



BEAVERTON CITY COUNCIL CHAMBER
REGULAR MEETING
JANUARY 24, 2005

CALL TO ORDER:

The Regular Meeting of the Beaverton City Council was called to order by Mayor Rob Drake in the Forrest C. Soth City Council Chamber, 4755 SW Griffith Drive, Beaverton, Oregon, on Monday, January 24, 2005, at 6:36 p.m.

ROLL CALL:

Present were Mayor Drake, Counc. Catherine Arnold, Betty Bode, Dennis Doyle, Fred Ruby and Cathy Stanton. Also present were City Attorney Alan Rappleyea, Chief of Staff Linda Adlard, Finance Director Patrick O'Claire, Community Development Director Joe Grillo, Engineering Director Tom Ramisch, Operations/Maintenance Director Gary Brentano, Library Director Ed House, Human Resources Director Nancy Bates, Police Chief David Bishop, City Utility Engineer David Winship, Engineering Project Coordinator Charlie Harrison, Site Development Engineer Jim Duggan and Deputy City Recorder Catherine Jansen.

PRESENTATIONS:

05014 Regional Water Supply Plan (RWSP) Update; and Approval of Amendment to the 1996 Regional Water Providers Consortium Agreement

Engineering Director Tom Ramisch said City Utilities Engineer David Winship and Engineering Project Coordinator Charlie Harrison would make the presentation to Council.

Winship said the Regional Water Supply Plan Update was presented to and approved by the Regional Water Providers Consortium Group on December 1, 2004; former City Councilor Forrest Soth represented the City on the Consortium and is still the current representative. He said work on the Update began in 2001 and was completed and adopted in 2004. He said the approved Update then went to the Regional Members for their approval. He said there were three consultant contracts that assisted with the Update. He said the backbone of these forecasts was based on the Metro population forecasts that were predicted to 2025. He said the original 1996 Plan had projections to 2050, but those forecasts were not available for the Update so they stopped at 2025. He said the Consortium staff worked with the Technical Committee and the Executive Committee; Councilor Soth also served on the Executive Committee.

Winship said the Update consisted of six chapters:

Chapter 1. Introduction. Winship said this chapter explained the reason for the Update; it documented the planning role of the Consortium and the Plan; and it detailed the public involvement activities that were extensive over the three-year period.

Chapter 2. Water-Demand Forecasts. Winship said the forecasts were compiled from Metro population figures and per capita water demand data from each entity.

Chapter 3. Conservation. Winship said conservation was a major factor for the Consortium. The Consortium studied indoor conservation that continues to show improvement; outdoor conservation which has large potential for improvement; and large-industry conservation. He said Beaverton did not have many large industries that used a lot of water, but other members of the Consortium did. He said the Consortium studied the conservation programs for each entity; and the overall estimated savings in the study was 19 million gallons per day during peak season in the year 2025. He said Tualatin Valley Water District's current average daily demand was around 20 million gallons, so this would be a large projected savings. He said the Consortium's conservation program formed the backbone of Beaverton's conservation program.

Chapter 4. Source Options. Winship said a base case set of assumptions were used in the original Plan, such as current scheduled projects from the Joint Water Commission (excluding the Scoggins Dam raise). He said additional up-to-date expansions were included in the Update, such as the Scoggins Dam raise, Bull Run, Clackamas, Trask, Tualatin, Willamette and Aquifer Storage and Recover (ASR).

Chapter 5. Modeling. Winship said the modeling looked at all of the options.

Chapter 6. Revised RWSP (Regional Water Supply Plan) Strategies. Winship said the revised strategies were discussed at the staff level, by the Consortium Technical Subcommittee and the Executive Committee. He said Chapter 6 also included Emergency Preparedness, Consortium Planning to help with local improvements, and the Update period was changed to "five to ten years as needed," rather than five years.

Winship concluded by stating the Update was completed and was before the members for adoption. He said the Council acted on this item in December of 2004.

Coun. Arnold asked what was the highest use of water outdoors.

Winship replied outdoor irrigation was the highest use; car washing and swimming pools were also high users.

Coun. Arnold asked if there was any data concerning water usage by square foot for urban irrigation verses farming irrigation.

Winship said such a comparison had not been conducted; the recommendation for landscape irrigation was one inch per week.

Coun. Arnold asked when water demand numbers were updated.

Winship said the demand numbers were actual statistical numbers that were recorded and tracked for all the member agencies and passed on to the Consortium staff for compilation.

Coun. Stanton asked why Tualatin Trask was not listed as one of the source options in Phase 2 (page 4-1 of the Update). She said it was the City's source and the City spent time and money figuring out ways to maximize this water source.

Winship said he was not certain why it was not listed on page 4-1; however, the final Update, Table 4-2, Source Expansion and Development Options, included the Scoggins raise. He said it was a 36,000 acre-foot expansion.

Coun. Stanton read the following objectives from Table 6-1 Policy Objectives (page 6-5): *Water Supply Shortages: "Minimize the frequency, magnitude and duration of water shortages through a variety of methods including development and operation of efficient water supply systems, watershed protection, water conservation, security and emergency response coordination."* and *Flexibility: Maximize operational flexibility to best meet the needs of the region, including the ability to move water around the region and to rely on back-up sources as necessary."* She said she did not see anything else in the document that said "water was going to flow freely through pipes all over the place with no accountability of how much was going where."

Winship replied Coun. Stanton was correct. He said there was probably enough water for the future; however, there wasn't a regional transmission system to tie everything together. He said there were some regional connections that were listed; however, there wasn't a connection between Bull Run and the Joint Water Commission. He added there weren't connections with the Willamette supply and that probably would not happen in the near future. He said when referring to "maximum operational flexibility" that meant to the extent with which each entity was comfortable. He said through the intergovernmental agreement, the Consortium was modified to allow more local control.

Coun. Stanton said she wanted to ensure the City was paid for sharing its water supply; since the citizens of Beaverton pay for the infrastructure.

Coun. Stanton asked on pg. 6-7 if the target identified in the 1996 RWSP of 12.5 million gallons per day in peak season for the Year 2000 was for Beaverton.

Winship replied that was an aggregate target and it had been met.

Coun. Stanton referred to Chapter 2 and said she could not find anything to explain how the 12.5 million gallons per day figure was determined or what demographics were used for that number. She also asked about the per capita usage in Beaverton.

Winship replied that Beaverton water usage per capita was decreasing; the per capita was increasing as the population grew. He said the City's consumption level was rising because of the increase in population, though water usage per capita was decreasing. He said overall demand was rising.

Coun. Stanton asked in the years to come at what point would supply cross demand.

Winship said staff ensures that the City would not run out of water and monitors water demand at all times. He said all of the CIP projects for the future would take care of the City's water needs to 2020. He said at this time the City could afford the improvements needed to 2020 without rapid rate increases. He said the balance was rates versus future planning, and the City was planning up to 2020.

Coun. Stanton asked if the CIP included funding for studies regarding raising Scoggins Dam.

Winship said that was covered in the current budget. He said the City's share of the Scoggins Project was around eleven million dollars; the total cost of the project was \$150 million. He said this would meet the City's needs up to some point between 2020 and 2025. He said this was all based on population projections.

Mayor Drake said part of the balance was that if there were a major event that impacted other water sources, such as Bull Run or Clackamas, it would affect everyone

Coun. Stanton said she recognized that and her questions about supply and flexibility were for maximum daily usage and not catastrophic events.

Coun. Bode said she supported the approval of the RWSP Update. She said the Council had an all-day tour last summer of the regional water supply facilities and sources, from the watersheds to the treatment plants. She said the RWSP Update was the result of a lot of hard work by City staff and its constituents to guide water needs for the future. She commended staff for doing a good job.

Coun. Doyle thanked staff for their work on this issue. He said this regions' approach of working together, a regionalized methodology to plan for the future, was very unique. He said in traveling to other parts of the country, Beaverton's approach to the water supply was recognized for its uniqueness. He said it is seen as a positive methodology. He said they should be very proud of their abilities to work together in a joint approach to plan for the future.

VISITOR COMMENT PERIOD:

Henry Kane, Beaverton, said he delivered his letter to Council earlier that contained his comments on the West Slope Annexations that were scheduled for public hearing on February 7, 2005. He said the West Slope notice was in violation of the law which was sufficient to reverse the decision on this and other annexations. He noted there was an item on the Consent Agenda for the annexation of other areas of Beaverton. He said he was not sure if Bethany was included in this annexation. He said if the City proceeded with this annexation, it would be annexing 10,000 to 15,000 people who could circulate recall petitions. He said the reason for the City's reversal in its annexation policy was because the City needed the revenue

Mayor Drake asked the City Attorney to explain the annexation issue on the Consent Agenda, noting Mr. Kane spoke erroneously in saying this annexation would annex ten to fifteen thousand people. He said this annexation did not include Bethany.

City Attorney Alan Rappleyea confirmed Mr. Kane's comments were in error. He explained the annexation on the Consent Agenda was to initiate the island annexations for the parcels listed on that item. He said pursuant to ORS law, the legislative body has to initiate action and the notice of annexation is then distributed. He said this annexation notice was a legislative notice and not the land use permit type of notice to which Mr. Kane referred. He said the Council would hold a public hearing, scheduled in March, and then the first reading of the ordinance. He said the second reading of the ordinance would be the following week and Council would then vote on the issue.

Mayor Drake confirmed with Rappleyea these were only island annexations; some were single lots. He confirmed this was not an annexation of a large area.

Osborn Blanchard, Tigard, asked if there would be written notice of the public hearing and an opportunity to respond.

Mayor Drake replied there would be a hearing in March 2005. The registered owner of each parcel would be notified of the hearing; if Mr. Blanchard was a registered owner he would receive a notice.

COUNCIL ITEMS:

Coun. Doyle reminded Councilors the Beaverton Arts Commission would be holding its Gala Showcase Celebration on February 5, 2005 at the Beaverton Library from 7:00 p.m. to 9:00 p.m. He said it was a great event and encouraged everyone to attend.

Coun. Stanton said Thursday, January 27, 2005, at 7:30 a.m. at the Kingstead Center; the Northwest Economic Alliance would host a breakfast forum featuring Washington County Commission Chair Tom Brian who would give the State of the County address.

STAFF ITEMS:

There were none.

CONSENT AGENDA:

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

Minutes of the Regular Meeting of January 10, 2005.

- 05015 A Resolution Designating Several Areas in the Southern Part of the City, that are Surrounded by the Corporate Boundaries of the City, to be Annexed to the City of Beaverton (Resolution No. 3802)

Couns. Doyle and Stanton had additions to the City Council minutes which they gave to the Deputy City Recorder.

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

RECESS:

Mayor Drake called for a brief recess at 7:19 p.m.

RECONVENE:

Mayor Drake reconvened the meeting at 7:28 p.m.

WORK SESSION:

05016 Work Session for TA 2004-0008 (Floodplain Text Amendment)

Site Development Engineer Jim Duggan said part of his job responsibility was to help manage Beaverton's floodplains and assist developers to determine if their property was subject to floodplain regulations. He said the text amendment being considered was the last step in a long process to update the City's floodplain maps; specifically the Fanno Creek floodplain. He said a byproduct of this process was generating new maps for the entire City, even though the Fanno Creek Basin was the only area updated by this restudy. He said the restudy of Fanno Creek was initiated by the City, Clean Water Services and other cities in 1999. He said in 2003-2004 FEMA conducted a public review of the revised Fanno Creek Study. He said the City must adopt the new study into its municipal ordinances as a condition of participation in the FEMA flood insurance program. He showed a section of the new Fanno Creek floodplain map and explained how the new map was more precise and user-friendly.

Duggan said the City was able to participate in the National Flood Insurance Program by adopting these maps and regulating its floodplain according to the minimum FEMA standards. He said that was why it was important to adopt the new study. He said it was vital for the City to be part of the National Flood Insurance Program so property owners could obtain flood insurance and so the City could receive flood grants, loans and Federal disaster assistance if there were a huge flood event.

Rappleyea explained this had to be effective by February 18, 2005, which meant the ordinance had to be adopted at this meeting. He said pursuant to the Charter, the first reading had to be in full and the second reading by title only before adoption by the City Council.

Coun. Arnold said the new map was quite exceptional and it was easier to identify areas inside and outside of the floodplain. She asked if the study was conducted because of and only for Fanno Creek, or were there other requirements to do the update.

Duggan replied it was known for many years that the Fanno Creek Basin had inaccuracies in its floodplain, which was why the cities and Clean Water Services wanted to restudy Fanno Creek. He said it had to go through the FEMA process. He said it was the initiative of Clean Water Services and the cities to get the map redone; it was not initiated by FEMA. He said the map updating took quite a bit longer for most parts of the country.

Coun. Stanton referred to Section 60.10.10.1 and thanked staff for changing the word "may" to "shall" (last change in that section). She said she preferred "shall" to "may."

Duggan said that change was required by FEMA and it made more sense, since that was the way the process really worked.

Coun. Stanton thanked staff for making themselves available so she could review the maps.

ORDINANCES:

First and Second Reading and Adoption:

Suspend Rules:

Coun. Doyle MOVED, SECONDED by Coun. Ruby, that the rules be suspended, and that the ordinance embodied in Agenda Bill 05017 be read for the first time in full at this meeting, and for the second time by title only at this same meeting of the Council. Couns. Arnold, Bode, Doyle, Ruby and Stanton voting AYE, the MOTION CARRIED unanimously. (5:0)

City Attorney Alan Rappleyea read the following ordinance for the first time in full and for the second time by title only at this same meeting.

05017 Declaring that an Emergency Ordinance be Adopted for TA 2004-0008 (Floodplain Text Amendment) (Ordinance No. 4337)

Coun. Ruby MOVED, SECONDED by Coun. Doyle, that the ordinance embodied in Agenda Bill 05017 now pass. Roll call vote. Couns. Arnold, Bode, Doyle, Ruby and Stanton voting AYE, the MOTION CARRIED unanimously. (5:0)

EXECUTIVE SESSION:

Coun. Bode MOVED, SECONDED by Coun. Ruby, that Council move into executive session in accordance with ORS 192.660(2)(h) to discuss the legal rights and duties of the governing body with regard to litigation or litigation likely to be filed. Couns. Arnold, Bode, Doyle, Ruby and Stanton voting AYE, the MOTION CARRIED unanimously. (5:0)

RECESS:

Mayor Drake called for a brief recess at 7:41 p.m. to setup for executive session.

RECONVENE:

Mayor Drake reconvened the meeting at 7:43 p.m.

The executive session convened at 7:43 p.m.

The executive session adjourned at 8:54 p.m.

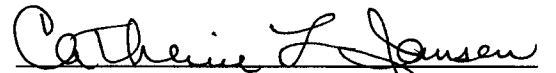
The regular meeting reconvened at 8:54 p.m.

OTHER BUSINESS:

Coun. Stanton MOVED, SECONDED by Coun. Doyle to authorize the Mayor to sign a transfer resolution appropriating from the General Fund Contingency Account to the Economic Development Program Account \$100,000 for The Round litigation costs and \$150,000 for the utility condemnation proceedings. Couns. Bode, Doyle and Stanton voting AYE, the MOTION CARRIED unanimously. (3:0:2) Coun. Ruby said he abstained from voting due to the reasons discussed in Executive Session. Coun. Arnold said she abstained from voting for she is new to the Council and is unfamiliar with this issue. (Resolution No. 3803)


ADJOURNMENT

There being no further business to come before the Council at this time, the meeting was adjourned at 8:56 p.m.


Catherine Jansen, Deputy City Recorder

APPROVAL:

Approved this 7th day of February, 2005.


Rob Drake, Mayor