



## FINAL AGENDA

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

REGULAR MEETING  
SEPTEMBER 18, 2006  
6:30 P.M.

CALL TO ORDER:

ROLL CALL:

PROCLAMATIONS:

Constitution Week: September 17 - 23, 2006

Race Equality Week: September 24 - 30, 2006

PRESENTATIONS:

- 06169 Overview of Washington County Public Safety Measure 34-127
- 06170 Overview of the Washington County Cooperative Library Services Levy of November 7, 2006, Measure #34-126
- 06171 Presentation from the 2006-2007 Mayor's Youth Advisory Board (MYAB)

VISITOR COMMENT PERIOD:

COUNCIL ITEMS:

STAFF ITEMS:

CONSENT AGENDA:

- 06172 Liquor License: New Outlet - Richard's
- 06173 A Resolution Authorizing an Intergovernmental Agreement with Washington County Relating to Transient Room Taxation (Resolution No. 3872)
- 06174 Authorization to Enter into an Intergovernmental Agreement with Clean Water Services for Sanitary Sewer Rehabilitation in the Sandberg Subdivision
- 06175 Authorization to Enter into an Intergovernmental Agreement with Clean Water Services for Sanitary Sewer Rehabilitation in the South Central "A" Area

06176 Classification Changes

Contract Review Board:

06177 Authorize the Mayor to Award a Bid for Chiller and Boiler Equipment Procurement for the Beaverton Central Plant Subject to Council Ratification

06178 Authorize the Mayor to Award a Bid for the Installation of a Chiller, Boiler and Related Equipment for the Beaverton Central Plant Subject to Council Ratification

06179 Reject Bid - Wilson Drive Waterline Replacement Project

ORDINANCES:

Second Reading:

06164 TA 2006-0005 Facilities Review Text Amendment (Ordinance No. 4404)

06165 TA 2006-0006 (Lot Line Adjustment/Consolidation) (Ordinance No. 4405)

06166 An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map for Property Located in South Beaverton; CPA 2006-0004/ZMA 2006-0003 (Ordinance No. 4406)

06167 An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map for Two Properties in Northwest Beaverton; CPA 2006-0010/ZMA-2006-0013 (17200 & 17225 NW Corridor Court) (Ordinance No. 4407)

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.

# PROCLAMATION

OFFICE OF THE MAYOR  
CITY OF BEAVERTON

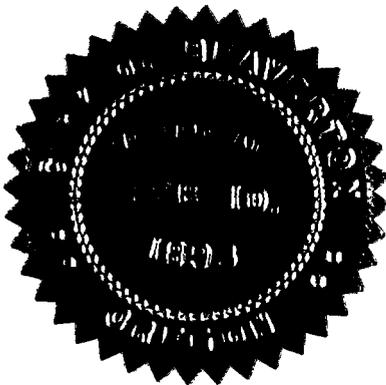


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**WHEREAS,** it is the privilege and duty of the American people to commemorate the two hundred nineteenth anniversary of the drafting of the Constitution of the United States of America with appropriate ceremonies and activities; and

**WHEREAS,** Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week.

**NOW, THEREFORE,** I, Rob Drake, Mayor of the City of Beaverton, Oregon, do hereby proclaim the week of September 17 through 23 as CONSTITUTION WEEK and urge all citizens to study the Constitution, and reflect on the privilege of being an American with all the rights and responsibilities which that privilege involves.



A handwritten signature in cursive script that reads "Rob Drake".

Rob Drake, Mayor

**PROCLAMATION**  
**OFFICE OF THE MAYOR**  
**CITY OF BEAVERTON**



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**WHEREAS**, the Mayor and City Council of Beaverton are strongly committed to promoting racial equality and justice as fundamental aspects of a healthy community; and

**WHEREAS**, the Mayor and City Council of Beaverton urge local officials across the country to join together in a national campaign with the National League of Cities to promote racial equality and justice; and

**WHEREAS**, the Mayor and City Council of Beaverton declare racism unjust and advocate equal rights for all; and

**WHEREAS**, by Act of Congress of the United States dated July 2, 1964, the Civil Rights Act was adopted banning discrimination because of an individual's color or race; and

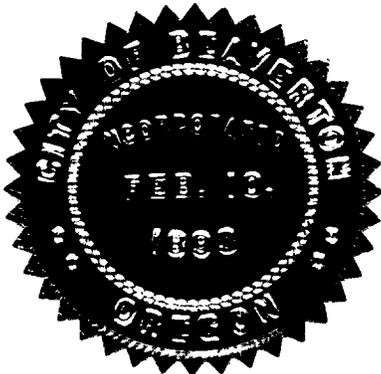
**WHEREAS**, the Mayor and City Council of Beaverton reaffirm their commitment to ensuring racial equality and justice in our city and to working with the Beaverton Human Rights Advisory Commission to sustain this commitment during the coming year; and

**NOW, THEREFORE**, I, Rob Drake, Mayor of the City of Beaverton, Oregon, do hereby proclaim the week of September 24-30, 2006 as:

**Race Equality Week**

in the City of Beaverton and urge all citizens of Beaverton to join together to support this effort.

Rob Drake  
Mayor



**AGENDA BILL**

**B av rton City C uncil  
Beaverton, Or gon**

**SUBJECT:** Overview of Washington County Public  
Safety Measure 34-127

**FOR AGENDA OF:** 09/18/06 **BILL NO:** 06169

**Mayor's Approval:** 

**DEPARTMENT OF ORIGIN:** Mayor's Office

**DATE SUBMITTED:** 09/13/06

**CLEARANCES:**

**PROCEEDING:** PRESENTATION

**EXHIBITS:** Information Packet

**BUDGET IMPACT**

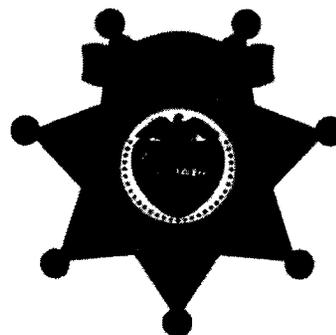
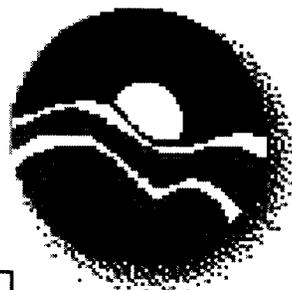
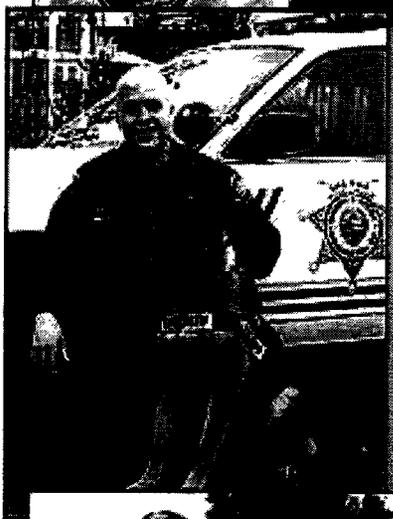
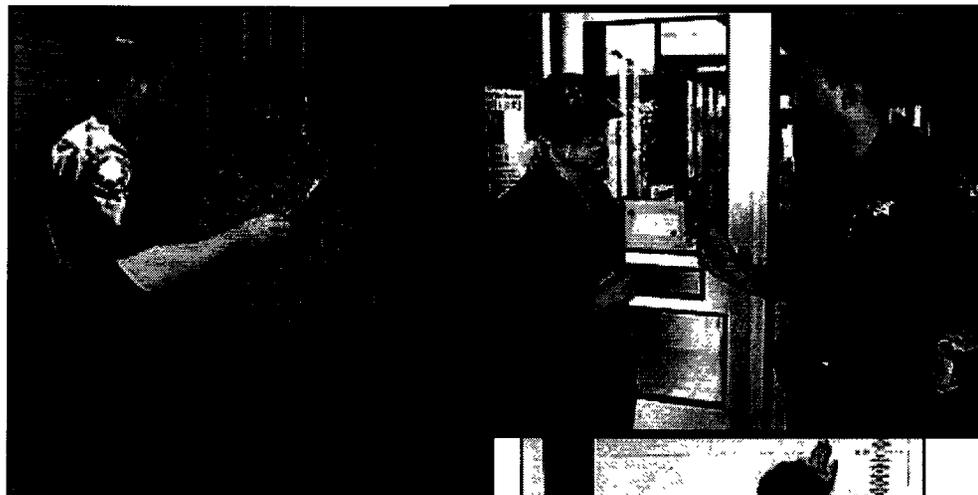
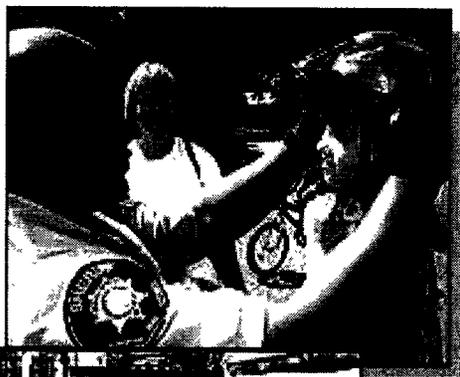
<b>EXPENDITURE</b>	<b>AMOUNT</b>	<b>APPROPRIATION</b>
<b>REQUIRED\$0</b>	<b>BUDGETED\$0</b>	<b>REQUIRED \$0</b>

**INFORMATION FOR CONSIDERATION:**

Sheriff Rob Gordon will do a presentation on Washington County's Public Safety Local Option Levy, Measure 34-127, which will be on the November 2006 ballot.

**RECOMMENDED ACTION:**

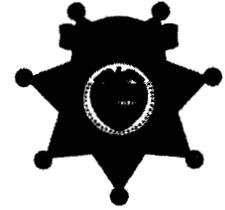
Listen to presentation.



Washington County Public Safety  
Measure 34-127  
Local Option Levy, November 2006



## Levy Rates & Scope



**Four Years**

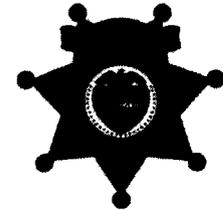
**Fiscal 2007-08 through 2010-11**

**Cost: 42 cents /\$1,000 AV**

**Total: \$18.2 mil / yr or \$72.9 mil**



## Levy Impacts

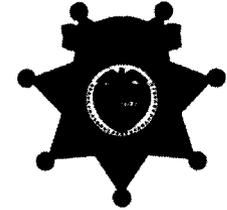


<b>Positions:</b>	<b>Supports 122 of 780 FTE</b>
<b>Breakdown:</b>	<b>51 certified deputies, 6 DA's, 11 probation and parole officers</b>
<b>Jail Beds:</b>	<b>Funds 108 of 787 total beds</b>
<b>Funding:</b>	<b>Levy Provides 17% of the Integrated Public Safety Funding</b>

***Serves all Washington County residents.***



## Public Safety Levy - Background



### **Current levy:**

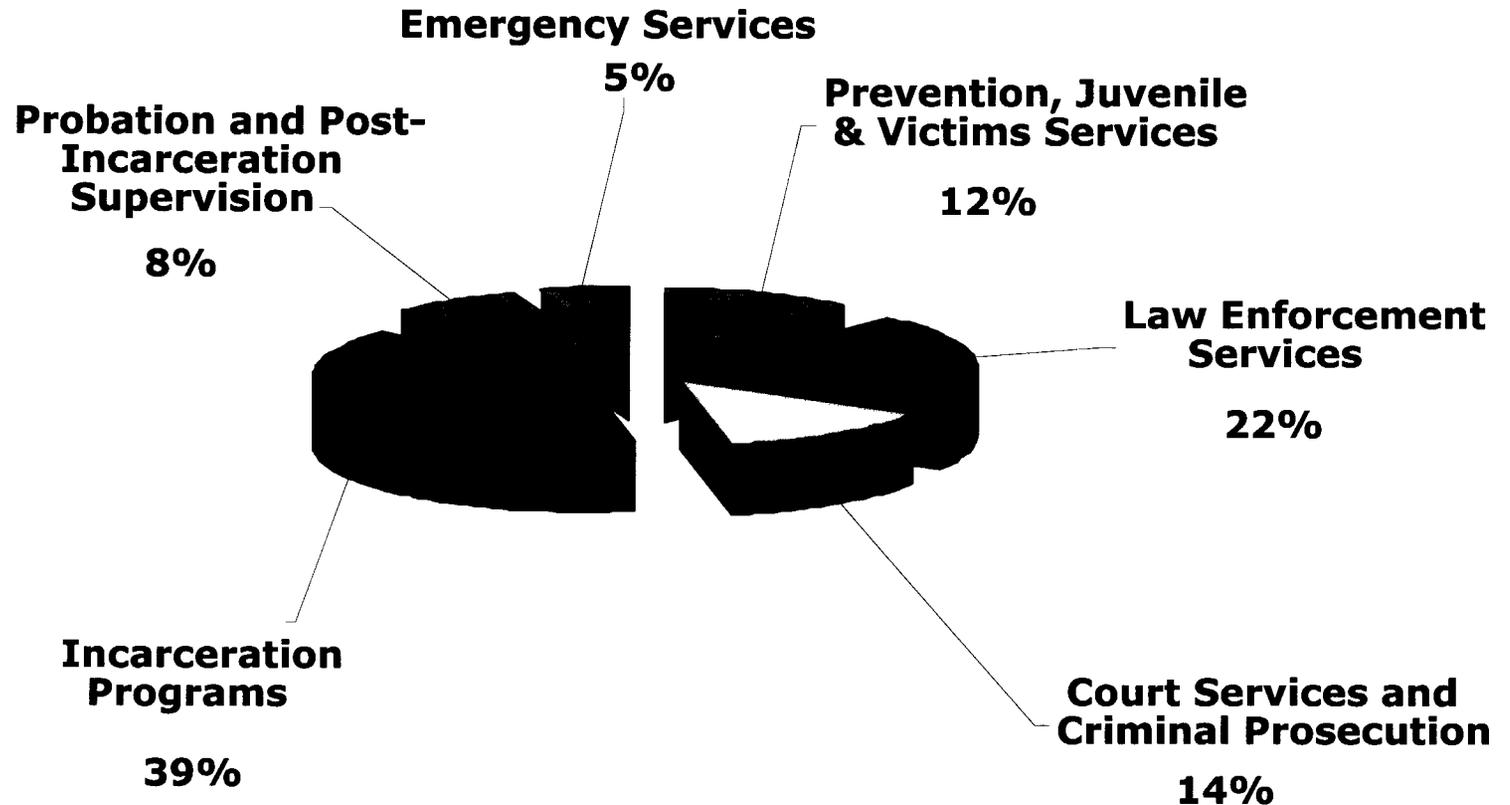
**Expires on June 30, 2006**

**Authorized at .43 cents/\$1,000 AV**

**\$13.9 m per year for 5 yrs**

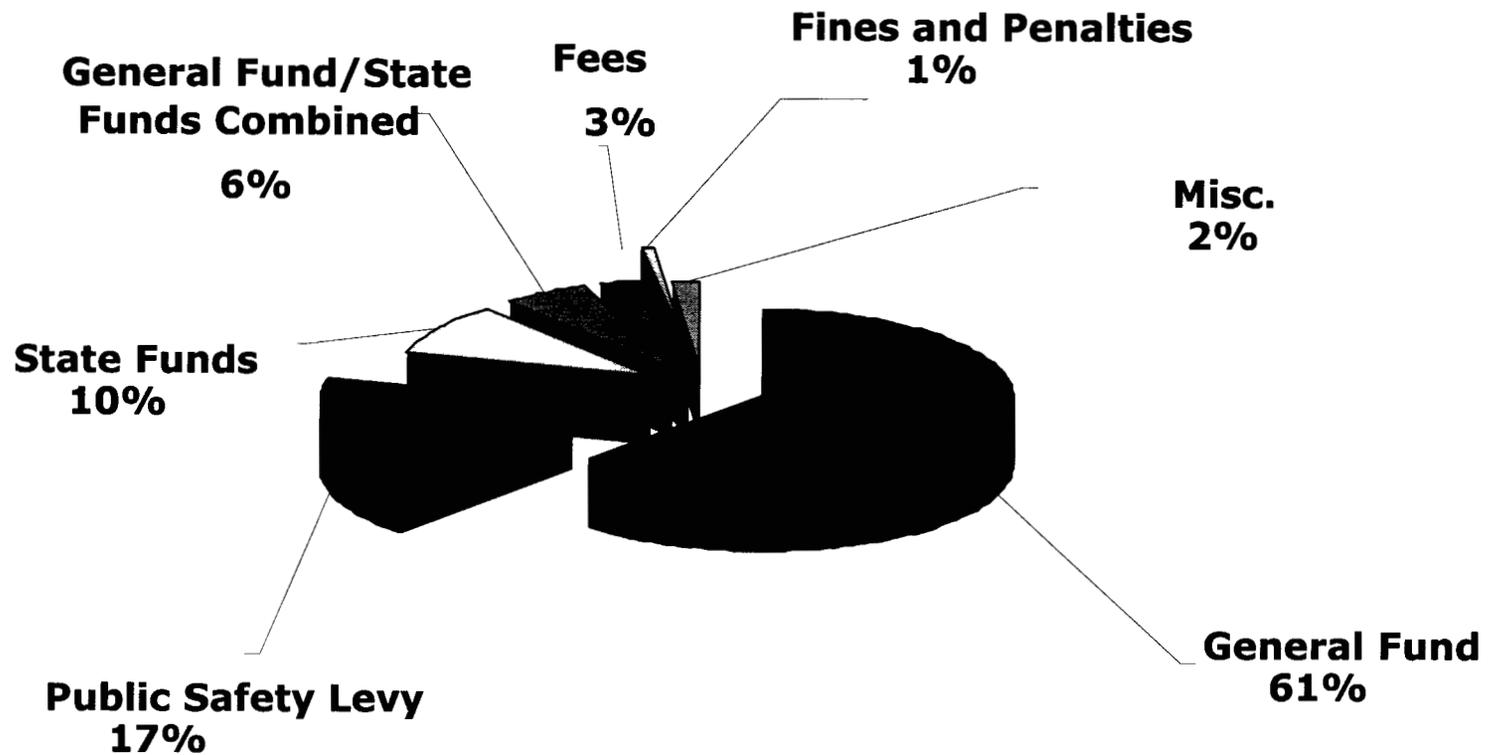


## Countywide Justice System Operating Expenditures FY06 (\$89.1m)



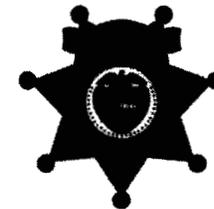


## Countywide Justice System Funding Sources FY06 (\$89.1m)





## Public Safety Levy Results



**Reduced Forced Prisoner Releases** from 100/week to less than 5!

Kept Serious Offenders **off the streets** until trial – more prosecutions, lower cost

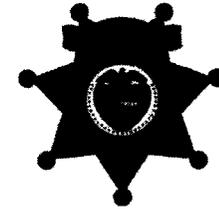
Attacked **Meth Lab Production** - 75 labs in 2003, only 6 in 2006

Provided Shelters and Professional Assistance for Domestic Violence **Victims**

Bolstered **Special Weapons, Drug, ID Theft, & Gang** Inter-jurisdictional Enforcement Teams



## Public Safety Levy Results



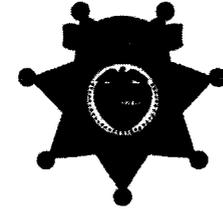
Clamped down on **Property Crimes** – Arrests increased by 53% and Property Crimes decreased by 13% despite population growth

Continued an **8-year Decline** in the **Juvenile Crime** Rate through highly effective early intervention, preventative programs

Hired enough Prosecuting Attorneys to Ensure that Offenders Who are Arrested are actually **Prosecuted** in a timely manner



## Public Safety Levy Results



Set up a Prisoner Transport Service to the County Jail so deputies and city police **stay on patrol** - 671 BPD prisoners in 2005

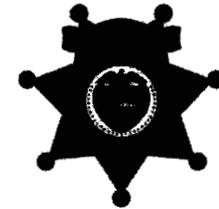
Provided **Exceptional Traffic** Safety Patrols – State DUII Agency of the Year, 4 yrs in a row

Hired Crime Scene Techs that **Free-Up Deputies and City Police** to Field Calls for Service

Retained Criminalists that Improve the Quality of **Scientific Investigations** Countywide



## Public Safety Levy Facts



### Right Priority

- Funds are **dedicated to government's #1 job**, public Safety

### Not New/Additional Tax

- **Continues existing levy** and budget levels

### Fiscally Sound

- Actually **reduces existing tax rate**, while providing more services

### Effective

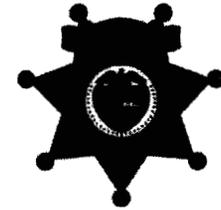
- **Strengthens our fight** against drugs, ID theft, and violent crime

### Good Government

- **Maximizes public safety, minimizes costly** judicial backlogs & re-arrests



## Public Safety Levy Summary



Current Service Levels . . .

42

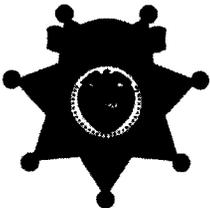


'S

at a Lower Cost



# Public Safety Levy Summary



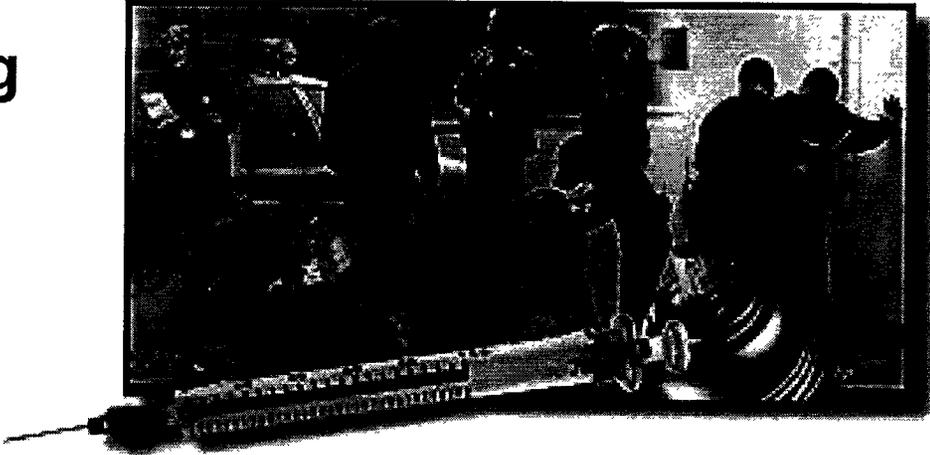
## We Make House Calls



To report a suspected meth house call the Washington County Sheriff's Office at 503.846.METH

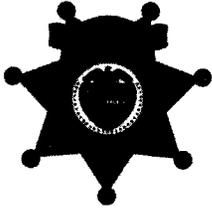


### Combat the growing meth problem.





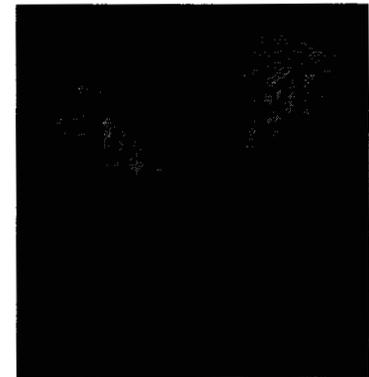
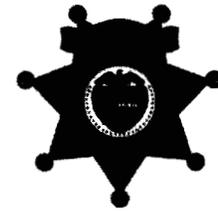
# Public Safety Levy Summary



**Minimize the  
early release of  
offenders.**



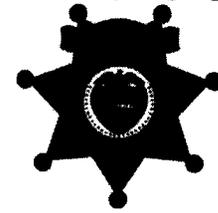
Helps fund special enforcement teams serving all citizens . . .



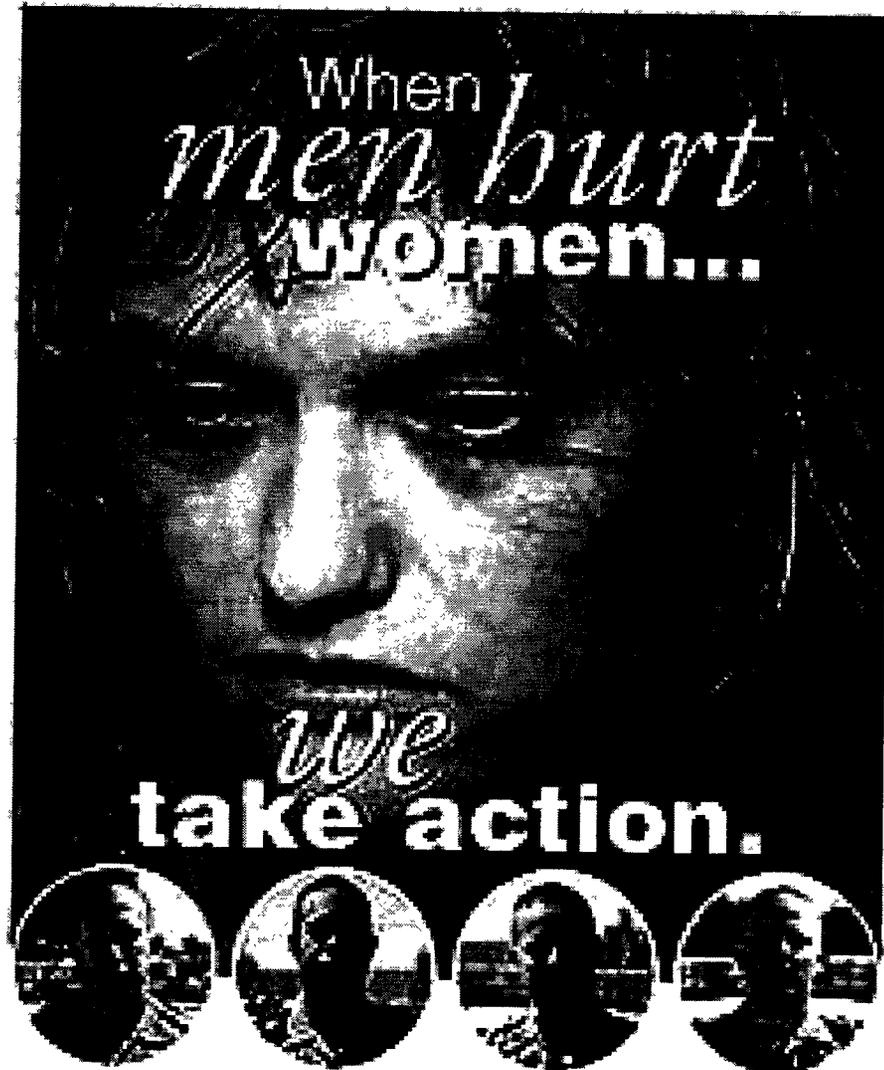
**Major Crimes, SWAT, Fraud and ID Theft, Gangs and Narcotics enforcement teams.**



## Public Safety Levy Summary

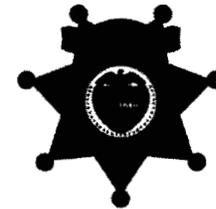


Victims' assistance and emergency shelter for women and children **who are victims of domestic violence.**



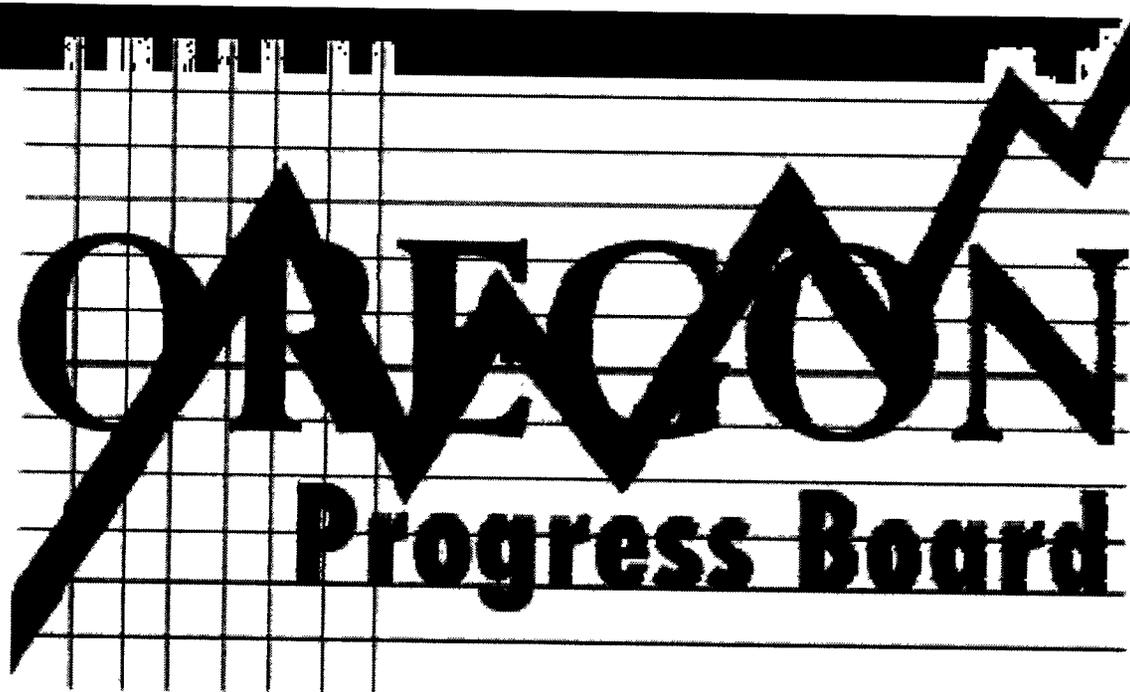


## Public Safety Levy Summary



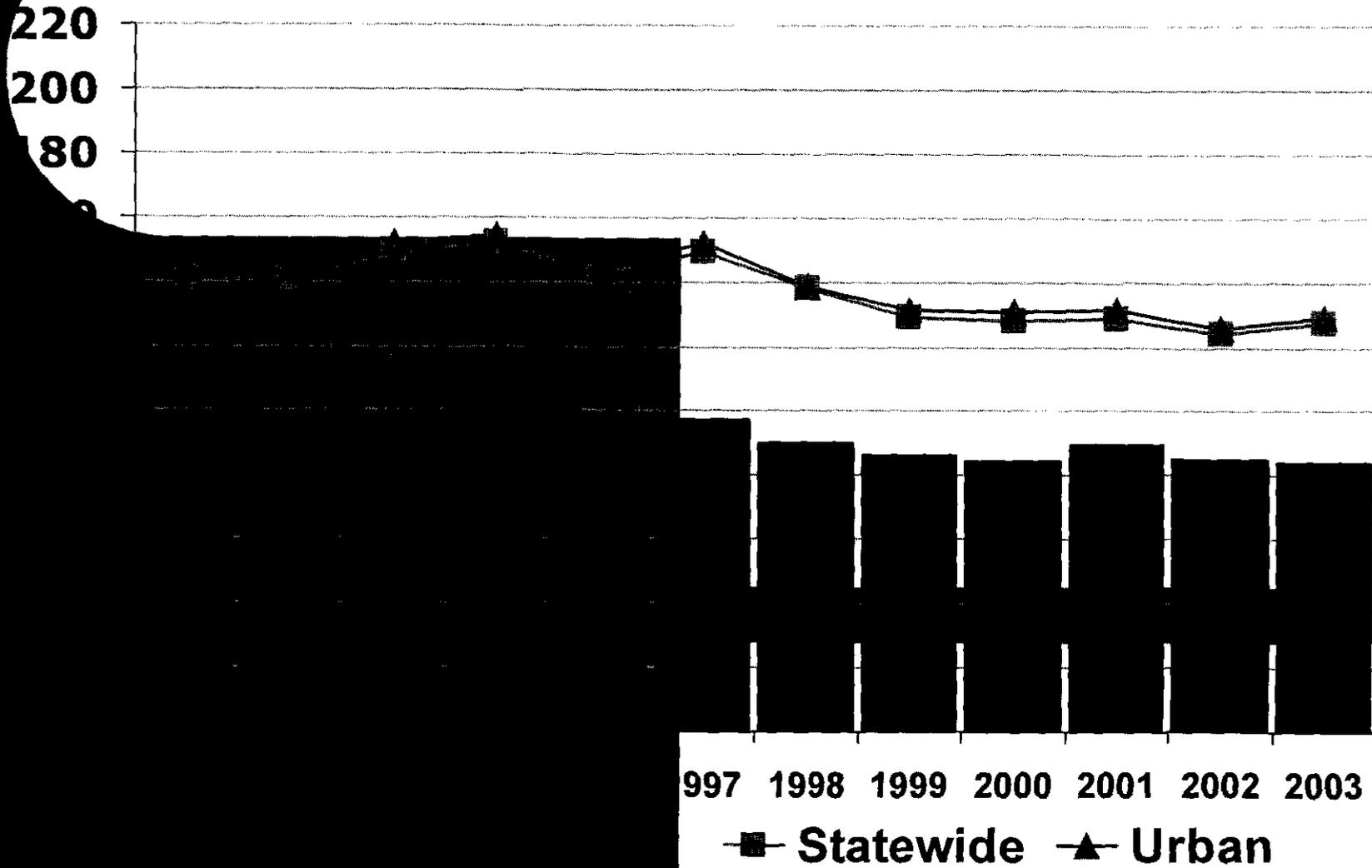
Continue juvenile programs **that have reduced crime** every year for the past eight years.

# Benchmarks



# per 1,000 population

Oregon Benchmark 61



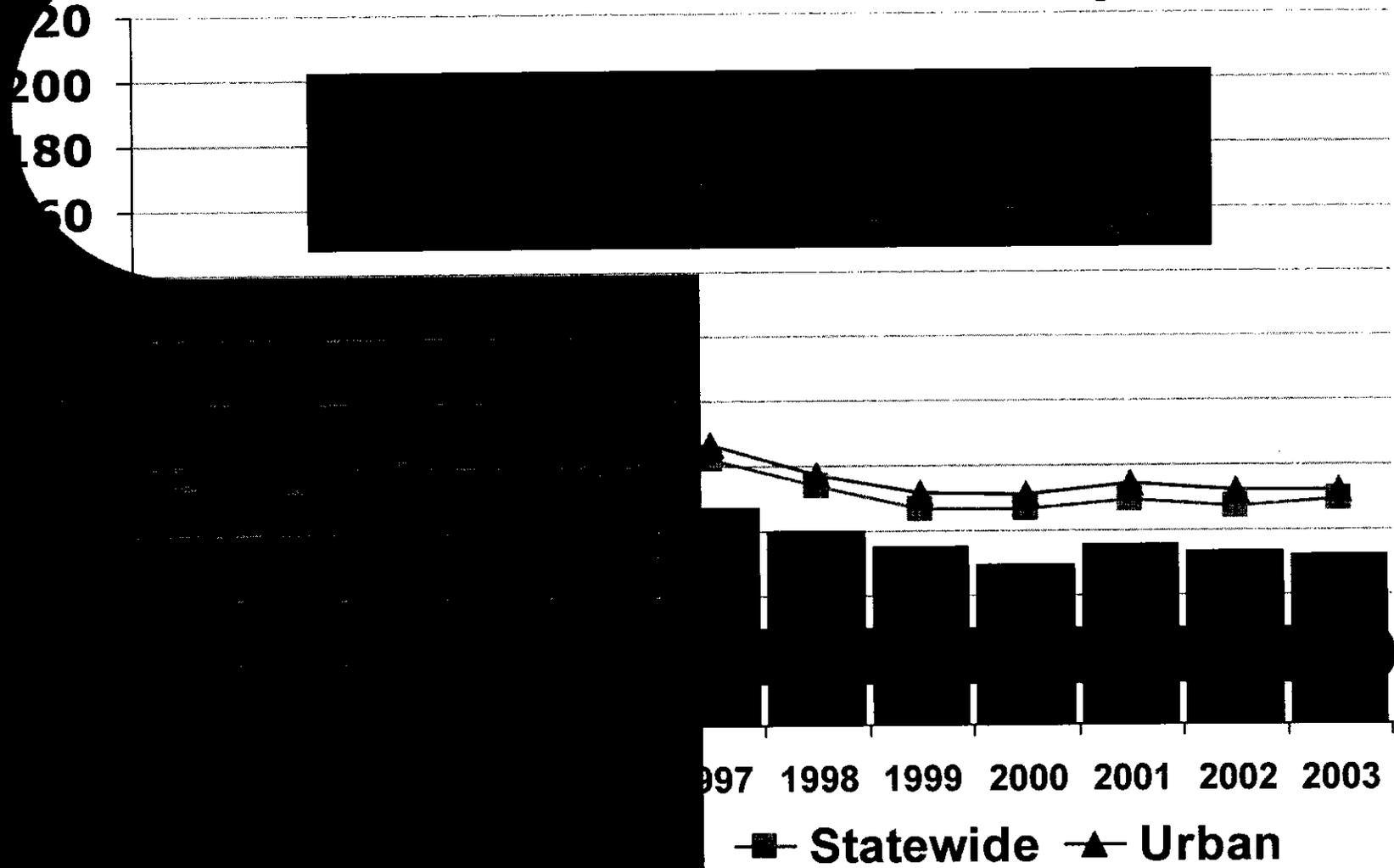
1997 1998 1999 2000 2001 2002 2003

■ Statewide ▲ Urban

ting Program. Population estimates are provided either by  
of State University, Population Research Center

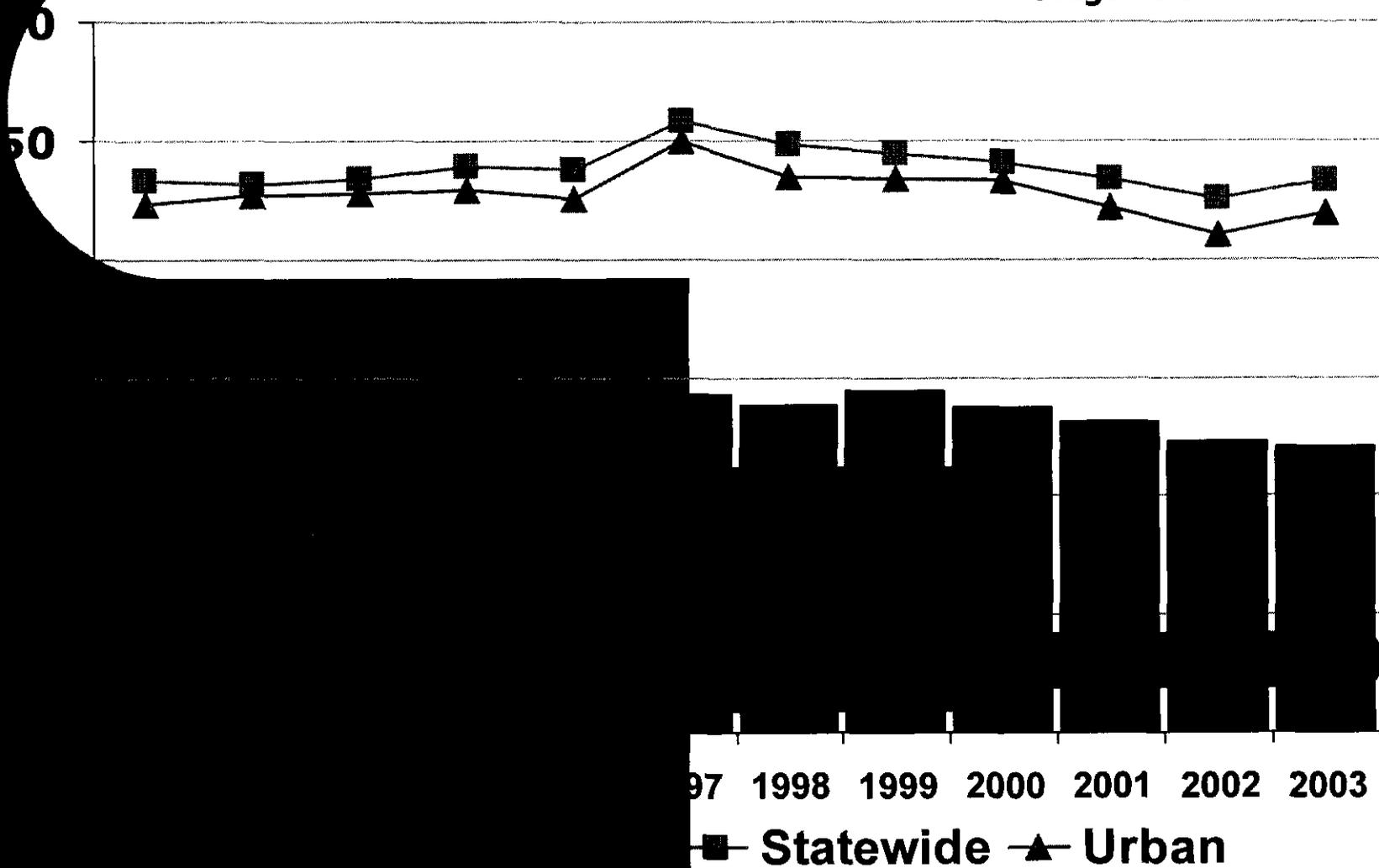
# ...nes per 1,000 population

Oregon Benchmark 61b



# ...mes per 1,000

Oregon Benchmark 61c



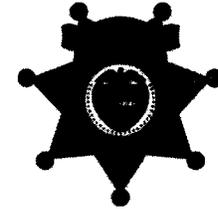


Washington County  
Public Safety  
Local Option Levy

**Questions?**



**The Levy Deserves YOUR  
Support**



Washington County is a safe place and  
continuing this levy  
will help us keep it that way.

**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

**SUBJECT:** Overview of the Washington County  
Cooperative Library Services Levy of  
November 7, 2006, Measure #34-126

**FOR AGENDA OF:** 09/18/06 **BILL NO:** 06170

**Mayor's Approval:** *L. de G. Collins*

**DEPARTMENT OF ORIGIN:** Library *Efforse*

**DATE SUBMITTED:** 08/29/06

**CLEARANCES:** City Attorney *ARR*

**PROCEEDING:** Presentation

**EXHIBITS** Information Packet

**BUDGET IMPACT**

EXPENDITURE REQUIRED \$/A	AMOUNT BUDGETED \$/A	APPROPRIATION REQUIRED \$/A
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**HISTORICAL PERSPECTIVE:**

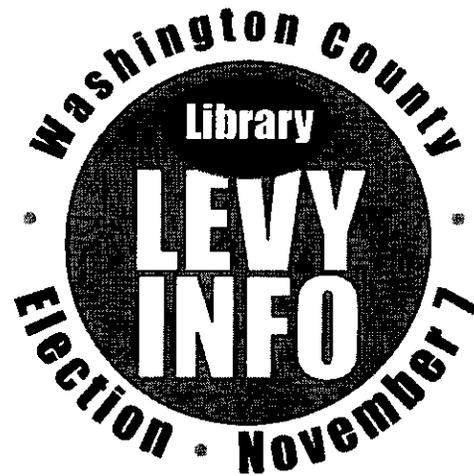
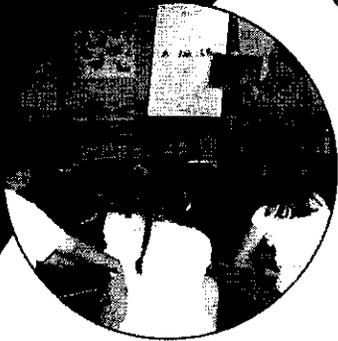
The Washington County Cooperative Library Services had operating levies on the November 2002 ballot (defeated by 611 votes out of over 145,000 ballots cast) and the May 2004 ballot (which passed but lacked a 50% turn out). As a consequence, member libraries had to make budget cuts which resulted in the reduction of hours, book budgets and various services. The Washington County Commissioners have placed a similar local option levy for library services, Measure 34-126, on the November 7, 2006 ballot. The levy is a four-year fixed rate of 17 cents per \$1,000 of assessed value. The levy would provide financial resources with which WCCLS member libraries may restore and maintain hours of operation, book budgets, children's programs and related services.

**INFORMATION FOR CONSIDERATION:**

Eva Calcagno, Manager of the Administrative Offices for the Washington County Cooperative Library Services, will make an informational presentation on the Local Option Levy, Measure #34-126. Ed House, Director, Beaverton City Library will discuss the local impact of the levy.

**RECOMMENDED ACTION:**

City Council to listen to presentation and ask questions about the Levy.



# Measure 34-126

Local Option Levy to Maintain  
Countywide Library Services

FY07-08 – FY10-11



WASHINGTON COUNTY  
Cooperative Library Services

# Overview:

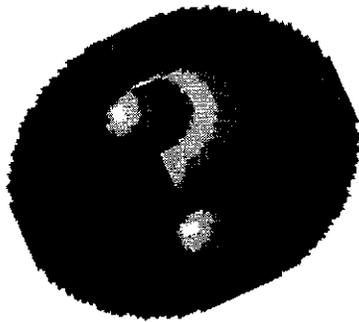
- Four-year levy (FY07-08 through FY10-11)
- Fixed rate of 17 cents per \$1000 of assessed value
- \$33 in additional taxes in 2007-08 (average home assessed value of \$192,000)
- \$29.5 million over 4 years



WASHINGTON COUNTY  
Cooperative Library Services

# Which libraries would be funded?

- Washington County Cooperative Library Services (WCCLS) has provided funding for public library operations linking together city and community libraries for 30 years.



WASHINGTON COUNTY  
Cooperative Library Services

# Which libraries would be funded?

Banks

Cedar Mill

Forest Grove

Hillsboro

Sherwood

Tualatin

Beaverton

Cornelius

Garden Home

North Plains

Tigard

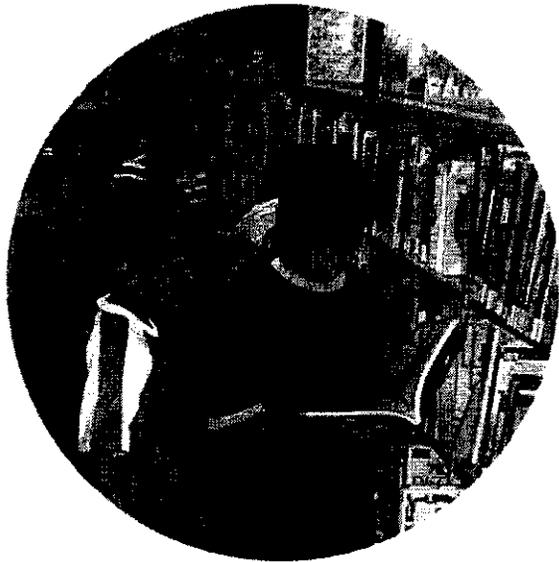
West Slope



WASHINGTON COUNTY  
Cooperative Library Services

# Levy Funding:

- 85% of levy funds would be distributed to support operating costs at these 12 libraries.
- The remaining 15% would provide support for central services that link libraries together.



# Why is the levy proposed?

- Maintain current local library services
- Support literacy programs for children
- Purchase books



## Maintain current services:

- Avoid additional reductions in hours, book purchases and programs.
- Maintain current local library services through 2011, allow some libraries to restore previously reduced hours.



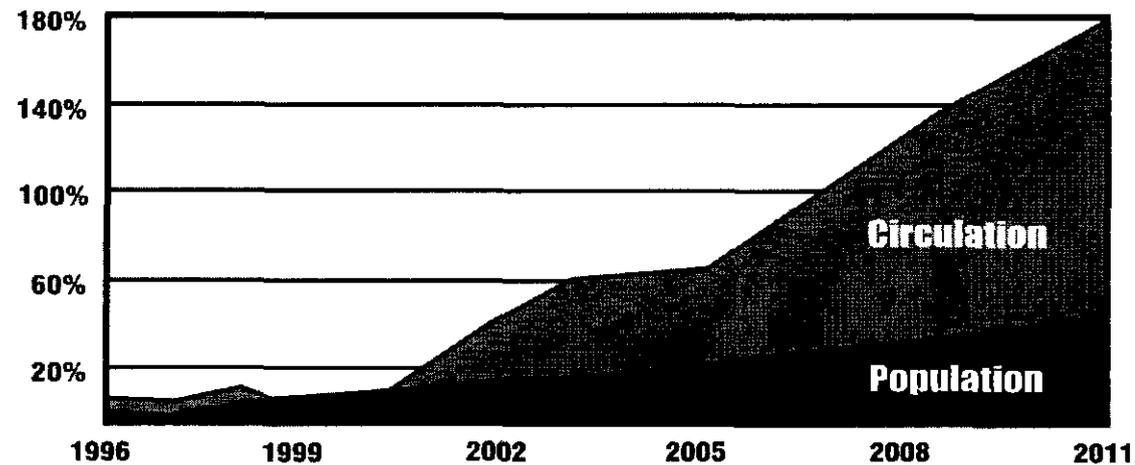
WASHINGTON COUNTY  
Cooperative Library Services

## Maintain current services:

- Address increases in population & library use.
- Maintain central support services that link libraries together – WILInet catalog/website, daily courier deliveries, etc.



# Population and library use



- Library checkouts are estimated to increase 43% during the 4-year term of the levy, topping 11.5 million in 2011.

# Support literacy programs for children:

- Over 17,000 children participate in the annual summer reading program designed to sustain reading retention between school years.



WASHINGTON COUNTY  
Cooperative Library Services

# Support literacy programs for children:

- Library-based literacy programs for preschoolers are designed to increase the number of children entering school “ready to read.”



WASHINGTON COUNTY  
Cooperative Library Services

# Purchase books:

- Levy funds would purchase books and other materials available to residents through all WCCLS libraries.



WASHINGTON COUNTY  
Cooperative Library Services

# What happens if the levy does not pass?

- Current service levels would be reduced as determined by local libraries.
- Hours and book purchases are likely to be reduced.



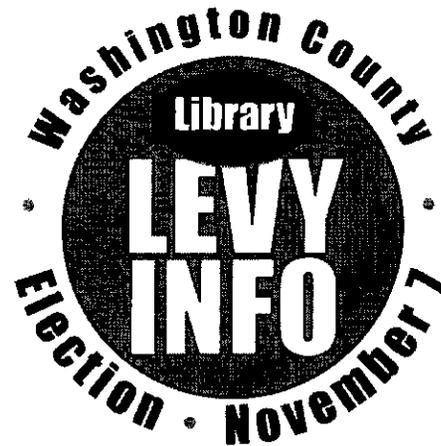
WASHINGTON COUNTY  
Cooperative Library Services

# For more information:

- Log on to our website  
[www.WILInet.wccls.lib.or.us](http://www.WILInet.wccls.lib.or.us)
- Ask your local librarian
- Call WCCLS at  
(503)846-3222



Thank you.



**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

**SUBJECT:** Presentation from the 2006-2007 Mayor's Youth Advisory Board (MYAB)

**FOR AGENDA OF:** 09-18-06 **BILL NO:** 06171

**Mayor's Approval:** 

**DEPARTMENT OF ORIGIN:** Mayor's Office

**DATE SUBMITTED:** 09-05-06

**CLEARANCES:**

**PROCEEDING:** PRESENTATION

**EXHIBITS:** None

**BUDGET IMPACT**

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

The City of Beaverton created the Mayor's Youth Advisory Board (MYAB) in 2000 with 24 students ranging from grades 9-12. MYAB's mission is to serve the common good of the community and provide a voice for youth in decisions and policies in the City of Beaverton. MYAB works to organize constructive community projects; strengthen relationships among youth and between youth and adults; provide positive activities involving youth; and to act as a resource for any city organization upon request. The 2006-2007 MYAB is made of 25 students from Sunset, Westview, Beaverton, Southridge, Aloha, and Catlin Gabel high schools.

**INFORMATION FOR CONSIDERATION:**

MYAB has prepared a presentation for the City Council highlighting their accomplishments over the Summer of 2006 and outlining new projects and goals for the upcoming year.

**RECOMMENDED ACTION:**

City Council to listen to the presentation from MYAB and provide feedback to the MYAB members regarding the direction of the Board.

**AGENDA BILL**

Beaverton City Council  
Beaverton, Oregon

**SUBJECT:** LIQUOR LICENSE

**FOR AGENDA OF:** 9/18/06 **BILL NO:** 06172

**NEW OUTLET**

Richard's  
6155 SW Murray Blvd.  
Beaverton, OR

**MAYOR'S APPROVAL:** 

**DEPARTMENT OF ORIGIN:** Police 

**DATE SUBMITTED:** 09/05/06

**PROCEEDING:** Consent Agenda

**EXHIBITS:** None

**BUDGET IMPACT**

<b>EXPENDITURE REQUIRED \$ 0</b>	<b>AMOUNT BUDGETED \$ 0</b>	<b>APPROPRIATION REQUIRED \$ 0</b>
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**HISTORICAL PERSPECTIVE:**

A background investigation has been completed and the Chief of Police finds that the applicant has met the standards and criteria as set forth in B.C. 5.02.240. The City has published in a newspaper of general circulation a notice specifying the liquor license application.

**INFORMATION FOR CONSIDERATION:**

Grass Valley Ltd., Inc., is opening a new establishment and has made application for a Limited On-Premises Sales License under the trade name of Richard's. It will operate Sunday through Saturday, from 7:00 a.m. to 2:00 a.m. They will offer video lottery machines as entertainment. A Limited On-Premises Sales license allows the sale of malt beverages, wine, and cider for consumption at the licensed business, and the sale of kegs of malt beverages to go.

**RECOMMENDED ACTION:**

The Chief of Police for the City of Beaverton recommends City Council approval of the OLCC license application.

**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

**SUBJECT:** A Resolution Authorizing an Intergovernmental Agreement With Washington County Relating to Transient Room Taxation

**FOR AGENDA OF:** 9/18/06 **BILL NO:** 06173

**Mayor's Approval:** *[Signature]*

**DEPARTMENT OF ORIGIN:** Finance *[Signature]*

**DATE SUBMITTED:**

City Attorney *[Signature]*  
Finance *[Signature]*

**PROCEEDING:** Consent Agenda

- EXHIBITS:**
1. Resolution
  2. Intergovernmental Agreement
  3. Letter from Washington County and Code Section 3.08.170
  4. Resolution Number 1833 and Agreement

**BUDGET IMPACT**

<b>EXPENDITURE REQUIRED \$-0-</b>	<b>AMOUNT BUDGETED \$-0-</b>	<b>APPROPRIATION REQUIRED \$-0-</b>
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**HISTORICAL PERSPECTIVE:**

Since July 1974, the City (along with other municipalities in Washington County) has agreed with Washington County to share revenues from the County transient room tax (see Exhibit 4 - Resolution Number 1883 and Agreement). The County disburses the taxes collected from lodging facilities located within cities among the Washington County Fair, Washington County Tourism Promotion, and the County and participating cities for general public use. Up until June 30, 2006 the tax rate was 7% and the tax revenues collected were allocated as follows:

- 1/7<sup>th</sup> dedicated to Washington County Fair Grounds
- 1/7<sup>th</sup> dedicated to Washington County Tourism Promotion
- 50% of the remaining 5/7<sup>th</sup> to the Cities
- 50% of the 5/7<sup>th</sup> to the County.

At the May 16, 2006 election, Washington County voters approved an increase in the transient room tax rate from 7% to 9% effective July 1, 2006. The additional 2% is dedicated to the Washington County Tourism Promotion and the tax revenue collections will now be allocated as follows:

- 1/9<sup>th</sup> dedicated to Washington County Fair Grounds
- 3/9<sup>th</sup> dedicated to Washington County Tourism Promotion
- 50% of the remaining 5/9<sup>th</sup> is distributed to the Cities
- 50% of the 5/9<sup>th</sup> to the County.

With the change in the lodging tax rate and the allocation formula each City must adopt a resolution declaring agreement with the provisions of Washington County Code Section 3.08.170 – Tax Sharing Agreement Subsection B. (see Exhibit 3 - Letter from Washington County).

Last Fiscal Year, the City received approximately \$382,772 from the transient room tax. The revenues are deposited into the City's General Fund. The change in the tax rate and the allocation formula are revenue neutral to the City.

**INFORMATION FOR CONSIDERATION:**

Attached is a Resolution authorizing the execution of the IGA with Washington County for the transient room tax and the IGA as prepared by Washington County. A key provision of the IGA is that the City may share this county-enacted tax revenue only for such time as the City foregoes enacting its own transient lodging tax.

**RECOMMENDED ACTION:**

Adopt the attached Resolution and authorize the Mayor to sign the attached IGA with Washington County for Transient Room Tax in a form approved by the City Attorney.

RESOLUTION NO. 3872

A RESOLUTION AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT WITH WASHINGTON COUNTY RELATING TO TRANSIENT ROOM TAXATION

**WHEREAS**, Washington County Ordinance No. 110 as amended by Ordinance Numbers 114, 151, and 297, further as codified into Chapter 3.08 of the Washington County Code and revised by Ordinance 656 levies a transient room tax throughout Washington County, including the City of Beaverton; and,

**WHEREAS**, in the interest of continued intergovernmental cooperation and tax effort sharing, the Transient Room Tax Ordinance provides for city-county revenue sharing if the City gives certain assurance and enters into an Intergovernmental Agreement with the County; and,

**WHEREAS**, the Council deems it to be in the best interest of the City to provide said assurances and to enter into an Intergovernmental Agreement with the County on this matter; now therefore,

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

Section 1. Assurances. The Council hereby declares that, in lieu of enacting a City of Beaverton transient room tax ordinance, the City shall agree to the provisions of Washington County Code Section 3.08.170 - Tax Sharing Agreement.

Section 2. Agreement. The Mayor is authorized to execute an Intergovernmental Agreement with Washington County, pursuant to Subsection A of Washington County Code 3.08.170 and relating to the distribution of the transient room tax receipts allocable to the City of Beaverton under Subsection C.

Section 3. Term. The Assurances (Section 1) and the Agreement (Section 2) shall be in effect for the 2006-07 Fiscal Year and shall continue for each succeeding fiscal year unless the Council by Resolution indicates otherwise to the County at least 30 days prior to the end of each fiscal year.

Adopted by the Council this \_\_\_\_ day of \_\_\_\_\_, 2006.

Approved by the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2006

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

ATTEST:

APPROVED:

\_\_\_\_\_  
Sue Nelson, City Recorder

\_\_\_\_\_  
Rob Drake, Mayor

## **INTERGOVERNMENTAL AGREEMENT**

### **Transient Room Tax**

This Agreement is entered into by and between Washington County, a political subdivision of the State of Oregon (County) and the City of Beaverton, a municipal corporation (City).

#### **WHEREAS:**

1. Washington County Code Chapter 3.08, the “Transient Room Tax” is a county-wide tax on hotel-motel occupancy;
2. Chapter 3.08.170 provides that tax receipts allocable to hotels and motels in a city may be shared with the city, provided the city adopts a resolution declaring that, in lieu of adoption of its own tax, it agrees to certain terms of Chapter 3.08; and
3. City, by Resolution No. \_\_\_\_\_, has so declared and the parties desire to enter into an Agreement to implement the terms of Chapter 3.08; now, therefore, it is

#### **AGREED:**

1. City, in lieu of adopting its own transient room tax, and in consideration of an allocation of tax receipts arising from hotels and motels in City, hereby consents to the following:
  - a. The administration and enforcement of the transient room tax shall remain with Washington County, acting by and through its Director of Support Services;
  - b. The total amount of transient room tax imposed in City shall not exceed nine percent (9%) of the rent as provided in Section 3.08.080 of the County Code; and
  - c. The amount distributed to City shall be calculated as provided for in Section 3.08.170 C. of the County Code.
2. County shall calculate the amount, if any due to City in accordance with Section 3.08.170 C and shall distribute any amount due to City within 30 days of receipt of the taxes.
3. County and City, by and through their respective finance officers shall cooperate in ensuring that the tax is effectively and efficiently enforced within City. Each party shall give the other immediate written notice of any action or suit filed or any claim made against that party that may result in litigation in any way related to this Agreement.

**INTERGOVERNMENTAL AGREEMENT  
Transient Room Tax**

4. This Agreement may be terminated by either party upon 30 days written notice. Any amounts due City for receipts prior to the effective date of termination shall be paid within 30 days of termination.

5. Each party shall comply with all applicable federal, state and local laws; and rules and regulations on non-discrimination in employment because of race, color, ancestry, national origin, religion, sex, sexual orientation, marital status, age, medical condition or disability.

6. This writing is intended both as the final expression of the Agreement between the parties with respect to the included terms and as a complete and exclusive statement of the terms of the Agreement.

WHEREAS, all the aforementioned is hereby agreed upon by the parties and executed by the duly authorized signatures below.

**CITY OF BEAVERTON:**

_____ Signature	_____ Date
Rob Drake _____ Printed Name	Mayor _____ Title
Address: 4755 SW Griffith Drive PO Box 4755 Beaverton, Oregon 97076-4755	

**WASHINGTON COUNTY**

_____ Signature	_____ Date
_____ Printed Name	_____ Title
Address: 155 N First Avenue; MS 25; 334 Public Services Building Hillsboro OR 97124	



August 25, 2006

Patrick O'Claire, Finance Director  
City of Beaverton  
PO Box 4755, 4755 SW Griffith Dr  
Beaverton, Oregon 97076

Dear Patrick:

The Washington County Transient Room Tax has existed since 1985 and is authorized by County Code section 3.08. In May 2006, the voters of Washington County approved a two-percentage point increase in the tax, bringing the rate to 9%. All funds generated by the increase, which became effective July 1, 2006, are dedicated to promoting tourism.

Transient Room Tax revenues collected in Washington County are allocated as follows:

A) For funds generated within cities: (the vast majority of collections)

- Lodging operators keep 5% of collections
- Of remaining 95% –
- 3/9 to Tourism Promotion
- 1/9 to the Washington County Fair
- 50% of 5/9 to cities
- 50% of 5/9 to Washington County

B) For funds generated in unincorporated areas:

- Lodging operators keep 5% of collections
- Of remaining 95% –
- 3/9 to Tourism Promotion
- 1/9 to the Washington County Fair
- 5/9 to Washington County

County Code section 3.08.170 sets forth the process by which cities within Washington County can receive a share of Transient Room Tax collections. To do so, a city must adopt and file with the County a resolution declaring it agrees to the provisions of County Code section 3.08.170.B. With the goal of a uniform rate countywide, this section says that a city will receive half of the 5/9 collected within its boundaries so long as it does not adopt its own transient room tax. City

adoption of a local transient room tax would make it ineligible for its share of revenue collected by the County.

The enclosed draft intergovernmental agreement contains language appropriate to meet the requirements for City/County revenue sharing as described above. Please complete the agreement, execute three copies of it and return them to me. I will then send you back a fully executed original for your records. If you have any questions about the Transient Room Tax, please call me at 503-846-8756.

Sincerely



Wayne Lowry  
Chief Finance Officer

and attraction of visitors to, the county. Said amounts may be used for providing public information concerning the county, advertising the natural resources of the county or any other use for the purpose of the attraction of visitors the the county. (Ord. 114 § 2(2), 1972)

### **3.08.160 Advisory committee.**

Not less than thirty days after the effective date of the ordinance codified in this chapter, the board shall create a transient room tax advisory committee of three members serving staggered terms of three years, for the following purposes:

- A. To hear and advise the board on appeals from orders or decisions of the director relative to redetermination of taxes imposed by this chapter;
- B. To advise the board on all forms and rules and regulations proposed for administration and enforcement of this chapter;
- C. To hear and advise the board on any protest by any interested person as to the adoption or application of any form, rule and regulation made pursuant to this chapter;
- D. To advise the board to grant for good cause, applications for extensions of time in excess of one month but not more than ninety days, for making any return or payment of tax due under this chapter;
- E. To make investigations as it deems necessary as to the machinery for tax collection and enforcement provided for by this chapter and to recommend to the board any changes it deems necessary. (Ord. 114 § 2(3), 1972)

### **3.08.170 Tax sharing agreement.**

A. If a city, located in whole or in part within the county, adopts a resolution declaring that, in lieu of adoption of its own transient room tax ordinance, it shall agree to the provisions of subsection B of this section, the board shall enter into an agreement with the city to distribute the tax receipts allocable for hotels within such city in the manner provided by subsection C of this section.

B. The agreement provided for in subsection A of this section shall provide:

- 1. That the administration and enforcement of such tax shall remain with the director;
- 2. That the total transient room tax imposed within the city shall not exceed seven percent of the rent as provided in Section 3.08.080 of this chapter.

C. The amount to be distributed to a city which adopts an agreement pursuant to this section shall be as follows: From the total net tax due from hotels within such city, one-seventh to be dedicated to the Washington County Fair, one-seventh to be dedicated to the promotion of tourism, the collection fee provided for by Section 3.08.140 of this chapter, the permissive use of transient room tax funds provided for by Section 3.08.150 of this chapter and cost of administration and audit shall be deducted. Fifty percent of the end product of the foregoing shall then be distributed to the city within thirty days of receipt of the taxes imposed by this chapter by the director.

D. One-seventh of tax collected prior to any deductions or distribution to cities shall be distributed to the Washington County Fair for the purpose of promotion and maintenance (including operation) of the fairgrounds. Distribution shall be made in the same manner as for distribution to cities and as set forth in Section 3.08.100 herein.

E. One-seventh of tax collected prior to any deductions or distribution to cities shall be dedicated by the county to the promotion of tourism. The board of county commissioners of the county shall adopt a resolution and order establishing a tourism promotion fund and describing the manner in which said fund is to be used. Distribution to the tourism promotion fund shall be made in the same manner as provided for distribution to cities and as set forth in Section 3.08.100 herein. The board of county commissioners recognizes that the county visitors association is currently a viable means of distributing funds for tourism promotion. Any amendment to said resolution and order shall be placed on the board's public hearings agenda and be preceded by at least fifteen days' published notice in a newspaper of general circulation within the county. (Ord. 297 § 2(E), 1984; Ord. 151 § 2, 1974)

### **3.08.180 Operator--Duty.**

Each operator shall collect the tax imposed by this chapter at the same time as the rent is collected from the transient. The amount of tax shall be separately stated upon the operator's records and any receipt rendered by the operator. No operator of a hotel shall advertise that the tax or any part of the tax will be assumed or absorbed by the operator, or that it will not be added to the rent, or that, when added, any part will be refunded, except in the manner provided by this chapter. (Ord. 110 § 7, 1972)

RESOLUTION NO. 1833

A RESOLUTION AUTHORIZING EXECUTION OF AN  
AGREEMENT WITH WASHINGTON COUNTY RELATING  
TO TRANSIENT ROOM TAXATION.

WHEREAS, Washington County Ordinance No. 110, as amended, levies a transient room tax throughout Washington County, including the City of Beaverton, and

WHEREAS, in the interest of greater intergovernmental cooperation and tax effort sharing, the Transient Room Tax Ordinance provides for city-county revenue sharing if the City gives certain assurances and enters into an agreement with the County; and

WHEREAS, the Council deems it to be in the best interest of the City to provide said assurances and to enter into an agreement with County on this matter; now, therefore,

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

Section 1. Assurances. The Council hereby declares that, in lieu of enacting a City of Beaverton transient room tax ordinance, the City shall agree to the provisions of Section 16(H)(2) of the Transient Room Tax Ordinance of Washington County.

Section 2. Agreement. The Mayor and City Recorder are authorized and directed to execute an agreement with Washington County, pursuant to Section 16(H) of the Transient Room Tax Ordinance of Washington County, relating to the distribution of transient room tax receipts allocable to the City of Beaverton.

Section 3. Term. The assurances (Section 1) and authorization (Section 2) shall be effective for the fiscal year 1974-75 and, unless the Council by Resolution indicates otherwise to the County at least 30 days prior to the end of each fiscal year, shall extend to each succeeding fiscal year.

Section 4. The City Recorder shall forward a copy of this Resolution to the Clerk of the Board of County Commissioners for Washington County.

Adopted by the Council this 15th day of July, 1974.  
Approved by the Mayor this 15th day of July, 1974.

ATTEST:

APPROVED:

Cleo Y. Effle  
CLEO Y. EFFLE, Recorder Pro Tem

William H. Young  
WILLIAM H. YOUNG, Mayor

AGREEMENT

THIS AGREEMENT, made and entered into as of this 1st day of July, 1974, by and between Washington County, a political subdivision of the State of Oregon and the City of Beaverton, a municipal corporation of the State of Oregon,

WITNESSETH:

WHEREAS, Section 16H of the Transient Room Tax Ordinance of Washington County provides a method of tax effort sharing whereby, if a city located in whole or in part within Washington County adopts a resolution giving certain assurances and entering into a certain agreement, Washington County, through its Board of County Commissioners shall enter into an agreement to distribute tax receipts received pursuant to the aforesaid ordinance in a certain manner; and

WHEREAS, the City of Beaverton has adopted and transmitted to Washington County a copy of Resolution No. 1833 making the assurances required by the aforesaid Section 16(H); and

WHEREAS, it is now appropriate for the parties to enter into an agreement to implement distribution of certain tax receipts collected pursuant to the aforesaid Transient Room Tax Ordinance of Washington County;

NOW, THEREFORE, it is agreed by and between the parties hereto as follows:

1. The City of Beaverton agrees to the provisions of Section 16(H) of the Transient Room Tax Ordinance of Washington County.
2. Washington County shall distribute to the City of Beaverton those amounts determined pursuant to the formula described in Section 16(H)(3) of the Transient Room Tax Ordinance of Washington County within 30 days of receipt of the returns thereof.

This agreement shall be in full force and effect from July 1, 1974, to June 30, 1975, and shall be renewed automatically for each fiscal year thereafter until either or both parties terminate the same by notice received by the other party not less than 30 days prior to the end of the preceding fiscal year.

IN WITNESS WHEREOF, the Board of County Commissioners of Washington County, through the Chairman and Recording Secretary of its Board of County Commissioners, and the City Council of the City of Beaverton, through its Mayor and City Recorder, have authorized this agreement.

DATED this 23 day of July, 1974.

APPROVED WASHINGTON COUNTY  
BOARD OF COMMISSIONERS

MINUTE ORDER # 74-426

DATE 7-23-74

BY Jolann Johansen  
CLERK OF THE BOARD

BOARD OF COUNTY COMMISSIONERS  
FOR WASHINGTON COUNTY, OREGON

William Wilson  
Chairman

Jolann Johansen  
Recording Secretary

DATED this 15th day of July, 1974.

CITY COUNCIL FOR THE  
CITY OF BEAVERTON, OREGON

William H. Young  
Mayor

Clara Y. Toffle  
City Recorder pro tem

**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

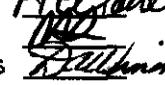
**SUBJECT:** Authorization to Enter into an Intergovernmental Agreement with Clean Water Services for Sanitary Sewer Rehabilitation in the Sandberg Subdivision

**FOR AGENDA OF:** 09-18-06 **BILL NO:** 06174

**Mayor's Approval:** 

**DEPARTMENT OF ORIGIN:** Public Works 

**DATE SUBMITTED:** 09-08-06

**CLEARANCES:** Finance   
City Attorney   
Cap. Projects 

**PROCEEDING:** Consent

**EXHIBITS:** 1. Intergovernmental Agreement

**BUDGET IMPACT**

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

As identified in the 2004 Sanitary Sewer Collection System Master Plan prepared by Tetra Tech/KCM, sanitary sewers in the Sandberg Subdivision have high water inflow and infiltration (I&I) causing line capacity issues. The Sandberg Subdivision, constructed in the early 1950s, consists of approximately 60 homes and apartments located on Maple Avenue, Larch Drive, Beech Drive and Larch Lane.

Because of the high level of I&I, the Sandberg Subdivision area qualified for the Clean Water Services (CWS) program to reduce the entry of ground water into the sanitary sewer pipes in aging sections of the sanitary sewer system. The CWS I&I reduction program is reflected in the attached Intergovernmental Agreement (IGA).

On May 8, 2006, Council awarded a contract to K&R Plumbing for the rehabilitation of 3,370 feet of 8-inch sanitary sewer main line and 3,886 feet of 4-inch and 6-inch sanitary sewer laterals in the Sandberg Subdivision based on plans and specifications completed by staff. The estimated cost of the sanitary sewer work was \$446,543. K&R Plumbing substantially completed the sanitary sewer work on August 25, 2006. The projected cost of the sanitary sewer work is \$459,354 of which 50% of the cost will be reimbursed to the City under the conditions of the proposed IGA.

Utility improvements in the Sandberg Subdivision also include water and storm drainage that are being completed through the combined efforts of K&R Plumbing and City forces.

**INFORMATION FOR CONSIDERATION:**

The main points of the City of Beaverton/Clean Water Services Intergovernmental Agreement are as follows:

- City will take the lead in project design, bidding, award, inspection and project management.
- City will take the lead in public information and involvement.
- City will pay 100% of project costs and request reimbursement from CWS for 50% of the eligible project costs. Eligible project costs include those related to the improvement of the sanitary sewer system.

**Agenda Bill No:** 06174

- Clean Water Services will reimburse City for 50% of the eligible project costs.
- Eligible project costs also include work that occurred prior to the effective date of the IGA.

The Sandberg Subdivision Sanitary Sewer Rehabilitation project is included in both the FY 2005/06 and the FY 2006/07 Capital Improvements Plans (CIP) under CIP Project No. 6012. The FY2006/07 CIP includes a CWS estimated participation of up to \$300,000.

**RECOMMENDED ACTION:**

Authorize the Mayor to sign an Intergovernmental Agreement between the City of Beaverton and Clean Water Services for the construction of the Sandberg Subdivision Sanitary Sewer Rehabilitation Project No. 6012 in a form approved by the City Attorney.

**INTERGOVERNMENTAL AGREEMENT  
BETWEEN CLEAN WATER SERVICES AND THE CITY OF BEAVERTON  
FOR CONSTRUCTION OF THE SANDBERG SUBDIVISION SANITARY SEWER  
REHABILITATION PROJECT #6012**

This agreement dated September \_\_\_\_, 2006, is between CLEAN WATER SERVICES (District) a county service district organized under ORS Chapter 451 and the CITY OF BEAVERTON, OREGON (City) an Oregon municipal corporation.

**A. RECITALS**

WHEREAS, ORS 190.003-190.110 encourages intergovernmental cooperation and authorizes local governments to delegate to each other authority to perform their respective functions as necessary; and

WHEREAS, the parties desire to undertake the Sandberg Subdivision Sanitary Sewer Rehabilitation Project #6012, hereafter referred to as the "Project", to inspect, line and reconstruct deficient public sanitary sewer mains and private sanitary service laterals within the City; and

WHEREAS, District and City have agreed that the City will take the lead in drafting all contracts and bidding documents, selecting and hiring contractors, managing, evaluating and inspecting the project, and that the District and City will share all costs associated with the Project at a 50% level as defined below.

NOW, THEREFORE, the parties do mutually agree to do as follows:

**B. THE PROJECT**

The Project is the rehabilitation of the public sanitary sewer line and the private sanitary service laterals in the Sandberg Subdivision located on Maple Avenue, Larch Drive, Larch Lane, and Beech Drive between Beaverton Hillsdale Highway and 5<sup>th</sup> Street (see attached map). To minimize inflow and infiltration into the existing sanitary sewer system, the public sanitary sewer lines and private sanitary service laterals need to be rehabilitated. The public sanitary sewer lines will be inspected and deficiencies will be corrected. The private sanitary service laterals will be inspected and deficiencies will be corrected from the main line to the structure.

### C. CITY OBLIGATIONS

City shall:

1. Use its best efforts to obtain a written agreement from the owner of any private property to be included within the Project to conduct an inspection of the sanitary sewer lateral and to install a cleanout or replace the sewer lateral or both as City deems necessary, on such additional terms and conditions as City deems appropriate.
2. Inspect and evaluate each sanitary sewer main and lateral by use of a television camera and line or replace all mains and deficient sewer laterals for each property that the City has obtained the necessary consent.
3. Prepare and submit all contracts and bid documents for review and comment by District at least ten (10) working days prior to advertising for bids, and incorporate timely received District comments into the plans or otherwise work with District to modify the contracts and bid documents to both parties satisfaction.
4. Coordinate public information and involvement related to the Project.
5. Manage the construction and provide construction inspection services for the Project including final inspection and acceptance on behalf of both City and District.
6. Hold progress meetings with District during the development and design of the Project and consider District's advice on development and design.
7. Make progress payments to the contractor.
8. Pay 100% of the Project costs. Project cost shall include administration, field inspection, plumbing inspection fees, design, and construction.
9. Prepare and submit to District for review an invoice of the project costs incurred together with an updated summary of the completed tasks each quarter following the initial invoice submittal.

## D. DISTRICT OBLIGATIONS

District shall:

1. Assist City at City's request with public information and public involvement. For example, District may assign staff to the Project team to facilitate communications between the District, City and the Project neighborhood.
2. Provide comments to City on draft construction documents within ten (10) working days of receipt.
3. Reimburse City for 50% of all Project costs (including those cost items set out elsewhere in this Agreement) no later than 30 days after District's review and approval of City's invoices.

## E. GENERAL TERMS

### 1. Amendment of Agreement

City and District may amend this Agreement from time to time by mutual written agreement.

### 2. Indemnification Clause

Subject to any provision of the Oregon Constitution and ORS30.260-30.300 and within the limits set forth in ORS 30.270, each party hereby agrees to protect, defend, hold harmless, and indemnify each other, its officers, employees and agents of and from any claims, damages, compensation, suits, actions and expenses, including reasonable attorney's fees, occasioned in whole or in part by the negligent acts, errors or omissions of the indemnitor or its employees, while in any way engaged in the performance of this Agreement.

### 3. Resolution of Disputes

If any dispute arising out of this Agreement cannot be resolved by the project managers from each party, the City Mayor and the District General Manager will attempt to resolve the issue. If the City Mayor and the District General Manager are not able to resolve the dispute, the parties will submit the matter to mediation, each party paying its own costs and sharing equally in common costs. In the event the dispute is not resolved in mediation, the parties will submit the matter to arbitration. The decision of the arbitrator shall be final, binding and conclusive upon the parties and subject to appeal only as provided otherwise in Oregon law.

### 4. Laws and Regulations

City and District agree to abide by all applicable laws and regulations.

5. Effective Date

This Agreement is effective from the date of execution by both parties, provided that the parties' agreement to share Project costs shall relate back to any work performed on the Project prior to execution of this Agreement.

6. Integration

This document constitutes the entire agreement between the parties on the subject matter hereof and supersedes all prior or contemporaneous written or oral understandings, representations or communications of every kind on the subject. No course of dealing between the parties and no usage of trade shall be relevant to supplement any term used in this agreement. Acceptance or acquiescence in a course of performance rendered under this Agreement shall not be relevant to determine the meaning of this agreement and no waiver by a party of any right under this agreement shall prejudice the waiving party's exercise of the right in the future.

7. Term of Agreement

This Agreement is effective from the date of execution by both parties until the completion of all obligations created by this Agreement.

8. Termination

This Agreement may be terminated by mutual written agreement of both parties. Either party may give the other notice that the Agreement is terminated for convenience if the terminating party's governing body does not appropriate funds to continue the work of the Project at any time during the course of the Project.

9. Interpretation of Agreement

- a. This Agreement shall not be construed for or against any party by reason of the authorship or alleged authorship of any provision.
- b. The paragraph headings contained in this Agreement are for ease of reference only and shall not be used in constructing or interpreting this Agreement.

10. Approval Required

This Agreement and all amendments shall become effective when approved by 1) the District's General Manager or the General Manager's designee and, when required by applicable District rules, the District's Board of Directors and 2) the Mayor or the Mayor's designee and, when required, the City Council.

11. Choice of Law/ Venue

This Agreement and all right, obligations and disputes arising out of the agreement shall be governed by Oregon law. All disputes and litigation arising out of this agreement shall be decided by the state courts in Oregon. Venue for all disputes and litigation shall be in Washington County, Oregon.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed the day and year first written above.

**CITY OF BEAVERTON, OREGON**

**CLEAN WATER SERVICES**

By: \_\_\_\_\_

By: \_\_\_\_\_

Rob Drake, Mayor

Bill Gaffi, General Manager

**Approved as to Form**

APPROVED AS TO FORM

  
\_\_\_\_\_  
**City Attorney**

\_\_\_\_\_  
District General Counsel

# SANDBERG SUBDIVISION

110TH AV

109TH AV



BEAVERTON HILLSDALE HWY

HWY 217

LARCH DR

MAPLE AV

BEECH DR

LARCH LN

5TH ST

(SCALE: 1"=400')



City Of Beaverton

CAPITAL  
PROJECTS  
DIVISION

CITY ENGINEER  
TERRY WALDELE

DATE  
09-18-06

SANDBERG SUBDIVISION  
SANITARY SEWER REHABILITATION  
CIP PROJECT 6012

DRAWN BY  
JEB

DRAWING NO.  
1

**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

**SUBJECT:** Authorization to Enter into an Intergovernmental Agreement with Clean Water Services for Sanitary Sewer Rehabilitation in the South Central "A" Area

**FOR AGENDA OF:** 09-18-06 **BILL NO:** 06175

**Mayor's Approval:**



**DEPARTMENT OF ORIGIN:** Public Works



**DATE SUBMITTED:** 09-08-06

**CLEARANCES:** Finance  
City Attorney  
Cap. Projects



**PROCEEDING:** Consent

**EXHIBITS:** 1. Intergovernmental Agreement

**BUDGET IMPACT**

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

As identified in the 2004 Sanitary Sewer Collection System Master Plan prepared by Tetra Tech/KCM, sanitary sewers in the South Central "A" Area have high water inflow and infiltration (I&I) causing line capacity issues. The South Central "A" Area, built in the mid 1950's, consists of approximately 150 homes and apartment buildings located on 9<sup>th</sup> Street, Franklin Avenue, Tucker Avenue, 12<sup>th</sup> Street, 13<sup>th</sup> Street and 14<sup>th</sup> Street.

Because of the high level of I&I, the South Central "A" Area qualified for the Clean Water Services (CWS) program to reduce the entry of ground water into the sanitary sewer pipes in aging sections of the sanitary sewer system. The CWS I&I reduction program is reflected in the attached Intergovernmental Agreement (IGA).

On December 6, 2004, Council awarded a contract to Lee Engineering to provide plans and specifications for the rehabilitation of 5,800 feet of sanitary sewer main line and 7,500 feet of 4-inch and 6-inch sanitary sewer laterals in the South Central "A" Area. The estimated cost of the sanitary sewer work is \$1,300,000 of which 50% of the cost will be reimbursed to the City under the conditions of the proposed IGA.

Other utility work in the South Central "A" Area also includes water improvements on 9<sup>th</sup> Street.

**INFORMATION FOR CONSIDERATION:**

The main points of the City of Beaverton/Clean Water Services Intergovernmental Agreement are as follows:

- City will take the lead in project design, bidding, award, inspection and project management.
- City will take the lead in public information and involvement.

**Agenda Bill No:** 06175

- City will pay 100% of project costs and request reimbursement from CWS for 50% of the eligible project costs. Eligible project costs include those related to the improvement of the sanitary sewer system.
- Clean Water Services will reimburse City for 50% of the eligible project costs.
- Eligible project costs also include work that occurred prior to the effective date of the IGA.

The South Central "A" Area Sanitary Sewer Rehabilitation project is included in both the FY 2005/06 and the FY 2006/07 Capital Improvements Plans (CIP) under CIP Project No. 6038. The FY2006/07 CIP includes a CWS estimated participation of up to \$630,000.

**RECOMMENDED ACTION:**

Authorize the Mayor to approve an Intergovernmental Agreement between the City of Beaverton and Clean Water Services for the construction of the South Central "A" Area Sanitary Sewer Rehabilitation Project No. 6038 in a form approved by the City Attorney.

**INTERGOVERNMENTAL AGREEMENT  
BETWEEN CLEAN WATER SERVICES AND THE CITY OF BEAVERTON  
FOR CONSTRUCTION OF THE S. CENTRAL AREA "A" SANITARY AND  
WATERLINE IMPROVEMENTS PROJECT #6038**

This agreement dated September \_\_\_\_, 2006, is between CLEAN WATER SERVICES (District) a county service district organized under ORS Chapter 451 and the CITY OF BEAVERTON, OREGON (City) an Oregon municipal corporation.

**A. RECITALS**

WHEREAS, ORS 190.003-190.110 encourages intergovernmental cooperation and authorizes local governments to delegate to each other authority to perform their respective functions as necessary; and

WHEREAS, the parties desire to undertake the S. Central Area "A" Sanitary and Waterline Improvements Project #6038 to replace and repair deficient public water mains, public sanitary sewer mains, and private sanitary service laterals within the City; and

WHEREAS, District and City have agreed that the City will take the lead in drafting all contracts and bidding documents, selecting and hiring contractors, managing, evaluating and inspecting the project, and that the District and City will share all costs associated with the "Sanitary Rehabilitation Project" at a 50% level as defined below.

NOW, THEREFORE, the parties do mutually agree to do as follows:

**B. THE SANITARY REAHABILITATION PROJECT**

The "Sanitary Rehabilitation Project" includes the rehabilitation of the public sanitary sewer lines and the private sanitary service laterals in the City of Beaverton's "S. Central Area "A" Sanitary and Waterline Improvements Project #6038." The project area includes SW 9<sup>th</sup> Street between SW Hall Boulevard and SW Lombard Avenue; SW 12<sup>th</sup> Street, SW 13<sup>th</sup> Street, and SW 14<sup>th</sup> Street between SW Tucker Avenue and SW Franklin Avenue; SW Franklin Avenue between SW 9<sup>th</sup> Street and SW 14<sup>th</sup> Street; SW Tucker between SW 12<sup>th</sup> Street and SW 14<sup>th</sup> Street; and SW Allen between SW Hall Boulevard and SW Alice Lane (see attached map). To minimize inflow and infiltration into the existing sanitary sewer system, the public sanitary sewer lines and private sanitary service laterals shall be rehabilitated. The public sanitary sewer lines will be inspected and deficiencies will be corrected. The private sanitary service laterals will be inspected and deficiencies will be corrected from the main line to the structure.

## C. CITY OBLIGATIONS

City shall:

1. Use its best efforts to obtain a written agreement from the owner of any private property to be included within the Sanitary Rehabilitation Project that allows City to conduct an inspection of the sanitary sewer lateral and to install a cleanout or replace the sewer lateral or both as City deems necessary, on such additional terms and conditions as City deems appropriate.
2. Inspect and evaluate each sanitary sewer main and lateral by use of a television camera and line or replace all mains and deficient sewer laterals for each property that the City has obtained the necessary consent.
3. Prepare and submit all contracts and bid documents for review and comment by District at least ten (10) working days prior to advertising for bids, and incorporate timely received District comments into the plans or otherwise work with District to modify the contracts and bid documents to both parties satisfaction.
4. Coordinate public information and involvement related to the project.
5. Manage the construction and provide construction inspection services for the project including final inspection and acceptance on behalf of both City and District.
6. Hold progress meetings with District during the development and design of the Sanitary Rehabilitation Project and consider District's advice on development and design.
7. Separate bid items in the contract bid documents such that those items associated with the Sanitary Rehabilitation Project are clearly distinguished.
8. Make progress payments to the contractor.
9. Pay 100% of the project costs. Project cost shall include administration, field inspection, plumbing inspection fees, design, and construction.
10. Prepare and submit to District for review an invoice of the Sanitary Rehabilitation Project costs incurred together with an updated summary of the completed tasks each quarter following the initial invoice submittal.

## D. DISTRICT OBLIGATIONS

District shall:

1. Assist City at City's request with public information and public involvement. For example District may assign staff to the Sanitary Rehabilitation Project team to facilitate communications between the District, City and the Project neighborhood.
2. Review and provide comments to City on draft construction documents within ten (10) working days of receipt. Review shall include comment and/or approval of City's identification of Sanitary Rehabilitation Project bid items.
3. Reimburse the City for 50% of all Sanitary Rehabilitation Project costs (including those cost items set out elsewhere in this Agreement) no later than 30 days after District's review and approval of City's invoices.

## E. GENERAL TERMS

### 1. Amendment of Agreement

City and District may amend this agreement from time to time by mutual written agreement.

### 2. Indemnification Clause

Subject to any provision of the Oregon Constitution and ORS30.260-30.300 and within the limits set forth in ORS 30.270, each party hereby agrees to protect, defend, hold harmless, and indemnify each other, its officers, employees and agents of and from any claims, damages, compensation, suits, actions and expenses, including reasonable attorney's fees, occasioned in whole or in part by the negligent acts, errors or omissions of the indemnitor or its employees, while in any way engaged in the performance of this Agreement.

### 3. Resolution of Disputes

If any dispute arising out of this Agreement cannot be resolved by the project managers from each party, the City Mayor and the District General Manager will attempt to resolve the issue. If the City Mayor and the District General Manager are not able to resolve the dispute, the parties will submit the matter to mediation, each party paying its own costs and sharing equally in common costs. In the event the dispute is not resolved in mediation, the parties will submit the matter to arbitration. The decision of the arbitrator shall be final, binding and conclusive upon the parties and subject to appeal only as provided otherwise in Oregon law.

### 4. Laws and Regulations

City and District agree to abide by all applicable laws and regulations.

5. Effective Date

This Agreement is effective from the date of execution by both parties, provided that the parties' agreement to share Project costs shall relate back to any work performed on the Project prior to execution of this Agreement.

6. Integration

This document constitutes the entire agreement between the parties on the subject matter hereof and supersedes all prior or contemporaneous written or oral understandings, representations or communications of every kind on the subject. No course of dealing between the parties and no usage of trade shall be relevant to supplement any term used in this agreement. Acceptance or acquiescence in a course of performance rendered under this agreement shall not be relevant to determine the meaning of this agreement and no waiver by a party of any right under this agreement shall prejudice the waiving party's exercise of the right in the future.

7. Term of Agreement

This Agreement is effective from the date of execution by both parties until the completion of all obligations created by this Agreement.

8. Termination

This Agreement may be terminated by mutual written agreement of both parties. Either party may give the other notice that the Agreement is terminated for convenience if the terminating party's governing body does not appropriate funds to continue the work of the Project at any time during the course of the Project.

9. Interpretation of Agreement

- a. This Agreement shall not be construed for or against any party by reason of the authorship or alleged authorship of any provision.
- b. The paragraph headings contained in this Agreement are for ease of reference only and shall not be used in constructing or interpreting this Agreement.

10. Approval Required

This Agreement and all amendments shall become effective when approved by 1) the District's General Manager or the General Manager's designee and, when required by applicable District rules, the District's Board of Directors and 2) the Mayor or the Mayor's designee and, when required, the City Council.

11. Choice of Law/ Venue

This agreement and all right, obligations and disputes arising out of the agreement shall be governed by Oregon law. All disputes and litigation arising out of this agreement shall be decided by the state courts in Oregon. Venue for all disputes and litigation shall be in Washington County, Oregon.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed the day and year first written above.

**CITY OF BEAVERTON, OREGON**

**CLEAN WATER SERVICES**

By: \_\_\_\_\_

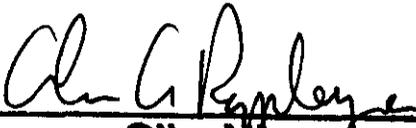
By: \_\_\_\_\_

Rob Drake, Mayor

Bill Gaffi, General Manager

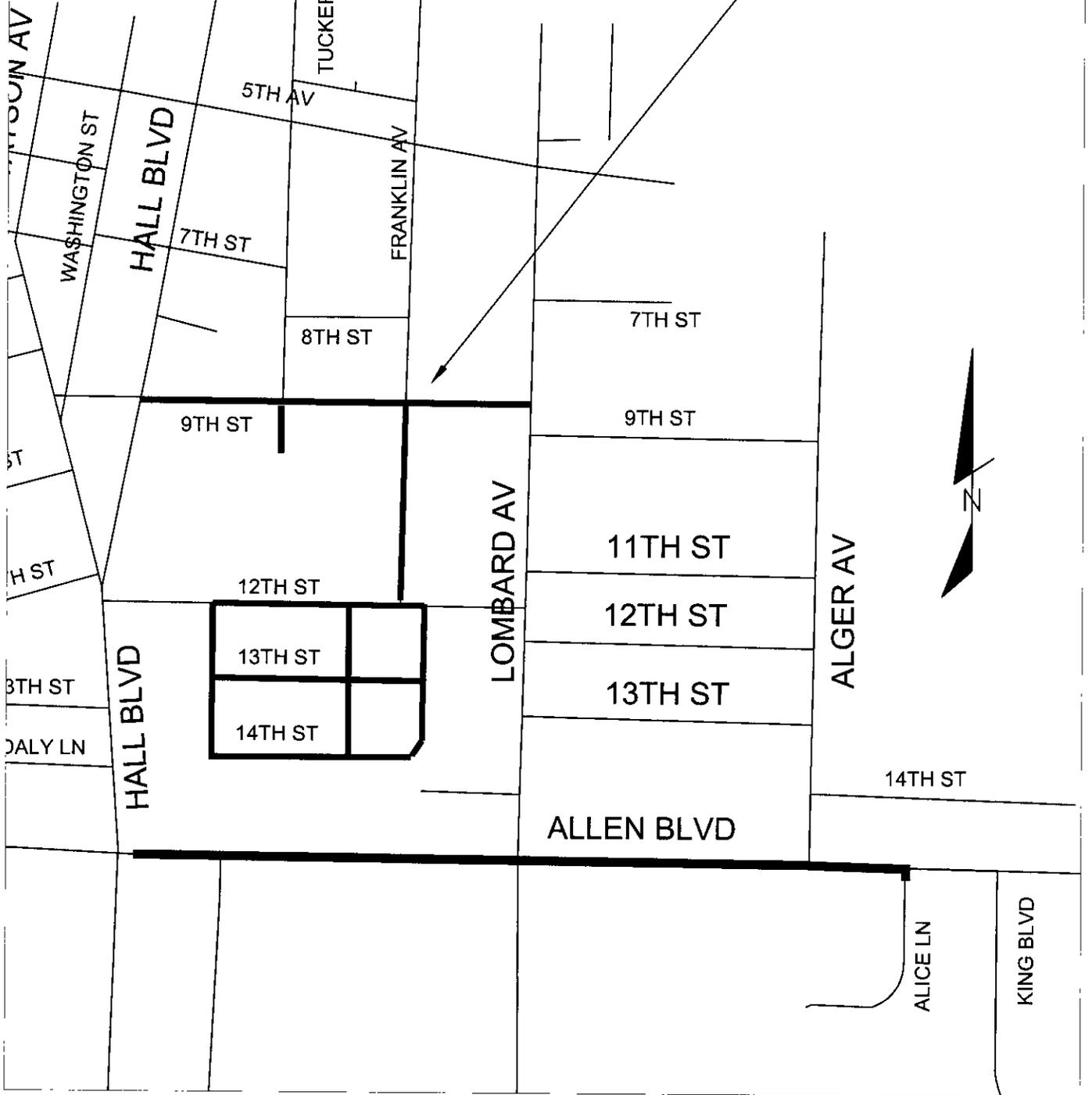
**Approved as to Form**

APPROVED AS TO FORM

  
\_\_\_\_\_  
**City Attorney**

\_\_\_\_\_  
District General Counsel

# SOUTH CENTRAL "A"



(SCALE: 1"=500')



City Of Beaverton

## CAPITAL PROJECTS DIVISION

CITY ENGINEER  
TERRY WALDELE

DATE  
09-18-06

## SOUTH CENTRAL "A" SANITARY SEWER REHABILITATION CIP PROJECT 6038

DRAWN BY  
JEB

DRAWING NO.  
1

**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

**SUBJECT:** Classification Changes

**FOR AGENDA OF:** 09/18/06 **BILL NO:** 06176

**Mayor's Approval:** *[Signature]*

**DEPARTMENT OF ORIGIN:** HR *[Signature]*

**DATE SUBMITTED:** 09-14-06

**CLEARANCES:** Mayor's Office *[Signature]*  
Finance *[Signature]*

**PROCEEDING:** CONSENT AGENDA

**EXHIBITS:**

**BUDGET IMPACT**

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$102,750	BUDGETED \$90,626	REQUIRED \$12,124

**HISTORICAL PERSPECTIVE:**

**Mayor's Office**

There are two positions in the Mayor's Office for the City of Beaverton with primary responsibility for first-line reception for the Mayor, Chief of Staff and other Mayor's Office personnel. The position has typically performed receptionist duties, including meeting, greeting, answering phones, processing room reservations, mail, collating, setting up the Council Chambers and assisting the Deputy City Recorder.

**INFORMATION FOR CONSIDERATION:**

**Mayor's Office**

The Human Resources department conducted an internal audit of all Support Specialist I positions and Support Specialist II positions in the City. The Mayor's Office Support Specialist I position has evolved from the typical receptionist duties to adding other duties such as scanning documents for archives and preparing purchase orders and handling petty cash. It has become a multi-dimensional position that requires a higher level of skill and performance.

An internal evaluation of the current Support Specialist I position, grade 2, in the Mayor's Office places it in the responsibility level of a Support Specialist II, grade 5. The additional cost of the reclassification for FY 06-07 is \$12,124, including salary and fringe benefits.

**RECOMMENDED ACTION:**

Council approve the following:

A reclassification of the two Support Specialist I positions to the Support Specialist II classification, effective September 18, 2006, and will be included in the next supplemental budget.

**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

**SUBJECT:** Authorize the Mayor to Award a Bid for Chiller and Boiler Equipment Procurement for the Beaverton Central Plant Subject to Council Ratification

**FOR AGENDA OF:** 09/18/06 **BILL NO:** 06177

**Mayor's Approval:** *[Signature]*

**DEPARTMENT OF ORIGIN:** Mayor's Office *[Signature]*

**DATE SUBMITTED:** 09/13/2006

**CLEARANCES:** Finance *[Signature]*  
Purchasing *[Signature]*  
City Attorney *[Signature]*  
Central Plant *[Signature]*

**PROCEEDING:** Consent  
(Contract Review Board)

**EXHIBITS:**

**BUDGET IMPACT**

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$275,000	BUDGETED \$248,428	REQUIRED \$0-

\* Account Number 001-13-0006-682 General Fund – Non-Departmental – Beaverton Central Plant – Construction Account. The Amount Budgeted represents the remaining appropriation in the Construction Account as of August 31, 2006. A \$410,749 adjustment to the Plant's Beginning Working Capital and the Construction Account will be included in Supplemental Budget S-07-01. In addition to this adjustment, the Plant expects to receive an additional \$250,000 in tax credit revenue and this will also be included in Supplemental Budget S-07-01 and a like adjustment to the Plant's Construction Account. With these two supplemental adjustments, and with construction costs to connect to Building E (\$250,000) and Building F (\$150,000) that were approved at the September 11, 2006 Council Meeting, the Construction Account will have an available balance of \$509,177.

**HISTORICAL PERSPECTIVE:**

The City owns the Beaverton Central Plant and as per signed agreements with DPP Commercial Investments LLC (the developer), the City is committed to serve new buildings at The Round as they come on line. The Round is approximately half built out with another 300,000 square feet scheduled to be built over the next two years.

On December 12, 2005, the City acquired the Westgate property which includes approximately 4.57 acres located adjacent to The Round project. METRO has joined with the City in the ownership of the property and a process is now underway to explore development opportunities. Property owners to the south of The Round are similarly joining together to pursue urban scale development.

**INFORMATION FOR CONSIDERATION:**

As The Round builds out and more particularly, Buildings "E" and "F" connect to the system, the central plant will be at capacity for heating and cooling services. In order to serve the additional load, which will include Buildings "G" and "H", as well as create important system redundancy, it is necessary to purchase plant equipment. This equipment will include a 1000 ton Chiller and 2 million BTU Boiler. Construction, which will be the subject of a future agenda item, will also take place to connect the Chiller and Boiler as well as the third cooling tower and other minor system upgrades. Taken altogether, the plant capacity will be 1600 tons cooling and 11 million BTU heating serving the entire Round project.

The expansion and upgrade is being planned to ensure the high efficiency of the plant is continued at the lowest possible cost. Accordingly, the major equipment (chiller and boiler) will be procured by the City based on specifications that determine life cycle costs based in part on purchase price and the present value of energy and maintenance costs over the useful life of the unit.

Bid specifications are expected to be complete and advertised in the Portland Daily Journal of Commerce the week of September 25, 2006, with a bid opening on October 17, 2006, at 2:00 pm in the Finance Department Conference Room. Staff requests that the City Council, acting as the Contract Review Board, authorize the Mayor to award the bid to the lowest responsive bidder immediately following the bid opening and evaluation on October 17, 2006.

**RECOMMENDED ACTION:**

Council, acting as the Contract Review Board, authorize the Mayor to award the bid to procure Chiller and Boiler Equipment for the Beaverton Central Plant to continue to provide services to The Round project to the lowest responsive bidder immediately upon bid opening and evaluation on October 17, 2006 subject to ratification by the Council at its next available meeting.

**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

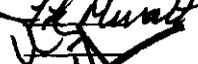
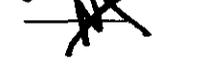
**SUBJECT:** Authorize the Mayor to Award a Bid for the Installation of a Chiller, Boiler and Related Equipment for the Beaverton Central Plant Subject to Council Ratification

**FOR AGENDA OF:** 09/18/06 **BILL NO:** 06178

**Mayor's Approval:** 

**DEPARTMENT OF ORIGIN:** Mayor's Office 

**DATE SUBMITTED:** 09/13/2006

**CLEARANCES:** Finance   
Purchasing   
City Attorney   
Central Plant 

**PROCEEDING:** Consent  
(Contract Review Board)

**EXHIBITS:**

**BUDGET IMPACT**

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$220,000	BUDGETED \$248,428	REQUIRED \$-0-

\* Account Number 001-13-0006-682 General Fund – Non-Departmental – Beaverton Central Plant – Construction Account. The Amount Budgeted represents the remaining appropriation in the Construction Accounts as of August 31, 2006. A \$410,749 adjustment to the Plant's Beginning Working Capital and the Construction Account will be included in Supplemental Budget S-07-01. In addition to this adjustment, the Plant expects to receive an additional \$250,000 in tax credit revenue and this will also be included in Supplemental Budget S-07-01 and a like adjustment to the Plant's Construction Account. With these two supplemental adjustments, and with construction costs to connect to Building "E" (\$250,000) and Building " F " (\$150,000) that were approved at the September 11, 2006 Council meeting, the Construction Account will have an available balance of \$509,177.

**HISTORICAL PERSPECTIVE:**

The City owns the Beaverton Central Plant and as per signed agreements with DPP Commercial Investments LLC (the developer), the City is committed to serve new buildings at The Round as they come on line. The Round is approximately half built out with another 300,000 square feet scheduled to be built over the next two years.

On December 12, 2005, the City acquired the Westgate property which includes approximately 4.57 acres located adjacent to The Round project. METRO has joined with the City in the ownership of the property and a process is now underway to explore development opportunities. Property owners to the south of The Round are similarly joining together to pursue urban scale development.

**INFORMATION FOR CONSIDERATION:**

As The Round builds out and more particularly, Buildings "E" and "F" connect to the system, the central plant will be at capacity for heating and cooling services. In order to serve expected additional load (Buildings "G" and "H"), establish important system redundancy, and position for anticipated new development (Westgate) it is necessary to install plant equipment. This equipment will include a 1000 ton chiller and 2 million BTU boiler. This agenda presupposes approval has been obtained to procure and here specifically addresses installation. The construction work will include electrical service, piping, meters, and connecting to the third cooling tower. Once complete, plant capacity will be increased to 1600 tons cooling and 11 million BTU heating and is capable of serving the entire Round project.

The expansion and upgrade is being planned to ensure the high efficiency of the plant is continued at the lowest possible cost. Accordingly, construction is to be bid separately from equipment procurement. This is being done to manage procurement costs associated with critical equipment components. Plant equipment installation is expected to be straightforward work with many capable contractors locally.

Bid installation specifications are expected to be complete and advertised in the Portland Daily Journal of Commerce the week of September 25, 2006, with a bid opening on October 18, 2006, at 2:00 pm in the Finance Department Conference Room. Staff requests that the City Council, acting as the Contract Review Board, authorize the Mayor to award the bid to the lowest responsive bidder immediately following the bid opening and evaluation on October 18, 2006.

**RECOMMENDED ACTION:**

Council, acting as the Contract Review Board, authorize the Mayor to award the bid to install plant equipment including chiller and boiler for the Beaverton Central Plant to continue to provide services to The Round project to the lowest responsive bidder immediately upon bid opening and evaluation on October 18, 2006 subject to ratification by the Council at its next available meeting.

**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

**SUBJECT:** Reject Bid – Wilson Drive Waterline Replacement Project

**FOR AGENDA OF:** 09-18-06 **BILL NO:** 06179

**Mayor's Approval:** *[Signature]*

**DEPARTMENT OF ORIGIN:** Public Works *[Signature]*

**DATE SUBMITTED:** 09-14-06

**CLEARANCES:** Purchasing *[Signature]*  
Finance *[Signature]*  
City Attorney *[Signature]*  
Capital Proj *[Signature]*

**PROCEEDING:** Consent Agenda  
(Contract Review Board)

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

**BUDGET IMPACT**

EXPENDITURE REQUIRED	AMOUNT BUDGETED	APPROPRIATION REQUIRED
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**HISTORICAL PERSPECTIVE:**

The Wilson Drive Water Replacement project has been added to the FY 2006/07 Capital Improvements Plan (CIP) under CIP Project No. 4070 (Exhibit 1) as an emergency waterline replacement project.

The existing 8-inch cast-iron waterline between 142<sup>nd</sup> Avenue and Wilson Court has broken several times in the recent past resulting in damaged street pavement and inconvenience and concern to adjacent residents.

The City plans to repave the street in the spring of 2007 after the underground utility work is complete.

**INFORMATION FOR CONSIDERATION:**

The invitation to bid was advertised in the *Daily Journal of Commerce* on August 30, 2006. A mandatory pre-bid meeting was held on September 7, 2006. Six contractors attended the pre-bid meeting. Only one (1) bid was received and opened on September 13, 2006, at 2:00 p.m. in the Finance Department conference room (Exhibit 2). The bid from CR Woods Trucking of Sherwood, Oregon, in the amount of \$219,154.85 was \$84,898.45, or 63% higher than the Engineer's Estimate of \$134,256.40.

Many of the unit prices of the only bid received are excessively high compared to those provided for recent projects, even considering the increased costs for ductile iron products. For example, the unit price provided for a 6-inch gate valve was \$1,088 whereas the unit price provided in May 2006 for another capital improvement project was \$550.

Staff recommends that the bid received be rejected and the project be rebid because the bid price is considered well above market value and that a more competitive bid can be obtained.

**RECOMMENDED ACTION:**

Council, acting as Contract Review Board, reject the bid received from CR Woods Trucking of Sherwood, Oregon, finding that price is too costly to justify the acceptance of the offer and that it does not serve in the best interest of the City and direct staff to rebid the project.

# EXHIBIT 1

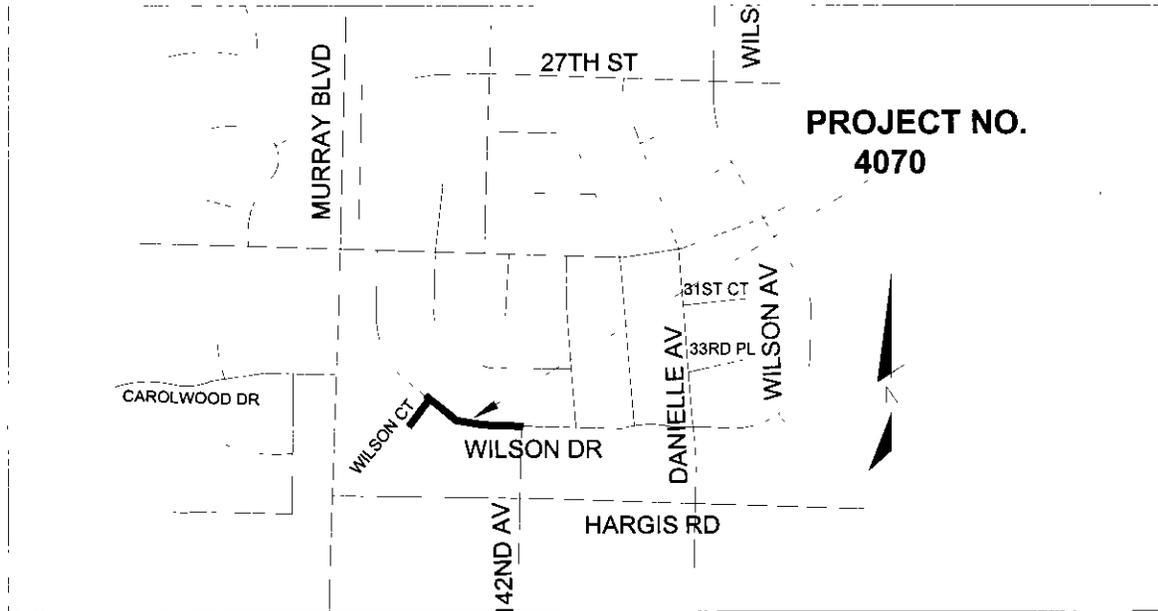
City of Beaverton  
2006-2007 CIP

## Project Data

Water

Project Number: 4070  
Project Name: Wilson Dr Waterline Replacement  
Project Description: Replace approximately 430 lineal feet of existing 8-inch cast iron water line on Wilson Dr from 142nd Ave to Wilson Ct and 140 feet of 2-inch water line on Wilson Ct.

Map:



Project Justification: The existing cast iron water main experiences frequent breaks and damages the roadway.

Project Status: FY05/06: Complete design by staff.

Estimated Date of Completion: 03/31/2007

Estimated Project Cost: \$175,000

First Year Budgeted: FY06/07

### Funding Data:

<u>Project No.</u>	<u>Fund No.</u>	<u>Fund Name</u>	<u>Amount</u>	<u>FY</u>
4070	3701	Water Improvements	\$165,000	FY2006/07
<b><u>Total for FY:</u></b>			<b>\$165,000</b>	

**BID SUMMARY**

**CITY OF BEAVERTON**

**TO:** Mayor & City Council

**FROM:** Purchasing Division

**SUBJECT:** Bid Opening

Bids were opened on SEPTEMBER 13, 2006 at 2:00PM in the **FINANCE DEPT**

For: **WILSON DRIVE WATERLINE IMPROVEMENTS, FY 2006-07**

Witnessed by: **JIM BRINK**

<b>VENDOR NAME AND CITY, STATE</b>	<b>PRE-BID MTG</b>	<b>BID BOND</b>	<b>ADDENDUM</b>	<b>BID AMOUNT</b>
<b>CR WOODS TRUCKING SHERWOOD OR</b>	<b>X</b>	<b>X</b>	<b>N/A</b>	<b>\$219,154.85</b>

The Purchasing process has been confirmed.

Signed: *Jerry L. Muralt*  
Purchasing Division-Finance Dept.

The above amounts have been checked:  YES NO

Date: 9-13-06

**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

**SUBJECT:** TA 2006-0005 Facilities Review Text  
Amendment

09/18/06  
**FOR AGENDA OF:** ~~9-11-06~~ **BILL NO:** 06164

**Mayor's Approval:** *[Signature]*

**DEPARTMENT OF ORIGIN:** CDD *[Signature]*

**DATE SUBMITTED:** 8-8-06

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

**PROCEEDING:** Ordinance ~~First Reading~~  
Second Reading

- EXHIBITS:** 1. Proposed Ordinance and Text  
2. Land Use Order 1895  
3. Draft Planning Commission minutes  
4. July 19, 2006 Planning Commission staff report

**BUDGET IMPACT**

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

**HISTORICAL PERSPECTIVE:**

The Planning Commission held a public hearing on July 26, 2006 and approved TA 2006-0005, the Facilities Review Text Amendment. TA 2006-0005 amends selected sections of the Beaverton Development Code (BDC) to clarify the Facilities Review Committee process and relocate certain Facilities Review Committee approval criteria to selected applications. Affected chapters of the BDC include Chapter 10 (General Provisions), Chapter 40 (Applications), and Chapter 50 (Procedures).

**INFORMATION FOR CONSIDERATION:**

The Planning Commission record on this matter is attached to this Agenda Bill for Council consideration.

**RECOMMENDED ACTION:**

~~First Reading~~, Second Reading

ORDINANCE NO. 4404

AN ORDINANCE AMENDING ORDINANCE NO. 2050, THE DEVELOPMENT CODE.

WHEREAS, the purpose of the Facilities Review Text Amendment is to make changes to selected sections of the Beaverton Development Code (BDC) to clarify the Facilities Review Committee process and relocate certain Facilities Review Committee approval criteria to selected applications; and,

WHEREAS, the affected chapters of the BDC include Chapter 10 (General Provisions), Chapter 40 (Applications), and Chapter 50 (Procedures); and,

WHEREAS, the Planning Commission held a public hearing on July 26, 2006 and approved the proposed Facilities Review Text Amendment, based upon the criteria, facts and findings set forth in the staff report dated July 19, 2006; and

WHEREAS, the Planning Commission has issued Land Use Order #1895 memorializing its recommendation; and

WHEREAS, pursuant to Section 50.50.11 of the Development Code, the City Council considered the Planning Commission recommendation of approval as summarized in Land Use Order #1895; and

WHEREAS, the City Council adopts as to criteria, facts and findings, described in Land Use Order #1895 dated July 28, 2006 and the Planning Commission record, 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.** Ordinance No. 2050, the Development Code, is amended to read as set out in Appendix "A" to 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.** It shall be considered the legislative intent that if any part of this ordinance, including exhibits, shall be held invalid or unconstitutional or not in compliance with statewide planning goals, the remaining parts of this ordinance shall remain in force and acknowledged, and any revisions of a prior ordinance amended or repealed by the stricken portion of this ordinance shall again be considered in full force and effect.

First reading this 11<sup>th</sup> day of September, 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 2006-0006  
(Lot Line Adjustment/Consolidation)

09/18/06  
**FOR AGENDA OF:** ~~09-11-06~~ **BILL NO:** 06165

**Mayor's Approval:** *Bob Brown*

**DEPARTMENT OF ORIGIN:** CDD *JW*

**DATE SUBMITTED:** 8-22-06

**CLEARANCES:** City Attorney *ADD*  
Dev. Serv. *JK*

**PROCEEDING:** ~~-First Reading~~  
Second Reading

- EXHIBITS:**
1. Ordinance
  2. Land Use Order No. 1894
  3. Draft PC Minutes 7/26/06
  4. Staff Report dated 07-19-06

**BUDGET IMPACT**

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

On July 26, 2006, the Planning Commission held a public hearing to consider TA 2006-0006 (Lot Line Adjustment/Consolidation) that proposes to amend Section 40.45.15.1 of the Beaverton Development Code currently effective through Ordinance 4389 (November 2006). The proposed text amendment will add a new threshold for a Lot Line Adjustment that requires a landowner to apply for a Lot Line Adjustment application when consolidating two or more lots of record into one lot of record. Currently, there is no City process for reviewing the consolidation of lots of record. Without a review process, development and building permits are delayed to address the easements and lot lines that were not properly vacated prior to the commencement of development. Following the close of the public hearing on July 26, 2006, the Planning Commission voted 5-0 (Pouge and Kroger absent) to recommend approval of the proposed Lot Line Adjustment/Consolidation text amendment as memorialized in Land Use Order No. 1894.

**INFORMATION FOR CONSIDERATION:**

Attached to this Agenda Bill is an Ordinance including the proposed text, Land Use Order No. 1894, the draft Planning Commission meeting minutes, and staff report.

**RECOMMENDED ACTION:**

Staff recommend the City Council adopt the recommendation of approval forwarded by the Planning Commission for TA 2006-0006 (Lot Line Adjustment/Consolidation) as set forth in Land Use Order No. 1894. Staff further recommend the Council conduct a ~~First~~ Reading of the attached ordinance.

-Second Reading,

ORDINANCE NO. 4405

AN ORDINANCE AMENDING ORDINANCE NO. 2050,  
THE DEVELOPMENT CODE,  
CHAPTERS 40 and 90;  
TA 2006-0006 (Lot Line Adjustment/Consolidation).

**WHEREAS**, the purpose of the Lot Line Adjustment/Consolidation Text Amendment is to amend Chapter 40, Section 40.45.15.1, Lot Line Adjustments of the Beaverton Development Code currently effective through Ordinance 4389 (April 2006), and create a new Lot Line Adjustment application threshold. The intent of the new threshold is to require landowners consolidating two or more lots of record into one lot of record to be reviewed in order to ensure public easements and lot lines are addressed in advance of development. Affected chapters of the Development Code include Chapter 40 (Applications) and Chapter 90 (Definitions); and

**WHEREAS**, pursuant to Section 50.50.5 of the Development Code, the Beaverton Development Services Division on July 19, 2006 published a written staff report and recommendation a minimum of seven (7) calendar days in advance of the scheduled public hearing before the Planning Commission on July 26, 2006; and

**WHEREAS**, the Planning Commission held a public hearing on July 26, 2006 and approved the proposed Lot Line Adjustment/Consolidation Text Amendment based upon the criteria, facts, and findings set forth in the staff report dated July 19, 2006; and

**WHEREAS**, on July 26, 2006 the Planning Commission voted to recommend to the Beaverton City Council to adopt the proposed amendments to the Development Code as summarized in Planning Commission Land Use Order No. 1894; and

**WHEREAS**, no written appeal pursuant to Section 50.75 of the Development Code was filed by persons of record for TA 2006-0006 (Lot Line Adjustment/Consolidation) following the issuance of the Planning Commission Land Use Order No. 1894; and,

**WHEREAS**, the City Council adopts as to criteria, facts, and findings described in Land Use Order No. 1894 dated August 7, 2006 and the Planning Commission record, 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.** Ordinance No. 2050, effective through Ordinance No. 4389, the Development Code, 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 11th day of September, 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

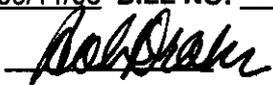
**AGENDA BILL**

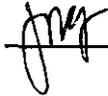
**Beaverton City Council  
Beaverton, Oregon**

09/18/06

**SUBJECT:** An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map for Property Located in South Beaverton; CPA 2006-0004/ZMA 2006-0003

**FOR AGENDA OF:** 09/11/06 **BILL NO:** 06166

**Mayor's Approval:** 

**DEPARTMENT OF ORIGIN:** CDD 

**DATE SUBMITTED:** 08/22/06

**CLEARANCES:** City Attorney US  
Planning Services HTB

**PROCEEDING:** First Reading  
Second Reading

**EXHIBITS:** Ordinance  
Exhibit A – Map Exhibits A1 through A7  
Exhibit B – Staff Report

**BUDGET IMPACT**

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

This ordinance is before the City Council to assign City Comprehensive Plan Land Use Map and Zoning designations for 107 properties, replacing the Washington County land use designations.

The Urban Planning Area Agreement (UPAA) is specific on the appropriate Land Use Map and Zoning Map designations for these parcels, thus no public hearing is required. Seven parcels are designated County R-6 (Residential – 6 units to the acre) and are proposed for City Neighborhood Residential – Standard Density land use and R-7 (Residential – minimum 7,000 square feet of land area per dwelling unit) zoning. One parcel is designated County R-5 and Institutional (Residential – 5 units to the acre) and is proposed for City Neighborhood Residential – Standard Density land use and R-7 (Residential – minimum 7,000 square feet of land area per dwelling unit) zoning. Fifty-three parcels are designated County R-5 (Residential – 5 units to the acre) and are proposed for City Neighborhood Residential – Standard Density land use and R-7 (Residential – minimum 7,000 square feet of land area per dwelling unit) zoning. Forty-one parcels are designated County R-9 (Residential – 9 units to the acre) and are proposed for City Neighborhood Residential – Standard Density land use and R-5 (Residential – minimum 5,000 square feet of land area per dwelling unit) zoning. Five parcels are designated County R-15 (Residential – 15 units to the acre) and are proposed for City Neighborhood Residential – Medium Density land use and R-2 (Residential – minimum 2,000 square feet of land area per dwelling unit) zoning. The City land use designations will take effect 30 days after Council approval and the Mayor's signature on this ordinance.

**INFORMATION FOR CONSIDERATION:**

This ordinance makes the appropriate changes to Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map.

**RECOMMENDED ACTION:**

~~First Reading~~ Second Reading.

ORDINANCE NO. 4406

AN ORDINANCE AMENDING ORDINANCE NO. 4187, FIGURE III-1, THE COMPREHENSIVE PLAN LAND USE MAP AND ORDINANCE NO. 2050, THE ZONING MAP FOR PROPERTIES LOCATED IN SOUTH BEAVERTON; CPA2006-0004/ZMA2006-0003

**WHEREAS,** These properties annexed to the City of Beaverton through Ordinance 4342 in April 2005, Ordinance 4355 in July 2005, Ordinance 4378 in February 2006, and Ordinance 4391 in June 2006; and

**WHEREAS,** The properties are being redesignated in this ordinance from the County's land use designations to the closest corresponding City designations as specified by the Urban Planning Area Agreement (UPAA); and

**WHEREAS,** Since the UPAA is specific on the appropriate designations for these properties, this is not a discretionary land use decision and, therefore, no public hearing is required; and

**WHEREAS,** The Council adopts as to criteria applicable to this request and findings thereon the Community Development Department staff report by Senior Planner Barbara Fryer, dated August 22, 2006, attached hereto as Exhibit B; now, therefore,

**THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:**

**Section 1.** Ordinance No. 4187, the Comprehensive Plan Land Use Map, is amended to apply land use designations to properties, as listed in the staff report, on the City of Beaverton Comprehensive Plan Land Use Map, as shown on Exhibits "A1" through "A7" and in accordance with the UPAA.

**Section 2.** Ordinance No. 2050, the Zoning Map, is amended to apply zoning districts to the same properties in Section 1 on the City of Beaverton Zoning Map, as shown on Exhibits "A1" through "A7" and in accordance with the UPAA.

First reading this 11th day of September, 2006.

Passed by the Council this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

Approved by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

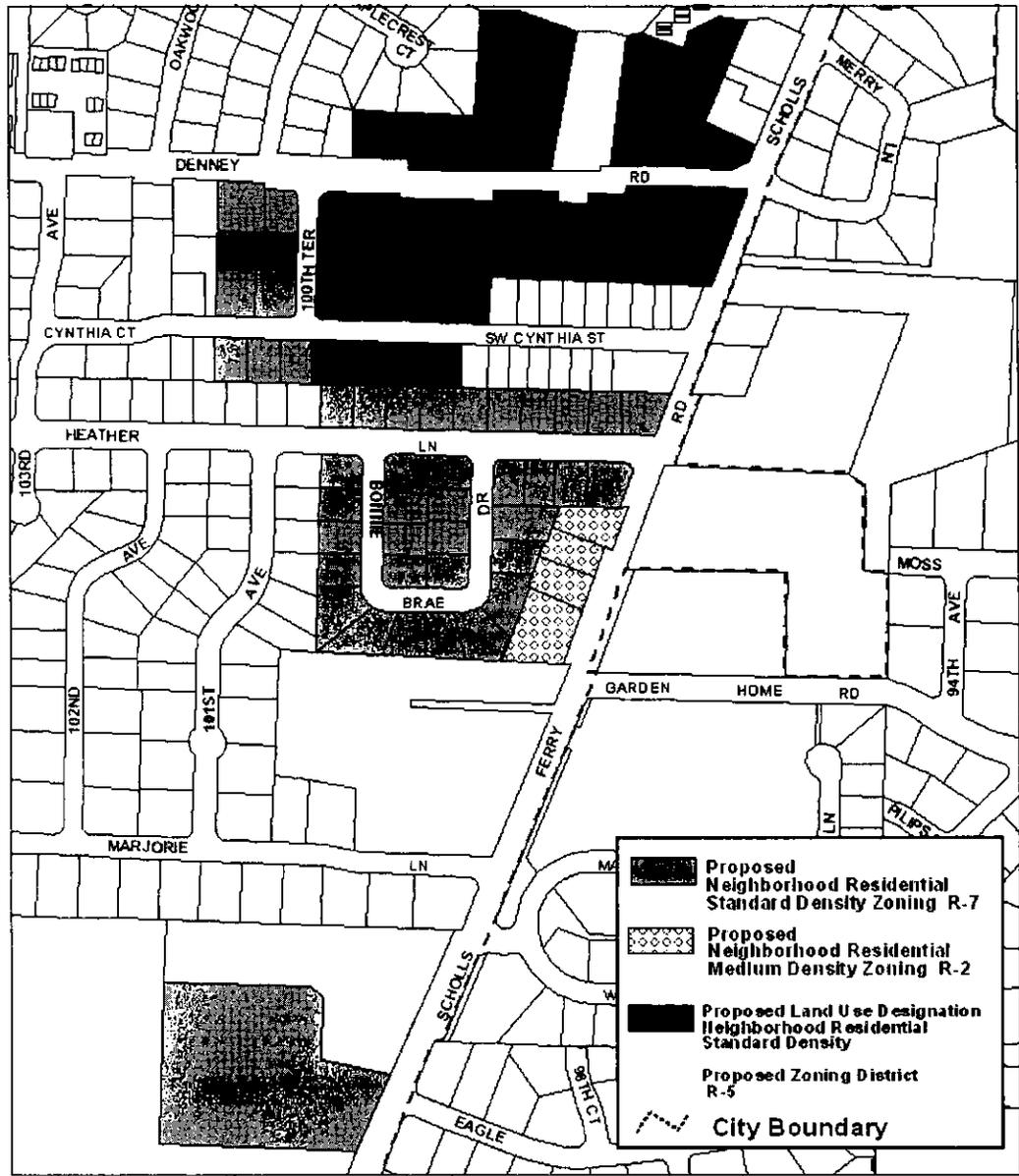
ATTEST:

APPROVED:

\_\_\_\_\_  
SUE NELSON, City Recorder

\_\_\_\_\_  
ROB DRAKE, Mayor

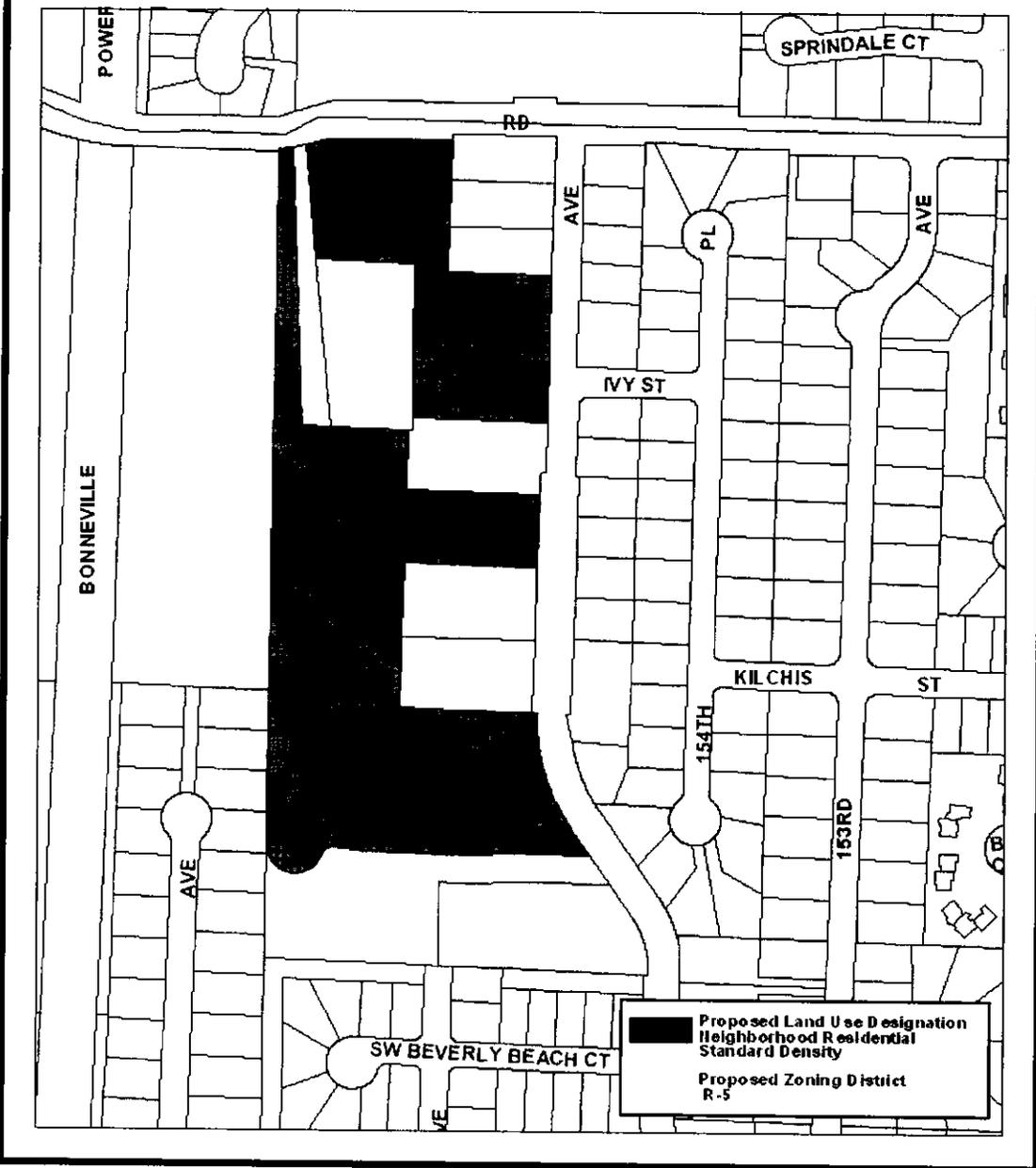
**CPA / ZMA VICINITY MAP EXHIBIT "A1"**



**SOUTH BEAVERTON COMPREHENSIVE PLAN  
 LAND USE MAP AMENDMENT AND ZONING MAP AMENDMENT  
 COMMUNITY DEVELOPMENT DEPARTMENT  
 Planning Services Division**

2/8/06	N ↑
WAR/US	
CPA2006-0004 ZMA2006-0003	

# CPA / ZMA VICINITY MAP EXHIBIT "A2"



CITY OF BEAVERTON

**SOUTH BEAVERTON COMPREHENSIVE PLAN  
LAND USE MAP AMENDMENT AND ZONING MAP AMENDMENT  
COMMUNITY DEVELOPMENT DEPARTMENT**

Planning Services Division

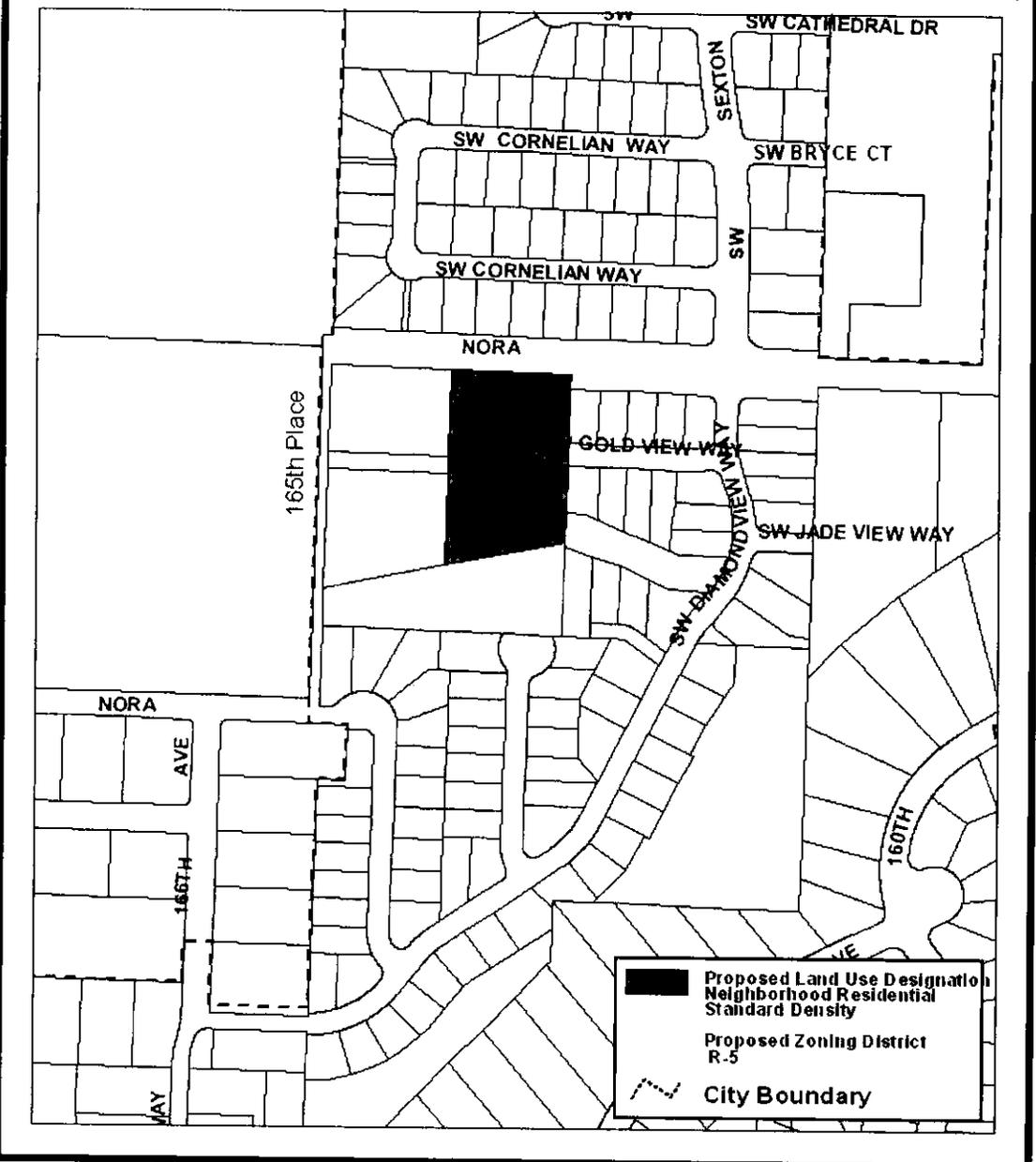
2/8/08

VARIOUS

CPA2008-0004  
ZMA2008-0003



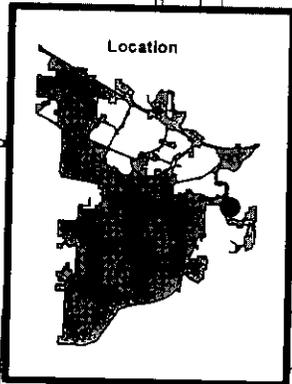
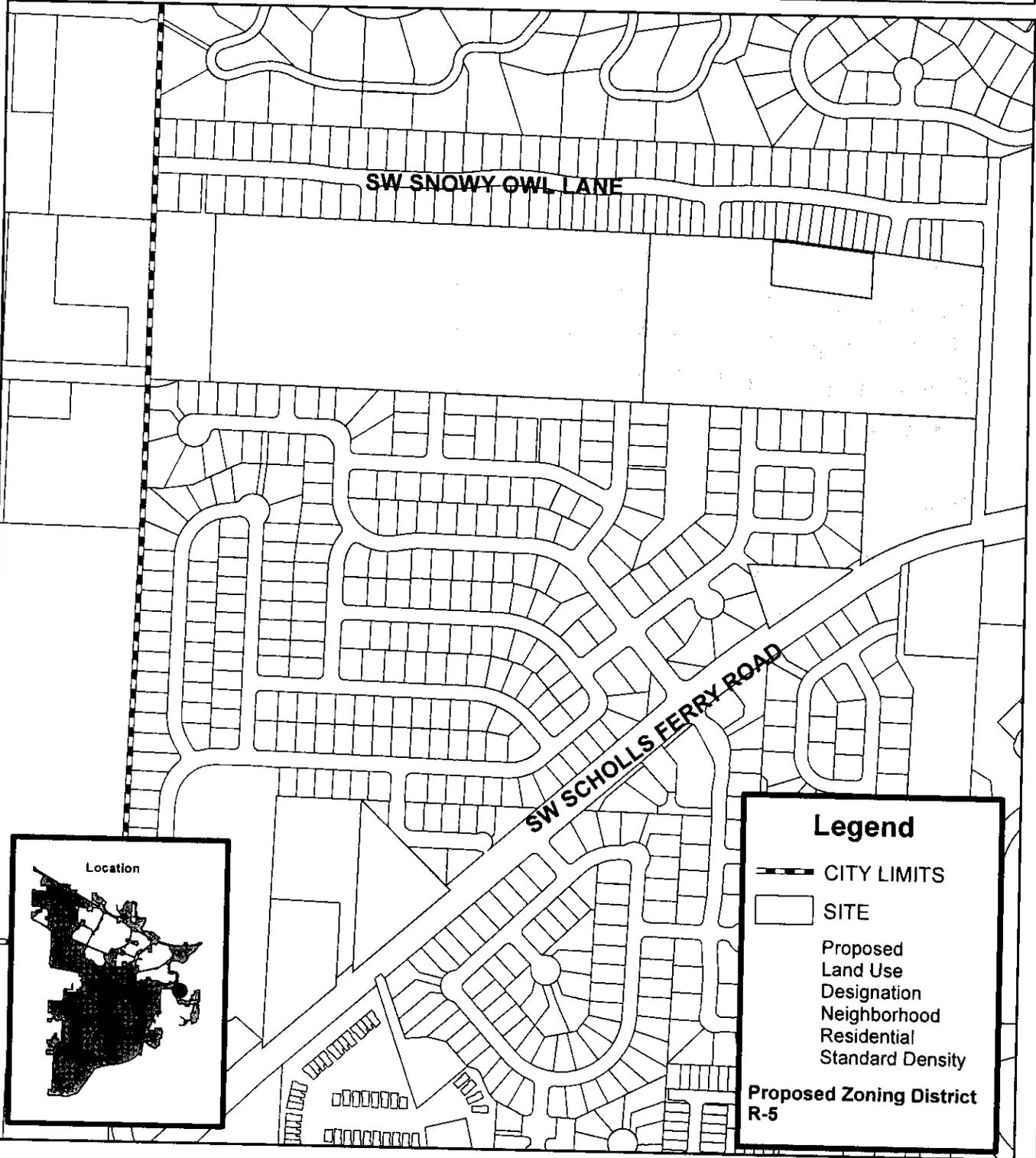
# CPA / ZMA VICINITY MAP EXHIBIT "A 3"



 CITY OF BEAVERTON	<b>SOUTH BEAVERTON COMPREHENSIVE PLAN</b>	2/8/06	N ↑
	<b>LAND USE MAP AMENDMENT AND ZONING MAP AMENDMENT</b>	VARIOUS	
	<b>COMMUNITY DEVELOPMENT DEPARTMENT</b>		
	Planning Services Division		
		CPA2006-0004 ZMA2006-0003	

# CPA / ZMA VICINITY MAP

# EXHIBIT "A 4"



**Legend**

-  CITY LIMITS
-  SITE
- Proposed Land Use Designation Neighborhood Residential Standard Density
- Proposed Zoning District R-5**



CITY OF BEAVERTON

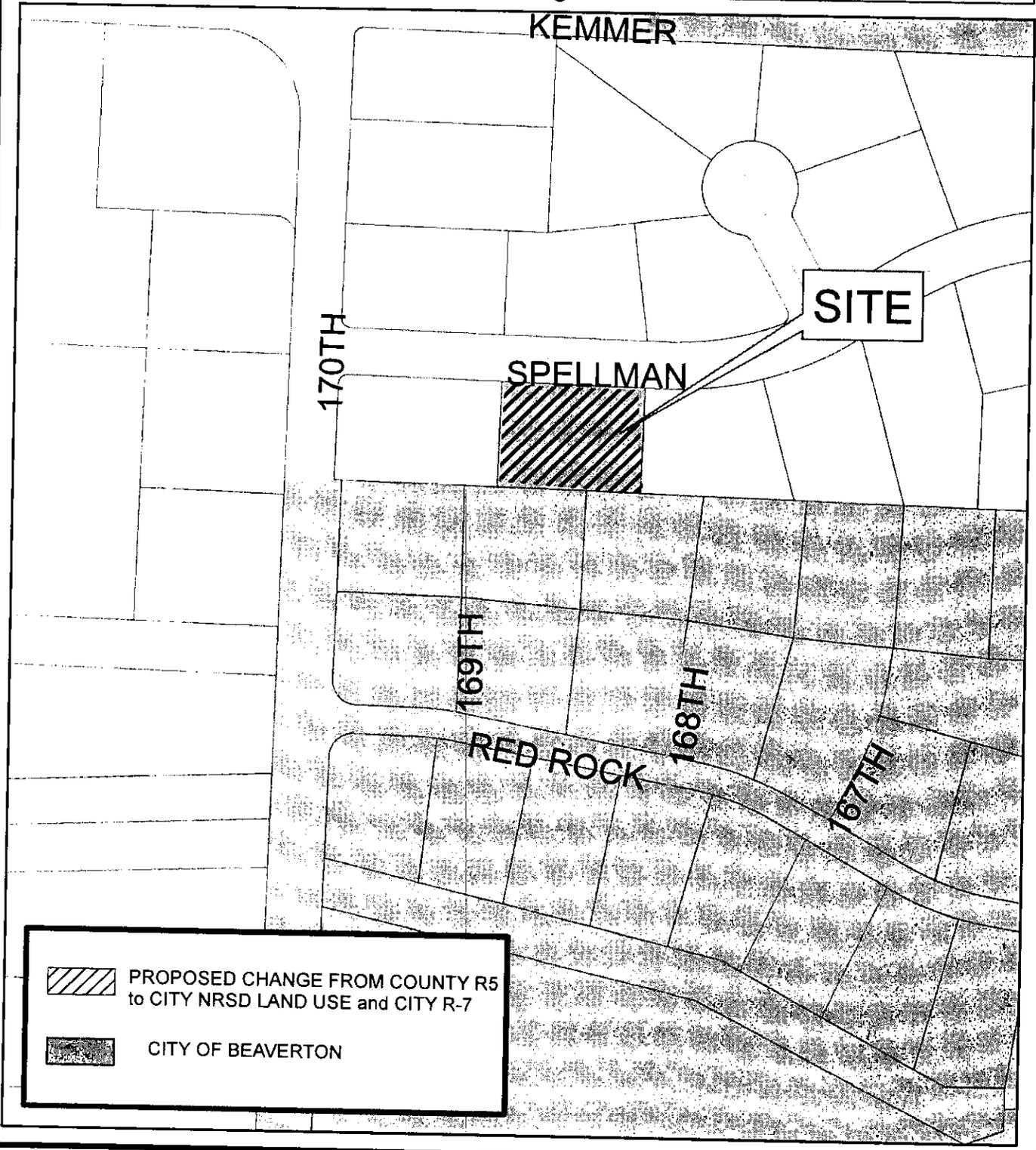
**SOUTH BEAVERTON COMPREHENSIVE PLAN  
LAND USE MAP AMENDMENT AND ZONING MAP AMENDMENT**

**COMMUNITY DEVELOPMENT DEPARTMENT  
Planning Services division**

**2/8/06** N  
MAP NUMBER VARIOUS  
**Application #**  
CPA2006-0004  
ZMA2006-0003

# CPA/ZMA Vicinity

# EXHIBIT "A 5"



 PROPOSED CHANGE FROM COUNTY R5 to CITY NRSD LAND USE and CITY R-7

 CITY OF BEAVERTON



City of Beaverton

SOUTH BEAVERTON COMPREHEHENSIVE PLAN  
LAND USE MAP AMENDMENT AND ZONING MAP AMENDMENT

**COMMUNITY DEVELOPMENT DEPARTMENT**  
Planning Services Division

7/20/06

1S130DD01600

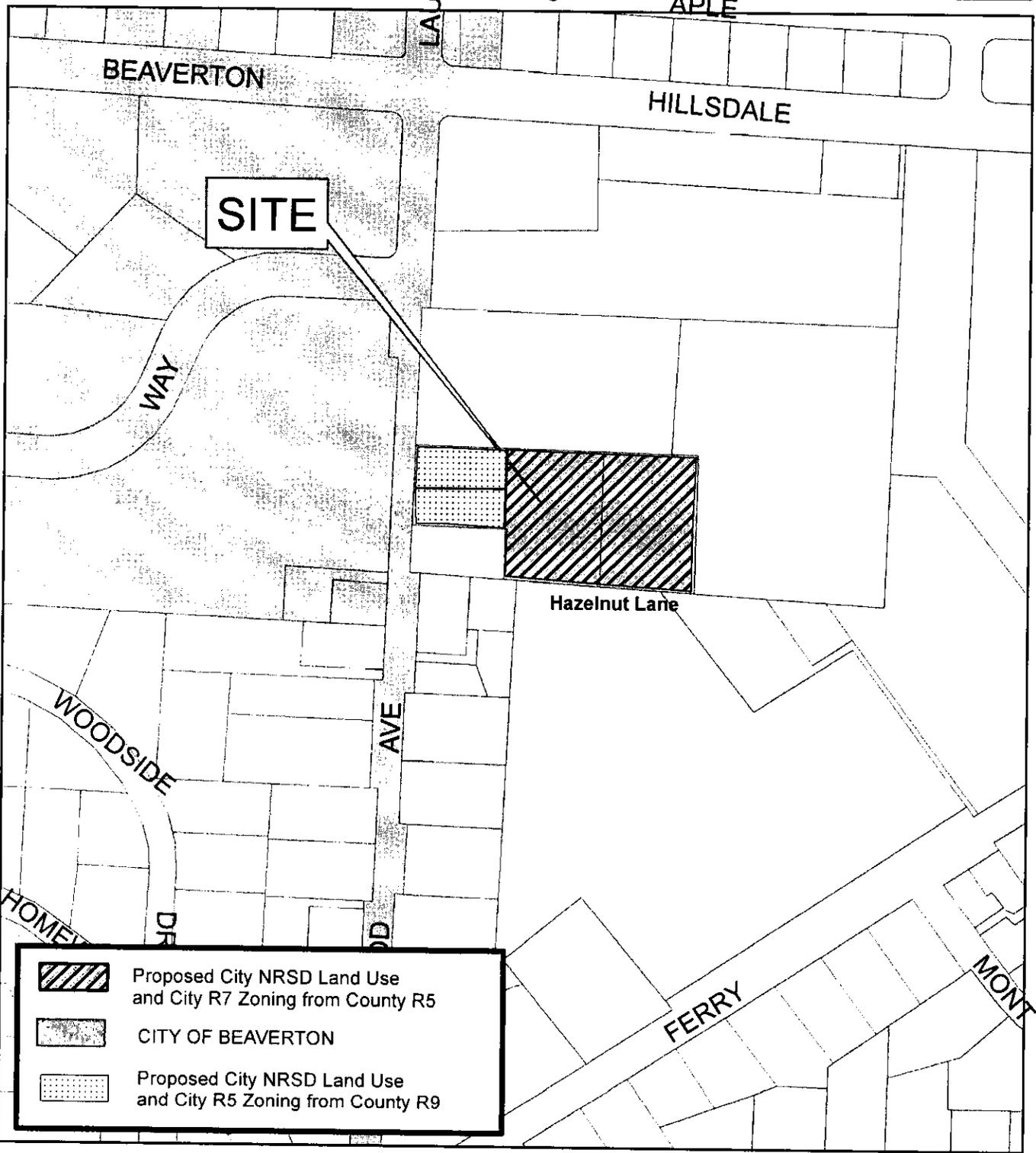
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CPA2006-0004  
ZMA2006-0003

# CPA/ZMA Vicinity

# EXHIBIT "A 6"



City of Beaverton

SOUTH BEAVERTON COMPREHENSIVE PLAN  
 LAND USE MAP AMENDMENT AND ZONING MAP AMENDMENT

**COMMUNITY DEVELOPMENT DEPARTMENT**  
**Planning Services Division**

7/20/06

1S130DD01600

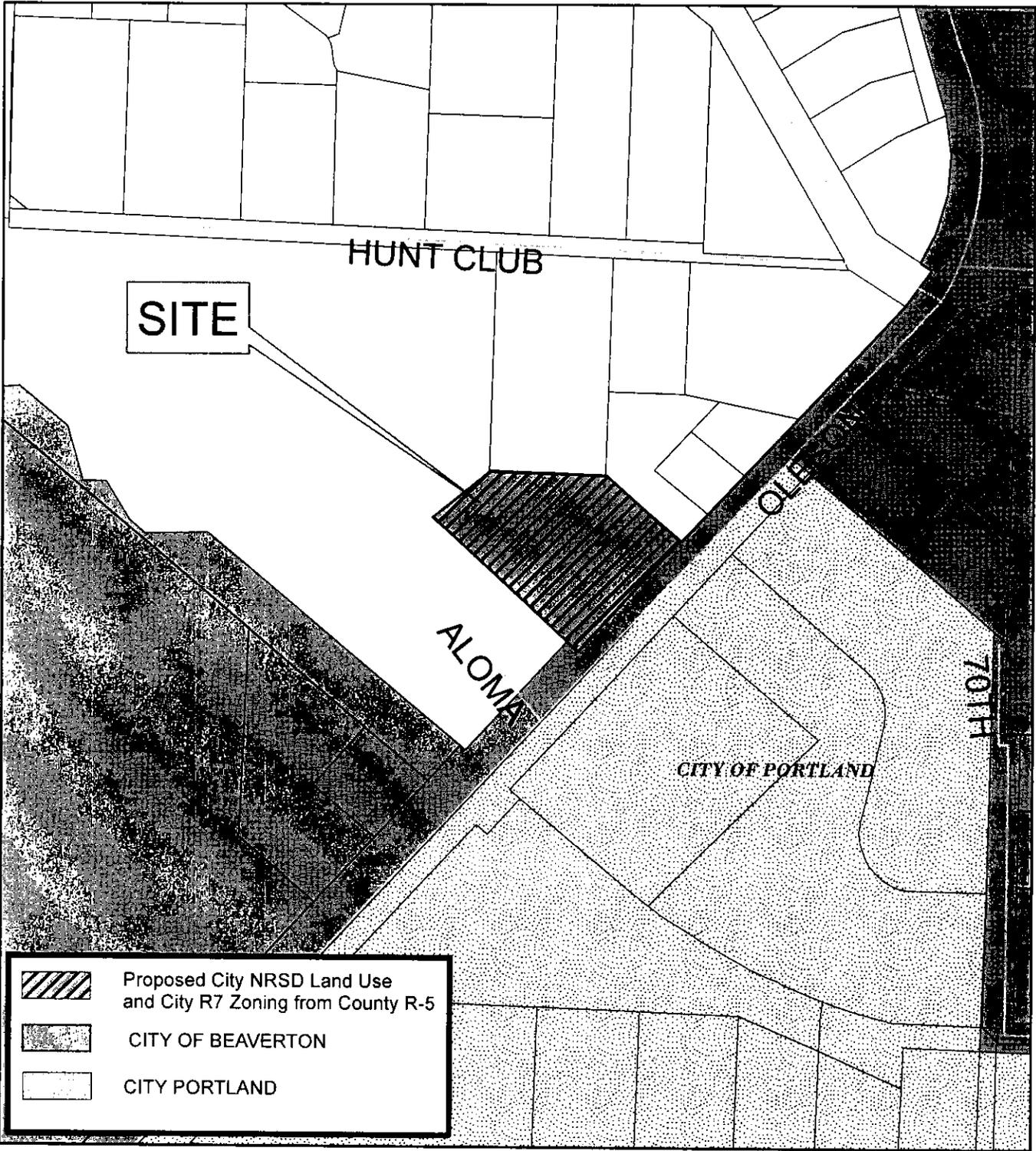
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CPA2006-0004  
 ZMA2006-0003

# CPA/ZMA Vicinity Map

# EXHIBIT "A 7"



	Proposed City NRSD Land Use and City R7 Zoning from County R-5
	CITY OF BEAVERTON
	CITY PORTLAND



City of Beaverton

SOUTH BEAVERTON COMPREHENSIVE PLAN  
LAND USE MAP AMENDMENT AND ZONING MAP AMENDMENT

**COMMUNITY DEVELOPMENT DEPARTMENT**  
**Planning Services Division**

7/20/06

1S130DD01600



CPA2006-0004  
ZMA2006-0003

**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

09/18/06

**SUBJECT:** An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map for Two Properties in Northwest Beaverton; CPA2006-0010/ZMA 2006-0013 (17200 & 17225 NW Corridor Court)

**FOR AGENDA OF:** 09/11/06 **BILL NO:** 06167

**Mayor's Approval:** [Signature]

**DEPARTMENT OF ORIGIN:** CDD [Signature]

**DATE SUBMITTED:** 08/23/06

**CLEARANCES:** City Attorney [Signature]  
Planning Services [Signature]

**PROCEEDING:** ~~First Reading~~  
Second Reading

**EXHIBITS:** Ordinance  
Exhibit A - Map  
Exhibit B - Staff Report

**BUDGET IMPACT**

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

This ordinance is before the City Council to assign City Comprehensive Plan Land Use Map and Zoning Map designations for the subject property, replacing the Washington County land use designation.

The Urban Planning Area Agreement (UPAA) is specific on the appropriate Land Use Map and Zoning Map designations for the two parcels, thus no public hearing is required. The appropriate Land Use Map designation for properties 1N1 30 DC 01001 and 1N1 30 DC 01100 is Corridor, and the appropriate Zoning Map designation is Office Commercial. The City land use designation and zoning district will take effect 30 days after Council approval and the Mayor's signature on this ordinance.

**INFORMATION FOR CONSIDERATION:**

This ordinance makes the appropriate changes to Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map.

**RECOMMENDED ACTION:**

~~First Reading~~ Second Reading

**ORDINANCE NO. 4407**

AN ORDINANCE AMENDING ORDINANCE NO. 4187, FIGURE III-1, THE COMPREHENSIVE PLAN LAND USE MAP AND ORDINANCE NO. 2050, THE ZONING MAP FOR TWO PARCELS LOCATED IN NORTHWEST BEAVERTON; CPA2006-0010/ZMA2006-0013

**WHEREAS,** The two properties were annexed under Ordinance 4339 in March 2005 and are being redesignated in this ordinance from the County’s land use designation to the closest corresponding City designations as specified by the Urban Planning Area Agreement (UPAA); and

**WHEREAS,** Since the UPAA is specific on the appropriate designations for these parcels, this is not a discretionary land use decision and, therefore, no public hearing is required; and

**WHEREAS,** The Council adopts as to criteria applicable to this request and findings thereon the Community Development Department staff report by Senior Planner Barbara Fryer dated August 22, 2006 and attached hereto as Exhibit “B”; now, therefore,

**THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:**

**Section 1.** Ordinance No. 4187, the Comprehensive Plan Land Use Map, is amended to designate the subject properties on Map and Tax Lots 1N1 30 DC 01001 and 1N1 30 DC 01100 Corridor, as shown on Exhibit “A” and in accordance with the UPAA.

**Section 2.** Ordinance No. 2050, the Zoning Map, is amended to designate properties on Map and Tax Lots 1N1 30 DC 01001 and 1N1 30 DC 01100 Office Commercial, as shown on Exhibit “A” and in accordance with the UPAA.

First reading this 11th day of September, 2006.

Passed by the Council this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

Approved by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

ATTEST:

APPROVED:

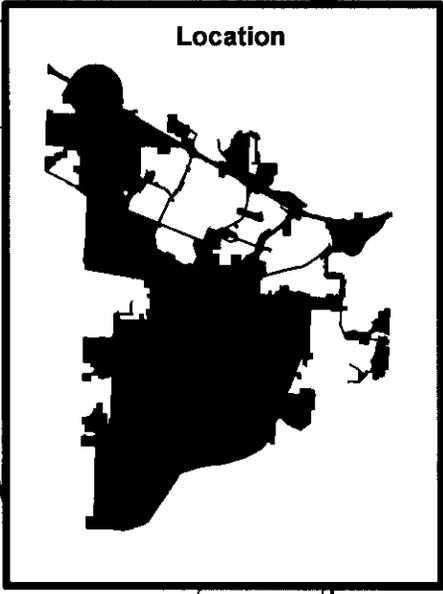
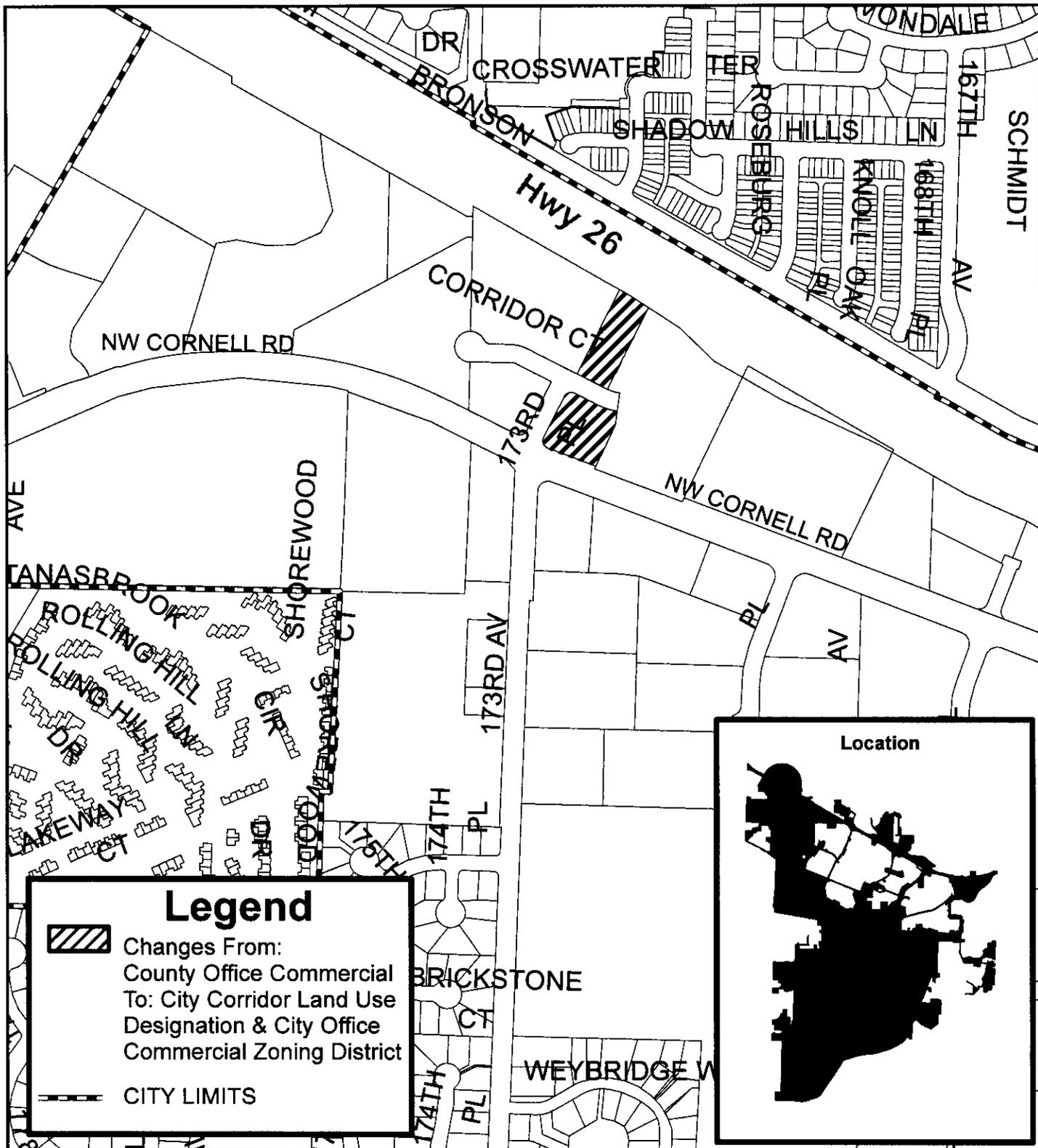
\_\_\_\_\_  
SUE NELSON, City Recorder

\_\_\_\_\_  
ROB DRAKE, Mayor

# VICINITY MAP

ORDINANCE  
NO. 4407

# EXHIBIT "A"



CITY OF BEAVERTON

**17200 & 17225 NW Corridor Court**  
**CPA2006-0010 / ZMA2006-0013**

**COMMUNITY DEVELOPMENT DEPARTMENT**  
**Planning Services division**

8/14/06

1N150DC01001  
1N130DC01100



CPA2006-0010  
ZMA2006-0013