, including, but not limited to weapons and toxic, flammable or explosive substances.

Officer – A police officer employed by the City of Beaverton or acting on behalf of the City of Beaverton.

Open container – A container that is unsecured or incompletely secured such that the container's contents are exposed to view, generally including but not limited to, a sack, bag or folder.

Personal property - Every kind of property except land, tenements and fixtures.

Pocket – An external or internal enclosure located on or within an item of clothing or other piece of property, in which items may be located or stored.

Police station – The secure portion of the Beaverton City Hall building set aside for police use which contains the police department temporary holding facility area.

Prisoner – A person under lawful custodial arrest or detention, including, but not limited to, a person taken into custody for violation of law or upon a mental health hold pursuant to ORS Chapter 426, including ORS 426.228; a person taken into custody for treatment of intoxication pursuant to ORS Chapter 430, including ORS 430.399; and a person taken into protective custody pursuant to ORS Chapter 419B, including ORS 419B.150. The term does not include a person issued a criminal citation and released under authority of ORS 133.055 to ORS 133.076 unless the citation and release occurs upon premises of the Beaverton Police Station.

Torso - The trunk of the body; the body exclusive of the head, arms and legs.

Treatment facility - Includes outpatient facilities, inpatient facilities and such other facilities as the Oregon Department of Human Services determines suitable, any of which may provide diagnosis and evaluation, medical care, detoxification, social services or rehabilitation for alcoholics or drug-dependent persons and which operate in the form of a general hospital, a state hospital, a foster home, a hostel, a clinic or other suitable form approved by the Oregon Department of Human Services.

Valuable personal property - Any cash, check, money order or other negotiable instrument, in any amount; any earring, necklace, ring, watch, bracelet or other similar item of jewelry which is removed from the person's body or from a container or other piece of the person's property, regardless of the item's apparent value; and any other item of personal property that the person examining the item reasonably believes has a fair market value of \$500 or more. Attached property is not valuable personal property.

2.08.020 Purpose. The inspection and inventory of prisoner property pursuant to this ordinance is intended to:

- A. Protect a prisoner's property while in custody of the city;
- B. Protect the city, its employees and agents against claims or disputes over lost, stolen or damaged property; and
- C. Protect prisoners, city employees and others in the area of a prisoner or a prisoner's property from potential danger.
- D. This ordinance is not intended to diminish any law enforcement activities presently authorized under law.

2.08.025 Duty to inspect prisoner property.

A. An officer shall inspect the personal property of every prisoner as provided in this ordinance.

B. This ordinance shall also apply when a person in the custody of an officer is transported directly to another facility such as a jail, yet whose property is undeliverable to that facility and instead is left with the Beaverton police.

2.08.025 Preliminary safety inspection The purpose of this section is to identify readily-apparent and highly dangerous substances which would normally be brought into the police station and discovered in an inventory upon those premises, but which should not be brought into the Beaverton City Hall building due to the extreme and obvious danger they present to persons and property. This section applies to certain containers listed below in subsection (A) which are inevitably destined for arrival at the police station. This section shall only be triggered when a person is taken into custody by an officer, the officer knows he or she will be transporting the person to the police station (or if to another facility, the officer retains custody of containers that the other facility has rejected), and the officer knows he or she will be conducting the manner of inspection set forth in BC section 2.08.035.

- A. The officer shall visually note any purse, sack, backpack, fanny pack, suitcase, or other container designed for, or actually used for, the purpose of carrying personal items, when it is inevitable that the container will be arriving at the police station.
- B. Before entering the police station the officer shall open such a container and conduct a preliminary safety inspection, which is defined as a cursory visual and manual inspection designed to identify the following subset of dangerous personal property:
 - 1. Explosive devices such as bombs, hand grenades or other similar military ordinance, plastic explosive, or incendiary explosive devices.
 - 2. Toxic or unstable chemicals such as gasoline, nerve gas or similar chemical weapons, or substances used in the manufacture of methamphetamine.
 - 3. Biologic weapon substances, including material such as strains of anthrax, ebola, bubonic plague, or other biologic warfare agent.
- C. Property described in subsection (B) which is discovered in a preliminary safety inspection shall be noted on the inventory form in the course of the identification of property required by BC section 2.08.040. The property shall be processed by a second officer

according to existing orders or procedures of the Beaverton Police Department.

- D. The officer shall not remove any items of personal property from containers during the preliminary safety inspection other than the dangerous items listed in subsection (B).
- E. Closed containers which are opened pursuant to this section shall be immediately closed again after the preliminary safety inspection.

2.08.030 Timing of inspection. Except for the preliminary safety inspection the inspection of a prisoner's property pursuant to this ordinance shall occur after the prisoner is within the police station and prior to the prisoner being released or transported to another law enforcement agency, correctional facility, or treatment facility. If exigent circumstances reasonably require that the inspection be delayed, the inspection shall occur as soon as practicable after the exigency has passed.

2.08.035 Manner of inspection. The inspection of prisoner property shall occur in the following manner:

A. Unless otherwise authorized by law, the officer shall not remove the prisoner's blouse, skirt, dress, shirt, pants and/or underwear (including, but not limited to, underpants, T-shirt, bra, slip, nylons and/or pantyhose); provided, however, that if the prisoner is wearing more than one blouse, skirt, dress, shirt or pair of pants, the officer shall remove the outer blouse, skirt, dress, shirt or pair of pants, but shall not remove the blouse, skirt, dress, shirt or pair of pants worn closest to the flesh of the prisoner's torso. Unless otherwise authorized by law, if a prisoner is wearing an article of clothing not described in this subsection, the officer shall not remove the article of clothing if it is worn next to the skin of the prisoner's torso.

B. The officer shall remove:

1. the prisoner's footwear, including the prisoner's socks;
2. the prisoner's headgear, including the prisoner's hat, cap, or helmet; and
3. the prisoner's coat, jacket, vest or other clothing not described in subsection A of this section that is found on or in possession of the prisoner.

C. The officer shall remove the prisoner's accessories (including, but not limited to, any purses, backpacks, wallets, briefcases or fanny packs) that are found on or in possession of the prisoner. The officer shall not remove attached property.

D. The officer shall inspect the waistband and empty the pockets of the clothing worn by the prisoner. The officer shall perform an external patting of the clothing remaining upon the prisoner. An officer of the same sex, if reasonably available, shall visually inspect under the clothing covering the prisoner's side and front abdominal area and back lumbar area above the prisoner's waist.

E. The officer shall empty the pockets of clothing removed from the prisoner's body.

F. Except for attached property, the officer shall remove all items of personal property from the prisoner's removed and remaining clothing.

G. The officer shall remove from and inspect all items of personal property within any open container found on or in possession of the prisoner.

H. Closed containers found on or in the possession of a prisoner shall be opened and objects therein shall be scrutinized and may be removed to accommodate the inspection.

I. The prisoner's footwear, including socks, may be returned to the prisoner after inspection, provided such return does not create an unreasonable risk of harm to the health or safety of the prisoner, the officer, or any other person, or the property of any of them, or the property of the city of Beaverton.

2.08.040 Identification and Safekeeping of Property. As soon as is reasonably possible after the completion of an inspection of prisoner property, an officer shall:

A. Segregate the valuable and dangerous property, but not attached property, identified during the inspection, from the prisoner's other possessions.

B. Make a written list of all valuable and dangerous personal property found on or in the possession of the prisoner. The list shall not include attached property.

C. Note the disposition of each piece of valuable or dangerous personal property, but not attached property, discovered during the inspection by recording who takes or keeps physical custody of each item so discovered.

D. Take reasonable steps to safeguard personal property removed from the prisoner.

2.08.045 Return of Property upon Release or Transfer Personal property kept safe under this ordinance, and not retained upon other grounds, shall be returned in accordance with the following provisions.

A. When the prisoner is released from law enforcement custody, kept property shall be released to the person forthwith, or as soon as practicable after the inventory document is drafted.

B. If a prisoner is transferred to another facility, such as a jail, hospital, or other law enforcement or care facility, the kept property and a copy of the inventory may be transferred to a responsible individual at the receiving facility, or retained by the city, whichever course seems most safe and expedient under the circumstances. In addition to the above, the officer shall observe any applicable department policies, procedures or practices then in effect.

E This Ordinance shall not apply when persons are arrested, cited, and released at the scene of a crime. However, any property removed from a person during a stop, arrest or other detention, and which is not seized, should be timely returned to the person in conjunction with release.

F. Property which, for whatever reason, is not returned by operation of the subsections above shall remain with the Police Department for no fewer than 90 days, during which time any policies, procedures or practices currently in effect for property shall be followed.

2.08.050 Distribution of Property Receipts. The City shall maintain the original record of property and its disposition. A copy of such record shall be distributed as follows:

A. To the prisoner or included with prisoner's property.

B. To any person taken into custody to whom the officer must tender a copy pursuant to ORS 133.455.

2.08.055 Adoption of Administrative Policies or Procedures. The Beaverton Police department may adopt administrative procedures, rules or regulations, or establish forms to carry out this ordinance. "

Section 2: Severability. It shall be the legislative intent that if any part of this ordinance shall be held invalid or unconstitutional, the remaining parts of this ordinance shall remain in force and effect.

Section 3: Emergency Clause. Council finds that immediate adoption of this ordinance is necessary to implement police department procedures and ordinance text already in effect. Therefore Council declares an emergency to exist and this ordinance shall take effect immediately upon its passage.

First reading this _____ day of _____, 2006.

Passed by the Council this _____ day of _____, 2006.

Approved by the Mayor this _____ day of _____, 2006.

ATTEST:

APPROVED:

SUE NELSON, City Recorder

ROB DRAKE, Mayor

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

03-06-06

SUBJECT: An Ordinance Requiring Use of
Criminal Offender Information For
Applicants For City Employment.

FOR AGENDA OF: ~~02/13/06~~ **BILL NO:** 06030

Mayor's Approval: 

DEPARTMENT OF ORIGIN: City Attorney *US*

DATE SUBMITTED: 02/03/06

CLEARANCES: HR 
Police 

PROCEEDING: First Reading.
Second Reading and Passage

EXHIBITS: Ordinance

BUDGET IMPACT

EXPENDITURE REQUIRED \$0	AMOUNT BUDGETED \$0	APPROPRIATION REQUIRED \$0
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HISTORICAL PERSPECTIVE:

City of Beaverton hiring practices for non-police candidates require a background check that includes professional reference checking, a pre-employment drug screen, a driving record check, and for some positions a pre-employment physical. For police candidates, a full background check is completed. The City has not done criminal background checks on non-police candidates.

Applicants for employment currently must indicate on the application if they have ever been convicted of a felony or a crime; and they are informed that a conviction record will not necessarily disqualify them from employment. Applicants are asked to describe the conviction(s). All positions open to the public explain that an offer of employment will be contingent upon the applicant passing pre-employment background checks.

INFORMATION FOR CONSIDERATION:

A criminal background check, driving record check or reference check can help ensure that reliable, trustworthy persons are hired, making for a safe work environment and reducing City's potential liability when entrusting its employees to deal with other persons or property. Many other cities in the metro area perform criminal background checks on all final candidates or on candidates for specific positions using the same authority under state law. This ordinance as drafted sets out the convictions that will disqualify the person from employment but allows the person to appeal a disqualification to the Mayor based on either faulty data or proof, satisfactory to the Mayor, that the person is rehabilitated. The background check information of course will be kept confidential to the extent allowed by state law.

RECOMMENDED ACTION:

~~First Reading.~~
Second Reading and Passage

AN ORDINANCE REQUIRING USE OF
CRIMINAL OFFENDER INFORMATION
FOR APPLICANTS FOR CITY EMPLOYMENT

WHEREAS, the City is a criminal justice agency under state law with access, by agreement with the Oregon State Police, to criminal offender information maintained in the LEDS system; and

WHEREAS, Oregon law allows the use of that criminal offender information for criminal justice agency employment, if required by local ordinance, and the Council desires to authorize such use on certain terms so as to preserve the public's confidence in the integrity of the City's employees, to avoid entrusting those with histories of criminal conduct with positions that interact with the public generally, with private and public property and with other employees; now, therefore,

THE CITY OF BEAVERTON, OREGON ORDAINS AS FOLLOWS:

Section 1. An offer of employment to all potential new City employees shall be conditioned on the applicant's prior written consent to a check of the applicant's criminal offender information, if any, as shown in the records maintained in the LEDS system. Use of the LEDS system shall be subject to the City's agreement with the Oregon State Police for such use and such other and further terms and conditions imposed by the Oregon State Police from time to time. Information obtained from the LEDS system shall be deemed personal and private information, shall be kept confidential in the applicant's file except for those City employees with a need to know it, and shall be destroyed at such time as the other application materials are destroyed as allowed by state law on public records.

Section 2. An applicant's conviction for any felony within the past 10 years preceding the date of application or conviction for any crime of dishonesty, crime against a person or crime against property within the past 5 years shall be grounds to deny City employment to the applicant.

Section 3. An applicant who is disqualified from employment with the City based on the applicant's criminal offender information shall be informed of the basis of disqualification and may appeal the disqualification only on the grounds that the information is incorrect or that the applicant has been rehabilitated. Any such appeal must be in writing, must state with particularity the grounds for the appeal and must be received by the City no later than seven (7) calendar days from the date of notice to the applicant of disqualification to be considered. The Mayor shall determine all appeals that are timely filed and shall state the reasons for granting or denying the appeal in writing within seven (7) days from the date the appeal is received.

Section 4. The Mayor shall cause the application form for City employment to contain notice to the applicant that any job offer will be conditioned on the applicant's written consent to a check of the applicant's criminal offender information.

First reading this ^{13th} day of February, 2006.

Passed by the Council this ___ day of _____, 2006.

Approved by the Mayor this ___ day of _____, 2006.

ATTEST:

APPROVED:

SUE NELSON, City Recorder

ROB DRAKE, Mayor

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: TA 2005-0008 - Amendment of Quasi-Judicial Zoning Map Amendment Approval Criteria

03-06-06
FOR AGENDA OF: ~~02-13-06~~ **BILL NO:** 06031

Mayor's Approval: *Ash Drake*

DEPARTMENT OF ORIGIN: CDD *JMS*

DATE SUBMITTED: 1-25-06

CLEARANCES: City Attorney *AD*
Planning Serv. *HB*

PROCEEDING: ~~First Reading~~
Second Reading and Passage

- EXHIBITS:**
1. Draft Ordinance
 2. Land Use Order No. 1831
 3. Draft PC Minutes dated 01-11-06
 4. Staff Report dated 01-04-06

BUDGET IMPACT

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

HISTORICAL PERSPECTIVE:

On January 11, 2006, the Planning Commission held a public hearing to consider TA 2005-0008, a City-initiated Text Amendment to the Quasi-Judicial Zoning Map Amendment approval criteria, found in Section 40.97.15.1.C of the Development Code. The purpose of the proposed Text Amendment is to recognize District Requirements of any zone as relevant criteria for approving Quasi-Judicial Zoning Map applications. Following the close of the public hearing, the Planning Commission voted 7-0 to recommend approval of the proposed Text Amendment as memorialized in Land Use Order No. 1831.

INFORMATION FOR CONSIDERATION:

Attached to this Agenda Bill is an Ordinance including the proposed text, Land Use Order No. 1831, the draft Planning Commission meeting minutes and Staff Report.

RECOMMENDED ACTION:

Staff recommends the City Council approve the recommendation of the Planning Commission for TA 2005-0008 as set forth in Land Use Order No. 1831. Staff further recommends the Council conduct a ~~First Reading~~ of the attached ordinance.
Second Reading and Passage

ORDINANCE NO. 4382

AN ORDINANCE AMENDING ORDINANCE NO. 2050,
THE DEVELOPMENT CODE, CHAPTER 40 (APPLICATIONS);
TA 2005-0008 (AMENDMENT OF QUASI-JUDICIAL ZONING
MAP AMENDMENT APPROVAL CRITERIA).

WHEREAS, the Beaverton Community Development Department has proposed a text amendment to the Beaverton Development Code, Ordinance No. 2050, effective through Ordinance No. 4365, intended to modify the Quasi-Judicial Zoning Map Amendment approval criteria by adding a new approval criterion to demonstrate conformance with District Requirements of the zone requested in a Quasi-Judicial Zoning Map Amendment application.

WHEREAS, pursuant to Section 50.50.2-4 of the Development Code, the Beaverton Community Development Department provided required public notice for the Text Amendment application; and,

WHEREAS, pursuant to Section 50.50.5 of the Development Code, the Beaverton Community Development Department on January 4, 2006, published a written staff report, including a recommendation, a minimum of seven (7) calendar days in advance of the scheduled public hearing before the Planning Commission on January 11, 2006; and,

WHEREAS, on January 11, 2006, the Planning Commission conducted a public hearing for TA 2005-0008 and, at the conclusion of the hearing, voted to recommend to the Beaverton City Council adoption of the proposed amendments to the Development Code as stated in Planning Commission Land Use Order No. 1831; and,

WHEREAS, no written appeal, pursuant to Section 50.75 of the Development Code, was filed for TA 2005-0008 following the issuance of the Planning Commission Land Use Order No. 1831; and,

WHEREAS, the City Council adopts as to approval criteria the facts and findings described in Land Use Order No. 1831 dated January 18, 2006 and the Planning Commission record, and the Council's Agenda Bill dated February 13, 2006, all of which the Council incorporates by this reference and finds to constitute an adequate factual basis for this ordinance; and now therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1: The Development Code, Ordinance No. 2050, Ordinance 4365, Chapter 40, Applications, Section 40.97.15.1.C, Quasi-Judicial Zoning Map Amendment approval criteria, is amended to read as set out in Exhibit "A" of this Ordinance, attached hereto and incorporated herein by this reference.

Section 2. All Development Code provisions adopted prior to this Ordinance which are not expressly amended or replaced herein shall remain in full force and effect.

Section 3. Severance Clause. The invalidity or lack of enforceability of any terms or provisions of this Ordinance or any appendix or part thereof shall not impair or otherwise affect in any manner the validity, enforceability or effect of the remaining terms of this Ordinance and appendices and said remaining terms and provisions shall be construed and enforced in such a manner as to effect the evident intent and purposes taken as a whole insofar as reasonably possible under all of the relevant circumstances and facts.

First reading this ^{13th} ___ day of _____ February _____, 2006.

Passed by the Council this ___ day of _____, 2006.

Approved by the Mayor this ___ day of _____, 2006.

ATTEST:

APPROVED:

SUE NELSON, City Recorder

ROB DRAKE, Mayor

Section 1: The Development Code, Ordinance No. 2050, effective through Ordinance 4365, Chapter 40 - Applications, Section 40.97. Zoning Map Amendment, specifically Section 40.97.15.1.C will be amended to read as follows:

40.97 Zoning Map Amendment

40.97.15.1 Quasi-Judicial Zoning Map Amendment

C. Approval Criteria

- 8. *In cases where the Comprehensive Plan identifies more than one zone to implement the applicable Land Use Map designation, the applicant is to demonstrate how the proposal conforms with applicable District Requirements of the zone(s) subject to Quasi-Judicial Zoning Map Amendment consideration*

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

03-06-06

SUBJECT: CPA 2005-0010 - Amendment to Add the SC-E Zone to Sections 3.2 and 3.14 of the Comprehensive Plan

FOR AGENDA OF: ~~02-13-06~~ **BILL NO:** 06032

Mayor's Approval: *[Signature]*

DEPARTMENT OF ORIGIN: CDD *[Signature]*

DATE SUBMITTED: 1-25-06

CLEARANCES: City Attorney *[Signature]*
Planning Serv. *[Signature]*

PROCEEDING: ~~First Reading~~
Second Reading and Passage

- EXHIBITS:**
1. Draft Ordinance
 2. Commission Order No. 1832
 3. Draft PC Minutes dated 01-11-06
 4. Staff Report dated 12-12-05

BUDGET IMPACT

EXPENDITURE REQUIRED \$0	AMOUNT BUDGETED \$0	APPROPRIATION REQUIRED \$0
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HISTORICAL PERSPECTIVE:

On January 11, 2006, the Planning Commission held a public hearing to consider CPA 2005-0010, a City-initiated Legislative Comprehensive Plan Amendment (CPA). The purpose of the proposed Legislative CPA is to clarify eligibility of the Station Community – Employment (SC-E) zone for future Quasi-Judicial Zoning Map Amendment (ZMA) consideration. Specifically, the proposed Legislative CPA adds the SC-E zone to the table identified in Section 3.14 of the Comprehensive Plan. The proposed CPA also modifies language as contained in Section 3.2 of the Comprehensive Plan to recognize the SC-E zone. Following the close of the public hearing, the Planning Commission voted 7-0 to recommend approval of the proposed Legislative CPA as memorialized in their Order No. 1832.

INFORMATION FOR CONSIDERATION:

Attached to this Agenda Bill is an Ordinance including the proposed text, Planning Commission Order No. 1832, the draft Planning Commission meeting minutes, and Staff Report.

RECOMMENDED ACTION:

Staff recommends the City Council approve the recommendation of the Planning Commission for CPA 2005-0010 as set forth in their Order No. 1832. Staff further recommends the Council conduct a **First Reading** of the attached ordinance.
Second Reading and Passage

ORDINANCE NO. 4383

AN ORDINANCE AMENDING ORDINANCE NO. 4187,
THE COMPREHENSIVE PLAN, CHAPTER 3 (LAND USE
ELEMENT); CPA 2005-0010 (LEGISLATIVE AMENDMENT TO
ADD THE SC-E ZONE TO SECTIONS 3.2 AND 3.14 OF THE
COMPREHENSIVE PLAN)

WHEREAS, the Beaverton Community Development Department has proposed a Legislative Amendment to the Comprehensive Plan, Ordinance No. 4187, effective through Ordinance No. 4375, intended to add the SC-E zone to the table identified in Section 3.14 of the Comprehensive Plan and to further modify language contained in Section 3.2 of the Comprehensive Plan to recognize the SC-E zone.

WHEREAS, pursuant to Section 1.3.4 of the Comprehensive Plan, the Beaverton Community Development Department provided required public notice for the Legislative Amendment application; and,

WHEREAS, pursuant to Section 1.3.4 of the Comprehensive Plan, the Beaverton Community Development Department on December 12, 2005, published a written staff report, including a recommendation, a minimum of thirty (30) calendar days in advance of the scheduled public hearing before the Planning Commission on January 11, 2006; and,

WHEREAS, on January 11, 2006, the Planning Commission conducted a public hearing for CPA 2005-0010 and, at the conclusion of the hearing, voted to recommend to the Beaverton City Council to adopt the proposed amendments to the Comprehensive Plan as stated in Planning Commission Order No. 1832; and,

WHEREAS, no written appeal, pursuant to Section 1.3.6 of the Comprehensive Plan, was filed for CPA 2005-0010 following the issuance of the Planning Commission Order No. 1832; and,

WHEREAS, the City Council adopts as to criteria, facts, and findings, described in Order No. 1832 dated January 18, 2006 and the Planning Commission record, and the Council's Agenda Bill dated February 13, 2006, all of which the Council incorporates by this reference and finds to constitute an adequate factual basis for this ordinance; and now therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. The Comprehensive Plan, Ordinance No. 4375, Chapter 3 Land Use Element, is amended to read as set out in Exhibits "A" and "B" of this Ordinance, attached hereto and incorporated herein by this reference.

Section 2. All Comprehensive Plan provisions adopted prior to this Ordinance which are not expressly amended or replaced herein shall remain in full force and effect.

Section 3. Severance Clause. The invalidity or lack of enforceability of any terms or provisions of this Ordinance or any appendix or part thereof shall not impair or otherwise affect in any manner the validity, enforceability or effect of the remaining terms of this Ordinance and appendices and said remaining terms and provisions shall be construed and enforced in such a manner as to effect the evident intent and purposes taken as a whole insofar as reasonably possible under all of the relevant circumstances and facts.

First reading this ^{13th} ___ day of February, 2006.

Passed by the Council this ___ day of _____, 2006.

Approved by the Mayor this ___ day of _____, 2006.

ATTEST:

APPROVED:

SUE NELSON, City Recorder

ROB DRAKE, Mayor

Section 1: The Comprehensive Plan, Ordinance No. 4187, effective through Ordinance 4375, Chapter 3 – Land Use Element, Section 3.2 Planning Context, will be amended to read as follows:

3.2 Planning Context

Within the Portland Metropolitan Area, local governments must comply with both state and regional land use laws. Consistency with the Statewide Planning Goals (referenced in Appendix A), Transportation Planning Rule and other Oregon Administrative Rules (OAR) and Oregon Revised Statutes (ORS) is required. Metro, the elected regional government serving the tri-county area, has adopted a number of planning documents for guiding the region's future growth. In 1995 Metro adopted a future vision titled "Regional Urban Growth Goals and Objectives" and a map titled "2040 Growth Concept". Compiling data from within the region and using the context of the future vision and the map, Metro formulated the Regional Framework Plan (Framework Plan). The Framework Plan highlights programs and provides the basic concepts adopted as directives in the Urban Growth Management Functional Plan (Functional Plan). The city must comply or substantially comply with the directives found within the Functional Plan or justify an exception to the directives. The 2040 Growth Concept provided a general approach to approximately where and how much the urban growth boundary should expand, the mix of uses and range of densities to accommodate projected growth within the boundary.

Specifically, section 3.07.130 of the Functional Plan requires the following:

"For each of the following 2040 Growth Concept design types, city and county comprehensive plans shall be amended to include the boundaries of each area, determined by the city or county consistent with the general locations shown on the 2040 Growth Concept Map:

Regional Centers – Nine regional centers will become the focus of compact development, redevelopment and high-quality transit service and multimodal street networks.

Station Communities – Nodes of development centered approximately one-half mile around a light rail or high capacity transit station that feature a high-quality pedestrian environment.

Town Centers – Local retail and services will be provided in town centers with compact development and transit service.

Main Streets – Neighborhoods will be served by main streets with retail and service developments served by transit.

Corridors – Along good quality transit lines, corridors feature a high-quality pedestrian environment, convenient access to transit, and somewhat higher than current densities.

Employment Areas – Various types of employment and some residential development are encouraged in employment areas with limited commercial uses.

Inner Neighborhood – Residential areas accessible to jobs and neighborhood businesses with smaller lot sizes are inner neighborhoods.”

Beaverton’s Downtown is designated a Regional Center on the 2040 Growth Concept Map. A portion of southeast Beaverton, adjacent to Highway 217, is part of the Washington Square Regional Center. Generally, the zoning districts allowed within the Beaverton Regional Center Comprehensive Plan designation include Regional Center – East, Regional Center – Old Town, and Regional Center – Transit Oriented. Other zoning districts consistent with the City’s goals within the Washington Square Regional Center will be developed. The developments known as Koll Business Center, Marathon Industrial Park and Nimbus Industrial Park are located within the Washington Square Regional Center. Generally, densities in the Regional Center are intended to meet Metro’s target of 60 persons per acre.

Station Communities in Beaverton include Beaverton Transit, Beaverton Central, South Tektronix, Beaverton Creek and Merlo. The Sunset and 170th/Elmonica Station Communities are located within Beaverton’s urban service area, as is the eastern portion of the Willow Creek Station Community. Beaverton’s zoning districts focus on the immediate station, within ½ mile, and the outer perimeter, ½ to 1 mile. These zoning district categories are labeled Station Community and Station Area, respectively. The Development Code specifies ~~two~~ *three* Station Community zoning districts: *Station Community – Employment*, *Station Community – High Density Residential* and *Station Community – Multiple Use*. Two Station Area zoning districts are identified as follows: *Station Area – Medium Density Residential* and *Station Area – Multiple Use*. Metro’s target density is 45 persons per acre for the Station Community design type.

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Section 1: The Comprehensive Plan, Ordinance No. 4187, effective through Ordinance 4375, Chapter 3 – Land Use Element, Section 3.14 Comprehensive Plan and Zoning District Matrix, will be amended to read as follows:

3.14 Comprehensive Plan and Zoning District Matrix

COMPREHENSIVE PLAN AND ZONING DISTRICT MATRIX	
Comprehensive Plan Designation	Zoning District
Regional Center	RC-E, RC-OT, RC-TO
Station Community	SC-HDR, SC-MU, SA-MDR, SA-MU, SC-E
Town Center	TC-HDR, TC-MU, TC-MDR
Main Street	Office Commercial, Neighborhood Service, Convenience Service Center, R-1, R-2
Corridor	General Commercial, Convenience Service Center, Office Commercial, Community Service, Neighborhood Service, R-1, R-2, R-3.5, R-4, Corridor-Multiple Use
Employment Areas	Campus Industrial
Industrial	Industrial Park, Light Industrial, Campus Industrial
Neighborhood Residential (equivalent to Metro’s Inner and Outer Neighborhood Design Types)	
Low Density	R-10 ¹
Standard Density	R-7, R-5 ²
Medium Density	R-4, R-3.5, R-2
High Density	R-1
Any of the plan designations cited above	Institutional

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: An Ordinance Prohibiting Vehicle Camping
in Parking Lots Associated with Commercial
Structures

FOR AGENDA OF: ~~02-13-06~~ 03-06-06 **BILL NO:** 06033

Mayor's Approval: 

DEPARTMENT OF ORIGIN: City Attorney 

DATE SUBMITTED: 02-06-06

CLEARANCES: Police 

PROCEEDING: First Reading
Second Reading and Passage

EXHIBITS: Ordinance

BUDGET IMPACT

EXPENDITURE REQUIRED \$	AMOUNT BUDGETED \$	APPROPRIATION REQUIRED \$

HISTORICAL PERSPECTIVE:

Some large-format retail stores in other jurisdictions currently allow persons to park vehicles overnight for the purpose of camping. Vehicle camping may generate adverse affects; thus, the behavior should be regulated citywide, and not just on an ad hoc basis from store to store.

INFORMATION FOR CONSIDERATION:

This ordinance makes it a violation to park a camper or other recognizable type of recreational or overnight vehicle overnight on parking lots of commercial establishments. The ordinance creates an obligation for store managers to make a good-faith attempt to find the operators of vehicles in violation of the ordinance and ask them to stop camping. Finally, the ordinance makes it a violation for a store manager to fail to make a good-faith effort to ask a camper to leave the premises during hours the store is open for business to the public.

RECOMMENDED ACTION:

First Reading.
Second Reading and Passage

ORDINANCE NO. 4384

AN ORDINANCE PROHIBITING VEHICLE CAMPING
IN PARKING LOTS ASSOCIATED WITH
COMMERCIAL STRUCTURES

WHEREAS, some large-format retail stores around the nation currently allow persons to park vehicles overnight upon their premises for the purposes of camping for no charge; and

WHEREAS, such camping activity may generate adverse affects such as noise, waste, and an appearance inconsistent with the use of surrounding property; and

WHEREAS, this behavior should be regulated citywide, and not just on an ad hoc basis per premises; now, therefore,

BE IT ORDAINED BY THE CITY OF BEAVERTON,

Section 1. The Beaverton Code is amended in Chapter 6 by adding the following sections.

6.02.323 Prohibited vehicle camping

A. Definitions. For the purposes of this ordinance the following terms have the stated meanings:

1. Commercial structure - A building in which the predominant activity is connected with the sale, rental, or distribution of, or performance of services to, end users of products or services.
2. Commercial parking lot - A parking lot adjacent to a commercial structure, or a lot if not adjacent then within the control of the commercial interest occupying the structure, which lot is privately owned but open to the public.
3. Person in charge - A person, typically employed in a management capacity by the corporate entity which occupies a commercial structure, who is at the time of an offense the most authoritatively in charge person actually present upon commercial premises and is then present in the normal course and scope of employment.

B. Between the hours of 12:00 AM and 5:00 AM, no operator or owner of a trailer house, camp trailer, mobile home, auto home, camp car, recreational vehicle, or similar conveyance for accommodating sleeping people, shall park said conveyance tended or unattended in a commercial parking lot for a period in excess of 30 minutes.

C. A person in charge of a commercial structure during hours the business is open to the public who believes that it is more likely than not a vehicle has been parked in violation of BC 6.02.323 shall do all of the following:

1. Make a reasonable effort under the circumstances to locate the operator of the offending vehicle; and
2. Make a reasonable effort under the circumstances to request that the person cease the offending conduct.

D. A person in charge of a commercial structure who fails to follow the sequence of events listed in BC 6.02.323(C) commits a violation.

E. This Ordinance does not apply upon commercial premises upon which is conducted a wholesale or retail business directly concerning the vehicles listed in 6.02.323(B). Such business include, but are not limited to, sales, service, impound, long-term storage during a period of vehicle non-use, salvage, and cleaning.

Section 2. This ordinance may be cited by the short title of, “Commercial Camping Ordinance.”

Section 3. This Ordinance is not intended to limit the authority of a property owner to impound an improperly parked vehicle under the authority of ORS 98.810 to .812 or any other applicable provision of law. Nor is it Council’s intent to diminish the effect of the City’s existing regulations.

First reading this 13th day of February, 2006.
 Passed by the Council this _____ day of _____, 2006.
 Approved by the Mayor this _____ day of _____, 2006.

ATTEST:

APPROVED:

SUE NELSON, City Recorder

ROB DRAKE, Mayor