



FINAL AGENDA

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

REGULAR MEETING
AUGUST 15, 2005
6:30 P.M.

CALL TO ORDER:

ROLL CALL:

VISITOR COMMENT PERIOD:

COUNCIL ITEMS:

STAFF ITEMS:

CONSENT AGENDA:

Minutes for the Joint Meeting of July 29, and the Regular Meeting of August 1, 2005

05149 Liquor Licenses: Change of Ownership - Pizza Schmizza and Pal-Do World

05150 Acceptance of Grant Award from the Metropolitan Area Communications Commission and Authorize Appropriations Through a Special Purpose Grant Budget Adjustment Resolution (Resolution No. 3827)

05156 Authorize Acceptance of FY05 Pre-Disaster Mitigation Grant Conditionally Awarded to the City of Beaverton to Seismically Upgrade City Hall (Resolution No. 3828)

Contract Review Board:

05151 Bid Award - Bel Aire Storm and Sanitary Sewer Improvements - Project No. 8049

05152 Waiver of Sealed Bidding - Purchase Two Ten Yard Dump Trucks From the Eugene Water & Electric Board Contract and Approve Trade-in

05153 Waiver of Sealed Bidding - Purchase of Mobile Data Terminals from the State of Oregon Contract #4416-PA

WORK SESSION:

- 05154 Sanitary Sewer Infrastructure - Replacement Needs and Revenue Proposal
- 05155 The National Incident Management System (NIMS) and Federal Compliance Requirements

ORDINANCES:

Second Reading:

- 05147 TA2005-0005 Utility Undergrounding Capital Projects (Ordinance No. 4363)
- 05148 An Ordinance Amending Ordinance No. 4187, the Comprehensive Plan Transportation Element, Related to Transportation Maps CPA 2005-0002 (Ordinance No. 4364)

EXECUTIVE SESSION:

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) (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) (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.

DRAFT

BEAVERTON CITY COUNCIL AND
BEAVERTON CHAMBER OF COMMERCE
JOINT MEETING
MINUTES - JULY 29, 2005

CALL TO ORDER

The Joint Meeting of the Beaverton City Council and Beaverton Chamber of Commerce was called to order by Mayor Rob Drake in the City Hall First Floor Conference Room, 4755 SW Griffith Drive, Beaverton, Oregon, on Friday, July 29, 2005, at 7:50 a.m.

INTRODUCTIONS

Present were Mayor Drake, Couns. Catherine Arnold, Betty Bode, Fred Ruby and Cathy Stanton. Coun. Dennis Doyle was excused. Also present were Chief of Staff Linda Adlard and City Recorder Sue Nelson.

Present from the Chamber of Commerce were: Chamber President Lorraine Clarno, Chair David Allen, Chamber Members Tiffany Anderson, Jean Borrer, Jim McCreight, Victor Bartruff, Scott Burgess, Brian Justrom, Carol Kersley, Jayne Dahl, Don Sakai and Fred Kolins.

TOPICS FOR DISCUSSION:

Downtown Redevelopment:

Mayor Drake asked Chief of Staff Linda Adlard to review the downtown redevelopment projects.

Adlard said the City had assisted the Virginia Garcia Clinic with a grant process that resulted in an annual federal grant of \$750,000 to operate the Clinic. She said the City purchased the block on First Street and Angel Avenue and was now interviewing developers to build the project. She said the City wanted to see this developed as a three or four story building that would include multi-commercial use including the Clinic, a Pacific University ophthalmology clinic, the Asian Health Services Clinic and senior housing. She said this was a \$15 million project and it would jump start revitalization in the downtown. She said the only cost to the City would be the Chief of Staff's time; any funds invested by the City would be repaid by the developer. She said the groundbreaking would be within the next year and this should result in an excellent facility that would serve the citizens for the next twenty years.

Adlard said she has worked on The Round project for nine years. She said a new developer had taken over the project; she reviewed the construction planned for the next few years.

Adlard said a six or seven-story parking garage would be built this year near the 24-Hour Fitness Building; it should be completed in December, 2005. She said a three-story commercial office building would be built between the 24-Hour Fitness building and an office building would be constructed north of the Coldwell Banker building. She said the condominiums were doing well; all but six were sold and those that were leased would be sold when the leases ended. She said an additional office building and a second parking garage would be built behind the condominiums. She said the project should be completed within three years.

Chamber Member Jim McCreight asked about the status of the power plant at The Round and the Westgate property.

Adlard said the City acquired the power plant to provide heating and cooling services for The Round. She said the plant could serve the Westgate and surrounding properties and would ensure an efficient and inexpensive power source for the downtown. She said this should entice developers to this area. She said the plant would provide revenue for the General Fund, which would keep City taxes low. She said the City was currently in negotiations to purchase the Westgate property. She said she expected the City would purchase the property, with Council approval, in the next 90 to 120 days. She said the advantage to the City developing this property with a developer, was that there would be consistency in the physical appearance of the downtown. She said if the City did not purchase the land a strip mall could develop there. She said she expected any developer who developed that property would reimburse the City for its costs.

Mayor Drake said the City secured funding, through Metro's Joint Policy Advisory Committee on Transportation (JPACT) process, to purchase the right-of-way on the Westgate theater property. He said the City also secured \$2 million through JPACT for downtown redevelopment; those funds can be applied to property acquisition.

Chamber President Lorraine Clarno asked Coun. Bode to share demographic information on ethnic groups in the area.

Coun. Bode, Director of the Virginia Garcia Clinic, said the Clinic treats 1300 patients a month and averages four physicians per day. She said 79% of the patients they see have a Beaverton zip code and 70% of the Clinic's employees have the same zip code; this is a community endeavor. She said the Somalian people were new immigrants to this area and explained the problems they were experiencing because this environment is extremely different from Somalia. She said they were fortunate to find a Somalian woman to help at the Clinic.

Adlard said they were working with developers to build 25 senior housing units as part of this project. She said providing affordable housing in today's market was difficult; it cannot be built without subsidizing the project but the City cannot afford to subsidize this project. She said the benefit's to having senior housing at the Clinic building would be that the seniors could use the Clinic, and there would be a federal pharmacy at the Clinic that would provide low-cost medicine. She said she hoped they could work this out.

Clarno asked if there was information available about the redevelopment of Griffith Drive and State Highway 8 since the Saylor's Restaurant had sold.

Mayor Drake said an application was pending for a retail development. He said it was an L-shaped building with parking on the inside.

Beaverton's Overall Image – Working Towards Enhancement:

Mayor Drake said the City was one of 30 finalists in the All America City competition. He said the City did not receive the All America City Award, but it would always carry the banner as a finalist. He thanked Clarno for attending the competition. He said Beaverton was seen as a community that was in good shape and worked to maintain a high level of citizen involvement.

Chamber President Clarno said the judges commented that Beaverton was an amazing community that was doing things right. She said if the City ever competed for the award again, she hoped the Chamber would be more involved. She said it was an amazing experience.

Mayor Drake said the competition would be held in Anaheim, California next year.

Coun. Stanton said the City had sent a twelve person team to present the application. She said several of the cities brought many more people as many as two hundred.

Mayor Drake said he did not want to bring a large group due to cost and because it did not fit with how Beaverton does business. He said the winner only brought a few people; those who brought a large entourage did not fare any better than those with a small group.

Chamber President Clarno suggested the Chamber and Council could work together and discuss ways to utilize this finalist position to improve the City's image, energy and pride.

Chamber Member Carol Kersley asked with exception of overcoming natural disasters, what the other finalists did that set them apart from Beaverton.

Mayor Drake reviewed the application process. He said the cities had to present three programs that promoted community problem solving and public/private problem partnerships. He said Beaverton's projects were the Christina's Smile Dental Program, the Business Incubator and the Virginia Garcia Clinic. He said all three were public/private partnerships and if the City applied next year, it could not use these projects again. He said the competition had a downtown redevelopment theme and it appeared to be communities that were struggling either economically or through natural disasters. He said he sensed there was great deal of grass roots problem solving, but he was not sure the people they brought were the ones who actually did the work. He said the projects centered on partnerships.

Planning and Building Permit Process:

Mayor Drake said a management audit of the Community Development was conducted four years ago. He said the party who performed the audit made several recommendations that were prioritized as A, B and C; the A recommendations had top priority. He said the City worked on process improvement based on these

recommendations and over the past three years the City was tracking customer service for all of its departments. He distributed a citizen comment card that citizens are encouraged to fill out whenever they conduct business with the City. He said the citizens rate the quality of the service they receive. He said he reads each card received and if there is a problem he contacts the citizen and works with the department head to resolve the issue.

Mayor Drake said he had received many comments about Community Development. He reviewed the challenges encountered in trying to balance building and development regulations with what developers, owners or consultants want to do with their projects. He distributed a copy of a Summary of Ongoing Customer Service Ratings for the Building Department from 2001 to 2004. He noted the majority of the ratings were good. He encouraged everyone to work with the department staff or department head, if problems occur but if the citizen was still not satisfied he should contact him.

Chamber Member McCreight asked the status on the review of the revised flood plain maps.

Mayor Drake said the maps were accepted and the process completed. He said while there was some room for interpretation, the maps were pretty tight. He said the regulations were tighter because they were promoting clean water, and saving and promoting natural habitat. He said the difficult part for developers were the layers of government agencies they need to work with on their projects (City, Clean Water Services, State and US Corps of Engineers). He said he was always open to suggestions for improvement of City processes. He said if he could revise the process, he would make the review a single process handled by one local agency.

Other Topics:

Chamber Member Kersley asked if the City was recruiting businesses to locate in Beaverton.

Mayor Drake said the City's Economic Development Manager Janet Young was in contact with the Oregon Economic Community Development Department (OECD). He said in addition the State Regional Representative for the Economic Community Development Department now had an office in City Hall. He said this helps in working with the Governor's Office and it provides opportunities for additional grants and potential business development. He said Ms. Young worked well with local and prospective businesses, she always looks out for the interests of the client and she is a great problem solver. He said he and City staff have talked with a number of businesses and continue to do so. He said he enjoyed doing this.

Adlard said two companies, one from Germany, have made their home at the Incubator. She said the first company that went into the Incubator relocated from the West Coast. She said one of the big issues in attracting companies was that the City did not have industrial land. She said there weren't any 40-to-50 acre parcels to offer in Beaverton so companies were looking at locations in Hillsboro. She said redevelopment would be Beaverton's future, where smaller parcels are put together to form one large parcel for redevelopment. She said this was the direction the City was headed.

Chamber Member Jayne Dahl asked about redevelopment of the Home Base site. Mayor Drake said he understood Kohls would soon submit plans for remodeling or rebuilding that facility. He said he was pleased with this potential project.

Chamber Member Kersley asked about the status of Wal-Mart's development proposal.

Mayor Drake said the City had a pending application at Highway 26 and Cedar Hills Boulevard, so comments would be generic. He said the Peterkort family owned that property and his understanding was that they would be leasing that property, not selling it. He said beyond that, the application had not yet been deemed complete and it probably would not be until at least September. He said that was a significant development with significant impacts and the Peterkort's asked the County to process it; the County chose not to do it. He said from his and the Council's perspective they were staying neutral.

Coun. Arnold explained there was a big difference between the County and City's planning review process and gave a few details on the difference between the two.

Chamber Member McCreight asked about funding from the State and how the City fared this last year.

Mayor Drake said the City carefully watched the State Shared Revenue that comes from alcohol and tobacco taxes. He said it seemed to be solid and in good shape; he said the revenue sharing funds provided two million dollars and it would have a significant impact if the City lost those funds. He said there did not seem to be a major threat to grant funding. He said there was pending legislation regarding exempting key industrial properties from future annexation. He said the vertical housing tax credits were expanded and renewed, which was good for the City and potential development projects. He said housing funds were not threatened.

Adlard said the housing funds were not increased which includes affordable housing projects.

Coun. Stanton said the federal-level funding picture was different. She said this included Federal Emergency Management Administration (FEMA) funds, Community Development Block Grant (CDBG) funds, Housing & Urban Development (HUD) funds and Highway Administration funds. She said those funds were in jeopardy for a variety of reasons. She reviewed how federal government administration had changed funding resources. She said federal funding was a major concern.

Chamber President Clarno asked for an update on the commuter rail

Mayor Drake said the \$35 million funds pledged by the Legislature needs to be renewed this session. He said next Tuesday Senator Smith would hold a press conference to announce that \$15 million in federal funds were allocated to continue commuter rail and they were almost ready to grandfather commuter rail so that the new requirements threatening funding for the commuter rail project would not apply. He complimented the delegation on this project and Senator Smith for their good work on this matter.

Coun. Bode said regarding economic development, the best form of economic development was education and health care for the work force. She said the two needs in these areas were language skills and basic work skills. She said she wanted to see investment in education to ensure people get the education and health care they need without having to travel long distances to get it. She said she did not want to look back in ten years and see that the unemployment sector had grown because of a lack of training and communication skills. She said that gap had to be closed.

Coun. Stanton said health care was an economic issue because a healthy work force contributes to the economic stability of the community.

Coun. Stanton referred to the service goal rankings on the cards the Mayor distributed. She said the B ratings meant someone did not get what they wanted, the minute they wanted it. She said she just wanted to say it was not bad to get a B.

Chamber Member Victor Bartruff said the City was making progress and improving in customer service. He said there were still some people who did not want to come to the City because of past history and poor experience. He said while things were improving, there was still baggage to overcome.

Mayor Drake said he felt that was a fair statement. He said you need to know where one has come from to measure today. He said the City was working to improve but some cases were difficult.

Chamber President Clarno thanked the Mayor and Council for this opportunity to meet and discuss issues together. She said she hoped the joint meeting could happen annually.

ADJOURNMENT

There being no further business to come before the Council at this time, the meeting was adjourned at 9:25 a.m.

Sue Nelson, City Recorder

APPROVAL:

Approved this day of , 2005.

Rob Drake, Mayor

DRAFT

BEAVERTON CITY COUNCIL
REGULAR MEETING
AUGUST 1, 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, August 1, 2005, at 6:30 p.m.

ROLL CALL:

Present were Mayor Drake, Couns. Catherine Arnold, Betty Bode, Fred Ruby and Cathy Stanton. Coun. Dennis Doyle was excused. Also present were City Attorney Alan Rappleyea, 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, Deputy Police Chief Chris Gibson and City Recorder Sue Nelson.

VISITOR COMMENT PERIOD:

Henry Kane, Beaverton, said the Highway 217 Project Advisory Committee was meeting August 3, 2005. He said the Committee continues to receive information on toll roads but they hadn't received any information indicating the project was feasible. He said the project cost would be extensive and the decision would have far-reaching consequences concerning traffic congestion and livability in Beaverton. He said with closure of some access ramps to Highway 217, traffic would be diverted to neighborhood streets. He asked Council to determine which options would do the most for the City. He said the best option was for two or more general purpose lanes. He said this would be an important meeting; the last meeting would be in September.

Bruce Bartlett, Portland, Chair of Citizen Participation Organization (CPO) No. 1, submitted a letter dated August 1, 2005 to the City. He said the CPO had not taken an active stand on the Walmart proposal. He said on July 5, 2005, the CPO passed a motion that closely mirrored Senator Charlie Ringo's legislation dealing with big box development.

Mayor Drake said he had enjoyed a good working relationship with Mr. Bartlett and the CPO. He said this was the first time he had seen Mr. Bartlett's letter and he had no indication from City staff that they had any contact with Bartlett. He said the Walmart application had been filed with the City but it was incomplete. He said he advised the Save Cedar Mills members a few weeks ago that once an application was received, the City Council would not take testimony related in any way to Walmart until there was a formal hearing. He said any reference to a big box development was out of line at this

time for it was too closely linked to a specific retailer. He asked the City Attorney for comment.

City Attorney Alan Rappleyea explained the Mayor was referring to ex parte contacts and the Oregon Constitution requires jurisdictions to have fair and impartial hearings bodies. He said if people came in and testified, without the opposing side being present to rebut whatever was said, a claim of procedural error could be made on appeal of this decision. He said the idea was to keep the hearings bodies as neutral as possible and avoid ex parte contacts. He said his advice to the Mayor and Council was to avoid all ex parte contacts. He said the City would retain the letter and put it in the record and when the applicant comes before the Council there will be an opportunity to talk about it.

Bartlett said this letter did not address any particular development. He said the citizens in CPO 1 have been involved in this and want to continue to be involved. He said there was huge citizen support for self-determination in this area. He said there was a second part to this which involved environmental noise; specifically traffic. He said they wanted the County and City to more vigorously enforce noise pollution issues. He said he wanted Council to consider this noise pollution issue.

Mayor Drake said he had discussed this with the Community Development Director but this would take careful analysis to respond appropriately.

Bartlett said there were rules which could be used to enforce existing noise regulations. He said this was a subject that was germane to the quality of life in the area. He asked if the Walmart application was considered incomplete at this time.

Mayor Drake said it was not complete and might not be complete until August or September, 2005. He said the City wanted to follow everything according to Hoyle so that whatever the Council ultimately does, there would not be any procedural problems.

Coun. Stanton asked if a vote was taken by the CPO on the noise issue.

Bartlett said there was a vote on the noise issue and that detail was omitted from his letter. He said he would need to check on the vote and get back to Council in the future. He said Conflict Resolution Day was coming up in October. He said good listening skills were imperative to making progress in conflict resolution and mediation, and he shared a set of cards on tips for good listening with the Council.

Coun. Arnold thanked Bartlett for all his work and said she wished they had twenty more of him.

COUNCIL ITEMS:

Coun. Bode said the last Picnic in the Park would be August 18, 2005, at Autumn Ridge Park.

Mayor Drake said "National Night Out" would be tomorrow night, August 2, 2005, to help stamp out crime. He said there would be a variety of activities and displays from the

Police Department and Tualatin Valley Fire & Rescue, and hot dogs and ice cream would be served.

Coun. Stanton said she would distribute to the Council the City Library User Survey 2005 Executive Summary.

STAFF ITEMS:

Finance Director Patrick O'Claire said the City was preparing for the bond sale tomorrow to refund the Library construction bonds. He said the market has shifted a bit; the sale will provide approximately \$830,000 in interest cost savings. He said they were structuring it so the savings would come later in the out-years of the bond issue. He said that was a 3.5% present-value savings, so it was over the three percent minimum savings required by the State Treasurer's Office. He said he hoped nothing would happen over night that would scare the bond market.

Deputy Police Chief Chris Gibson said there would be a large industrial shred truck available for citizens to bring documents to shred as part of the National Night Out event tomorrow night. He said it would be free of charge and the limit was a two-foot high stack per person. He said the event starts at 6:00 p.m.

Coun. Ruby said parking was available at the back of City Hall for this event.

CONSENT AGENDA:

Mayor Drake said Coun. Stanton wished to speak briefly on Consent Agenda Item 05144 regarding the intergovernmental agreement establishing the Tualatin Basin Natural Resources Coordinating Committee (TBNRCC).

Coun. Stanton said Consent Agenda Item 05144 authorizes the Mayor to sign an amendment to the intergovernmental agreement establishing the Tualatin Basin Natural Resources Coordinating Committee (TBNRCC). She said this was an important issue because of the implications of what will happen inside the Tualatin Basin. She said Metro has Title 3 and the State has Goal 5 that deal with natural resources. She said in addition, the Federal Government National Marine Fishery Services (NMFS) has ruled that any jurisdiction that has water resources used by salmon or steelhead smolt, had to produce a protection plan. She said the cities and regional governments have been working together to meet regional, state and federal requirements; the TBNRCC was formed to work on the plans for the Tualatin Basin.

Coun. Stanton said the amendment to the intergovernmental agreement (Agenda Bill 05144) was the next step. She said this agreement shifts the process from setup to implementation. She said they will now work on developing programs for fish and wildlife habitat protection. She said the TBNRCC members would now work to develop programs that balance the needs of the property owners for full use of their property and the needs of corridor protection for salmon and steelhead that are still on the endangered species list. She said this was the work being done by the TBNRCC. Coun. Bode MOVED, SECONDED by Coun. Ruby, that the Consent Agenda be approved as follows:

Minutes of the Regular Meeting of July 18, 2005

- 05144 Authorize the Mayor to Sign an Amendment to the Intergovernmental Agreement Establishing the Tualatin Basin Natural Resources Coordinating Committee (TBNRCC)
- 05145 Authorize Mayor to Sign Intergovernmental Agreement with Washington County for Traffic Signal Maintenance and Repair
- 05146 Boards and Commissions Appointment - Esther Griffin to Human Rights Advisory Commission

Coun. Ruby said he was glad to have Esther Griffin on the Human Rights Advisory Commission for she had worked hard helping the Commission.

Question called on the motion. Couns. Arnold, Bode, Ruby and Stanton voting AYE, the MOTION CARRIED unanimously. (4:0) Couns. Arnold and Stanton abstained from the minutes of July 18, 2005, as they were not at that meeting.

ORDINANCES:

Mayor Drake explained Coun. Stanton asked to discuss Agenda Bill 05147, TA 2005-0005 Utility Undergrounding Capital Projects, before the ordinance received first reading.

Coun. Stanton asked if councilors had any questions from the e-mail she sent regarding this item.

Coun. Ruby asked if they could discuss this issue of utility undergrounding exemptions for certain government projects. He said this was important as there was already an exemption of utility undergrounding for MSTIP projects; this action broadens that exemption to City of Beaverton, Washington County and Oregon Department of Transportation (ODOT) projects. He asked staff for clarification on the breadth of this exemption and if it was a big departure from, or an addition to, prior exemption policy.

Community Development Director Joe Grillo said this ordinance expands the previously approved exemptions for MSTIP projects; it deals with future MSTIP projects and City projects. He said agencies that had finite funds for road improvements were trying to make the funds go as far as possible. He said there were competing interests at the public level. He said it was fair to say, when development projects come in, the Code does require utility undergrounding and that can be a huge expense. He said when confronted with the expense of undergrounding, the County's position was to ask if the funds should not go for what they were originally intended; examples were to increase capacity for vehicular and bicycle traffic. He said this was a policy conflict.

Mayor Drake said in 1995 when the County considered MSTIP 3, the Washington County Coordinating Committee voted 8-3 against having the projects fund utility undergrounding where it was required by ordinance. He said the City was on the losing side of this vote. He said in 2005 he asked Commissioner Rodgers, Coordinating Committee Chair, if this could be reconsidered. He said it was discussed and the vote was 8-1 against funding the undergrounding. He said he supported the City's ordinance

but did not prevail. He said the general feeling was that with constrained budgets and funding packages, there was not enough money in the region to fund the projects, so utility undergrounding would not be funded.

Coun. Arnold confirmed with other Councilors that the proposed ordinance was stating there was no requirement for utility undergrounding for MSTIP and ODOT projects, and City projects would come to Council for a decision. She asked about trade-offs in relation to maintenance of utility lines and poles.

Grillo said utilities define within their operating structure how maintenance of poles and lines will be handled. He said most utilities operate under existing franchises that state if roads are improved, the utilities have to move their poles. He said from that standpoint, maintenance of their above-ground systems is built into their rate structures. He said the City does not maintain those utility poles; all utilities handle their own maintenance.

Coun. Arnold said she was more concerned with the cost to citizens.

Grillo said those costs are built into the utility rates and rates set by the Public Utilities Commission (PUC). He said whether or not utilities should have undergrounding costs built into their rate systems was a much broader policy discussion that goes far beyond the City of Beaverton.

Coun. Arnold asked if this meant the Council's decision would have no direct impact on what citizens would pay either in their utility rates or to the City.

Grillo replied that was correct.

Coun. Arnold asked why the original decision to underground utilities was made.

Coun. Stanton said with MSTIP 2, citizens approved widening Murray Boulevard to three lanes. She said while Murray Boulevard was being constructed (before it was completed), MSTIP 3 widened Murray Boulevard to five lanes. She said the City of Beaverton instituted a 1.5% privilege tax on the electric utility and dedicated those funds to undergrounding all the utilities on Murray Boulevard. She said when that project was completed and paid off, the Mayor asked Council to rescind the privilege tax. She said she argued against rescinding the tax because she wanted funds available to continue undergrounding the utilities. She said with this ordinance, she wanted Council to have a future discussion on whether or not it wants to fund utility undergrounding. She said multiple projects have been done since Murray Boulevard (Davies, Hall and Hart) and the utilities were not undergrounded. She said she wanted Council to approve this action tonight because the road improvements were needed, but she wanted Council to discuss how a fund could be established for utility undergrounding on arterials, major collectors and neighborhood roads.

Mayor Drake said the reason he asked to have the privilege tax repealed was because when it was originally enacted, the Council said it would be repealed once the City had paid for the undergrounding.

Coun. Stanton said she felt in the long term not undergrounding the utilities does a disservice to the community. She asked if staff could come back within a year on options available to the City to fund utility undergrounding. She asked if there was Council consensus to discuss this in the next year.

Mayor Drake suggested waiting until Coun. Doyle was present so he could voice his opinion. He said he was hearing from citizens that funding was limited and the County Library levy would probably be on the ballot in 2006 along with various other levies. He said he was not sure voters would support a levy for undergrounding utilities.

Coun. Stanton said she wanted the Council to discuss whether or not this requirement should be in the Code with all these exceptions, because the exceptions are the only projects that actually apply to undergrounding. She said she would defer her request for Council consensus regarding future discussion until Coun. Doyle returns.

Coun. Ruby said he would like a presentation from staff. He said he would like information on whether or not this would end utility undergrounding in Beaverton and what would have to be done to bring it back.

Coun. Stanton said the 1.5% privilege tax on the electric utility was not voted on by citizens; it was an outright use allowed by State law. She noted property taxes were also rolled back when the City joined Tualatin Valley Fire & Rescue. She said a privilege tax does not require a vote by citizens.

Coun. Bode noted this would still be a tax increase.

Mayor Drake said he thought there was a legal allowance that a vote could be required by citizen petition.

Coun. Stanton reiterated that she wants Council to have a conversation on how they view undergrounding utilities.

Coun. Arnold said she was in the same boat as Coun. Ruby. She asked if that meant there was no undergrounding occurring in the City.

Mayor Drake said private developers were doing a significant amount of utility undergrounding; this applied to public-funded projects only. He said he thought Coun. Stanton was on the right ground; the key was how much citizens were willing to pay.

Coun. Ruby **MOVED, SECONDED** by Coun. Stanton, that the rules be suspended, and that the ordinances embodied in Agenda Bills 05147 and 05148, be read for the first time by title only at this meeting, and for the second time by title only at the next regular meeting of the Council. Couns. Arnold, Bode, Ruby and Stanton voting **AYE**, the **MOTION CARRIED** unanimously. (4:0)

First Reading:

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

05147 TA2005-0005 Utility Undergrounding Capital Projects (Ordinance No. 4363)

05148 An Ordinance Amending Ordinance No. 4187, the Comprehensive Plan Transportation Element, Related to Transportation Maps CPA 2005-0002 (Ordinance No. 4364)

Second Reading:

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

05141 ZMA 2005-0003 The Village on Scholls Ferry; An Ordinance Amending Ordinance No. 2050, the Zoning Map, as to a Portion of a Specific Parcel, from Urban Medium Density (R2) to Neighborhood Service (NS) at the Southeastern Corner of SW Scholls Ferry Road and SW Barrows Road (Ordinance No. 4360)

05142 ZMA 2005-0004 Tri-Met ZMA at SW Merlo Road; An Ordinance Amending Ordinance No. 2050, the Zoning Map, as to a Specific Parcel, from Station Community - Employment (SC-E) to Station Community - Mixed Use (SC-MU) (Ordinance No.4361)

05143 An Ordinance Relating to the Building Code, Adding Beaverton Code Section 8.02.035 Permits Required (Ordinance No.4362)

Coun. Stanton MOVED, SECONDED by Coun. Ruby, that the ordinances embodied in Agenda Bills 05141, 05142 and 05143, now pass. Roll call vote. Couns. Arnold, Bode, Ruby and Stanton voting AYE, the MOTION CARRIED unanimously. (4:0)

OTHER BUSINESS

Mayor Drake said the Portland State University Population Research Center, College of Urban and Public Affairs, has released the latest population figures and Beaverton's official population was 81,198. He said this was an increase of a couple thousand in population.

O'Claire said this population change was only for the annexations which took place in the last four months. He said this population figure was as of June 30, 2005. He said the official population as of July 1, 2005 would not be known until November and it will include all the new construction built and occupied in the last year.

Mayor Drake confirmed with O'Claire that this year's budget projected a population of 83,500.

ADJOURNMENT

There being no further business to come before the Council at this time, the meeting was adjourned at 7:35 p.m.

Sue Nelson, City Recorder

APPROVAL:

Approved this day of , 2005.

Rob Drake, Mayor

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: LIQUOR LICENSES

FOR AGENDA OF: 8/15/05 **BILL NO:** 05149

CHANGE OF OWNERSHIP

Pizza Schmizza – Raleigh Hills
9206 SW Beaverton-Hillsdale Hwy

MAYOR'S APPROVAL: 

Pal-Do World
3975 SW 114th Ave

DEPARTMENT OF ORIGIN: Police 

DATE SUBMITTED: 07/26/05

PROCEEDING: Consent Agenda

EXHIBITS: None

BUDGET IMPACT

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

HISTORICAL PERSPECTIVE:

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

INFORMATION FOR CONSIDERATION:

Pizza Schmizza – Raleigh Hills, formerly licensed by the OLCC to ADB Company, is undergoing a change of ownership. Maxwell's Adventures, LLC, has made application for a Limited On-premises sales license under the same trade name of Pizza Schmizza – Raleigh Hills. The establishment will serve pizza and salad. It will operate Monday through Saturday from 11:00 a.m. to 9:00 p.m., and Sunday from 12:00 a.m. to 7:00 p.m., serving, lunch and dinner. There will be no entertainment offered. 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.

Pal-Do World, formerly licensed by the OLCC to Pal-Do Company, Inc., is undergoing a change of ownership. Yoo Chang, Inc., has made application for an Off-Premises sales license under the same trade name of Pal-Do World. The establishment is a grocery store. It will operate Monday through Sunday from 9:00 a.m. to 9:00 p.m. There will be no entertainment offered. An Off-Premises Sales License allows the sale of malt beverages, wine, and cider to go in sealed containers.

RECOMMENDED ACTION:

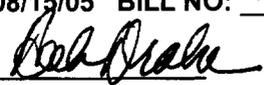
The Chief of Police for the City of Beaverton recommends City Council approval of the OLCC licenses.

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

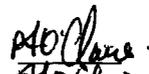
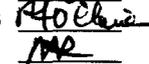
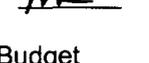
SUBJECT: Acceptance of Grant Award from the Metropolitan Area Communications Commission and Authorize Appropriations Through a Special Purpose Grant Budget Adjustment Resolution

FOR AGENDA OF: 08/15/05 **BILL NO:** 05150

Mayor's Approval: 

DEPARTMENT OF ORIGIN: Finance 

DATE SUBMITTED: 08/05/05

CLEARANCES: Finance 
Info. Systems 
City Attorney 

PROCEEDING: Consent Agenda

EXHIBITS: Special Purpose Grant Budget Adjustment Resolution
Grant Award Notification From MACC

BUDGET IMPACT

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$34,324	BUDGETED \$0*	REQUIRED \$34,324*

*The Appropriation Required is funded by a grant award from the Metropolitan Area Communications Commission and will be established through the attached Special Purpose Grant Budget Adjustment Resolution.

HISTORICAL PERSPECTIVE:

The City of Beaverton has been awarded three Metropolitan Area Communications Commission (MACC) grants. MACC grants were established to assist local agencies to create interlinked, high-speed, wide area networks in the MACC area. The City submitted the following grant requests

- 1) \$18,757 PCN (Public Communications Network) Installation at Hanson Well.
- 2) \$6,927 VoIP (Voice over Internet Protocol) Telephony for Police Evidence Building.
- 3) \$8,640 927 VoIP (Voice over Internet Protocol) Telephony for Emergency Operations Center (EOC).

Based upon MACC's Notification Letter (copy attached), the City was awarded all three of the grant requests.

INFORMATION FOR CONSIDERATION:

The following is a further description of the grant requests.

- 1) PCN Installation for Hanson Well – The City's Engineering Water Department plans to move its telemetry equipment from the Operations building to the Hanson Well Site, which will also control the new ASR No. 4 Well (Aquifer Storage and Recovery). To best facilitate these changes, the Hanson Well Site should be connected to the City's PCN network. The PCN network is administered by Comcast and provides data communications between all of the City buildings (City Hall, Library, Operations, and the Community Center).
- 2) VoIP Telephony for Police Evidence Building – The telephones at this facility use leased circuits to connect to the main telephone switch at City Hall. The audio quality of these leased circuits is poor, and they cannot provide many of the features that are available through the City's standard telephone system such as voice mail, transfer and forwarding, and speed dialing. Converting this site to VoIP telephones will eliminate the leased circuit costs and provide the additional features.

Agenda Bill No: 05150

- 3) VoIP Telephony for EOC – The EOC uses a number of CentraNET Telephone lines for voice communications. CentraNET is a service offered by the telephone company that allows a number of standard telephones to act as a group (pseudo telephone switch). CentraNet was chosen because it has the advantages of a telephone switch and would be independent of the main telephone switch that is located at City Hall if it were to fail. The disadvantages are that the City pays monthly charges for a system that is infrequently used and does not readily interact with the main telephone switch. Moving to VoIP will give the City the advantages of CentraNET (autonomous system) with the added advantage of being fully integrated with, yet independent of, the City Hall main telephone switch.

RECOMMENDED ACTION:

Council accept the \$34,324 special purpose grant award from MACC for upgrading the City's network and telephone systems and approve the attached Special Purpose Grant Budget Adjustment Resolution, which appropriates the grant funding.

July 5, 2005

Mr. Brian Douglas
City of Beaverton
PO Box 4755
Beaverton, Oregon 97223-4755

Dear Mr. Douglas:

We are pleased to inform you that the Commission awarded your organization \$ 34,324 for PCN Installation at Hanson Well, VoIP Telephony for Police Evidence Building, and VoIP for the Emergency Operations Center at their meeting on June 22 2005:

Prior to MACC's distribution of these funds, the following conditions must be met:

1. The enclosed PEG/PCN Grant Fund Agreement (hereafter "Agreement") must be signed by the appropriate party and returned to MACC no later than July 31, 2005; and
2. Your organization must provide MACC with all required reports for any previously awarded PEG/PCN Grants.

Note: If you fail to complete the conditions listed above by July 31, 2005, MACC will rescind the grant and return the funds to the MACC PEG/PCN Grant Fund, to be available for applications in the next grant cycle.

Once these conditions are met, we will send a check within fifteen (15) working days. In accordance with Section B of the Agreement, your organization will have 12 months to spend these funds (Section B.1.).

MACC monitors the ongoing use of grant funds, and therefore, may contact you to provide specific information that may include, but is not limited to, budget reports, proposal overviews, and/or other financial and technical information related to grant expenditures. MACC also reserves the right to audit the expenditure of your grant award, including the process used by your organization to select competitive bids for consultants, suppliers, and contractors.

Each grant recipient is required to provide MACC with a final report upon completion of your project and no later than thirty (30) days after the end of the Grant Expenditure Period (Section B.1 of the Agreement). We may also ask for your participation with MACC to promote and publicize the grant awarded your organization at any time.

Thank you for your participation in the PEG/PCN Grant Program. We wish great success for your project and hope that this grant contributes to its success.

Please call Greg, or me, if you have any questions, or if we can assist you further.

Sincerely,



Bruce Crest
MACC Administrator

C: MACC Commissioners
MACC Staff

Encl

2

PEG/PCN GRANT FUND AGREEMENT

This Agreement is entered into by and between the Metropolitan Area Communications Commission (hereinafter "MACC"), an intergovernmental commission of Oregon local governments, and the City of Beaverton (hereinafter "Recipient").

MACC has obtained funding pursuant to a cable franchise granted to Comcast Cable, which has been used to establish a grant program for the support of Public, Educational, and Government (PEG) programming and to promote the use of the Public Communications Network (PCN); and

The Recipient applied for a grant pursuant to the application process established by MACC and is eligible to be awarded a grant based on its status as a PCN User or Designated Access Provider (DAP); and

The MACC Board of Commissioners has approved a grant award to Recipient subject to compliance with the grant program and signing of this Agreement in the amount of

- \$ 18,757 for PCN Installation at Hanson Well (as described in the Summary of Grant Recommendations).
- \$ 6,927 for VoIP Telephony or Police Evidence Building
- \$ 8,640 for VoIP telephony for Beaverton Emergency Operations Center

Therefore, in mutual consideration of the promises and benefits made and conferred in this Agreement, the parties agree as follows:

I. General Terms and Conditions

- A. Recipient shall comply will all applicable laws, ordinances, rules, regulations, policies, and resolutions under all federal, state, local, and jurisdictional purview.
- B Recipient shall comply with all applicable guidelines within the purview of the recipient jurisdiction or agency involving purchasing, contracting, professional services agreements, bidding, proposal requests, and any other matter related to the receipt and expenditure of grant proceeds.
- C. Recipient shall agree that these funds will not be used in a way that would benefit those outside the MACC service area.

Grant funds shall not be transferred to another entity, nor used in a manner inconsistent with the purpose(s) expressed in the grant application.

II. Timeline for Expenditure of Funds

- A The twelve (12) month Grant Expenditure Period of agency's Awarded Grant:
Begins: July 1, 2005 Ends: June 30, 2006

- B.** Grants awarded for a single grant cycle must be spent within the Grant Expenditure Period.
- C.** Awards for more than one grant cycle must include specific plans for detailed annual expenditures for each fiscal year of the grant. All funds provided in this manner must be spent by the end of the identified grant period.
- D.** Recipients requiring additional time beyond the Grant Expenditure Period must submit a request to MACC in the following manner:
 - (1)** The written request (no e-mail or fax) must be received by MACC at least sixty (60) days prior to the end of the Grant Expenditure Period. The MACC Commission will consider the request and notify the Recipient at least ten (10) days prior to the Grant Expenditure Period (GEP).
 - (2)** The request shall explain:
 - The additional time needed to complete the awarded grant.
 - The reason for the additional time or cause for delay in completion the project.
 - Plans for project completion during the time extension.

III. Financial Report Required - Accounting

- A** Reporting Requirements. Recipient shall report to MACC, in writing, no later than 30 days following the end of the GEP as described in Section B,. The report shall include a specific statement describing each expenditure in sufficient detail to enable MACC to determine compliance with the grant awarded, applicable grant guidelines and legal requirements, and the total amount expended by the recipient.
- B.** Reconciliation of actual costs. Grants funds that are awarded, but not used within the required timeline, shall be returned to MACC within 30 days of the end of the Grant Expenditure Period.
 - (1)** If actual costs are lower than the amount of the grant awarded, the Recipient must return any and all unused funds to MACC within 30 days of payment of all invoices.
 - (2)** If the project is postponed or abandoned:
 - Within thirty (30) days of the earliest of the following:
 - a.** The decision to postpone or abandon the project;
 - b.** The end of the GEP; or
 - c.** All invoices have been paid,

Recipient must:

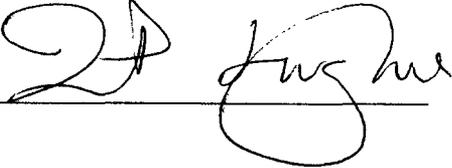
- i.** Return any and all unused funds to MACC;
- ii.** Provide MACC with a complete list of all materials purchased with the grant funds;

By signing below, the undersigned acknowledges and accepts all terms and conditions contained in this Agreement, based on the grant application, and applicable grant funding guidelines and legal requirements. The undersigned further represents that he/she is authorized to bind the grant recipient:

Recipient:

DAVID HUGHES
Name (Please Print)

I. S. MANAGER
Title


Signature

7/21/05
Date

Accepted by MACC:

Signature

Date

Metropolitan Area Communications Commission
1815 NW 169th Place, Suite 6020
Beaverton, OR 97006

Web Page Address: www.maccor.org

Telephone Number: (503) 645-7365

FAX (503) 645-0999

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Authorize Acceptance of FY05 Pre-Disaster Mitigation Grant Conditionally Awarded to the City of Beaverton to Seismically Upgrade City Hall

FOR AGENDA OF: 8/15/05 **BILL NO:** 05156

Mayor's Approval: *[Signature]*
Mayor Pro Tem
DEPARTMENT OF ORIGIN: Emergency Management *[Signature]*

DATE SUBMITTED: 8/9/05

CLEARANCES: Finance *[Signature]*
City Attorney *[Signature]*
Mayor's Off. *[Signature]*

PROCEEDING: Consent Agenda

EXHIBITS: Grant Overview

BUDGET IMPACT

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

As Council is aware, City Hall needs to be structurally upgraded to meet current seismic codes, which was a project the City previously pursued in the latter part of 1990, but did not complete due to the projected costs. Upgrading City Hall seismically is also one of the mitigation action items identified in the City's Natural Hazards Mitigation Plan (NHMP), which was approved by the City Council in November of 2003. With the subsequent approval of the City's NHMP plan by the Federal Emergency Management Agency (FEMA) in December 2003, the City became eligible to participate in FEMA's Pre-Disaster Mitigation (PDM) Grant Program. Based on the work that was done in 1998 and 1999, a PDM grant proposal for \$1,353,450 to seismically upgrade City Hall was submitted in March and the City was recently notified that the request has been conditionally approved. The grant is a cost-share grant of which the Federal share is 75% (\$1,015,087.50) and the City's share will be 25% (\$338,362.50).

INFORMATION FOR CONSIDERATION:

Beaverton City Hall is classified as a critical facility and houses several key City functions/operations including the Police Department. The structure was built in compliance with the 1982 UBC for a seismic zone 2 and subsequently this area was re-designated as zone 2b and is currently a zone 3. To comply with the current building codes, Beaverton's City Hall is required to resist seismic forces approximately 50% larger than the original design level. It was noted in the engineering study that "the building could possibly collapse under the stresses caused by a code level earthquake", which could contribute to a significant loss of life and will all but eliminate the City's ability to provide services for its residents after a major seismic event. Seismically upgrading City Hall will make the building safer for citizens visiting the facility and employees working in it. The upgrade will also enhance the building's potential resale value.

The Pre-Disaster Mitigation (PDM) program is a nationally competitive grant that provides funds to states, territories, Indian tribes, communities, colleges, and universities for pre-disaster mitigation

planning and the implementation of cost-effective mitigation projects prior to a disaster event. The purpose of funding these plans and projects is to reduce the overall risks to the population and structures, while also reducing reliance on funding from actual disaster declarations. With this grant the City's share of the estimated project costs will be less than what was originally budgeted for the project in 1999.

RECOMMENDED ACTION:

Council authorize the Mayor to accept the \$1,353,450 grant from the Federal Emergency Management Agency and direct staff to bring forward a Special Purpose Grant Budget Adjustment Resolution after the grant has been formally awarded by FEMA.

AUTHORIZE ACCEPTANCE OF FY05 PRE-DISASTER
MITIGATION GRANT CONDITIONALLY AWARDED TO
THE CITY OF BEAVERTON TO SEISMICALLY UPGRADE
CITY HALL

WHEREAS, the Beaverton City Hall is a critical facility and houses several of the City's functions/operations including the Police Department; and

WHEREAS, the structure that was built in compliance with the 1982 UBC for a seismic zone 2, needs to be structurally upgrade to meet current seismic codes for the area, which is currently a zone 3; and

WHEREAS, to comply with the current building codes, Beaverton's City Hall is required to resist seismic forces approximately 50% larger than the original design level; and

WHEREAS, seismically upgrading City Hall was a project the City previously pursued in the latter part of 1990, but did not complete due to the projected costs; and

WHEREAS, upgrading City Hall seismically is one of the mitigation action items identified in the City's Natural Hazards Mitigation Plan (NHMP), which was approved by the City Council in November of 2003; and

WHEREAS, seismically upgrading City Hall will make the building safer for citizens visiting the facility and employees working in it. The upgrade will also enhance the building's potential resale value.

WHEREAS, the grant is a cost-share grant of which the Federal share is 75% of the estimated project cost (\$1,015,087.50) and the City's share will be 25% (\$338,362.50); and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Beaverton authorizes the Mayor to accept the Pre-Disaster Mitigation Grant.

Adopted by the Council this _____ day of _____, 2005

Approved by the Mayor this _____ day of _____, 2005

Ayes: _____

Nays: _____

ATTEST:

APPROVED:

SUE NELSON, City Recorder

ROB DRAKE, Mayor

PDM Grant Overview

Revised 8/5/05

Subject: Federal Pre-Disaster Mitigation (PDM) Grant Application

- With a FEMA approved Natural Hazards Mitigation Plan (NHMP) the City is eligible to participate in the nationally competitive PDM grant process.

Project to be Funded:

The seismic upgrade of City Hall to meet seismic zone 3 standards for an essential/critical facility under the current building code.

- The City looked at seismically upgrading City Hall in the late 1990s, but the bids received from the prospective contractors exceeded the estimates developed by the architects.
- Upgrading City Hall seismically is one of the mitigation action items identified in the City's NHMP which was approved by the City Council in November of 2003 and by FEMA in December 2003.
- Seismically upgrading critical facilities is one of the priority mitigation activities identified by the state for the FY 2005 PDM Grant Program.

Amount Requested: \$1,353,450.00

- | | | |
|--------------------------|----------------|-----|
| • Proposed Federal Share | \$1,015,087.50 | 75% |
| • Proposed City Share | \$338,362.50 | 25% |

Grant Period: 36 months from award acceptance

- The application was submitted to the state on February 28th
- The state forwarded the application to FEMA on March 14th
- The City received notice of conditional grant award for the amount requested

Project Scope:

To seismically upgrade Beaverton City Hall to meet seismic zone 3 standards for an essential facility under the current building code.

- **Objectives:**
 - 1- Update architectural drawings and engineering information;
 - 2- Installation of new drag struts and shear connectors;
 - 3- Widening of seismic expansion joints;
 - 4- Add additional bracing, connections, and grade beams;
 - 5- Add new window wall system and roof for additional lobby area (to conceal the new braces);
 - 6- Relocation and protection of cabling for utilities and computers;

7- Administer/oversee the construction process;

8- Effectively manage/administer the grant.

• **Estimated Timelines:**

Description of Task	Starting Point	Duration (Months)	Work Complete By
Coordinate acceptance of grant award with City Council	Month #1	1	Emergency Management Program and Mayor's Office
Post and award contract for Architectural Services	Month #2	1	Finance Department and ?
Upgrade/validate Architectural Designs	Month #3	1	Contracted Architectural Firm (TBD)
Select and Hire Contractor to do the project	Month #4	2	Finance, ?, Architect Firm
Structural Upgrade	Month #6	9	Contractor (TBD)

Estimate the total duration of the proposed Activity: 14 MONTHS

• **Estimated Costs*:**

Item Name	Cost Classification	Cost Estimate (\$)
Grant Administration	Administrative Expense	\$64,450.00
Architectural Services	Architectural Engineering Basic Fees	\$45,000.00
Project Management	Other Architectural Engineering Basic Fees	\$15,000.00
Temporary Relocation Costs	Relocation Expenses	\$270,000.00
Relocate cabling (computer, phones, alarms, HVAC)	Construction and Project Improvement	\$50,000.00
Seismic Upgrades	Construction and Project Improvement	\$900,000.00
1% for the Arts	Miscellaneous	\$9,000.00

Total Project Cost Estimate: \$1,353,450.00

Proposed Federal Share	\$1,015,087.50	75%
Proposed City Share	\$338,362.50	25%

Background

Beaverton City Hall is a critical facility and houses all City functions/operations except for the Public Works Department and the Library. The structure was built in compliance with the 1982 UBC for a seismic zone 2 and subsequently this area was re-designated as zone 2b and is currently a zone 3. To comply with the current building codes, Beaverton's City Hall is required to resist seismic forces approximately 50% larger than the original design level. It was noted in the engineering study that "the building could possibly collapse under the stresses caused by a code level earthquake", which could contribute to a significant loss of life and will all but eliminate the City's ability to provide services for its residents after a major seismic event.

The engineering and architectural work for this project was originally accomplished in the late 1990s when the City first considered a structural upgrade to City Hall to meet current seismic standards. The bids received for completing the upgrades were significantly more than the estimates provided by the architect's estimates and the project was cancelled. The scope and costs of this project are based on that initial work. Costs are based on the average of the bids received in 1998 when this project was initially considered and revised to 2004 costs using the ENR Building Cost Index for Seattle. Additional costs not identified in the original architectural proposal have been included including cost to manage the construction; relocation and protection of utilities (computer cabling, alarm system, HVAC controls, etc.) to prevent their damage when work is done in the overhead spaces; 1% for the Arts; and Grant Administration.

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

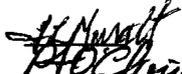
SUBJECT: Bid Award – Bel Aire Storm Drain and Sanitary Sewer Improvements, Project No. 8049

FOR AGENDA OF: 8/15/05 **BILL NO:** 05151

Mayor's Approval: 

DEPARTMENT OF ORIGIN: Engineering 

DATE SUBMITTED: 8-05-05

CLEARANCES: Purchasing 
Finance 
City Attorney 
Operations 
Water 

PROCEEDING: Consent Agenda
(Contract Review Board)

- EXHIBITS:**
1. Location Map
 2. Bid Summary
 3. Funding Plan

BUDGET IMPACT

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$1,700,000	BUDGETED \$1,543,500*	REQUIRED \$156,500

* Project budgeted Account Numbers 502-75-3811-682 (\$693,500), Sewer Fund, Sewer Collection System Program; 513-75-3915-682 (\$400,000), Storm Drain Fund, Storm Drainage Miscellaneous Conveyances (SDC); 513-75-3950-682 (\$400,000), Storm Drainage Maintenance and Replacement Program; 513-75-3917-682 (\$50,000), Storm Water Miscellaneous Quality (SDC). Appropriation detail is shown on the attached Funding Plan.

HISTORICAL PERSPECTIVE:

As identified in the 2004 Sanitary Sewer Collection System Master Plan prepared by Tetra Tech/KCM, and the 2004 Bel Aire Creek Drainage Study prepared by David Evans and Associates (DEA), the storm drain and sanitary sewer systems in the project area shown on Exhibit 1 are in need of repair or replacement with larger diameter pipe to prevent damage to adjacent properties by providing additional capacity. The Bel Aire Storm Drain and Sanitary Sewer Improvement Project No. 8049 is intended to make the needed repairs and replacements.

The sanitary sewer portion of this project is the continuation of the program to relieve the surcharging conditions (during heavy rainfall due to infiltration) in the basin that began with the Denney West Sanitary Sewer Project, completed in 2003. That project increased the capacity of the Bel Aire neighborhood sanitary sewer collection system from the Fanno Creek Interceptor to Blakeney Avenue. The storm drainage portion of this project will address the flooding issues identified in the DEA drainage report and modify the outlet structure of the Green Lane Detention Pond to partially fulfill the anticipated future wetland mitigation requirement of the SW 125th Avenue Extension project.

The project is included in the 2005/06 fiscal year Capital Improvement Plan and consists of 3,790 lineal feet of sanitary sewer mainline pipe, 3,901 lineal feet of storm drainage pipe, 44 manholes, and a storm water treatment structure.

INFORMATION FOR CONSIDERATION:

On October 4, 2004 the Council awarded a contract for the design of these improvements to DEA. The firm completed the construction plans and specifications, including a formal cost estimate of \$1,458,072.50. The Project was advertised for bid in the Daily Journal of Commerce on June 27, 2005. A mandatory pre-bid meeting was held on July 12, 2005 and seven construction firms attended. On July 20, 2005 four bids were received and opened: Moore Excavation Incorporated of Portland submitted the lowest bid in the amount of \$1,842,376.66. The three lowest bids were within \$52,000 of each other, which tends to indicate that the bids received are competitive bids reflecting actual market prices for construction.

The \$384,304.16 difference between the lowest bid and the formal project cost estimate provided by DEA is most likely due to the increased price of fuel, cement and reinforcing steel. With its bid, Moore Excavation Incorporated also submitted required information such as the bidder responsibility form and the tentative construction schedule. Staff has reviewed the submittals and references and recommends that the Council find that Moore Excavation Incorporated is the lowest responsive, responsible bidder.

Oregon law (ORS 279C.340) and the Beaverton Purchasing Code (BPC section 49-0430) allow negotiations with the lowest responsible bidder submitting the lowest responsive bid to attempt to bring the project within the City's pre-bid cost estimate through value engineering. Value engineering is the identification of alternative methods, materials and systems that provide for comparable function at reduced cost. The scope of the project may also be adjusted to better fit the City's budget, but cannot significantly change such that the City would have expected other bidders to have participated in the bidding process had the change in the project's scope been made during the solicitation process rather than during negotiation. Such negotiations already are in progress and the "not to exceed" amount of the contract award represents a price point that staff expects to achieve in negotiations. Staff is confident that the reduced scope and price of the work will not constitute a significant change such as to require rejection of all bids and a new invitation to bid on a different scope of work.

Funding for the additional "not to exceed" \$156,500 appropriation is available from the System Development and Replacement Contingencies of the Sewer and Storm Drain Funds as outlined in the attached Funding Plan.

City staff would like to issue a Notice to Proceed to Moore Excavation Incorporated for this project on or about August 24, 2005, with completion within two hundred eighty-five (285) days. This means the project's estimated substantial completion date would be May 29, 2006.

RECOMMENDED ACTION:

Council, acting as Contract Review Board, should find Moore Excavation, Incorporated is the lowest responsible bidder submitting the lowest responsive bid for the Project and should authorize a contract in an amount not to exceed \$1,700,000.00, with the scope of the work and the price to be reduced after negotiation with Moore to the Mayor's satisfaction and in a form approved by the City Attorney; and, direct the Finance Director to include the additional not to exceed \$156,000 appropriation as outlined in the attached Funding Plan in the next supplemental budget.

City of Beaverton
2005-2006 CIP

Project Data

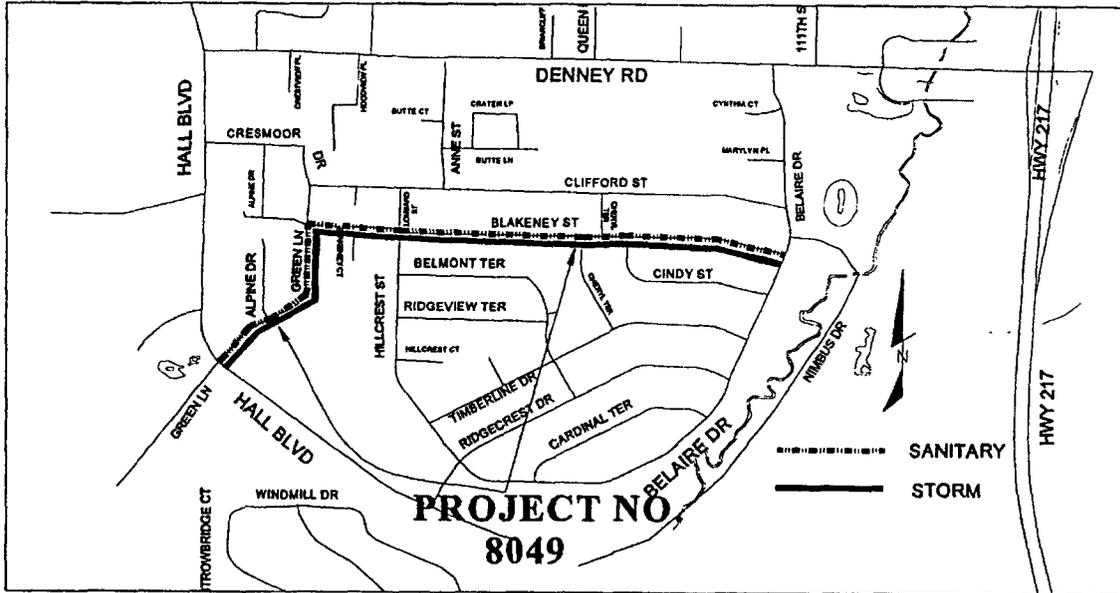
Storm

Project Number: 8049

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

Project Description: Storm drainage: Construct 2295 feet of 36-inch and 1,530 feet of 30-inch storm drain main line, a Vortechs storm water quality structure, 536 feet of 10" and 12" storm drainage laterals, and 24 storm drain manholes. Sanitary sewer: Replace approximately 2,650 feet of 12-inch, 1,055 feet of 10-inch, and 85 feet of 8-inch sanitary sewer main line, 20 manholes, and 1,870 feet of 4" and 6" service laterals.

Map:



Project Justification: This project was identified in the 2004 Sanitary Sewer Collection System Master Plan prepared by Tetra Tech/KCM, and the 2004 BelAire Creek Drainage Study prepared by David Evans and Associates. The project is intended to relieve flooding of the surface streets and surcharging of the sanitary sewer system. The 8" sanitary sewer pipe under the north sidewalk along Blakeney St was constructed with the Cresmoor Subdivision in the early 1960s. Also at this time BelAire Creek was put into a pipe that runs mostly along back lot lines just to the north of Blakeney. The area contributing flow to these pipes west of Hall Blvd has had an increase in the number of homes and an increase in the amount of impervious cover.

Project Status: Project is under design by David Evan & Assoc. Design is scheduled to be complete by June 2005 and construction to begin in the summer/fall of 2005.

Estimated Date of Completion: 06/30/2006

Estimated Project Cost: \$1,810,000

First Year Budgeted: FY04/05

Funding Data:

Project No.	Fund No.	Fund Name	Amount	FY
8049	3811	Sewer SDC	\$730,000	FY2005/06
	3915	Storm SDC Conveyance	\$410,000	FY2005/06
	3917	Storm SDC Water Quality	\$50,000	FY2005/06
	3950	Storm Maint/Replacement	\$410,000	FY2005/06

Total for FY: \$1,600,000

BID SUMMARY

CITY OF BEAVERTON

TO: Mayor & City Council

FROM: Purchasing Division

SUBJECT: Bid Opening

Bids were opened on JULY 20, 2005 at 2:00 PM in the **FINANCE CONFERENCE ROOM**

For: BEL AIRE STORM AND SANITARY SEWER IMPROVEMENT PROJECT 2005-06

Witnessed by: BEN SHAW

VENDOR NAME AND CITY, STATE	BID BOND	ADDEN ACK	SCHEDULE "A"	SCHEDULE "B"	BID AMOUNT
K& R PLUMBING CONSTRUCTION INC CLACKAMAS, OR	X	X	\$925,495.00	\$928,707.30	\$1,894,202.30
RCI CONSTRUCITON GROUP PORTLAND, OR	X	X	\$889,707.00	\$1,127,870.00	\$2,056,940.00
MOORE EXCAVATION INC PORTLAND OR	X	X	\$790,326.66	\$1,012,050.00	\$1,842,376.66
CANBY EXCAVATING INC CANBY, OR	X	X		\$1,062,290.75	\$1,880,034.05

The Purchasing process has been confirmed.

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

The above amounts have been checked: YES NO

Date: 7-20-05

Bid Award – Bel Aire Storm Drain and Sanitary Sewer Improvements, Project No. 8049

Funding Plan

Construction Improvements	Budget Account	Budgeted Amount	Additional Appropriation Required	Expenditure Required
Sanitary Sewer Improvements - Schedule "A"	502-75-3811-682 1)	693,500	\$67,000 5)	\$760,500
Storm Drainage Improvements - Schedule "B"	513-75-3915-682 2)	400,000	\$44,750 6)	\$444,750
	513-75-3950-682 3)	400,000	\$44,750 7)	\$444,750
	513-75-3917-682 4)	50,000	\$0	\$50,000
Total		\$1,543,500	\$156,500	\$1,700,000

- 1) 502-75-3811-682, Sewer Fund, Sewer Collection System Program, Construction
- 2) 513-75-3915-682, Storm Drain Fund, Storm Drainage Miscellaneous Conveyance (SDC), Construction
- 3) 513-75-3950-682, Storm Drain Fund, Storm Drainage Maintenance and Replacement Program, Construction
- 4) 513-75-3917- 682, Storm Drain Fund, Storm Water Miscellaneous Quality (SDC), Construction
- 5) 502-85-0753-994, Sewer Fund Contingency (Dedicated, SDC)
- 6) 513-85-0734-994, Storm Drain Fund Contingency (Dedicated, SDC)
- 7) 513-85-0734-994, Storm Drain Fund Contingency (Dedicated, Replacement)

003

AGENDA BILL

**B a v e r t i n City Council
Beaverton, Oregon**

SUBJECT: Waiver of Sealed Bidding –
Purchase Two Ten Yard Dump
Trucks From the Eugene
Water & Electric Board Contract and
Approve Trade-in

FOR AGENDA OF: 8-15-05 **BILL NO:** 05152

Mayor's Approval: *[Signature]*

DEPARTMENT OF ORIGIN: Operations *[Signature]*

DATE SUBMITTED: 8-8-05

CLEARANCES: Purchasing
Finance
City Attorney

[Signatures]
WS

PROCEEDING: Consent Agenda
(Contract Review Board)

EXHIBITS:

BUDGET IMPACT

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$190,172	BUDGETED \$196,000*	REQUIRED \$

*Account number 502-85-0757 Sewer Fund capital outlay vehicle account and 101-85-0732 Street Fund capital outlay vehicle account. Each account has a budget appropriation of \$98,000 for a ten yard Dump Truck.

HISTORICAL PERSPECTIVE:

The FY 2005-06 Budget includes funding to replace two ten yard dump trucks. The City of Beaverton currently has four ten yard dump trucks. The two oldest trucks, a 1983 Ford LN 8000 and a 1991 Ford LN8000, are being replaced. The 1983 truck is in the Sewer Fund and the 1991 truck is in the Street Fund. City Purchasing Code Section 51-0005, Item 3 requires City Council approve of trade-ins of property valued at more than \$10,000.

INFORMATION FOR CONSIDERATION:

The two trucks, at \$105,686 each, are currently available for immediate purchase from an existing Eugene Water & Electric Board (EWEB) contract with Brattin International of Portland, Oregon. Staff evaluated several available contracts for a ten yard dump truck and determined that EWEB's contract not only meets the needs of the City, but is also within the budget appropriation. EWEB's solicitation specified the International brand, due to a previous approved exemption, because of standardization on International for its fleet of medium duty trucks, but did solicit bids from multiple sellers of the International brand. EWEB awarded the contract to Brattin International. Oregon law and the City Purchasing code provide an exemption from competitive solicitation if the purchase is made from an existing contract with another governmental agency that contains cooperative language.

Brattin International has included in their quote to the City of Beaverton trade-in valuations for the two trucks being replaced. Brattin International is offering \$13,100 for the existing 1991 dump truck and \$8,100 for the 1983 dump truck. The cost for the Street Fund replacement truck less the trade-in price is \$92,586. The cost for the Sewer Fund replacement truck less the trade-in price is \$97,586. Staff reviewed the offered trade-in value and has determined that they are comparable to what the City would have obtained in the open market or at an auction.

RECOMMENDED ACTION:

Council, acting as Contract Review Board, waive the sealed bidding requirements and authorize the Finance Department to approve a purchase order to Brattin International, for purchase of two ten yard dump trucks in the amount \$190,172 and declare the two existing dump trucks surplus and authorize the trade-in of the two vehicles towards the purchase prices of the two new dump trucks.

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

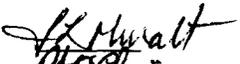
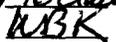
SUBJECT: Waiver of Sealed Bidding – Purchase of Mobile Data Terminals from the State of Oregon Contract #4416-PA

FOR AGENDA OF: 08-15-05 **BILL NO:** 05153

Mayor's Approval: 

DEPARTMENT OF ORIGIN: Police 

DATE SUBMITTED: 08-03-05

CLEARANCES: Purchasing 
Finance 
City Attorney 

PROCEEDING: Consent Agenda
(Contract Review Board)

EXHIBITS: Cover page of State Contract #4416-PA
Agenda Bill 05038

BUDGET IMPACT

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$75,745.10	BUDGETED \$85,000*	REQUIRED \$-0-

*Account Number: 001-60-0622-0631 General Fund – Police Department-Field Services Program – Communication Equipment Account

HISTORICAL PERSPECTIVE:

The Beaverton Police Department is required to meet the Criminal Justice Information System (CJIS) authentication and encryption standards by September 2005. In order to meet these standards, the Mobile Data Terminal Computers (MDT's) in Beaverton police cars need to have their computer processing unit capacity increased so to handle mobile client software that meets CJIS authentication and encryption standards. Near the end of last fiscal year, a state contract was being developed including several MDT vendors. The state contract was awarded to several vendors including Motorola. Staff field tested the Motorola MDT unit and found it met our needs. Council authorized the purchase of 22 Motorola MDT's off the state contract at the February 14, 2005 Council meeting (see attached copy of Agenda Bill 05038). The FY 2005-06 Adopted Budget includes an \$85,000 appropriation to purchase an additional 10 MDT units. The continued purchase of Motorola MDT computers will allow our new equipment to remain compatible with our existing equipment and with the existing equipment of the Washington County Sheriff's Office and Tigard Police Department, which also have purchased the Motorola MDT computers.

INFORMATION FOR CONSIDERATION:

The Mobile Data Terminal Computer model MW800 from Motorola is available under an existing Price Agreement with the State of Oregon. Oregon law and the City's purchasing rules provide an exemption from competitive solicitation if a purchase is made from an existing price agreement with another governmental agency.

Using the State of Oregon Contract #4416-PA for Mobile Data Terminal Equipment, the Beaverton Police Department received a quote from Motorola for the MW800 at \$7,574.51 each, totaling \$75,745.10 for 10 units. The amount budgeted for police department field communication equipment

this fiscal year is \$85,000. The \$9,254.90 appropriation balance remaining after purchase of the MDT units is to purchase vehicle mounting equipment to secure the MDT computers inside 10 patrol vehicles.

RECOMMENDED ACTION:

Council, acting as Contract Review Board, authorize the purchase of 10 Motorola MW800 Mobile Data Terminal Computers in the amount of \$75,745.10 from the State of Oregon Contract #4416-PA.

Contract Summary

MOTOROLA, INC.

Mobile Data Computers and Associated Options and Services



Contract Administrator

A State Procurement Office
1225 Ferry Street SE, U140
Salem, OR 97301-4285

Contact: Weber, John
Phone: 1 (503) 373-1197
Fax: 1 (503) 373-1626
Email: john.p.weber@state.or.us

Final

Contract # 4416-PA Revision # 5 Revision Date 02/28/2005
Contract Start Date 11/30/2004 Expiration Date 11/15/2005 Supplier Number 2735

All dates are mm/dd/yyyy

Attachments Exist
Secondary Suppliers Do Not Exist

Supplier Address

MOTOROLA, INC.
4900 SW MEADOWS ROAD SUITE 475
Lake Oswego, OR 97035

Contact: FORMAN, DUANE B
Phone: 1 (503) 524-8363
Fax: 1 (503) 590-7143
Email: Duane.Forman@motorola.com

Receiving Address

A Statewide Contract for State Agencies and
ORCPP/WSCP members
As Specified on the Purchase Order
Any City, OR 97000

Contact: Name that appears on Purchase Order
Phone: 1 (111) 111-1111
Fax:
Email:

This Document is a Summary of Price Agreement 4416. There are four (4) Attachments for this Price Agreement. Attachment one (1), contains: GENERAL PROPOSAL INFORMATION, QUALIFICATIONS AND REQUIREMENTS, ORCPP, AND WSPC PARTICIPATION, PRICE AGREEMENT TERMS AND CONDITIONS and STANDARD AND SPECIAL TERMS AND CONDITIONS. Attachments two, three and four (2-4) contains all pricing data applicable to this Price Agreement

Item #	Quantity / Unit	Description	Unit Cost
1	1 EACH	Computers, Parts and Supplies Ruggedized Vehicle Mounted Mobile Data Computers and Ruggedized Mobile Data Computers NOTE: SEE ATTACHMENTS FOR PRICING SCHEDULES Mfg/Brand/Make - Motorola Model/Part/Item - see attachment	\$0.00
2 Added	1 EACH	The HK1115A (Rapid-Ship configuraiton of ML900) will be offered at a promotion price of \$3,499. This model includes the basic ML900 and bundles in the following options: 12.1" Transmissive Touch Screen, Full Travel Backlit Keyboard, 512 MB RAM, 40 G HDD, CD/DVD Drive and Integrated 802.11b WLAN. This promotion price is equivalent to approximately 36% discount from list. As an accessory, the ML900 Mid Tier Dock (DDN7502) may be added to each unit ordered at a price of \$600 (list price = \$799). IMPORTANT NOTES:	\$3,499.00

Contract Summary

MOTOROLA, INC.
 Mobile Data Computers and Associated Options and Services

Item #	Quantity / Unit	Description	Unit Cost
		<p>The promotion is targeted for sales and shipments in the first half of 2005. It is valid for all orders received before May 31st, 2005 and marked as shippable by June 30th, 2005.</p> <p>Mfg/Brand/Make - Motorola Model/Part/Item - ML900</p>	
<p>Delivery Required</p> <p>Days Required for Delivery 60 days after receipt of purchase order</p> <p>Payment Terms Net 30</p> <p>FOB FOB Destination</p>		<p>Current Amendment Value \$0.00</p> <p>Previous Contract Value \$1,000,000.00</p> <p>Current Amended Value \$1,000,000.00</p>	

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

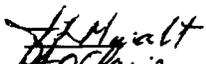
SUBJECT: Waiver of Sealed Bidding – Purchase of Mobile Data Terminals from the State of Oregon Contract #4416-PA

FOR AGENDA OF: 02-14-05 **BILL NO:** 05038

Mayor's Approval: 

DEPARTMENT OF ORIGIN: Police

DATE SUBMITTED: 01-31-05

CLEARANCES: Purchasing 
Finance 
City Attorney 

PROCEEDING: Consent Agenda
(Contract Review Board)

EXHIBITS: Cover page of State Contract #4416-PA

BUDGET IMPACT

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$151,490.20	BUDGETED \$175,000*	REQUIRED \$-0-

*Account Number: 001-60-0622-0631, \$70,000 was carried over from last fiscal year (2003/2004) for the purchase of 10 Mobile Data Terminal Computers (MDT's) and an additional \$105,000 was budgeted for in this current fiscal year (2004/2005) also for 10 MDT's which provides appropriation for a total of 20 MDT's .

HISTORICAL PERSPECTIVE:

The Beaverton Police Department is required to meet the Criminal Justice Information System authentication and encryption standards by September 2005. In order to meet these requirements the Mobile Data Terminal Computer Systems in the police cars need to have the computer processing unit capacity to handle the mobile client software that will meet the authentication and encryption standards. Near the end of last fiscal year, a state contract was being developed including several vendors of Mobile Data Terminal Computers. The state contract was awarded to several vendors including Motorola. Staff field tested the Motorola unit and found it to meet our needs. The purchase of Motorola MDT's will allow our equipment to be compatible with Washington County Sheriff's Office and Tigard Police Department, which has also purchased the Motorola MDT's.

INFORMATION FOR CONSIDERATION:

The Mobile Data Terminal Computer model MW800 from Motorola is available under an existing Price Agreement with the State of Oregon. Oregon law and the City's Purchasing rules permit an exemption from competitive solicitation if the purchase is made from an existing price agreement with another governmental agency.

Using the State of Oregon Contract #4416-PA for the Mobile Data Terminal Computers, the Beaverton Police Department received a quote from Motorola for the MW800 at \$7,574.51 each totaling \$166,639.22 for 22 units. Due to a drop in price as a result of the State of Oregon contract awarded to Motorola we are able to purchase 22 units versus the previously budgeted number of 20 units. The remaining appropriation balance of \$8,360.78 will be used to purchase vehicle mounting equipment to secure the units inside the patrol vehicles.

RECOMMENDED ACTION:

Council, acting as Council Review Board, authorize the purchase of 22 Motorola MW800 Mobile Data Terminal Computers in the amount of \$166,639.22 from the State of Oregon Contract.

Contract Summary

Mobile Data Computers and Associated Options and Services



Contract Administrator

A State Procurement Office
1225 Ferry Street SE, U140
Salem, Oregon
97301-4285

Contact: Weber, John
Phone: 1 (503) 373-1197
Fax: 1 (503) 373-1626
Email: john.p.weber@state.or.us

Final

Contract # 4416-PA Revision # 3 Revision Date 12/27/2004
Contract Start Date 11/30/2004 Expiration Date 11/15/2005 Supplier Number 2735

All dates are mm/dd/yyyy

Attachments Exist
Secondary Suppliers Do Not Exist

Supplier Address

MOTOROLA, INC.
4900 SW MEADOWS ROAD SUITE 475
Lake Oswego, Oregon
97035

Receiving Address

A Statewide Contract for State Agencies and ORCPP/WSCP members As Specified on the Purchase Order
Any City, Oregon
97000

Purchasing Authority
Oregon Statutory Authority

Exemption/Rule

Contract Filed At
DAS

Contact: FORMAN, DUANE B
Phone: 1 (503) 524-8363
Fax: 1 (503) 590-7143
Email: Duane.Forman@motorola.com

Contact: Name that appears on Purchase Order
Phone: 1 (111) 111-1111
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Email:

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Item #	Quantity / Unit	Description	Unit Cost
1	1 EACH	Computers, Parts and Supplies Ruggedized Vehicle Mounted Mobile Data Computers and Ruggedized Mobile Data Computers Mfg/Brand/Make - Motorola Model/Part/Item - see attachment	\$0.00
Delivery Required		Current Amendment Value	
Days Required for Delivery 60 days after receipt of purchase order		\$0	
Payment Terms Net 30		Previous Contract Value \$1,000,000	
FOB		Current Amended Value \$1,000,000	

5

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Sanitary Sewer Infrastructure -
Replacement Needs and Revenue
Proposal

FOR AGENDA OF: 8-15-05 **BILL NO:** 05154

Mayor's Approval: 

DEPARTMENT OF ORIGIN: Engineering 

DATE SUBMITTED: 8-02-05

CLEARANCES: City Attorney
Finance
Water



PROCEEDING: Work Session

EXHIBITS:

BUDGET IMPACT

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

HISTORICAL PERSPECTIVE:

Engineering Department staff recently completed an analysis of the City's sanitary sewer (wastewater) system infrastructure needs related to on-going capital replacement of existing facilities. Technical resources employed by staff in the analysis were the Beaverton Sanitary Sewer Collection System Master Plan, January 2004 draft, prepared by Tetra Tech/KCM; sanitary sewer inventory data extracted from GBA asset management software (maintained by the Operations Department since 2001) and a historical sewer inventory data base.

Results of the analysis showed that although significant effort has been underway over the last 10 years toward replacement of the existing sanitary sewer pipes and manholes, the rate of infrastructure replacement is not sufficient to keep pace with on-going depreciation.

Much of the concepts used in the latest analysis are built on the foundation of data and cost information developed by staff for the 11-citizen Infrastructure Facilities Task Force during 1994. The citizen task force was appointed by Mayor Drake to assess the City's infrastructure and recommend actions to ensure its long term integrity, which were presented to Council on August 8, 1994. Among the task force recommendations were the adoption of a useful life of 65 years for sewer lines and dedicated stable funding for an on-going 30-year replacement/renewal program.

The current replacement value (in 2005 dollars) is \$280 million for the sewer system's 260 miles (1.37 million lineal feet) of pipelines (6 to 21-inch diameter) and manholes. Assuming a useful life of 65 years for those lines made of non-PVC materials (majority of the system), such as concrete,

terracotta clay pipe, and 100 years for those sewer lines of PVC plastic, the current average depreciation each year of the sewer system is \$3.85 million dollars. This means that during an average year approximately 18,900 lineal feet (3.58 miles) of the sewer system deteriorates beyond its estimated useful life and function, and should be replaced.

During the last 10 years a total of 22,632 lineal feet (4.3 miles) of sewer system was replaced and/or rehabilitated to near new condition. This significant effort is the equivalent of \$4.9 million in replacement capital improvements in 2005 dollars. Since 1999 the City has spent \$3.5 million (unadjusted for inflation) in the replacement/renewal program with an additional \$2 million budgeted for this year, which has been funded from a combination of annual operating revenues and contingency that had been accumulated in the early and mid 1990's. Available funding from contingency for projects is expected to be exhausted within two budget years.

Over the last four annual Clean Water Services (CWS) rate modifications, the City has seen a steady decline in revenue from collections due to CWS revenue allocation formulas which have reduced City revenue historically shared for both Operations and CIP replacement/renewal capital improvements. In FY 2003-04, the City experienced a decrease of \$64,000 in revenues and is projecting a decrease of \$153,000 for FY 2005-06. The cumulative decrease from the four rate formula re-allocations is estimated to be \$345,000. With flat sewer service rate levels over the last few years, inflationary pressures have also taken a toll on available revenue for sewer system replacement.

As a result of declining revenue in the sewer operating fund collected from monthly sewer bills and increasing operation and maintenance costs, available revenue allocated in the CIP for the sewer replacement/renewal program has been declining over the past three years. This aggressive replacement program and the need to continue it now justifies considering a separate funding source similar to the \$2 surcharge that was enacted for the Storm Drain Fund's replacement and renewal program in 1997. The precipitous drop in sewer revenue allocation for replacement in the CIP is compounded by the fact that the size of the sewer system has grown by approximately 11.6 percent (26.9 lineal miles) since 1998.

INFORMATION FOR CONSIDERATION:

Staff will present information to the Council on the state of the sanitary sewer system infrastructure and a recommended 30-year replacement/renewal program through the year 2035. The 30-year replacement/renewal program is comprised of: 1) projects identified in the 2004 sanitary sewer master plan as high priority for replacement based on observed condition (internal video inspection) and 2) other projects to replace/renew the oldest sewers in the City built between 1901 and 1949.

To fund the \$29.6 million program to replace/renew approximately 31 miles of sanitary sewers over the next 30 years, staff will propose a surcharge on the current monthly sewer charge set by the Washington County sewerage agency - Clean Water Services. Such a surcharge would form a stable, dedicated funding source to permanently fund replacement sewer projects. Currently, only 17.5 percent of the monthly sewer bill collected for a typical single-family home is retained by Beaverton, with the remaining 82.5 percent remitted to CWS. Staff will also propose an annual indexing of the surcharge to ensure that the value of the revenue collected to fund the City's replacement/renewal program remains constant against inflation.

The City of Forest Grove currently has a \$1.00 surcharge for sanitary sewer service as allowed under the cities intergovernmental agreements with CWS.

RECOMMENDED ACTION:

Conduct a Council Work Session.

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: The National Incident Management System (NIMS) and Federal Compliance Requirements

FOR AGENDA OF: 8-15-05 **BILL NO:** 05155

Mayor's Approval: *Lida A. Adland*

DEPARTMENT OF ORIGIN: Emergency Management *MM*

DATE SUBMITTED: 8/1/05

CLEARANCES: Chief of Staff *LA*
City Attorney *WBF*
Operations *DOE*
Police *DOE*

PROCEEDING: WORK SESSION

EXHIBITS: DHS Letter to Governors
NIMS Overview

BUDGET IMPACT

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

Homeland Security Presidential Directive (HSPD) – 5 directed the Secretary of Homeland Security to develop and administer a National Incident Management System (NIMS). The intent of NIMS is to provide a consistent nationwide template to enable Federal, State, local, and tribal governments; and private-sector and nongovernmental organizations to work together effectively and efficiently to prepare for, prevent, respond to, and recover from domestic incidents, regardless of cause, size, or complexity, including acts of catastrophic terrorism. The Directive further requires that federal departments and agencies make adoption of the NIMS by State, tribal, and local organizations a condition for federal preparedness assistance (i.e., grants) beginning in FY2005. The Secretary of the Department of Homeland Security's letter to the Governors outlines several compliance requirements for the current federal fiscal year including the formal adoption of NIMS by states, territories, tribes, and local entities.

INFORMATION FOR CONSIDERATION:

This system is built upon the basic elements of the National Interagency Incident Management System (NIIMS) that the City previously adopted as the foundation for its incident command, coordination, and support activities; so the change to NIMS will have only a minor impact. The City also incorporated the Incident Command System (ICS), which is an integral part of NIMS, in the City's Emergency Management Code in 2004, meeting the federal government's compliance requirements for that year. The City is the recipient of numerous federal grants each year and non-compliance with the criteria set by the federal government could result in the loss of eligibility for several of them including the Emergency Management Performance Grant (EMPG), Pre-Disaster Mitigation, Urban Area Security Initiative (UASI), Law Enforcement Terrorism Prevention Program (LETPP), and State Homeland Security Program (SHSP), which could create a significant financial impact on several City programs.

RECOMMENDED ACTION:

Participate in Council Work Session on the National Incident Management System.



Homeland Security

September 8, 2004

Dear Governor:

In Homeland Security Presidential Directive (HSPD)-5, *Management of Domestic Incidents*, the President directed me to develop and administer the National Incident Management System (NIMS). The NIMS provides a consistent nationwide approach for Federal, State¹, territorial, tribal, and local² governments to work effectively and efficiently together to prepare for, prevent, respond to, and recover from domestic incidents, regardless of cause, size, or complexity. On March 1, 2004, the Department of Homeland Security (DHS) issued the NIMS to provide a comprehensive national approach to incident management, applicable at all jurisdictional levels and across functional disciplines. HSPD-5 also required DHS to establish a mechanism for ongoing coordination to provide strategic direction for, and oversight of, the NIMS. To this end, the NIMS Integration Center (NIC) was established to support both routine maintenance and the continuous refinement of the NIMS.

All Federal departments and agencies are required to adopt the NIMS and use it in their individual domestic incident management and emergency prevention, preparedness, response, recovery, and mitigation activities, as well as in support of all actions taken to assist State or local entities. The NIC is working with Federal departments and agencies to ensure that they develop a plan to adopt NIMS and that all fiscal year (FY) 2005 Federal preparedness assistance program documents begin the process of addressing State, territorial, tribal, and local NIMS implementation.

This letter outlines the important steps that State, territorial, tribal, and local entities should take during FY 2005 (October 1, 2004- September 30, 2005) to become compliant with the NIMS.

The NIMS provides the framework for locals, tribes, territories, States, and the Federal Government to work together to respond to any domestic incident. Many of the NIMS requirements are specific to local jurisdictions. In order for NIMS to be implemented

¹ As defined in the Homeland Security Act of 2002, the term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any possession of the United States." 6 U.S.C. 101 (14)

² As defined in the Homeland Security Act of 2002, Section 2(10): the term "local government" means "(A) county, municipality, city, town, township, local public authority, school district, special district, intrastate district, council of governments... regional or interstate government entity, or agency or instrumentality of a local government; an Indian tribe or authorized tribal organization, or in Alaska a Native village or Alaska Regional Native Corporation; and a rural community, unincorporated town or village, or other public entity." 6 U.S.C. 101(10)

successfully across the nation, it is critical that States provide support and leadership to tribal and local entities to ensure full NIMS implementation. We are looking to you and your State Administrative Agency (SAA) to coordinate with the State agencies, tribal governments, and local jurisdictions to ensure NIMS implementation. Given the importance and urgency of this effort, Federal, State, territorial, tribal, and local entities should begin efforts to implement the NIMS, if such efforts are not already underway.

Implementation of and compliance with the NIMS is critical to ensuring full and robust preparedness across our nation. HSPD-5 established ambitious deadlines for NIMS adoption and implementation. FY 2005 is a start up year for NIMS implementation and full compliance with the NIMS is not required for you to receive FY 2005 grant funds. Since FY 2005 is a critical year for initial NIMS adoption, you should start now by prioritizing your FY 2005 preparedness assistance (in accordance with the eligibility and allowable uses of the grant) to facilitate its implementation. The NIC is working with the Federal departments and agencies to identify all of preparedness assistance programs. The NIC will then provide this information to the States, territories, tribes, and local governments.

To the maximum extent possible, States, territories, tribes, and local entities are encouraged to achieve full NIMS implementation and institutionalization across the entire response system during FY 2005. This memorandum highlights the important features of NIMS implementation that should receive special emphasis in FY 2005, but does not represent all of the actions necessary to fully implement the NIMS.

The NIMS is the nation's first-ever standardized approach to incident management and response. The NIMS unifies Federal, State, territorial, tribal, and local lines of government into one coordinated effort. This integrated system makes America safer by establishing a uniform set of processes, protocols, and procedures that all emergency responders, at every level of government, will use to conduct response actions. This system ensures that those involved in emergency response operations understand what their roles are and have the tools they need to be effective.

This system encompasses much more than the Incident Command System (ICS), although ICS is a critical component of the NIMS. It also provides a common foundation for training and other preparedness efforts, communicating and sharing information with other responders and with the public, ordering resources to assist with a response effort, and for integrating new technologies and standards to support incident management. For the first time, all of the nation's emergency responders will use a common language, and a common set of procedures when working individually and together to keep America safe. The NIMS ensures that they will have the same preparation, the same goals and expectations, and most importantly, they will be speaking the same language.

Minimum FY 2005 NIMS Compliance Requirements:

State and territory level efforts to implement the NIMS must include the following:

- **Incorporating NIMS into existing training programs and exercises**
- **Ensuring that Federal preparedness funding (including DHS Homeland Security Grant Program, Urban Area Security Initiative (UASI) funds) support NIMS implementation at the State and local levels (in accordance with the eligibility and allowable uses of the grants)**
- **Incorporating NIMS into Emergency Operations Plans (EOP)**
- **Promotion of intrastate mutual aid agreements**
- **Coordinating and providing technical assistance to local entities regarding NIMS**
- **Institutionalizing the use of the Incident Command System (ICS)**

At the State, territorial, tribal, and local levels, jurisdictions should support NIMS implementation by:

- **Completing the NIMS Awareness Course: "National Incident Management System (NIMS), An Introduction" (IS 700)**

This independent study course developed by the Emergency Management Institute (EMI) explains the purpose, principles, key components, and benefits of NIMS. The course also contains "Planning Activity" screens, allowing participants an opportunity to complete some planning tasks during the course. The planning activity screens are printable so that they can be used after the course is complete. The course is available on-line and will take between forty-five minutes to three hours to complete. The course is available on the EMI web page at: <http://training.fema.gov/EMIWeb/IS/is700.asp>.

- **Formally recognizing the NIMS and adopting the NIMS principles and policies**
States, territories, tribes, and local entities should establish legislation, executive orders, resolutions, or ordinances to formally adopt the NIMS. The NIC will provide sample language and templates to assist you in formally adopting the NIMS through legislative and/or executive/administrative means.

- **Establish a NIMS baseline by determining which NIMS requirements you already meet**

We recognize that State, territorial, tribal, and local entities have already implemented many of the concepts and protocols identified in the NIMS. The 2004 DHS Homeland Security Grant Program encouraged grantees to begin utilizing the NIMS concepts, principles, terminology, and technologies. The NIC is developing the NIMS Capability Assessment Support Tool (NIMCAST). The NIMCAST is a web-based self-assessment system that States, territories, tribes, and local governments can use to evaluate their incident response and management capabilities. This useful tool identifies the

requirements established within the NIMS and can assist you in determining the extent to which you are already compliant, as well as identify the NIMS requirements that you are not currently meeting. As gaps in compliance with the NIMS are identified, States, territories, tribes, and local entities should use existing initiatives, such as the Office for Domestic Preparedness (ODP) Homeland Security grant programs, to develop strategies for addressing those gaps. The NIC will formally pilot the NIMCAST with a limited number of States in September. Upon completion of the pilot, the NIC will provide all potential future users with voluntary access to the system. Additional information about the NIMCAST tool will be provided later this year.

- **Establishing a timeframe and developing a strategy for full NIMS implementation**

States, territories, tribes, and local entities are encouraged to achieve full NIMS implementation during FY 2005. To the extent that full implementation is not possible during FY 2005, Federal preparedness assistance must be leveraged to complete NIMS implementation by FY 2006. By FY 2007, Federal preparedness assistance will be conditioned by full compliance with the NIMS. Again, in order for NIMS to be implemented successfully across the nation, it is critical that States provide support and leadership to tribal and local entities to ensure full NIMS implementation. States should work with the tribal and local governments to develop a strategy for statewide compliance with the NIMS.

- **Institutionalizing the use of the Incident Command System (ICS)**

If State, territorial, tribal, and local entities are not already using ICS, you must institutionalize the use of ICS (consistent with the concepts and principles taught by DHS) across the entire response system. The 9/11 Commission Report recommended national adoption of the Incident Command System (ICS) to enhance command, control, and communications capabilities. All Federal, State, territory, tribal, and local jurisdictions will be required to adopt ICS in order to be compliant with the NIMS. Additional information about adopting ICS will be provided to you by the NIC.

FY 2006 and FY 2007 Requirements:

In order to receive FY 2006 preparedness funding, the minimum FY 2005 compliance requirements described above must be met. Applicants will be required to certify as part of their FY 2006 grant applications that they have met the FY 2005 NIMS requirements. Additional information about NIMS compliance and resources for achieving compliance will be forthcoming from the NIC. In addition, FY 2005 Federal preparedness assistance program documents will address State and local NIMS compliance. The NIC web page, www.fema.gov/nims, will be updated regularly with information about the NIMS and guidance for implementation. The NIC may be contacted at the following:

Gil Jamieson, Acting Director
NIMS Integration Center
500 C Street, SW
Washington, DC 20472
(202) 646-3850
NIMS-Integration-Center@dhs.gov
web page: www.fema.gov/nims

Thank you for your support in implementing the NIMS. I look forward to continuing our collective efforts to better secure the homeland and protect our citizens and appreciate all of your hard work in this important endeavor.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Ridge", with a long horizontal flourish extending to the right.

Tom Ridge

cc: State Administrative Agency
State Emergency Management Director
State Homeland Security Advisor
DHS Directorates and Offices
Homeland Security Advisory Council

**City Council Work Session
National Incident Management System (NIMS)
8/15/05**

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City Council Work Session
8/15/2005

NIMS

**National Incident
Management System**

Michael Mumaw, CEM,
Emergency Manager,
City of Beaverton

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OVERVIEW

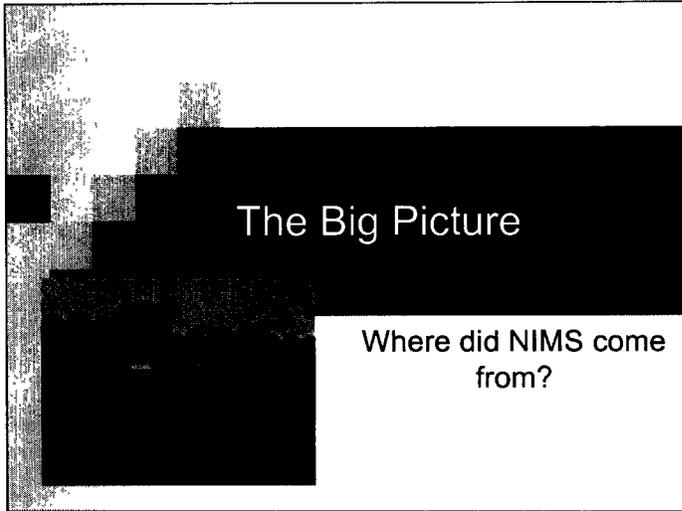
- The Big Picture – Where it began
 - Homeland Security Presidential Directives (HSPD)
 - HSPD 5 and 8
- NIMS Summary
 - What is NIMS?
 - Major Components of NIMS
 - Benefits of NIMS
 - Why is NIMS important?

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OVERVIEW - Continued

- NIMS Compliance Activities to be Accomplished During FY 2005 (State, Territorial, Local, and Tribal Jurisdictions)
- FY2006 and 2007 Local Requirements

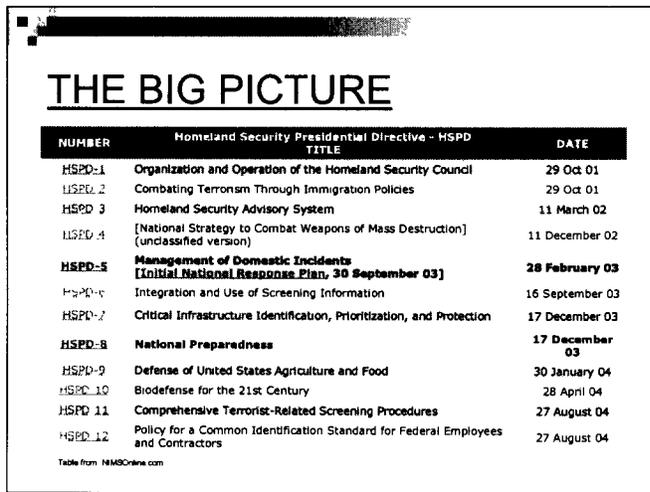
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The Big Picture

Where did NIMS come from?

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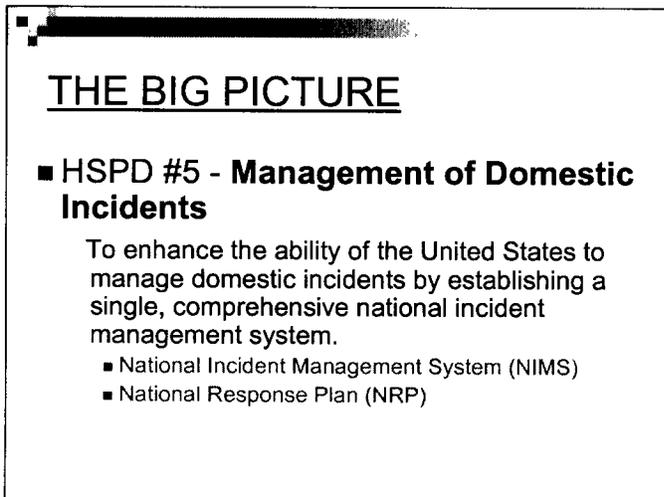
THE BIG PICTURE

NUMBER	Homeland Security Presidential Directive - HSPD TITLE	DATE
HSPD-1	Organization and Operation of the Homeland Security Council	29 Oct 01
HSPD-2	Combating Terrorism Through Immigration Policies	29 Oct 01
HSPD-3	Homeland Security Advisory System	11 March 02
HSPD-4	[National Strategy to Combat Weapons of Mass Destruction] (unclassified version)	11 December 02
HSPD-5	Management of Domestic Incidents [Initial National Response Plan, 30 September 03]	28 February 03
HSPD-6	Integration and Use of Screening Information	16 September 03
HSPD-7	Critical Infrastructure Identification, Prioritization, and Protection	17 December 03
HSPD-8	National Preparedness	17 December 03
HSPD-9	Defense of United States Agriculture and Food	30 January 04
HSPD-10	Biodefense for the 21st Century	28 April 04
HSPD-11	Comprehensive Terrorist-Related Screening Procedures	27 August 04
HSPD-12	Policy for a Common Identification Standard for Federal Employees and Contractors	27 August 04

Table from: NIMSOrg.com

After 9/11 the federal government has undertaken several measures to help improve the country's ability to respond to and prevent terrorist attacks, particularly those involving weapons of mass destruction. Of the 12 Homeland Security Presidential Directives the primary one that impacts this discussion is HSPD-5, which also ties in with HSPD-8.

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THE BIG PICTURE

■ **HSPD #5 - Management of Domestic Incidents**

To enhance the ability of the United States to manage domestic incidents by establishing a single, comprehensive national incident management system.

- National Incident Management System (NIMS)
- National Response Plan (NRP)

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THE BIG PICTURE

- **HSPD #8 - National Preparedness**

Calls for an all-hazards National Preparedness Goal that establishes measurable priorities, targets, and a common approach to developing needed capabilities.

 - National Planning Scenarios
 - Universal Task List
 - Target Capabilities List

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THE BIG PICTURE

- **Relationship between HSPD-5 & HSPD-8**

HSPD-8 is considered a companion to HSPD-5.

 - HSPD 5 identifies steps for improved coordination in response to incidents.
 - HSPD 8 describes the way Federal departments and agencies will prepare for such a response, including prevention activities during the early stages of a terrorism incident.

NIMS is a major part of both directives!

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NIMS Summary

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What is NIMS?

- Comprehensive national approach to multi-agency, multi-jurisdictional incident management
- Applicable to all jurisdictions across functional disciplines in all-hazards
- Mandates use of the Incident Command System (ICS)

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NIMS Major Components

- Command and Management
- Preparedness
- Resource Management
- Communications & Information Management
- Supporting Technologies
- Ongoing Management & Maintenance

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Command and Management

- NIMS standard incident management structures are based on three key organizational systems:
 - The Incident Command System (ICS)
 - Multi-agency Coordination Systems
 - Public Information Systems

The **Incident Command System (ICS)**, which defines the operating characteristics, management components, and structure of incident management organizations throughout the life cycle of an incident

Multiagency Coordination Systems, which define the operating characteristics, management components, and organizational structure of supporting entities

Public Information Systems, which include the processes, procedures, and systems for communicating timely and accurate information to the public during emergency situations

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Preparedness

- Effective incident management begins with a host of preparedness activities. These activities are conducted well in advance of any potential incident and involves a combination of:
 - Planning, training, and exercises.
 - Personnel qualification and certification standards.
 - Equipment acquisition and certification standards.
 - Publication management processes and activities.
 - Mutual aid agreements and Emergency Management Assistance Compacts

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Resource Management

- When fully implemented, NIMS will define standardized mechanisms and establish requirements for describing, inventorying, mobilizing, dispatching, tracking, and recovering resources over the life cycle of an incident.

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Communications and Information Management

- NIMS identifies the requirements for a standardized framework for communications, information management, and information-sharing support at all levels of incident management.

Incident management organizations must ensure that effective, interoperable communications processes, procedures, and systems exist across all agencies and jurisdictions.

Information management systems help ensure that information flows efficiently through a commonly accepted architecture. Effective information management enhances incident management and response by helping to ensure that decisionmaking is better informed

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Supporting Technologies

- Technology and technological systems provide supporting capabilities essential to implementing and refining NIMS. Examples include:
 - Voice and data communication systems.
 - Information management systems, such as recordkeeping and resource tracking.
 - Data display systems.
- Supporting technologies also include specialized technologies that facilitate ongoing operations and incident management activities in situations that call for unique technology-based capabilities.

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Ongoing Management and Maintenance

- DHS established the NIMS Integration Center (NIC) to provide strategic direction and oversight in support of routine review and continual refinement of both the system and its components over the long term.

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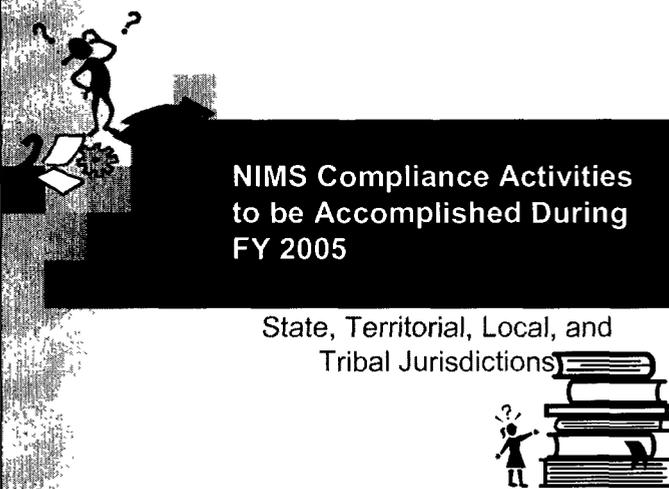
Why is NIMS important to us?

- Adoption of NIMS will be a condition for the receipt of federal preparedness funds, including grants, contracts, and other activities.
- In order to receive FY2006 Preparedness funding, the minimum FY2005 compliance requirements must be met.
- Applicants will be required to certify as part of their FY2006 grant applications that they have met the FY2005 NIMS Requirements.



This is on a jurisdictional basis, not a department basis. If any part of your jurisdiction is receiving federal funds that are viewed as “preparedness” (EMPG, COPS, Fire Grants, Mitigation Grants, etc) everyone will need to be in compliance in order for them to continue to receive the funds.

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**NIMS Compliance Activities
to be Accomplished During
FY 2005**

State, Territorial, Local, and
Tribal Jurisdictions

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NIMS Compliance Activities

There are five basic activities this fiscal year

1. Complete the NIMS Awareness Course; "National Incident Management System (NIMS), An Introduction" (IS 700).
2. Formally recognize NIMS and adopt NIMS principles & policies

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NIMS Compliance Activities Cont.

3. Establish a NIMS baseline by determining which NIMS requirements you already meet.
4. Develop strategy & timeline for full implementation of NIMS
5. Institutionalize the use of the Incident Command System (ICS) by all response agencies.

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Complete the NIMS Awareness Course (IS 700)

- Have executive, managerial, and responder personnel responsible for interfacing local emergency response and recovery efforts with state and/or federal emergency responders take the course.
 - Training is currently underway and will be a continuing process.
 - Council members interested in taking the on-line course can find it at <http://training.fema.gov/EMIWEB/IS/is700.asp>

This may include: Department Heads, Designated Incident Commanders; EOC Section Chiefs and Deputy Section Chief; Emergency Management Program Staff; BPD Lts and above.

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Formally recognize NIMS and adopt NIMS principles & policies

- Local entities should establish legislation, executive orders, resolutions or ordinances to formally adopt the NIMS.
 - An Ordinance adopting NIMS principles and policies as part of the City's Emergency Management Code is scheduled for a future City Council meeting.



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Establish a NIMS baseline

(never mind that they are still developing the standard)

- Assess the City's compliance with NIMS utilizing the NIMCAST or the NIMS compliance tool developed by the Portland area Regional Emergency Management Group (REMG).
 - The assessment is about 75% complete.

This is very much like shooting at a moving target since all the standards have not been fully developed.

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Develop strategy & timeline for full implementation of NIMS

- Utilize the results of the agency NIMS compliance assessment and the plan template developed by the Portland area Regional Emergency Management Group (REMG) to prepare an agency-specific NIMS implementation plan
 - Pending completion of the assessment.

This will be a “living” document which will be continually updated as existing requirements are met and new ones are established.

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Institutionalize the use of the Incident Command System (ICS)

- To “institutionalize the use of ICS” means that government officials, incident managers, and emergency response organizations at all jurisdictional levels adopt the Incident Command System and launch activities [in FY 2005] that will result in the use of the Incident Command System for all incident response operations.
- Actions to institutionalize the use of ICS take place at two levels policy and organizational/operational.

The City has utilized the Incident Command system as its incident management system in its Emergency Operations Center since the early 1990s. Beaverton Police Department has been incorporating ICS into its procedures during the past several years.

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Institutionalize the use of the Incident Command System (ICS)

- At the policy level, institutionalizing the ICS means:
 - Adopt through the ICS through executive order, proclamation or legislation as the jurisdictions official incident response system; and
 - Direct that incident managers and response organizations in their jurisdictions train, exercise, and use the ICS in their response operations.



The use of ICS is part of the City’s Emergency Management Code. Language regarding the training of ICS will be incorporated into the code with an Ordinance that will be coming before Council at a later date.

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Institutionalize the use of the Incident Command System (ICS)

- At the organizational/operational level, evidence that incident managers and emergency response organizations are institutionalizing the ICS would include the following:
 - ICS is being integrated into functional and system-wide emergency operations policies, plans, and procedures;
 - ICS training is planned or under way for responders, supervisors, and command level officers;
 - Responders at all levels are participating in and/or coordinating ICS oriented exercises that involve responders from multi-disciplines and jurisdictions.

ICS is part of the City's Emergency Response and Recovery Plan and Business Continuity Plan. A level of ICS training has been established for everyone assigned to a position in the City's EOC. Beaverton Police Department have also sent Sgts and Lts who do not have EOC assignments to ICS training so they would have knowledge of its use in the field at specific incident locations.

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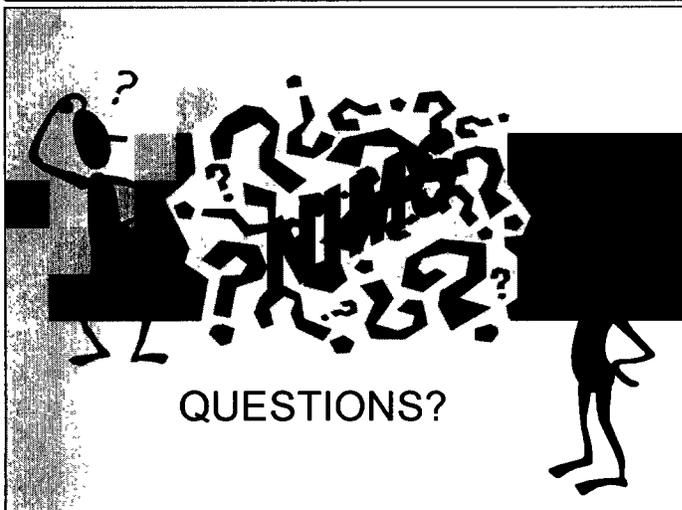
FY 06 and 07 NIMS Local Requirements

- The timeline for full compliance is currently set for 9/30/2006 but the specifics of those requirements are still pending.
- Several components of NIMS are still under development. Two that are likely to have significant impacts:
 - Qualifications and Certifications
 - Resource Typing



NIMS is still evolving and some elements exist in concept only. As these elements are finalized there are likely to be additional compliance requirements to ensure we incorporate them into our response, recovery, and preparedness plans and procedures.

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AGENDA BILL

**B averton City Council
B averton, Oregon**

SUBJECT: TA2005-0005 Utility Undergrounding
Capital Projects

8/15/05
FOR AGENDA OF: ~~08-01-05~~ **BILL NO:** 05147

Mayor's Approval: 

DEPARTMENT OF ORIGIN: CDD

DATE SUBMITTED: 07-14-05

CLEARANCES: City Attorney 
Devel. Serv. 

PROCEEDING: ~~First Reading~~

- EXHIBITS:**
1. Ordinance
 2. Land Use Order No. 1801
 3. Draft PC Minutes dated 06-15-05
 4. Staff Report dated 06-08-05

Second Reading and Passage

BUDGET IMPACT

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

On June 15 2005, the Planning Commission held a public hearing to consider TA2005-0005 (Utility Undergrounding Capital Projects) that proposes to amend Section 60.65 of the Beaverton Development Code. Following the close of the public hearing on June 15, 2005, the Planning Commission voted 5-0 (Barnard and Winter absent) to recommend approval of the proposed Utility Undergrounding Capital Projects Text Amendment, as memorialized in Land Use Order No. 1801. Specifically, the Commission recommends approval of the proposed amendment to Development Code Section 60.65.15.1 attached to the draft Ordinance.

The Text Amendment will allow an exemption from the Development Code's utility undergrounding requirement for all of the following: (1) Publicly funded Washington County MSTIP roadway projects, (2) City of Beaverton funded roadway projects upon evidence that the City Council has decided not to provide funding for utility undergrounding, and (3) Oregon Department of Transportation roadway projects where the legislature has not included funding for utility undergrounding.

INFORMATION FOR CONSIDERATION:

Attached to this Agenda Bill is an Ordinance including the proposed text, Land Use Order No. 1801, the draft Planning Commission meeting minutes, and staff report.

RECOMMENDED ACTION:

Staff recommends the City Council approve the recommendation of the Planning Commission for TA2005-0005 (Utility Undergrounding Capital Projects) as set forth in Land Use Order No. 1801. Staff further recommend the Council conduct a First Reading of the attached ordinance.

Second Reading and Passage.

ORDINANCE NO. 4363

AN ORDINANCE AMENDING ORDINANCE NO. 2050,
THE DEVELOPMENT CODE, SECTION 60.65.15.1
TA2005-0005 (UTILITY UNDERGROUNDING CAPITAL PROJECTS)

WHEREAS, the purpose of the Utility Undergrounding Section 60.65 Amendment is to amend a section of the Beaverton Development Code currently effective through Ordinance 4348 to provide an exemption to the Development Code's utility undergrounding standard for all publicly funded Washington County MSTIP roadway projects, City of Beaverton funded roadway projects upon evidence that the City Council has decided not to provide funding for utility undergrounding, and Oregon Department of Transportation roadway projects where the legislature has not included funding for utility undergrounding; and

WHEREAS, pursuant to 50.50.1 of the Development Code, the Beaverton Development Services Division on June 8, 2005, 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 June 15, 2005; and

WHEREAS, on June 15, 2005, the Planning Commission conducted a public hearing for TA2005-0005 (Utility Undergrounding Capital Projects) at the conclusion of which the Planning Commission voted to recommend to the Beaverton City Council to adopt the proposed amendment to the Development Code as summarized in Planning Commission Land Use Order No. 1801; and

WHEREAS, no written appeal pursuant to Section 50.75 of the Development Code was filed by persons of record for TA2005-0005 (Utility Undergrounding Capital Projects) following the issuance of the Planning Commission Land Use Order No. 1801; and

WHEREAS, the City Council adopts as to criteria, facts and findings described in Land Use Order No. 1801 dated June 30, 2005, the Planning Commission record, and the Council's Agenda Bill dated August 1, 2005, 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. 4348, 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 1st day of August, 2005.

Passed by the Council this _____ day of _____, 2005.

Approved by the Mayor this _____ day of _____, 2005.

ATTEST:

APPROVED:

SUE NELSON, City Recorder

ROB DRAKE, Mayor

Section 1: The Development Code, Ordinance No. 2050, Ordinance 4332, Chapter 60 – Special Requirements, Section 60.65 Utility Undergrounding specifically Section 60.65.15.1., will be amended to read as follows:

60.65.15.

1. At the option of the applicant and subject to rules promulgated by the Oregon Public Utility Commission (PUC), this requirement does not apply to surface mounted transformers, surface mounted connection boxes and meter cabinets, which may be placed above ground, temporary utility service facilities during construction, high capacity electric lines operating at 50,000 volts or above, that portion of a project where undergrounding will require boring under a collector or arterial roadway, and ~~voter approved MSTIP 1, 2, and 3 funded roadway projects.~~ City funded roadway projects which the City Council has specifically considered and declined to fund utility undergrounding as a component of the roadway project, Washington County funded roadway projects, such as MSTIP projects, and Oregon Department of Transportation funded roadway projects.

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

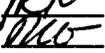
SUBJECT: An Ordinance Amending Ordinance No. 4187, the Comprehensive Plan Transportation Element, Related to Transportation Maps CPA 2005-0002

8/15/05
FOR AGENDA OF: ~~08/01/05~~ **BILL NO:** 05148

Mayor's Approval: 

DEPARTMENT OF ORIGIN: Engineering 

DATE SUBMITTED: 07/26/05

CLEARANCES: City Attorney 
Transportation 

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

EXHIBITS: Ordinance
Exhibit A – Proposed Amendment

BUDGET IMPACT

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

HISTORICAL PERSPECTIVE:

This ordinance embodies CPA 2005-0002. Council consented to this matter on its July 18, 2005, agenda. The ordinance is ready for the required readings.

INFORMATION FOR CONSIDERATION:

CPA 2005-0002 is proposed as an ordinance.

RECOMMENDED ACTION:

~~First Reading.~~

Second Reading and Passage.

Ordinance No. 4364
An Ordinance Amending
Ordinance No. 4187, the Comprehensive Plan,
Transportation Element, Related to
Transportation Maps CPA 2005-0002

WHEREAS, the purpose of the proposed amendment to the City of Beaverton's Comprehensive Plan Transportation Element is to update figures and expand the City transportation plan to include an updated circulation system, annexed areas, the revised location for the planned Commuter Rail station, and to acknowledge plans that are approved and streets that are constructed since adoption of the updated transportation element; and

WHEREAS, the Planning Commission held a public hearing on June 1, 2005, to consider CPA 2005-0002, consider comments, and take testimony; and

WHEREAS, on June 1, 2005, the Planning Commission recommended approval of the proposed CPA 2005-0002 application based upon the Staff Report dated May 2, 2005, as modified by the Staff Memorandum dated June 1, 2005; and

WHEREAS, the final order was prepared memorializing the Planning Commission's recommendation; and

WHEREAS, the Council consented to approval and adoption of criteria applicable to this request and findings thereon in the Staff Report dated May 2, 2005, and the Staff Memorandum dated June 1, 2005, and, further, approves the Comprehensive Plan amendment as set forth in Exhibit A, and incorporated herein by reference.

Now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. Ordinance No. 4187, Comprehensive Plan Transportation Element (Volume I, Chapter Six) as amended and set forth in Exhibit A and incorporated herein by reference, is adopted.

Section 2. Savings Clause.

A. Nothing in this Ordinance shall affect a site development permit or other permit related to the development of land issued before the effective date of this Ordinance.

B. Nothing in this Ordinance shall affect a site development permit or other permit related to the development of land issued on or after the effective date of this Ordinance, provided the City first received the application for the permit before the effective date of this Ordinance.

C. Nothing in this Ordinance shall affect the City's consideration of an application for a site development permit or other permit related to the development of

land, provided the City first received the application for the permit before the effective date of this Ordinance.

Section 3. Severability. It shall be considered that it is the legislative intent, in the adoption of this Ordinance, that if any part of the ordinance should be determined by any tribunal of competent jurisdiction, i.e., the Land Use Board of Appeals or the Land Conservation and Development Commission, to be unconstitutional or not acknowledged as in compliance with applicable statewide planning goals, the remaining parts of the ordinance shall remain in force and acknowledged unless: (1) the tribunal determines that the remaining parts are so essential and inseparably connected with and dependent upon the unconstitutional or unacknowledged part that it is apparent the remaining parts would not have been enacted without the unconstitutional or unacknowledged part; or (2) the remaining parts, standing alone, are incomplete and incapable of being executed in accordance with legislative intent.

First reading this 1st day of August, 2005.

Passed by the Council this ___ day of _____, 2005.

Approved by the Mayor this ___ day of _____, 2005.

ATTEST:

APPROVED:

SUE NELSON, City Recorder

ROB DRAKE, Mayor