



FINAL AGENDA

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

REGULAR MEETING
JULY 11, 2005
6:30 P.M.

CALL TO ORDER:

ROLL CALL:

PRESENTATIONS:

05115 Metro Goal 5 Update (Carried over from meeting of June 20, 2005)

VISITOR COMMENT PERIOD:

COUNCIL ITEMS:

STAFF ITEMS:

CONSENT AGENDA:

Minutes of Regular Meeting of June 20, 2005

05131 A Resolution Expressing the City of Beaverton's Election to Receive Distribution of a Share of Certain Revenues of the State of Oregon for Fiscal Year 2005-2006, Pursuant to ORS 221.770 (Resolution No. 3825)

05132 Boards and Commissions Appointment - Michelle Sterkowicz to Beaverton Arts Commission

Contract Review Board:

05133 Exemption from Competitive Bids and Authorization for Sole Source/Brand Name Purchase of 4 New 3M Model V-3 Series Self-Check Machines and Transfer Resolution (Resolution No. 3826)

PUBLIC HEARINGS:

Contract Review Board:

05134 Public Hearing for Exemption from Competitive Bidding; Consider Testimony and Findings and Approve Exemption; Approval and Authorization of Mayor to Sign Agreement; Authorization of Expenditures and Appropriation for Construction of Summer Creek Sanitary Sewer Relocation Project

ORDINANCES:

First Reading:

05135 An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map for Property Located at 14615 SW Walker Road; CPA 2005-0005/ ZMA 2005-0006 (Ordinance No.4359)

Second Reading:

05130 An Ordinance Annexing One Parcel Located at 11845 SW Walker Road to the City of Beaverton: Annexation 2005-0006 (Ordinance No. 4358)

EXECUTIVE SESSION:

In accordance with ORS 192.660 (2) (h) to discuss the legal rights and duties of the governing body with regard to litigation or litigation likely to be filed and in accordance with ORS 192.660 (2) (e) to deliberate with persons designated by the governing body to negotiate real property transactions and in accordance with ORS 192.660 (2) (d) to conduct deliberations with the persons designated by the governing body to carry on labor negotiations. Pursuant to ORS 192.660 (3), it is Council's wish that the items discussed not be disclosed by media representatives or others.

ADJOURNMENT

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

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

Carried Over to 07/11/05

SUBJECT: Metro Goal 5 Update

FOR AGENDA OF: ~~06/20/05~~ **BILL NO:** 05115

Mayor's Approval: 

DEPARTMENT OF ORIGIN: Mayor's Office

DATE SUBMITTED: 6/6/04

CLEARANCES:

PROCEEDING: Presentation

EXHIBITS: None

BUDGET IMPACT

EXPENDITURE REQUIRED \$0	AMOUNT BUDGETED \$0	APPROPRIATION REQUIRED \$0
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INFORMATION FOR CONSIDERATION

Metro Councilor Susan McLain will present an update on Goal 5 to the Beaverton City Council.

RECOMMENDED ACTION:

Listen to presentation.

DRAFT

BEAVERTON CITY COUNCIL
REGULAR MEETING
JUNE 20, 2005

POLICE DEPARTMENT HOLDING FACILITY INSPECTION:

At 6:14 p.m. Police Captain Ed Kirsch conducted the Annual Inspection of the Police Department Holding Facility. Present at the inspection were: Mayor Rob Drake, City Councilors Catherine Arnold, Dennis Doyle, Fred Ruby, and Deputy City Recorder Cathy Jansen.

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, June 20, 2005 at 6:34 p.m.

ROLL CALL:

Present were Mayor Drake, Couns. Catherine Arnold, Betty Bode, Dennis Doyle and Fred Ruby. Coun. Cathy Stanton was excused. Also present were City Attorney Alan Rappleyea, Chief of Staff Linda Adlard, Finance Director Patrick O'Claire, Community Development Director Joe Grillo, Engineering Director Tom Ramisch, Operations/Maintenance Director Gary Brentano, Library Director Ed House, Human Resources Director Nancy Bates, Police Chief David Bishop and Deputy City Recorder Catherine Jansen.

PRESENTATIONS:

05115 Metro Goal 5 Update

This item was rescheduled to the meeting of July 11, 2005, at the request of Metro Councilor Susan McLain.

VISITOR COMMENT PERIOD:

There were none.

COUNCIL ITEMS:

Mayor Drake said the Oregon State Federation of Garden Clubs was doing gratis work for the Vose Elementary School as part of the Outdoor Learning Classroom Project. He said the Federation was making improvements to the courtyard area of the school and had submitted a letter dated May 31, 2005, asking that the City waive its \$100 tree removal fee.

Coun. Doyle MOVED, SECONDED by Coun. Bode that the Council grants the fee waiver request from the Oregon State Federation of Garden Clubs, as explained in its May 31, 2005, letter to the City. Couns. Arnold, Bode, Doyle and Ruby voting AYE, the MOTION CARRIED unanimously. (4:0)

STAFF ITEMS:

There were none.

CONSENT AGENDA:

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

Minutes of the Regular Meeting of June 13, 2005

05116 Liquor License: New Outlet - Hanami Sushi

05117 Compensation Changes

05118 A Resolution Approving Transfer of Appropriation Within the General Fund of the City During the FY 2004-2005 Budget Year and Approving the Appropriations for the Fund (Resolution No. 3819) (Municipal Court Program)

05119 Authorize Acceptance of FY05 Law Enforcement Terrorism Prevention Program Grant Awarded to the City of Beaverton (Resolution No. 3820)

05120 Traffic Commission Issue No. TC 577

05121 A Resolution Authorizing the Mayor to Sign an Intergovernmental Agreement (IGA) with the Oregon Department of Transportation for Beaverton Green Clearouts Project (Resolution No. 3821)

05122 A Resolution Authorizing the Mayor to Sign an Interagency Agreement with the Oregon Department of Transportation (ODOT) to Receive Grant Funds to Enforce Traffic Laws Related to the 2005-06 Work Zone Enforcement Project (Resolution No. 3822)

05123 A Resolution of the City of Beaverton, Oregon Authorizing the Issuance, Negotiated Sale, Execution and Delivery of an Aggregate Principal Amount Not to Exceed \$15,000,000 General Obligation Refunding Bonds, Series 2005, to Advance Refund the Callable Portion of the City's \$21,895,000 General Obligation Bonds, Series 1999 (Resolution No. 3823) (Library Construction Bonds)

05124 Intergovernmental Agreement with Washington County for the Processing of Permits for Pacific Office Automation

05125 Omnibus Intergovernmental Agreement with Washington County for Processing of Permits

Contract Review Board:

05126 Appointment of Bond Counsel, Financial Advisor, and Bond Underwriting Services for a Proposed Advanced Refunding of the 1999 General Obligation (Library Construction) Bonds

05127 2005 Intergovernmental Agreement Between Washington County and City of Beaverton for HOME Funds Used in Housing Rehabilitation Program

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

PUBLIC HEARINGS:

05128 Capital Improvements Plan for Fiscal Years 2005/06 through 2008/09 for Transportation, Water, Sewer, and Storm Drain Projects

Engineering Director Tom Ramisch and Project Engineer Jim Brink reviewed the Capital Improvements Plan.

Mayor Drake said Coun. Stanton had been vigilant over the years about prioritizing the 125th Avenue Extension Project. He said the total cost of the project was estimated at between ten and eleven million dollars. He said while the project had not proceeded as quickly as Coun. Stanton had hoped the City had completed portions of the project when possible in conjunction with other projects. He asked on behalf of Coun. Stanton, that staff explain the work proposed on this project in the upcoming budget.

Ramisch said this coming year the City would work on two phases of the 125th Avenue project, which were on pages 28 and 29 of the Capital Improvements Plan. He said Phase 2 consisted of completing the right-of-way purchase for construction of the storm water quantity and water quality work at the north end of the project on 125th Avenue and Hall Boulevard. He said this work could be done now, to be in place when the road construction begins. He said the first part of Phase 3 would be to hire an engineering firm to review the City's conceptual design to validate what has been done, to look for opportunities to do value engineering, and to confirm the actual cost of the project. He said they wanted to have another engineering firm look at the project to see if there may be ways to economize on the project. He said this part of Phase 3 was moving the project from the conceptual phase to an early preliminary phase. He said by this time next year they hoped to be able to quote the actual cost of the project.

Coun. Bode asked if there was an estimate of how many vehicles would be traveling on 125th Avenue once the project was completed.

Traffic Engineer Randy Wooley said it would probably be between ten and twenty thousand per day.

Coun. Bode asked if there would be signals at Green Lane and Hall Boulevard.

Ramisch said the signals would be at Hall Boulevard and 125th Avenue; not at Green Lane.

Coun. Doyle asked if the engineering firm made recommendations for major changes to the conceptual plan, would the plan go back through the public process so that those who lived in the affected neighborhoods could comment.

Ramisch said if there were changes to the plan, it would go back through the public process to present it to the citizens and receive feedback.

Coun. Ruby said he was happy to see the straightening of Lombard Avenue was one of the projects in the Capital Improvements Plan. He said this would make it easier to access the Beaverton Transit Center/MAX Station. He said it appeared the funding to straighten Lombard Avenue was tied to the funding for the commuter rail project which had not been finalized at the Federal level. He asked if the Lombard Avenue project would have to wait until the commuter rail funding was finalized.

Ramisch said the funding for the Lombard Avenue project was independent of the commuter rail project; it was funded through the Major Streets Transportation Improvement Program (MSTIP) 3, through Washington County. He said because this project was integral with the start of the commuter rail at Farmington Road and Lombard Avenue, and the terminus of the Lombard Avenue improvements at Broadway, logic dictated that this project be built in the same construction project as the commuter rail. He said the design would be coordinated by Washington County. He said if the commuter rail project was delayed for a long period of time at the Federal level, the City would pull the Lombard Avenue project from the commuter rail construction and make it an independent project. He said a milestone would have to be set to determine the triggering point for that action.

Coun. Ruby said he felt the Beaverton Transit Center was hard to use because there wasn't any long-term parking available and it was hard to access when traveling south. He said this was a good project that would improve access to the MAX station. He said it would be great to be able to move ahead with the project in the event the commuter rail project was delayed.

Mayor Drake said as soon as the new Wells Fargo Bank was completed, the old bank would be torn down.

Ramisch confirmed that was correct; the bank property was purchased with MSTIP funds and not commuter rail project funds.

Coun. Doyle asked if there was a delay with the commuter rail project, when would a decision would be made to proceed with the Lombard Avenue project.

Ramisch said that date had not been set. He said they received regular updates from TriMet and its executive staff in Washington D.C. was working to straighten out the funding cycle. He said there was still optimism on the funding for the lightrail.

Mayor Drake complimented staff stating the Capital Improvements Plan was a very nice document.

Mayor Drake opened the public hearing and asked for public testimony.

There was none.

Mayor Drake closed the public hearing.

Coun. Doyle MOVED, SECONDED by Coun. Ruby that the Council approves Agenda Bill 05128, the Capital Improvements Plan for Fiscal years 2005/06 through 2008/09 for Transportation, Water, Sewer and Storm Drain Project. Couns. Arnold, Bode, Doyle and Ruby voting AYE, the MOTION CARRIED unanimously. (4:0)

05129 A Resolution Adopting a Budget for Fiscal Year Commencing July 1, 2005
(Resolution No. 3824)

Finance Director Patrick O'Claire said the proposed budget was reviewed by the Budget Committee on May 23, 24 and 26, 2005. He said the Committee reviewed and approved four amendments to the budget which were incorporated into the budget now before Council. He said staff also presented a proposed fifth amendment at the Budget Committee meeting; however, the financial impact of the amendment was not known at that time. He said the Fifth Amendment provided funding to operate the Beaverton Central Plant for one year. He said he previously distributed a memo to Council regarding the appropriations for the proposed fifth amendment. He said the appropriations for operating the Plant for Fiscal Year 2005-06 are recommended to be included in the General Fund as Program 006. He asked that Council consider incorporating the Fifth Amendment into the final budget for Fiscal Year 2005-06.

Mayor Drake asked, on behalf of Coun. Stanton, if the additional \$80,000 funding for Library books was coming from the General Fund Contingency.

O'Claire replied that was correct.

Mayor Drake opened the public hearing and asked for public testimony.

There was no testimony.

Mayor Drake closed the public hearing.

Coun. Ruby MOVED, SECONDED by Coun. Bode, that Council approves the Resolution Adopting a Budget for Fiscal Year Commencing July 1, 2005, including the five amendments, and making and declaring the ad valorem tax levy as outlined in the resolution.

Mayor Drake thanked O'Claire for his staff's fine work on the budget, and the Budget Committee for its thorough review of the budget.

Question called on the motion. Couns. Arnold, Bode, Doyle and Ruby voting AYE, the MOTION CARRIED unanimously. (4:0) (Resolution No. 3824)

ORDINANCES:

Coun. Doyle MOVED, SECONDED by Coun. Ruby, that the rules be suspended, and that the ordinance embodied in Agenda Bill 05130, be read for the first time by title only at this meeting, and for the second time by title only at the next regular meeting of the Council. Couns. Arnold, Bode, Doyle and Ruby voting AYE, the MOTION CARRIED unanimously. (4:0)

First Reading:

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

05130 An Ordinance Annexing One Parcel Located at 11845 SW Walker Road to the City of Beaverton: Annexation 2005-0006 (Ordinance No. 4358)

Second Reading:

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

05114 An Ordinance Annexing One Parcel Located at 14615 SW Walker Road to the City of Beaverton: Annexation 2005-0005 (Ordinance No. 4357)

Coun. Doyle MOVED, SECONDED by Coun. Ruby, that the ordinance embodied in Agenda Bill 05114, now pass.

Mayor Drake said this was a voluntary annexation requested by the property owner.

Question called on the motion. Roll call vote. Couns. Arnold, Bode, Doyle and Ruby voting AYE, the MOTION CARRIED unanimously. (4:0) (Ordinance No. 4357)

EXECUTIVE SESSION:

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

RECESS:

Mayor Drake declared a brief recess to allow for setup for the executive session at 7:02 p.m.

RECONVENE:

Mayor Drake reconvened the meeting at 7:03 p.m.

The executive session convened at 7:03 p.m.

The executive session adjourned at 7:19 p.m.

The regular meeting reconvened at 7:19 p.m.

ACTION ITEM:

Coun. Doyle MOVED, SECONDED by Coun. Ruby that Council directs staff to proceed with the real estate purchase and transaction as discussed in executive session. Couns. Arnold, Bode, Doyle and Ruby voting AYE, the MOTION CARRIED unanimously. (4:0)

ADJOURNMENT:

There being no further business to come before the Council at this time, the meeting was adjourned at 7:20 p.m.

Catherine Jansen, Deputy City Recorder

APPROVAL:

Approved this day of , 2005.

Rob Drake, Mayor

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

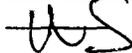
SUBJECT: A Resolution Expressing the City of Beaverton's Election to Receive Distribution of a Share of Certain Revenues of the State of Oregon for Fiscal Year 2005-2006, Pursuant to ORS 221.770

FOR AGENDA OF: 7/11/05 **BILL NO:** 05131

Mayor's Approval: 

DEPARTMENT OF ORIGIN: Mayor's Office

DATE SUBMITTED: 6/27/05

CLEARANCES: Finance 
City Attorney 

PROCEEDING: CONSENT AGENDA

EXHIBITS: Resolution

BUDGET IMPACT

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

HISTORICAL PERSPECTIVE:

State revenue sharing law requires cities to pass a resolution each year stating that they want to receive state revenue sharing money. The law also requires that cities certify that two public hearings were held. The Budget Committee and the City Council have each held separate public hearings to discuss possible and proposed uses of the funds.

RECOMMENDED ACTION:

City Council adopt the resolution expressing the City of Beaverton's election to receive distribution of a share of certain revenues of the State of Oregon for Fiscal Year 2005-2006, pursuant to ORS 221.770

RESOLUTION NO. 3825

A RESOLUTION EXPRESSING THE CITY OF BEAVERTON'S ELECTION TO RECEIVE DISTRIBUTION OF A SHARE OF CERTAIN REVENUES OF THE STATE OF OREGON FOR FISCAL YEAR 2005-2006, PURSUANT TO ORS 221.770

WHEREAS, the Oregon State Legislature has adopted a state revenue sharing program; and

WHEREAS, the City is required to express its election to receive distribution by enactment of a resolution to be filed with the Executive Department of the State of Oregon not later than July 31, 2005; and

WHEREAS, previous to the July 31, 2005 deadline, public hearings must be held before the Budget Committee, and before the City Council, giving citizens an opportunity to comment on the use of State Revenue Sharing monies; now, therefore,

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

Section 1. The City of Beaverton, Oregon, hereby elects to receive distribution of the appropriate share of certain revenues of the State of Oregon, which are to be apportioned among and distributed to the cities of the State of Oregon for general purposes for the Fiscal Year 2005-2006.

Section 2. On May 26, 2005, and June 20, 2005, public hearings were held before the Budget Committee of the City of Beaverton and before the City Council, giving an opportunity for citizen comment on the use of State Revenue Sharing monies.

Section 3. A certified copy of this resolution shall be filed by the City Recorder with the Executive Department of the State of Oregon not later than July 31, 2005. Certification by the City Recorder of the dates that public hearings were held on State Revenue Sharing before the Budget Committee of the City of Beaverton and before the City Council shall be sent to the State of Oregon's Intergovernmental Relations Division no later than July 31, 2005.

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

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

AYES _____

NAYES _____

ATTEST:

APPROVED:

Sue Nelson, City Recorder

Rob Drake, Mayor

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Boards and Commissions Appointment –
Michelle Sterkowicz to Beaverton Arts
Commission

FOR AGENDA OF: 06-27-05 **BILL NO:** 05132

Mayor's Approval: 

DEPARTMENT OF ORIGIN: Mayor's
Office/Neighborhood Program

DATE SUBMITTED: 06-21-05

CLEARANCES:

PROCEEDING: CONSENT AGENDA

EXHIBITS: Application

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BUDGET IMPACT

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

Nancy Gillespie recently resigned from the Beaverton Arts Commission. Mayor Rob Drake is recommending that Michelle Sterkowicz, the current alternate member on the Arts Commission, be appointed as a permanent member to serve out the remainder of Ms. Gillespie's term. Ms. Sterkowicz's appointment will be effective immediately and expire on December 31, 2006.

RECOMMENDED ACTION:

Confirm recommended appointment to the Beaverton Arts Commission.

Sterkowicz application for Agenda
Boards and Commissions Application

Board/Commission Applying for:
First Choice: Beaverton Arts Commission
Second Choice: Beaverton Arts Commission

Name: Michelle Sterkowicz
Employer:
Position:

Address:
City:
Zip Code:

Home Phone:
Business Phone:
Email Address:

How did you hear of the opening? Jayne Scott informed me of the opening. I have developed my relationship with her through Westside P.A.L. and the Beaverton Art Educators Committee.

Are you a City resident? no

May we keep your name on a list if not appointed at this time? yes

Briefly describe your background and experience: I have worked with children in the arts for over 6 years, including 5 years experience as a preschool teacher and art program coordinator for the Sequent/IBM Children's Learning Center in Beaverton. I currently work with a variety of programs in the Beaverton area as an independent art educator, including art classes at Conestoga Parks and Aquatic Center, Bright Horizons Children's Learning Center, and Evergreen Academy. These classes are taught by me under my business name Little Hands Creative Minds. In January 2003, I began working with the Westside Police Activities League, and was given the opportunity to build an art program in their youth center. I have done so by creating an inviting environment for the children to come in to, as well as providing a large variety of mediums for the children to work with. The children regularly work with pencils, paint, clay, and wire, but also work on other special projects, such as making paper, building, and creating mosaics.

List any special training, skills or experience you may have that are pertinent to the Board/Commission to which you are applying: I enjoy being able to work with a variety of children of various ages and backgrounds. I work with infants and parents at Conestoga and in baby playgroups; I work in private preschool programs where the art supplies are in abundance; and I work with a non-profit - where supplies are sometimes scarce and children are given little opportunity or encouragement from home to express themselves through art. This diversity has taught me a lot. All children need art and I love being able to provide it to them all. Some of the greatest and most important experiences I have had this past year have been those with PAL. This past spring we participated in a National PAL art contest and two of our members were chosen to be featured in the National PAL 2004 calendar. We also worked on a variety of other projects (including many paintings and a specially designed tile-framed mirror) for our 4th Annual Auction that took place in October. In past years I have also worked with children on collaborative projects. These experiences have taught me a lot in working with not only the children and the process, but the community and local businesses. I worked with a few key businesses that have helped us out a lot and I feel it has been important to keep these relationships for future projects and programs.

Discuss your motivation for serving on this Board/Commission: Being more involved in the Beaverton arts community is important to me, especially considering so much of my work is in the Beaverton area. I feel it is increasingly important as well to be aware of the arts education in the schools and supporting them with additional

Sterkowicz application for Agenda

programs where needed. I also would like to see the Westside PAL art program become more involved in the community. Being the art coordinator at PAL, I see an increased need for a stronger partnership with the city and arts commission.

State your goals for the City: My goal for the city of Beaverton is to cooperatively encourage more art and art awareness with children of all ages throughout the community. I am anxious to become more involved with other board members who share similar views as well. I want to continue to make a difference with children through the art programs we offer. Families in the community are also a huge importance to me - I have always enjoyed informing and working with parents whose children are in my programs.

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

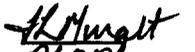
SUBJECT: Exemption from Competitive Bids and Authorization for Sole Source/Brand Name Purchase of 4 New 3M Model V-3 Series Self-Check Machines and Transfer Resolution

FOR AGENDA OF: 07-11-2005 **BILL NO:** 05133

Mayor's Approval: 

DEPARTMENT OF ORIGIN: Library 

DATE SUBMITTED: 6-23-05

CLEARANCES: Purchasing 
Finance 
City Attorney 

PROCEEDING: Consent Agenda (Contract Review Board)

EXHIBITS: Transfer Resolution

BUDGET IMPACT

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$75,336	BUDGETED \$75,000*	REQUIRED \$336*

*Account Number 115-35-0552-671 Library Fund - Capital Outlay Equipment. The additional \$336 is available from the Library Fund's Contingency account and would be established through the attached Transfer Resolution.

HISTORICAL PERSPECTIVE:

This Agenda Bill seeks authority to purchase four new 3M Model V-3 Series Self-Check machines to replace four older model machines that have become unreliable on account of their age and heavy use.

The Library currently has six older 3M Model 6210 machines that are often not functioning due to the age of their components and its Windows 95 operating system. The old machines cannot handle media (DVDs and CDs) effectively thus causing patrons to queue up at the circulation desk seeking staff help. Also, the old machines are frequently out of order due to communication problems caused by limited hard drive space and the difficulty of the out of date Windows 95 operating system to communicate with Washington County Cooperative Library Service (WCCLS). The Library has had to call in for expensive repair service more and more frequently as components fail. In short, the old 3M Model 6210s are no longer reliable for everyday use,

INFORMATION FOR CONSIDERATION:

A 3M Model V-3 Self-Check machine with accompanying cabinet cost \$18,484 each after receiving a \$2,706 trade-in discount for each old 3-M Model 6210 unit. The cost for four new 3M Model V-3 units will be \$73,936 plus approximately \$1,400 for shipping for a total of \$75,336. Included in the purchase cost is a 15-month service agreement that we will plan to maintain throughout the life of this equipment. By doing this we will be provided maintenance, upgrades and repair at no additional cost should any hardware or software fail. Other benefits include the non-proprietary nature of the 3M machines and that they are proven to work with the 3M security gate system which we have invested in to protect our materials from theft. The new 3M security overlays for DVDs and CDs will allow us to discontinue using the cumbersome security cases which prevent the public from using self-check stations, take significant shelf space and cause staff to lock/unlock each item that is checked out and back in.

No other brand of security type self-check units except 3M Self-Check machines have been purchased by member libraries of the Washington County Cooperative Library Service. (Cedar Mill Library has a non-3M self-check machine, but it does not provide security features.) The new 3M Model V-3 Self-Check machines are fully compatible with all current WCCLS member library's materials and security systems and can be readily upgraded to accommodate RFID (Radio Frequency Identification) technology if WCCLS pursues that route.

These facts, together with the Library's prior investment in other 3M security system components, should ensure current and future compatibility with all areas of the Library's materials handling and security system should the Contract Review Board authorize staff to purchase this brand of self-check units from the manufacturer/sole supplier.

Oregon law and Chapter 50 – Exemptions, Section 50-0030 Sole Source and 50-0115 Brand Names or Products "or Equal" and single Seller of the City Purchasing Code provide that the Contract Review Board may authorize an exemption from the sealed bid process based on one or more of the following determinations:

1. The use of brand name exemption is not likely to encourage favoritism in the awarding of public contracts or substantially diminish competition;
2. Specification of a brand name would result in substantial cost savings to the City;
3. There is only one manufacturer or seller of the product of the quality, performance or functionality required; or
4. That efficient utilization of existing goods requires the acquisition of compatible goods.

The Beaverton City Library believes the exemption is permitted under item 2 and 4 as 3M is offering a \$10,724 trade in allowance on the four old machines and the 3M Model V-3 Self-Check machine is the only device that will be compatible with the two remaining older self-check out machines and with the existing security system and that the manufacturer is the sole supplier of the 3M Model V-3 Self-Check machine.

Funding for the additional \$336 is available from the Library Fund's Contingency Account and would be established through the attached Transfer Resolution.

RECOMMENDED ACTION:

Council, acting as Contract Review Board, declare an exemption from the competitive bidding and authorize the purchase of four 3M Model V-3 Self-Check machines in the amount of \$75,336 from 3M Library Systems, P. O. Box 33682, St. Paul, MN 55133-3682 and approve the attached Transfer Resolution that provides the additional \$336 appropriation.

RESOLUTION NO. 3826

A RESOLUTION APPROVING TRANSFER OF APPROPRIATION WITHIN THE LIBRARY FUND OF THE CITY DURING THE FY 2005-06 BUDGET YEAR AND APPROVING THE APPROPRIATIONS FOR THE FUND

WHEREAS, the City Council reviews and approves the annual budget; and,

WHEREAS, during the year the Council must authorize the transfers of appropriations from one category of a fund to another fund or from categories within a fund; and,

WHEREAS, an additional appropriation of \$336 is needed in the Capital Outlay Category of the Library Fund for the purchase of four self-checkout machines, and the expenditure appropriation is available in the Contingency Category of the fund; now therefore,

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

Section 1. The Finance Director is hereby authorized and instructed to transfer the following appropriations:

- \$336 out of the Contingency Category of the Library Fund into the Capital Outlay Category as indicated below:

Materials and Services	115-35-0552-671	\$336
Contingency	115-35-0551-991	<\$336>

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

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

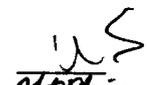
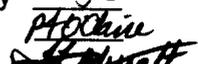
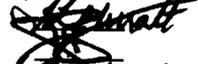
SUBJECT: Public Hearing for Exemption From Competitive Bidding; Consider Testimony and Findings and Approve Exemption; Approval and Authorization of Mayor to Sign Agreement; Authorization of Expenditures and Appropriation for Construction of Summer Creek Sanitary Sewer Relocation Project

FOR AGENDA OF: 07-11-05 **BILL NO:** 05134

Mayor's Approval: 

DEPARTMENT OF ORIGIN: Engineering 

DATE SUBMITTED: 06-30-05

CLEARANCES: City Attorney 
Finance 
Purchasing 
Operations 
Water

PROCEEDING: Public Hearing
(Contract Review Board)

- EXHIBITS:**
1. Request For Exemption From Competitive Bidding and Findings of Fact
 2. Funding Plan
 3. Agenda Bill No. 04226

BUDGET IMPACT

EXPENDITURE REQUIRED	AMOUNT BUDGETED	APPROPRIATION REQUIRED
\$235,000	\$200,000 *	\$ 35,000 **
<u>\$377,004</u>	<u>\$ 0</u>	<u>\$377,004 ***</u>
\$612,004	\$200,000	\$412,004

Funding is from the following account numbers as shown in detail on the attached Funding Plan:
* Source of funding is 502-75-3850-682 (\$200,000) Sewer Fund, Maintenance and Replacement Program, Construction Design & Engineering Inspection
** Source of funding is 502-85-0753-991 (\$35,000) Sewer Fund General Contingency.
*** Source of funding is 502-85-0753-994 (\$377,004) Sewer Fund Contingency, (Dedicated, System Development Charges). Funds are available for the listed appropriations in the FY 2005-06 budget. Appropriated funds to be transferred to 502-75-3811-682 Sewer Fund, Sewer Collection System Program, SDC Infrastructure Projects.

HISTORICAL PERSPECTIVE:

At the November 8, 2004 Council meeting, Council awarded a contract to provide design and construction engineering services for a section of failing sanitary sewer pipe (Exhibit 3, Agenda Bill No. 04226). The Summer Creek Sanitary Sewer Relocation Project ("Project") is to relocate an existing sewer line running along and below meandering Summer Creek to a new location lying within the existing right-of-way (ROW) of SW Barrows Road.

Approximately 1,320 feet of existing 18-inch diameter sewer line with multiple sections of exposed and failing sewer line is about 16 years old. The exposed line was discovered in the spring of 2004 and was temporarily restrained by mechanical means to prevent the pipe from breaking apart. The line now

needs to be replaced, as the previous repair was only temporary, not permanent. The Project plan is to abandon and fill the existing sewer line that lies along Summer Creek, to reduce the risk of an environmental/health hazard affecting Summer Creek, and to build a new replacement sewer line within the SW Barrows Road ROW, effectively bypassing the abandoned section of sewer line. Timing of the sewer relocation is critical since the relocation route is scheduled for development of a linear park in the existing ROW in summer 2005.

The City learned of the described situation after site development permits had been issued to Polygon Northwest, the private developer who is developing the master planned community at Progress Ridge. Although the subject section of sewer pipe falls within the development boundary of Progress Ridge, the pipe damage appears unrelated to activities associated with the development. It appears instead that the cause of the underlying problem is surface water erosion. Over time, stream flows have eroded portions of the gravel pipe backfill that covers the sanitary sewer line underneath Summer Creek. The gravel backfill is intended to protect and anchor the sewer pipe under the creek's stream bed. Once the weight of the gravel backfill and soil over the sewer pipe is sufficiently eroded, air inside the pipe causes the pipe to rise. This causes an undulating, uneven grade in the gravity sewer trunk line and stresses pipe joints. If not corrected, these problems could cause the sewer pipe to fail and release raw sewage into Summer Creek.

Under traditional public contracting procedures, the City would publish an invitation to bid and award a construction contract to the lowest responsive, responsible bidder. After careful consideration, staff has determined that it is not in the best interest of the public or the City to award the Project under a traditional "low bid" method of contractor selection. As more fully described in the attached Request for Exemption From Competitive Bidding and Findings of Fact (Exhibit 1), staff believes that the City will not receive optimal value by selecting a contractor for this Project based solely on the lowest responsive, responsible bid. Other non-price related factors should be taken into consideration for the City to be able to select a general contractor for the Project which can provide the City with optimal value.

Under circumstances like this, Oregon law permits a contract review board to authorize an exemption from traditional procurement methods with regard to a specific contract. The request for exemption must contain the information set forth in the attached Request for Exemption from Competitive Bidding. Additionally, Oregon law requires that when a contract is one for a public improvement, as is the case here, a public hearing must be held to allow public comment on the request for exemption.

After hearing and considering any public comments regarding the requested exemption, Oregon law permits a contract review board to authorize an exemption from competitive bidding if the board concludes (a) that the requested alternative contracting process proposed herein is unlikely to encourage favoritism in the awarding of public contracts, (b) is unlikely to substantially diminish competition for public contracts and (c) will result in substantial cost savings to the City.

INFORMATION FOR CONSIDERATION:

To mitigate against the risk of an environmental/health hazard affecting Summer Creek, staff has worked to ready the Project for construction at the earliest date possible. The following details the current project status:

- Construction plans are complete
- Required permits, environmental clearances, and easements have been obtained
 1. Clean Water Services – Service Provider Letter
 2. Department of State Lands – No permit required, less than 50 yards of cut/fill
 3. US Army Corps of Engineers – Permit will be issued the week of June 27, 2005
 4. Site Development/CIP Permit – Permit will be issued after award of work
 5. Public Sanitary Sewer Easement – Necessary for small section of work outside ROW

- Construction is estimated to take two months to complete and can be completed within the US Army Corps of Engineers in-stream work window (July 1st to September 15th).

The proposed alternative contracting method is fully described on page two, Section A. 3, of the attached Request for Exemption From Competitive Bidding and Findings of Fact. The major reason why the alternative contracting method is proposed in this instance is to assure that the Project is done quickly by a competent contractor at a reasonable cost.

The City proposes to hire Polygon Northwest to construct the Project. The hiring of Polygon Northwest will not entail competitive bidding, but will instead be by direct award. Once awarded the contract to construct the Project, Polygon Northwest will then subcontract with Bones Construction to perform the required work. Bones Construction is a long-established private company that has done most, if not all, of the excavation, earthmoving, and underground utilities work at Progress Ridge for Polygon Northwest. Bones Construction is currently on-site at Progress Ridge, is familiar with the soil conditions of the area, and is working in the vicinity where the sanitary sewer line replacement needs to occur.

As more fully described in the attached Request for Exemption From Competitive Bidding and Findings of Fact, the City Utilities Engineer is confident that this alternative contracting method is appropriate and justified under current circumstances. The method will result in the selection of a general contractor who is highly capable and can perform the work desired within the City's time frame, without costly delay or disruption. Using a single contractor who is already mobilized on-site and is familiar with the soil conditions will minimize coordination conflicts and will result in substantial cost savings to the City.

As a part of the agreement between the City and Polygon Northwest a price was negotiated by staff for the described sanitary sewer relocation work, which will be subcontracted by Polygon Northwest to Bones Construction. The not to exceed price is \$510,004 as set out in the agreement to perform the work shown in the plans and specifications prepared by the City's consulting engineering firm. The plans and specifications are incorporated as an exhibit to the agreement. Council will note that the construction price presented by Polygon for the Summer Creek Sanitary Sewer Relocation Project is substantially higher than anticipated at the time of the award of the engineering design contract described in Agenda Bill No. 04226 in November 2004 and as currently budgeted in FY 2005-06. The increase, which was not known until after all the sanitary sewer capital projects were submitted for the FY 2005-06 fiscal budget, is due to more detailed knowledge of site surface and subsurface conditions as well as the need to upsize the sewer line to a 20-inch diameter to accommodate future users in the sanitary sewer drainage basin.

The price for the sewer construction incorporated in the proposed agreement for approval is to complete all aspects of the work and deliver a finished product. However, as with all deep excavation sanitary sewer projects such as this (up to 25 feet deep), subsurface conditions may vary from what has been revealed to the engineering design firm and City staff by test holes dug at intervals along the relocation route. Some solid rock excavation is expected in the Project and has been accounted for in the plans and specifications and subsequent price of the work by Polygon. Staff recommend, though, that it is prudent to include an additional potential expenditure in the amount of 20 percent of the construction price submitted by Polygon as a contingency, should it be needed for unexpected items such as substantial additional solid rock excavation. The 20 percent contingency is shown in the Funding Plan (Exhibit 2) in the amount of \$102,000.

The total expenditure staff is requesting approval for is \$612,004, comprised of the total of the submitted \$510,004 construction price and 20 percent contingency of \$102,000. Staff request Council authorization of an expenditure of \$200,000 as currently budgeted in 502-75-3850-682 Sewer Fund, Maintenance and Replacement Program, Construction. The balance of funding needed for the Project of \$412,004 is proposed as two appropriations from two accounts in the Sewer Fund Contingency as

shown in the Funding Plan, Exhibit 2 of this agenda bill. Funding of the appropriations is available in Sewer Fund Contingency and is proposed to be included in the first supplemental budget of FY 2005-06.

RECOMMENDED ACTION:

1. Council, acting as Contract Review Board, conduct a public hearing regarding a request for exemption from competitive bidding and findings of fact for the Summer Creek Sanitary Sewer Relocation Project.
2. Council, acting as Contract Review Board, consider public hearing results, consider and approve findings of fact, and approve proposed exemption of work from competitive bidding.
3. Council, authorize Mayor to sign an agreement with Polygon Northwest in a form approved by the City Attorney, which includes a price not to exceed \$510,004 to construct the Summer Creek Sanitary Sewer Relocation Project.
4. Council authorize expenditure of \$200,000 budgeted in FY 2005-06 and direct the Finance Director to include two appropriations totaling \$412,004 from the Sewer Fund (General; and Dedicated, System Development Charges) Contingencies in the first supplemental budget of FY 2005-06 as shown in the attached Funding Plan.

EXHIBIT 1

BEFORE THE CONTRACT REVIEW BOARD OF THE CITY OF BEAVERTON, OREGON

A REQUEST FOR EXEMPTION FROM COMPETITIVE BIDDING AND FINDINGS OF FACT

IN RE: THE SUMMER CREEK SANITARY SEWER RELOCATION PROJECT

INTRODUCTION

As provided in ORS Chapter 279C and the City of Beaverton's Purchasing Code, the City hereby requests that the Beaverton City Council, serving in its capacity as the City's Contract Review Board, adopt the following findings and take other necessary action to exempt from competitive bidding the selection of Polygon Northwest ("PNW") to construct a public improvement for the City by relocating to the public right-of-way (ROW) of SW Barrows Road an existing sanitary sewer line located in the streambed of Summer Creek.

The findings set out below are made in support of the conclusion that the alternative contracting process proposed herein is unlikely to encourage favoritism in the awarding of public improvement contracts, is unlikely to substantially diminish competition for public improvement contracts and will result in substantial cost savings to the City.

FINDINGS

A. Operational, budget and financial data.

1. *Project Description.* The Summer Creek Sanitary Sewer Relocation Project ("Project") is a Capital Improvement Project that will relocate an existing sewer line running along and below meandering Summer Creek, to a new location lying within the existing ROW of SW Barrows Road. The existing section of exposed and failing sewer line is 18-inches in diameter, approximately 1,320 feet in length and about 16 years old. The exposed line was discovered in the spring of 2004 (see Agenda Bill 04226 for more background information) and was temporarily restrained by mechanical means to prevent the pipe from breaking. The line now needs to be replaced, as the previous repair was only temporary, not permanent. The proposed new sewer line will be 20-inches in diameter and roughly an equivalent distance in length. The Project plan is to abandon and fill the internal volume of existing sewer line that lies along Summer Creek, to reduce the risk of an environmental/health hazard affecting Summer Creek, and to build a new replacement sewer line within the SW Barrows Road ROW, effectively bypassing the abandoned section of sewer line.

2. *Estimated Cost of Project.* The engineer's estimated construction cost of the Project at 95% completion of design is \$510,000. This figure will be revised as the final design is completed.

3. *Proposed Alternative Contracting Process.* The City proposes to hire PNW to construct the Project. Polygon Northwest is a private developer that is developing a master planned community at Progress Ridge which geographically surrounds the development. The hiring of PNW will not entail competitive bidding, but will instead be by direct award. Once awarded the contract to construct the Project, PNW will then subcontract with Bones Construction to perform the required work for the City. Bones Construction is a long-established private company that has done most, if not all, of the excavation, earthmoving work and installation of underground utilities (including sanitary sewer) at Progress Ridge for PNW. Bones Construction is currently on-site at Progress Ridge, is familiar with the soil conditions of the area, and is working in the vicinity where the sanitary sewer line replacement needs to occur.

The use of an alternative contracting method will be unlikely to encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts. In part, this is because the estimated cost of this capital improvement project in this instance (\$510,000) is not significant when compared to the total value of all capital improvement projects awarded by competitive bid by the City in a typical year (approximately \$7,100,000 in FY 04-05). Additionally, Bones Construction does not normally bid on City projects.

4. *Estimated Contract Award Date.* The estimated date for letting of the contract for the Project is the week of July 11, 2005. The estimated date of substantial completion of the Project is September 15, 2005.

5. *Funding Sources.* The Project will be funded from the Sewer Fund.

B. Specialized Expertise Required. The Project has unique construction requirements not normally encountered in public improvement projects. The Project involves working in a streambed under the jurisdiction of the US Army Corps of Engineers. Bones Construction has been working for PNW on the Progress Ridge development for several years. Bones is familiar with the soil and subsurface conditions in the area of this Project. That current and in-depth knowledge of relevant site conditions should assist the City in completing the Project in a timely manner and in compliance with applicable US Army Corps of Engineers standards.

C. Public Safety. The primary public safety issue on the Project is safeguarding Summer Creek from an exposure to raw sewage. The existing pipe is weak and of uneven grade, and poses a significant risk of failing. The exposed section of pipe has been temporarily fixed once already. Prompt replacement of the pipe will mitigate the public health risk presented by current circumstances. The alternative contracting process will enable the City to quickly select a competent contractor to make the needed repair within the current construction season, thus helping to reduce the risk of Summer Creek being exposed to a release of raw sewage from a broken sewer line.

D. Market Conditions. Polygon Northwest and Bones Construction are on-site at Progress Ridge. The companies are starting work on a phase of the Progress Ridge development that happens to be in the immediate area of Summer Creek. The phase (Summer Creek Lineal Park) will create a small park between SW Barrows Road and the remainder of the Progress Ridge community. If any other construction company were to do the work under consideration, there would be a substantial risk that PNW's private development work and the City's public improvement work would not be well coordinated. Indeed, there would be a heightened risk that the two projects would conflict with one another. By directly hiring PNW to construct the public improvement, the City should realize substantial cost savings: the construction equipment and crews have already been mobilized, the activities of the private and public projects will be well coordinated (such as pavement resurfacing), and the companies have recent and substantial field experience in the area where the sewer pipe is to be abandoned and relocated.

E. Technical Complexity. The Project involves the abandonment of an existing 18-inch sewer line that runs along and below meandering Summer Creek for approximately 1,320 feet. The abandoned line will be replaced with a new 20-inch sewer line that runs underneath the roadway of SW Barrows Road. The US Army Corps of Engineers has jurisdiction over the work done in the streambed of Summer Creek. The Corps is expected to issue a permit on or before July 11, 2005, to allow the replacement work to be done between the date of permit issuance and September 15, 2005. This gives the City about two months to complete this project, thus justifying the expedited contractor selection process proposed in this request for exemption from competitive bidding.

CONCLUSION

For the reasons stated, the alternative contracting process proposed herein is unlikely to encourage favoritism in the awarding of public contracts, is unlikely to substantially diminish competition for public contracts and will result in substantial cost savings to the City.

EXHIBIT 2

Public Hearing for Exemption From Competitive Bidding; Consider Testimony and Findings and Approve Exemption; Approval and Authorization of Mayor to Sign Agreement; Authorization of Expenditures and Appropriation for Construction of Summer Creek Sanitary Sewer Relocation Project

Funding Plan

Task	Budget Account	Total Amount Budgeted FY 05/06 (Construction)	Proposed Expenditure	Appropriation Required
Summer Creek Sanitary Sewer Relocation Project (Construction)	502-75-3850-682	\$200,000 (1)	\$235,000	\$35,000 (2)
	502-75-3811-682	\$0	\$275,004	\$275,004 (3)
	Subtotal	\$200,000	\$510,004	\$310,004
Construction Extra Work as Authorized by City (Contingency)	502-75-3811-682	\$0	\$102,000	\$102,000 (3)
	Total	\$200,000	\$612,004	\$412,004

(1) Source of funding is 502-75-3850-682 (\$200,000) Sewer Fund, Maintenance and Replacement Program, Construction.

(2) Source of funding is 502-85-0753-991 (\$35,000) Sewer Fund General Contingency.

(3) Source of funding is 502-85-0753-994 (total of \$377,004) Sewer Fund Contingency, (Dedicated, System Development Charges). Funds are available for the listed appropriations in the FY 2005-06 budget. Appropriated funds to be transferred to 502-75-3811-682 Sewer Fund, Sewer Collection System Program, SDC Infrastructure Projects.

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Design and Construction Engineering Services Contract Award – Summer Creek Sanitary Sewer Trunk Relocation Project

FOR AGENDA OF: 11-8-04 **BILL NO:** 04226

Mayor's Approval: *[Signature]*

DEPARTMENT OF ORIGIN: Engineering *[Signature]*

DATE SUBMITTED: 10-26-04

CLEARANCES: Purchasing *[Signature]*
Finance *[Signature]*
City Attorney *[Signature]*
Operations *[Signature]*

PROCEEDING: Consent Agenda
(Contract Review Board)

EXHIBITS: 1. Location (2) Maps (1A & 1B)
2. Scope of Work

BUDGET IMPACT

EXPENDITURE REQUIRED \$65,388	AMOUNT BUDGETED \$446,300*	APPROPRIATION REQUIRED \$0
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* Budget Account Number 502-75-3850-683 Sanitary Sewer Fund, Maintenance & Replacement Program, Construction Design & Engineering Inspection. This line item contains funding for engineering of multiple budgeted projects.

HISTORICAL PERSPECTIVE:

In spring 2004, during routine maintenance activities, the Operations Department field crews for sanitary sewer discovered that approximately 50 lineal feet of a PVC 18-inch diameter sanitary sewer pipe had been exposed by erosion from Beaverton's Summer Creek. The 18-inch Summer Creek Trunk Sewer (also known as the Weir 2 Trunk Sewer) is buried along and below meandering Summer Creek on the south side of the new Progress Quarry (aka Ridge) development (See Exhibit 1A). Apparently, the gravel pipe backfill covering the sanitary sewer has been eroded by the deeply cut and meandering creek exposing the pipe. Once the weight of the gravel backfill over the sewer pipe was reduced, buoyant forces of air trapped inside the pipe pushed the pipe upward causing a detrimental uneven grade in the gravity sewer trunk line. If not corrected, the deflected pipe and pipe joints could cause the sewer pipe to fail and release raw sewage into Summer Creek.

The section of Summer Creek Sewer Trunk in this location was constructed in 1989 by Clean Water Services (formerly Unified Sewerage Agency) to serve upstream development. The project was located outside the city limits at the time of construction and has since been annexed. The subject section of sewer pipe falls within the development boundary of the Progress Quarry project, but the pipe damage is unrelated to the new private development. Review of the original Clean Water Services (CWS) design drawings of the section of Summer Creek Sewer Trunk now in jeopardy, reveals that backfill cover over the pipe was generally 5 feet or less at the time of construction. The original design attempted to address the potential erosion effects of the creek on the pipe by placing 12 inches of rock riprap (generally less than 8-inch diameter) over the native backfill and using higher strength pipe than standard design.

Field inspection of this area confirmed the placement of the designed riprap (large) rock and pipe. Unfortunately, the creek channel has sustained heavy erosion and is now deeply cut with unstable stream banks. The erosion effects of the creek have now endangered the integrity of the sewer trunk line. In late March 2004, the City's Operations Department flushed and videotaped the interior of the

affected sewer trunk. The field inspection and video inspection show that four consecutive pipe joints have abnormal deflection. Additional field inspection by City staff and the engineering consultant Tetra Tech/KCM discovered an additional exposed pipe section beyond the initial 50 lineal feet mentioned earlier. Based on the video scans of the pipe interior and field observations, it was determined that further investigation was necessary to thoroughly analyze the sewer trunk damage and evaluate alternatives and costs for corrective action. That evaluation was completed in July 2004 by Tetra Tech/KCM under an administrative contract.

INFORMATION FOR CONSIDERATION:

Results of the "Summer Creek Trunk Sewer Pipeline Relocation Study, July 2004" produced three alternatives to restore the trunk sanitary sewer line (see attached Exhibit 1B). The first two alternatives studied were lower cost options, but are considered temporary because both do not relocate the entire section of trunk line that lies along and under the active creek bed. These two alternatives would require more extensive work in the creek riparian zone with a more complicated permitting process through the US Corps of Engineers and Oregon Division of State Lands. Both Alternatives Nos. 1 and 2 are considered temporary since Summer Creek will most likely continue to erode and the thread of the stream to meander, eventually affecting the remaining section of the sewer trunk line.

Alternative 3, with an estimated construction cost of \$385,000, consists of relocating all of the approximately 1,316 feet of pipe, which runs along and under the creek bed, into SW Barrows Road right of way. The new location alignment would put the relocated sewer line approximately 50 feet away from the creek under what is now Barrows roadway over the entire length of the existing exposed pipe area and the potential erosion area. This alternative has the advantage of the least pipeline construction in the creek riparian zone. (Barrows Road will eventually be relocated, and the current roadway converted to a pedestrian path, as a part of the Progress Quarry development.)

Staff reviewed the consultant recommendations presented in the "Summer Creek Trunk Sewer Pipeline Relocation Study" and agree with the findings that Alternative No. 3 is the best long-term option to pursue for the current sewer repairs and future erosion threat to the pipeline.

Alternative No. 3 will require some construction in the stream, necessitating a joint US Corps of Engineers and Oregon Division of State Lands permit. These permits limit the in stream construction period from July 15 to September 15. Due to the required time to advertise, bid and award a project of this nature, it is essential that the City award and start construction prior to the next fiscal year to meet the in stream construction period.

The described sewer trunk damage was discovered near the end of the FY 2004-05 budget process just before the current budget was adopted. Staff did not have enough information at that time to accurately produce a cost estimate and budget a restoration project and therefore funding for this project was not included in the FY 2004-05 CIP sewer project list. At this time, staff estimates that construction for the project will total \$400,000, including contingency and internal engineering overhead.

To complete engineering services for design and construction of the recommended relocation of Summer Creek Sewer Trunk, staff requested a proposal from Tetra Tech/KCM. The proposed scope of work is attached. The proposed engineering services total \$65,388. Tetra Tech/KCM is on the latest Professional Services Retainer List as approved by Council on August 9, 2004. Staff reviewed the proposal and found the tasks and associated fees to be consistent with information submitted by the firm to qualify for the current Professional Services Retainer List and with previous contracts awarded to the firm. Funding of the recommended contract to Tetra Tech/KCM in the amount of \$65,388 is available in the Budget Account No. 502-75-3850-683 noted above and as listed in the CIP for "Miscellaneous Projects during the fiscal year."

Since this project is of critical timing, staff proposes funding of the engineering and construction in the current fiscal year. Funding of construction of the project is available in the Sewer Fund, due to the

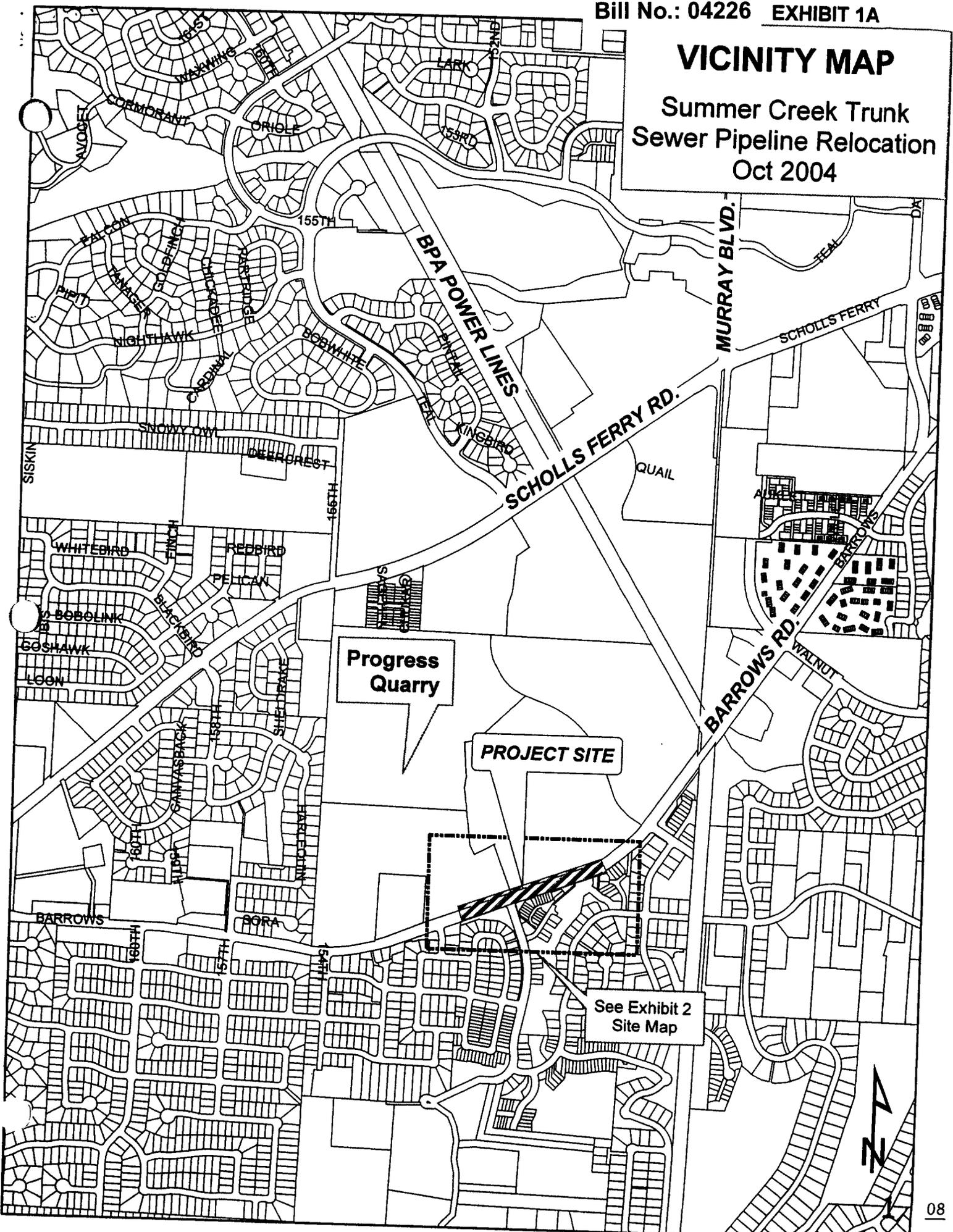
postponement of the CIP project: "Larch Maple Beech Area Sanitary Utility Improvement Proj ct." Construction of that CIP project is being postponed by a year to allow coordinating sanitary sewer and storm cost sharing with Clean Water Services. The Larch Maple Beech Area Sanitary Utility Improvement Project will be re-budgeted for FY 2005-06. The construction funds 502-75-3850-682 (\$550,000) from the postponed project are recommended to be utilized to instead fund the Summer Creek Sewer Trunk construction. A request to the Finance Department to rename the Larch Maple Beech Area Sanitary Utility Improvement Project listed in the CIP to the Summer Creek Sanitary Sewer Trunk Relocation Project is currently being made.

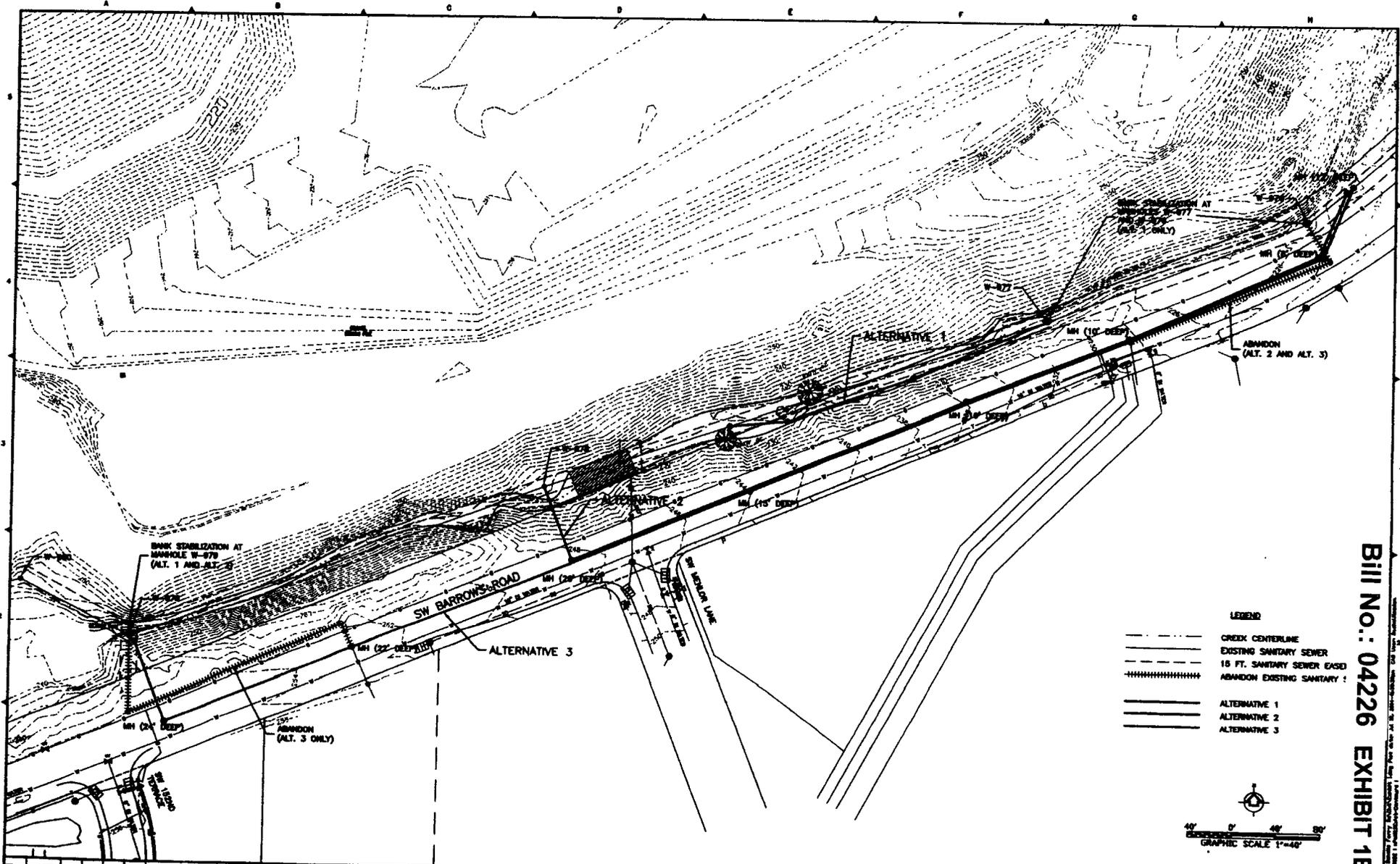
RECOMMENDED ACTION:

Council, acting as Contract Review Board, award a contract to Tetra Tech/KCM Incorporated of Tigard, Oregon, in the amount of \$65,388 to provide engineering services as defined in the attached scope of work for the subject project. The contract is to be consistent with the provisions of the Professional Service Retainer Agreement and in a form approved by the City Attorney.

VICINITY MAP

Summer Creek Trunk
Sewer Pipeline Relocation
Oct 2004





Bill No.: 04226 EXHIBIT 1B

DATE	DESCRIPTION	BY	CHECKED

TETRA TECH/KCM
 7080 SW Fr Loop
 Portland, Oregon 97223
 503-684-9287 Fax: 503-686-0262

CITY OF SEASIDE SUMMER CREEK TRUNK SEWER PIPELINE RELOCATION STUDY LONG-TERM RELOCATION ALTERNATIVES		FILE NO: PROJECT NO: DRAWING NO: SHEET: 1 OF 1
		EXHIBIT 1

**CITY OF BEAVERTON
SUMMER CREEK TRUNK SEWER RELOCATION
SCOPE OF WORK**

The following tasks outline our proposed scope of work to provide design, bidding and construction administration assistance to the City for the relocation of a portion of the Summer Creek Trunk Sewer. This scope of work is based on the City's selection of Alternative 3 as presented in the Summer Creek Trunk Sewer Pipeline Relocation Study (Tt/KCM, Inc., July 2004,). Generally, the project consists of construction of 1,320 feet of 18-inch sanitary sewer within the existing right-of-way of SW Barrows Road.

TASK 1 - PROJECT MANAGEMENT

Subtask 1.1 Startup Meeting/Project Plan

This subtask provides for project planning which sets forth goals and milestones to be accomplished during the course of the project, and is reviewed with the City staff at the start-up meeting allowing staff input into the project from the on-set. The startup meeting will focus on pre-design issues such as pipe alignment, design flows, utility conflicts, and project schedule.

Subtask 1.2 Progress Reports/Invoices

This subtask includes a monthly progress report accompanying each billing. Progress reports will accompany all invoices sent. This provides the City staff with information on the status of the project and the level of effort expended.

Subtask 1.3 Progress Meeting

There will be two meetings scheduled during the design of the project to keep City Staff up to date on design issues and concerns. The meetings are scheduled to occur at Preliminary Design (50%), and 90% Design.

Subtask 1.4 Subconsultant Coordination

This subtask includes coordination of subconsultants. This task provides the necessary supervision to assure the work of the surveying subconsultants is appropriately integrated into the design effort.

Subtask 1.5 Quality Assurance QA/QC

Tt/KCM in-house quality assurance provides for an independent review by a senior engineer separate from the project team. The quality assurance review includes a review of the predesign memorandum and a buildability and constructability review at the 90% complete stage.

TASK 2 – PREDESIGN

Subtask 2.1 Field Survey Services (CES/NW)

Field survey services will include locating all surface features pertinent to design as well as any marked underground utilities in the design corridor. Available property monumentation will be located with approximate location of right-of-way line delineated.

Elevations will be based on vertical control tied to either a City of Beaverton or Washington County Survey benchmark (USGS vertical datum). The final product of this subtask will be survey base drawings in AutoCAD format.

Subtask 2.2 Geotechnical Investigations (Foundation Engineering Inc.)

Geotechnical investigations services includes exploration of subsurface conditions with three borings located within the SW Barrows Road right of way. The borings will be completed to a depth of 28 feet each using hollow stem augers or mud rotary drilling. An estimate of the groundwater elevation will be recorded during drilling. A geotechnical engineer from Foundation Engineering, Inc will log the borings in the field. The results of the exploration will be summarized on the boring logs. Laboratory testing is planned to include natural water content, Atterberg limits tests and bulk density. An assessment of construction dewatering requirements and options will be presented.

The results of the subsurface investigation will be summarized in a geotechnical data report. The report will include a summary of the work performed, a discussion of the subsurface conditions at the borings and the results of the laboratory testing. Summary boring logs will be attached to the report.

Subtask 2.3 Confirm Sewer Design Flows

The CWS Update 2000 Plan includes urban growth boundary expansion areas contributing flows to the Summer Creek Trunk. A meeting with Clean Water Services will be held to discuss and identify any changes in future UGB assumptions which may effect design flows in the Summer Creek Trunk. A technical memorandum will be issued that documents the work performed and conclusions reached. Sewer system modeling work is not included in this subtask.

Subtask 2.4 Permit Acquisition

Construction Permits from DSL/COE will be required. Onsite meetings with COE/DSL staff will be conducted during predesign to identify any relevant design requirements or issues. The necessary permit documents will be prepared and submitted. Any permit fees will be paid by the City.

TASK 3 - DESIGN

Subtask 3.1 Preliminary Design

Eight design sheets are expected in the design package and are identified below. All sanitary sewer design will be presented on plan and profile drawings (1"=20' horizontal and 1"=5' vertical scale). At approximately 50% completion a preliminary design package will be submitted to the City. This will include preliminary construction drawings and cost estimate. Comments from the City will be incorporated into the final design.

Sheet No.	Description
1	Cover Sheet, Sheet Index
2	Legend, Abbreviations
3	General Notes
4 - 6	Pipeline Plan and Profile Sheets
7	Details
8	Details

Subtask 3.2 90% Design Drawings

This task includes preparation of 90% construction drawings for the project. Four sets of drawings will be submitted to the City for review.

Subtask 3.3 90% Technical Specifications and Bid Documents

This task includes the preparation of a 90% bid document package. The specifications will be based on the APWA/ODOT Standard Specifications. One copy will be submitted to the City for review.

Subtask 3.4 90% Cost Estimate

A 90% cost estimate will be prepared to update the cost estimate provided at the preliminary design stage.

Subtask 3.5 Final Design Review

Concurrently with the City's 90% review, Tt/KCM will perform an internal quality assurance review.

TASK 4 - CONSTRUCTION DOCUMENTS

Subtask 4.1 Final Design Drawings

After comments are received from the City and the Tt/KCM internal quality assurance review, the final construction plan set will be prepared. Five (5) full size drawing sets will be provided as well as 2 "camera ready" half size sets for reproduction.

Subtask 4.2 Final Specifications and Cost Estimate

After comments are received from the City and the Tt/KCM internal quality assurance review, final technical specifications will be developed. Two "camera ready" copies (for reproduction) and electronic files will be delivered to the City along with a final cost estimate.

TASK 5 - BIDDING AND CONSTRUCTION ADMINISTRATION ASSISTANCE

It is assumed that the City will copy and distribute the construction documents. Tt/KCM can provide reproduction services for the cost of printing and binding.

Subtask 5.1 Respond to Bidder's Questions

Tt/KCM staff working on the project will answer questions arising from contractors and suppliers. These questions may be clarified over the telephone or may require the preparation of an addendum.

Subtask 5.2 Issue Addenda/Clarifications

Addenda will be prepared and issued as the need arises. These will provide clarifications to all planholders in the event of changes or the resolution of contractor's issues/questions.

Subtask 5.3 Attend Meetings

Tt/KCM will attend the pre-bid and pre-construction meetings for the project.

Subtask 5.4 Review Submittals

Material and product submittals and other required submittals will be reviewed with appropriate recommendations for action by the contractor.

Subtask 5.5 Design Clarifications/Change Order Recommendations

Tt/KCM will provide the City with design clarifications as necessary and assist the City with change order recommendations.

Subtask 5.6 Prepare Record Drawings

Final record drawings will be prepared using the final design drawings and the daily logs from the inspector. One reproducible set (4-mil mylar) and one computer file (AutoCAD) copy of the record drawings will be delivered to the City.

TASK 6 – EXTRA WORK AS AUTHORIZED

Subtask 6.1 – Extra Work as Authorized

This task will provide for unforeseen but necessary work during the project, and will be used only upon written authorization from the City Project Manager. This task will be budgeted at \$5,000.

SCHEDULE

The following schedule assumes a 3 week review period by the City of the 90% complete contract documents:

- Assumed Notice to Proceed – November 15, 2004
- Completion of Predesign – January 15, 2005
- 90% Complete Design Submittal – February 15, 2005
- Final Bid Documents to City – March 15, 2005
- Advertise for Bids – March 30, 2005
- Construction Contract Award – May 7, 2005
- Construction Notice to Proceed – June 1, 2005
- Project Completion – August 15, 2005

TetraTech/KCM - Estimate of Professional Services

No. : 8430018

City of Beaverton

Date : 9/30/2004

Engineering Services for Summer Creek Trunk Sewer Relocation

Description	Senior Engineer Proj. Mang.	Project Engineer	Professional Staff	Technical Staff	Admin Staff	Tt/KCM Cost / Task	Subconsultants	
							Field Survey CES/NW	Geotechnical Survey FEI
Task 1 Project Management								
1.1 Startup/Project Plan	4					\$492		
1.2 Progress Reports/Invoices	2				4	\$546		
1.3 Progress Meetings (2)	6	6				\$1,314		
1.4 Subconsultant Coordination	4					\$492		
1.5 Quality Assurance QA/QC	6	6				\$1,314		
Subtotal Task 1	22	12	0	0	4	\$4,158	\$0	\$0
Task 2 Pre-design								
2.1 Field Survey Services				6		\$450	\$6,270	
2.2 Geotechnical Investigations						\$0		\$8,300
2.3 Confirm Sewer Design Flows	16	16				\$3,504		
2.4 Permit Acquisition	6	16		4	2	\$2,724		
Subtotal Task 2	22	32	0	10	2	\$6,678	\$6,270	\$8,300
Task 3 Design								
3.1 Preliminary Design	12	45		54		\$9,846		
3.2 90% Design Drawings	12	38		46		\$8,574		
3.3 90% Specifications Submittal	4	12			4	\$1,944		
3.4 90% Cost Estimate	2	6				\$822		
3.5 90% Final Design Review	6	4				\$1,122		
Subtotal Task 3	36	105	0	100	4	\$22,308	\$0	\$0
Task 4 Construction Documents								
4.1 Final Design Drawings	8	8		8		\$2,352		
4.2 Final Specifications and Cost Estimate	6	6				\$1,314		
Subtotal Task 4	14	14	0	8	0	\$3,666	\$0	\$0
Task 5 Bidding and Construction Admin Assistance								
5.1 Respond to Bidder's Questions	4					\$492		
5.2 Issue Addenda/Clarifications	4				1	\$567		
5.3 Attend Meetings	6	6				\$1,314		
5.4 Review Submittals	1	4				\$507		
5.5 Design Clarifications/Change Order Recommendations	8	6				\$1,560		
5.6 Prepare Record Drawings	4	4		8		\$1,476		
Subtotal Task 5	27	20	0	8	1	\$5,916	\$0	\$0
Task 6 Extra Work As Authorized								
6.1 Extra Work As Authorized						\$5,000		
Subtotal Task 4	0	0	0	0	0	\$5,000	\$0	\$0
Total Hours	121	183	0	126	11	\$47,726	\$6,270	\$8,300
Hourly Rate	\$123	\$96	\$78	\$75	\$75			
Subtotal	\$14,883	\$17,568	\$0	\$9,450	\$825			
Total Wages (Including Overhead & Professional Fee)						\$47,726		
Tt/KCM Printing and Publications*						\$850		
Tt/KCM Other Expenses (Travel, Computer, Misc.)*						\$2,242		
Subconsultants						\$14,570		
TOTAL						\$65,388		

* Where hourly rates serve as the basis for fee, they shall be subject to change annually to reflect changes in Tt/KCM salary levels

* Tt/KCM annual salary adjustments typically occur during first quarter of calendar year.

* Direct job expenses include 10% markup

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map for Property Located at 14615 SW Walker Road; CPA 2005-0005/ZMA 2005-0006

FOR AGENDA OF: 07/11/05 **BILL NO:** 05135

Mayor's Approval: [Signature]

DEPARTMENT OF ORIGIN: CDD [Signature]

DATE SUBMITTED: 06/14/05

CLEARANCES: City Attorney [Signature]
Planning Services HB

PROCEEDING: First Reading

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

BUDGET IMPACT

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

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

The Urban Planning Area Agreement (UPAA) is specific on the appropriate Land Use Map and Zoning Map designations for this parcel, thus no public hearing is required. The appropriate Land Use Map designation is Neighborhood Residential – Medium Density (NR-MD), and the appropriate Zoning Map designation is Residential – 2,000 square foot minimum land area per dwelling unit (R-2). The City land use designations will take effect 30 days after Council approval and the Mayor's signature on this ordinance.

INFORMATION FOR CONSIDERATION:

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

RECOMMENDED ACTION:

First Reading

ORDINANCE NO. 4359

AN ORDINANCE AMENDING ORDINANCE NO. 4187, FIGURE III-1, THE COMPREHENSIVE PLAN LAND USE MAP AND ORDINANCE NO. 2050, THE ZONING MAP FOR PROPERTY LOCATED AT 14615 SW WALKER ROAD; CPA 2005-0005/ZMA 2005-0006

WHEREAS, This property is being annexed to the City of Beaverton, through a separate process, thus the property is being redesignated in this ordinance from the County's land use designations to the closest corresponding City designations as specified by the Urban Planning Area Agreement (UPAA); and

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

WHEREAS, The Council adopts as to criteria applicable to this request and findings thereon the Community Development Department staff report by Senior Planner Alan Whitworth, dated June 9, 2005, attached hereto as Exhibit B; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. Ordinance No. 4187, the Comprehensive Plan Land Use Map, is amended to designate the subject property located at 14615 SW Walker Road (Tax Map 1S105AD, Lot 04800) Neighborhood Residential - Medium Density on the City of Beaverton Comprehensive Plan Land Use Map, as shown on Exhibit "A" and in accordance with the UPAA.

Section 2. Ordinance No. 2050, the Zoning Map, is amended to designate the same property in Section 1 Residential – 2,000 square foot minimum land area per dwelling unit (R-2) on the City of Beaverton Zoning Map, as shown on Exhibit "A" and in accordance with the UPAA.

First reading this _____ day of _____, 2005.

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

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

ATTEST:

APPROVED:

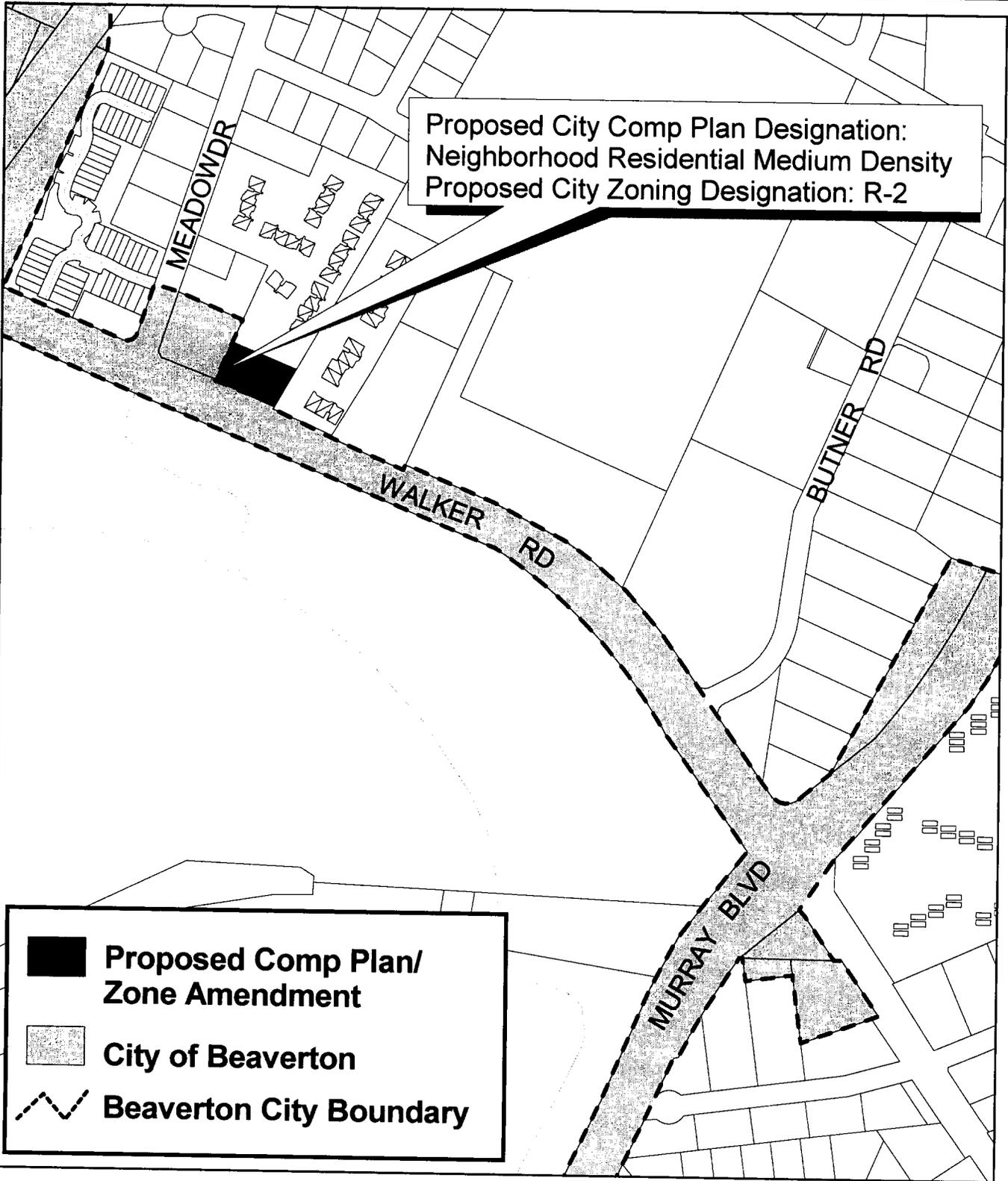
SUE NELSON, City Recorder

ROB DRAKE, Mayor

CPA/ ZMA MAP

Ordinance
No. 4359

EXHIBIT "A"



CITY OF BEAVERTON

14615 SW Walker Road
COMMUNITY DEVELOPMENT DEPARTMENT

Planning Services Division

6/7/05

Map #

1S105AD04800

N



Application #

CPA 2005-0005

ZMA 2005-0006



CITY of BEAVERTON

4755 S.W. Griffith Drive, P.O. Box 4755, Beaverton, OR 97076 General Information (503) 526-2222 V/TDD

STAFF REPORT

TO: City Council

AGENDA DATE: July 11, 2005

REPORT DATE: June 9, 2005

FROM: Alan Whitworth, Senior Planner, Community Development Department
Alan Whitworth

SUBJECT: To assign City Land Use (CPA2005-0005) and zoning (ZMA2005-0006) designations for one parcel located at 14615 SW Walker Road (Tax Lot 1S105AD 04800) being annexed into the City by separate action. The property is shown on the attached map and more particularly described by the attached legal description.

ACTIONS: Amend the City's Comprehensive Plan Land Use Map to show Neighborhood Residential - Medium Density and the Zoning Map to show Residential - 2,000 square foot minimum land area per unit (R-2).

APPLICANT: City of Beaverton

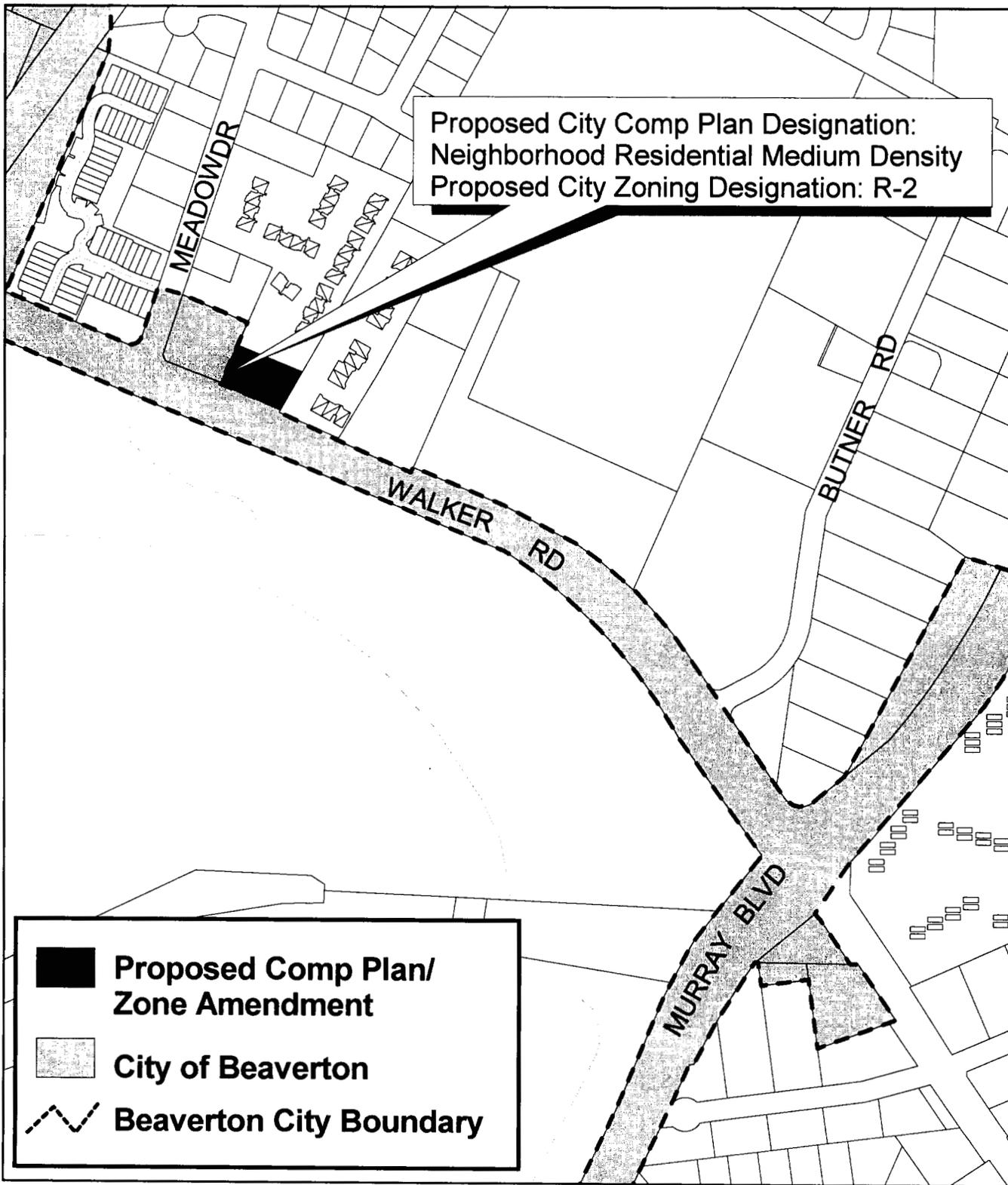
APPROVAL CRITERIA: Comprehensive Plan Section 1.3.1 and the Development Code Section 40.97.15.3.C

SUMMARY AND RECOMMENDATION

The property is designated Residential - 15 units to the acre (R-15) by Washington County. The City assigns Comprehensive Plan and Zoning designations to property being annexed into the City as prescribed by the Washington County - Beaverton Urban Planning Area Agreement (UPAA). The UPAA is specific that the appropriate City Land Use Map designation for this property is Neighborhood Residential - Medium Density and the appropriate zoning district is Residential - 2,000 square foot of land area minimum per unit (R-2). No Public Hearing is required because the UPAA is specific as to the Comprehensive Plan Land Use Map and Zoning Map designations, no discretion is required and, therefore, these are not land use decisions.

Staff recommends the City Council adopt the ordinance assigning the Neighborhood Residential - Medium Density Land Use and R-2 Zoning designations for tax lot 1S105AD 04800 that is shown on the attached map and more particularly described by the attached legal description, effective thirty days after the Mayor's signature.

CPA/ ZMA MAP



-  Proposed Comp Plan/
Zone Amendment
-  City of Beaverton
-  Beaverton City Boundary



CITY OF BEAVERTON

14615 SW Walker Road
COMMUNITY DEVELOPMENT DEPARTMENT
Planning Services Division

6/7/05
Map #
1S105AD04800



Application #
CPA 2005-0005
ZMA 2005-0006

EXISTING CONDITIONS

The parcel is approximately 0.4 acres, located at 14615 SW Walker Road, and is developed with two single-family houses. The property owner has submitted a letter (attached) requesting that the City of Beaverton proceed with assigning City Comprehensive Plan and Zoning designations with knowledge of the differences between the County and City designations.

COMPREHENSIVE PLANNING AND ZONING

The subject property is located in Washington County's Cedar Hills-Cedar Mill Community Plan Area and is designated Residential – 15 units to the acre (R-15). The Urban Planning Area Agreement is specific that the appropriate City Comprehensive Plan designation is Neighborhood Residential - Medium Density and the appropriate Zoning Map designation is Residential – 2,000 square foot minimum per unit (R-2). The Community Plan indicates that this property is not in an area of special concern and no special policies apply to this property.

CRITERIA FOR APPROVAL

COMPREHENSIVE PLAN AMENDMENT CRITERIA

Comprehensive Plan Section 1.3.1 includes the following minimum criteria for amendment decisions:

1.3.1.1. The proposed amendment is consistent and compatible with the Statewide Planning Goals; and

Of the 19 Statewide Planning Goals, Goal Two: Land Use Planning is applicable to the proposed map amendment.

Goal Two: Land Use Planning

To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

The City of Beaverton adopted a Comprehensive Plan, which includes text and maps, in a three-part report (Ordinance 1800) along with implementation measures, including the Development Code (Ordinance 2050) in the late 1980's. The City adopted a new Comprehensive Plan (Ordinance 4187) in January of 2002 that was prepared pursuant to a periodic review work program approved by the State Department of Land Conservation and Development (DLCD). The proposed

Plan, including a new Land Use Map, was the subject of numerous public hearings and considerable analysis before being adopted. The adopted Plan and findings supporting adoption were deemed acknowledged pursuant to a series of Approval Orders from the Department of Land Conservation and Development, the last of which was issued on December 31, 2003. In 1989, the City and Washington County adopted the Urban Planning Area Agreement (UPAA), which is now section 3.15 of the Comprehensive Plan. The land use planning processes and policy framework described in the UPAA, Development Code and Comprehensive Plan form the basis for decisions and actions, such as the subject amendments. In addition, both the Development Code and the Comprehensive Plan provide procedures to follow when assigning Land Use designations and zoning related to annexations.

Findings: Staff finds that the City and Washington County have established a land use planning process and policy framework as a basis for assigning land use and zoning designations for recently annexed land. The proposed actions are those specified by the acknowledged Urban Planning Area Agreement between the City and Washington County. This amendment complies with Goal Two and criterion 1.3.1.1 is met.

1.3.1.2. The proposed amendment is consistent and compatible with Metro Regional Urban Growth Goals and Objectives and the Metro Regional Framework Plan; and

The City is only required to address provisions in the Urban Growth Management Functional Plan (UGMFP), which is an Element of the Framework Plan. Section 3.07.830 of the UGMFP requires that any Comprehensive Plan change must be consistent with the requirements of the Functional Plan. Section 3.07.130 of the UGMFP states:

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

The 2040 Growth Concept Plan map designates this parcel as Corridor. Section 3.07.130 of the UGMFP states: “Along good quality transit lines, corridors feature a high-quality pedestrian environment, convenient access to transit, and somewhat higher than current densities.” County design types are not listed as a consideration in the UPAA, and the UPAA specifies that when an annexed property has a County R-15 designation, it is to be given the City’s Neighborhood Residential - Medium Density designation and R-2 zoning. This City designation and zone are consistent with a Corridor design type, since they will require compact high density development.

Findings: The Neighborhood Residential – Medium Density Land Use Map

with its implementing Zoning Map designation of Residential - 2,000 square feet minimum of land area per unit is consistent and compatible with the Corridor design type and Criterion 1.3.1.2 is met for the proposed amendment.

1.3.1.3. The proposed amendment is consistent and compatible with the Comprehensive Plan and other applicable local plans; and

Applicable Comprehensive Plan procedures are found in Sections 1.3 (Amendment Procedures) and 2.6.3 (Annexation Related Map Amendments). These Sections require that annexation related Comprehensive Plan and Zoning Map amendments should be those stipulated by the UPAA.

Findings: This amendment is consistent with the Urban Planning Area Agreement and therefore Criterion 1.3.1.3 is met.

1.3.1.4. Potential effects of the proposed amendment have been evaluated and will not be detrimental to quality of life, including the economy, environment, public health, safety or welfare; and

It is the intent of the UPAA to provide for a smooth transition from County designations to City designations by adopting designations that most closely approximate the County's designations. The transition does not significantly impact public services, economic factors or environmental elements. Property owners may benefit from the application of City designations to their property when applying for development services since City employees are more familiar with City regulations than County regulations. Staff finds that the proposed amendments will not be detrimental to quality of life, including the economy, environment, public health, safety or welfare.

Findings: Criterion 1.3.1.4 is met for the proposed amendment.

1.3.1.5. The benefits of the proposed amendment will offset potential adverse impacts on surrounding areas, public facilities and services; and

The UPAA was developed to ensure that City designation of annexed property would have minimal impact to surrounding areas, public facilities and services. Existing public facility capacity is addressed in the separate annexation process and adequate public facility capacity for any proposed development will be addressed in the development review process. No adverse impacts on public facilities and services have been identified.

Findings: Criterion 1.3.1.5 is met for the proposed amendment.

1.3.1.6 There is a demonstrated public need, which will be satisfied by the amendment as compared with other properties with the same designation as the proposed amendment.

This amendment is associated with an annexation that will add property to the City. Annexation amendments are governed by the UPAA, which stipulates that the City designation most similar to the County designation, at the time of annexation, will be applied.

Findings: Criterion 1.3.1.6 does not apply to Comprehensive Plan map amendments associated with an annexation.

ZONING MAP AMENDMENT CRITERIA

Adoption by the City Council of an amendment to the Zoning Map must be supported by findings of fact based on the evidence provided by the applicant demonstrating the criteria of the Development Code Section 40.97.15.3.C (Non-Discretionary Annexation Related Zoning Map Amendment - Approval Criteria) have been met. The City Council may adopt by reference facts, findings, reasons, and conclusions proposed by the City staff or others. Affirmative findings to the following criteria are the minimum requirements for Zone Map amendments.

40.97.15.3.C.1. *The proposal satisfies the threshold requirements for a Non-Discretionary Annexation Related Zoning Map Amendment application.*

There are two threshold requirements with the first requiring that “The change of zoning to a city zoning designation be the result of annexation of land to the City”, which it is. The other requires that the UPAA be specific as to the City zoning designations to be applied and does not allow for discretion, and the UPAA is specific that Washington County Residential – 15 units to the acre (R-15) goes to City Residential 2,000 square foot minimum per unit (R-2) and no discretion is required.

FINDING: Staff finds that the proposed request satisfies the threshold requirements for a Non-Discretionary Annexation Related Zoning Map Amendment application.

40.97.15.3.C.2. *All City application fees related to the application under consideration by the decision making authority have been submitted.*

FINDING: Since there are no fees for annexation related Land Use Map and Zoning Map Amendments staff finds that this criterion is not applicable.

40.97.15.3.C.3. *The proposed zoning designation is consistent with the Washington County - Beaverton UPAA.*

The UPAA is specific that County Residential – 15 units to the acre (R-15) goes to City Residential 2,000 square foot minimum per unit (R-2) and no discretion is required.

FINDING: Staff finds that the proposed zoning designation is that specified by the UPAA and is, therefore, consistent with it.

40.97.15.3.C.4. *Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.*

The City processes Land Use Map and Zoning Map Amendments (CPA/ZMA) for property being annexed into the City and there are no further City approvals related to this request other than City Council and Mayor’s approvals of this CPA/ZMA. The property owner may, in the future, submit a request to the City for redevelopment of the property, but that is not related to this request.

FINDING: Staff finds that there are no proposals related to this request that will require further City approvals and, therefore, no additional applications or documents are required.

PROCESS

Submission Requirements: An application for a Non-Discretionary Annexation Related Zoning Map Amendment shall be made by the submittal of a valid annexation petition or an executed annexation agreement. A valid annexation petition has been submitted.

Public Notice: Section 1.3.4.3(c) of the Comprehensive Plan prescribes the notice to be provided for these types of applications.

Notice on non-discretionary annexation related CPA’s must be provided not less than twenty (20) calendar days prior to the item first initially appears on the City Council’s agenda.

1. Legal notice will be published in the Beaverton Valley Times on June 16, 2005.
2. Notice will be mailed to the Five Oaks Neighborhood Association Committee, Cedar Hills/Cedar Mill Citizen Participation Organization, Beaverton

Neighborhood Office, and Chair of the Committee for Citizen Involvement (CCI) on or before June 21, 2005.

3. Notice will be mailed to the property owners by certified mail on or before June 21, 2005.

The City Council has not directed staff to provide additional notice for this amendment beyond the notices described above, however, notice and this staff report will be posted on the City of Beaverton's public web site. The notice requirements for this CPA/ZMA will be met.

FINDING: Applicable procedural requirements have been met for these proposed Land Use Map and Zoning Map amendments.

Based on the findings in this report, staff concludes amending the Land Use Map to show Neighborhood Residential - Medium Density, and the Zoning Map to show R-2, is appropriate.

Attachments: Legal Description

Letter from property owner requesting change in designations

LEGAL DESCRIPTION

CPA 2005-0005 / ZMA 2005-0006

That tract of land situated in the southeast quarter of the northeast quarter of Section 5, Township 1 South, Range 1 West, Willamette Meridian, Washington County, Oregon. Said tract of land being more particularly described as follows:

COMMENCING at an iron pipe found at the southwest corner of Lot 62 of OLD MEADOW FARMS; THENCE, North 21°38' East along the west line of said Lot 62 for a distance of fifteen (15') feet to the existing right of way line of S.W. Walker Road (CR 215) and to the true POINT OF BEGINNING; THENCE, continuing North 21°38' East along the west line of said Lot 62 for a distance of 100.01 feet to an iron rod; THENCE, South 69°15' East for a distance of 158.73 feet to an iron rod on the east line of said Lot 62; THENCE, South 27°17'30" West along the east line of said Lot 62 and the west line of Meadow Woods Condominiums for a distance of 100.72 feet to a point on the northerly right of way line of said S.W. Walker road; THENCE, North 69°15' West along said right of way line for a distance of 148.8 feet, more or less, to the Point of Beginning.

May 28, 2005

RECEIVED
JUN 07 2005
COMMUNITY DEVELOP DEPT.

Alan Whitworth, Senior Planner
Community Development Department
City of Beaverton
PO Box 4755
Beaverton, OR 97076

Dear Mr. Whitworth:

The property located at 14615 SW Walker (Tax ID 1S105AD 04800) is currently in the process of being annexed to the City of Beaverton. This property is currently owned by Hans & Eugene, LLC. I, John J Lee, represent Hans & Eugene, LLC, and I own this property and legally authorized to sign documents relating to the use of this property.

I hereby requesting that the City of Beaverton proceed with amending the Comprehensive Plan Land Use Map to show Neighborhood Residential – Medium Density and the Zoning Map to show R-2 (2,000 square feet per unit) as stipulated by the Washington County – Beaverton Urban Planning Area Agreement (UPAA). These will replace the Washington County designation of R-15 (15 units to the acre), if these requested changes are adopted. I am aware that the City of Beaverton is not currently processing annexation related Land Use Map and Zoning Map amendments unless requested by the property owner(s) because the recently voter approved Ballot Measure 37.

I have reviewed the Washington County designation of R-15 and the City of Beaverton designations of Neighborhood Residential – Medium Density and R-2 and am familiar with the restrictions that the City’s Plan and zoning map designations will place on the property. With this knowledge, I as the person authorized on behalf of Hans & Eugene, LLC, the owner, request the City of Beaverton redesignate this parcel to Neighborhood Residential – Medium Density and R-2 as prescribed by the UPAA.

Sincerely,

John J Lee Name

John J Lee Signature

owner of Hans & Eugene LLC Title

Hans & Eugene, LLC
John J Lee

AGENDA BILL

05-08-05A06:40 RCVD

**Beaverton City Council
Beaverton, Oregon**

07/11/05

SUBJECT: An Ordinance Annexing One Parcel
Located at 11845 SW Walker Road to the
City of Beaverton: Annexation 2005-0006

FOR AGENDA OF: ~~06/20/05~~ **BILL NO:** 05130

Mayor's Approval: *Bob Steele*

DEPARTMENT OF ORIGIN: CDD *mg*

DATE SUBMITTED: 06/07/05

CLEARANCES: City Attorney *ML*

Planning Services *HB*

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

EXHIBITS: Ordinance
Exhibit A - Map
Exhibit B - Legal Description
Exhibit C - Staff Report

BUDGET IMPACT

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

This request is to annex one tax parcel located at 11845 SW Walker Road to the City of Beaverton. The property is approximately 0.1 acres and is developed with a single family house. The property owner has consented to the annexation and no electors reside on the property. This consent allows this to be processed as an expedited annexation under ORS 222.125 and Metro Code 3.09.045 and no public hearing is required.

INFORMATION FOR CONSIDERATION:

This ordinance and the staff report address the criteria for annexation in Metro Code Chapter 3.09.

Beaverton Code Section 9.06.035A provides the City Council the option of adding property to an appropriate Neighborhood Association Committee (NAC) area at the time of annexation. This parcel is not currently within a NAC. The Neighborhood Office is recommending that this parcel not be added to a NAC at this time.

Staff recommends that the City Council adopt an ordinance annexing the referenced property, effective 30 days after Council approval and the Mayor's signature on this ordinance or the date the ordinance is filed with the Secretary of State as specified by ORS 222.180, whichever is later.

RECOMMENDED ACTION:

~~First Reading~~
Second Reading and Passage

ORDINANCE NO. 4358

AN ORDINANCE ANNEXING ONE PARCEL LOCATED AT
11845 SW WALKER ROAD TO THE CITY OF BEAVERTON:
ANNEXATION 2005-0006

- WHEREAS,** This expedited annexation was initiated under authority of ORS 222.125, whereby the owner of the property, with no electors, has consented to annexation; and
- WHEREAS,** This property is in Beaverton's Assumed Urban Services Area and Policy 5.3.1.d of the City's acknowledged Comprehensive Plan states: "The City shall seek to eventually incorporate its entire Urban Services Area."; and
- WHEREAS,** This property is in area "A" as set forth in the "Beaverton-Washington County Intergovernmental Agreement Interim Urban Service Plan" and, as prescribed by the agreement, the Washington County Board of Commissioners has agreed not to oppose annexations in area "A"; and
- WHEREAS,** Council Resolution No. 3785 sets forth annexation policies for the City and this action implements those policies; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

- Section 1.** The property shown on Exhibit A and more particularly described in Exhibit B is hereby annexed to the City of Beaverton, effective 30 days after Council approval and signature by the Mayor or the date the ordinance is filed with the Secretary of State as specified by ORS 222.180, whichever is later.
- Section 2.** The Council accepts the staff report attached hereto as Exhibit C, and finds that:
- a. This annexation is consistent with provisions in the agreement between the City and the Tualatin Valley Water District adopted pursuant to ORS 195.065 that are directly applicable to this annexation; and
 - b. This annexation is consistent with the City-Agency agreement between the City and Clean Water Services.
- Section 3.** The Council finds this annexation will promote and not interfere with the timely, orderly, and economic provision of public facilities and services, in that:
- a. The properties will be withdrawn from the Washington County Urban Road Maintenance District and the Washington County Enhanced Sheriff Patrol District; and
 - b. The properties that lie within the Washington County Street Lighting District #1, if any, will be withdrawn from the district; and
 - c. The City having annexed into the Tualatin Valley Fire and Rescue District in 1995, the properties to be annexed by this Ordinance shall remain within that district; and
 - d. The territory will remain within the boundaries of the Tualatin Valley Water District.

Section 4. The Council finds that this annexation complies with all other applicable criteria set out in Metro Code Chapter 3.09 as demonstrated in the staff report attached as Exhibit C.

Section 5. The City Recorder shall place a certified copy of this Ordinance in the City's permanent records, and the Community Development Department shall forward a certified copy of this Ordinance to Metro and all necessary parties within five working days of adoption.

Section 6. The Community Development Department shall transmit copies of this Ordinance and all other required materials to all public utilities and telecommunications utilities affected by this Ordinance in accordance with ORS 222.005.

First Reading June 20, 2005
Date

Second Reading and Passed _____
Date

Approved by the Mayor _____
Date

ATTEST:

APPROVED:

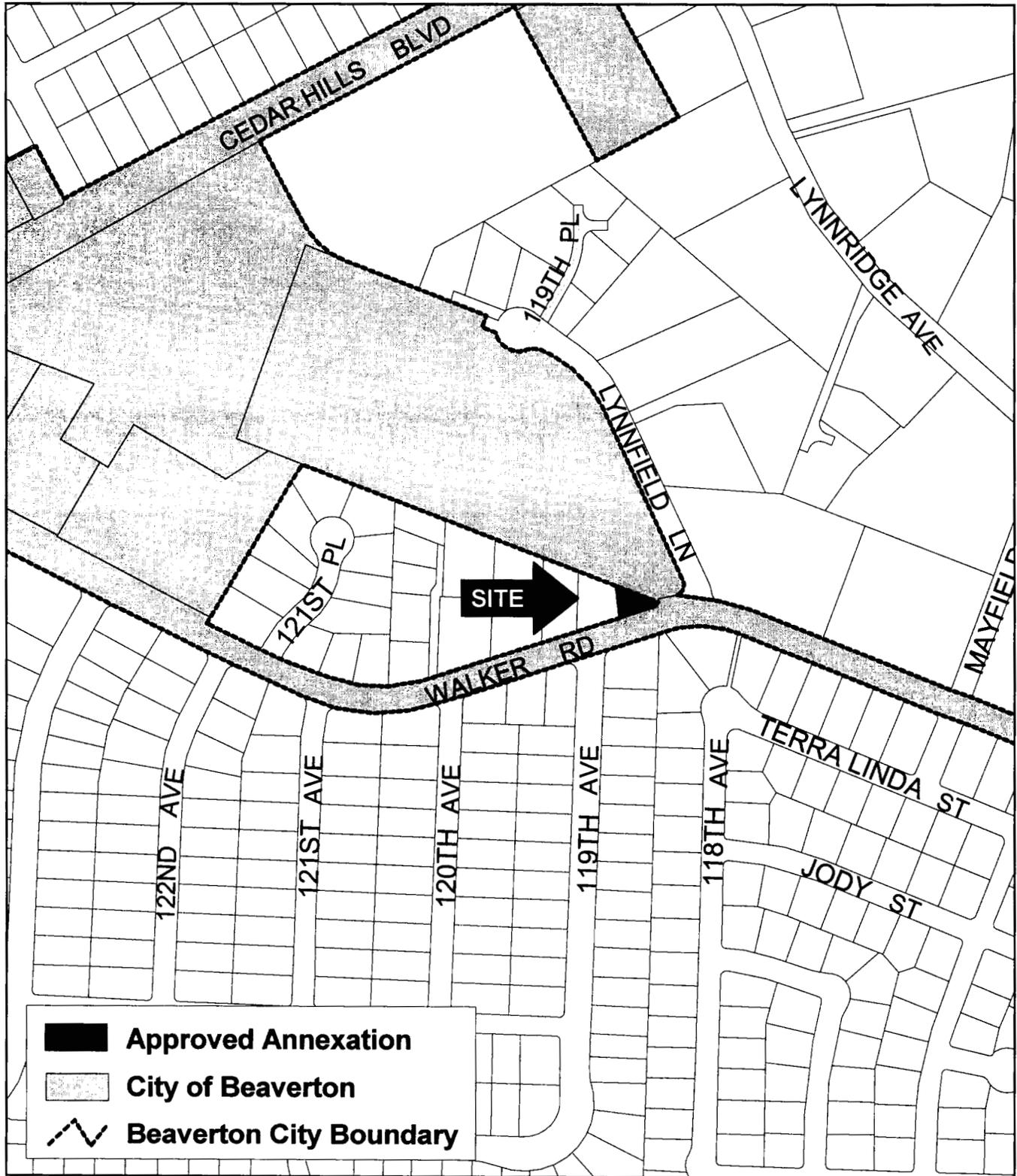
SUE NELSON, City Recorder

ROB DRAKE, Mayor

VICINITY MAP

ORDINANCE No. 4358

EXHIBIT "A"



CITY OF BEAVERTON

11845 SW Walker Road
COMMUNITY DEVELOPMENT DEPARTMENT
Planning Services Division

5/24/05
Map #
1S110BD11600



Application #
ANX2005-0006