



**FINAL AGENDA**

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

REGULAR MEETING  
OCTOBER 24, 2005  
6:30 P.M.

CALL TO ORDER:

ROLL CALL:

PROCLAMATIONS:

National Magic Week: October 30 to November 5, 2005

PRESENTATIONS:

05194 Community Action Organization (CAO) Poverty in Washington County  
2005 Presentation

VISITOR COMMENT PERIOD:

COUNCIL ITEMS:

STAFF ITEMS:

CONSENT AGENDA:

Minutes for the Regular Meetings of October 10 and 17, 2005

Contract Review Board:

05195 Bid Award - City Hall Reroofing Project

05196 Waiver of Sealed Bidding - Purchase Seven Vehicles From the State of  
Oregon Price Agreement

ORDINANCES:

First Reading:

05197 An Ordinance Amending Beaverton Code Chapter 4 by Adding New  
Provisions Relating to Sanitary and Storm Sewer Maintenance Charges  
(Ordinance No. 4371)

05198

An Ordinance Annexing Two Parcels, and Associated Right-of-Way,  
Located at 9355 SW 166th Avenue to the City of Beaverton: Expedited  
Annexation 2005-0010 (Ordinance No. 4372)

**EXECUTIVE SESSION:**

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

**ADJOURNMENT**

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

# PROCLAMATION

## OFFICE OF THE MAYOR CITY OF BEAVERTON



**WHEREAS,** The Society of American Magicians was founded in 1902 and has more than 7,300 magicians worldwide, including magicians in every state in the union; and

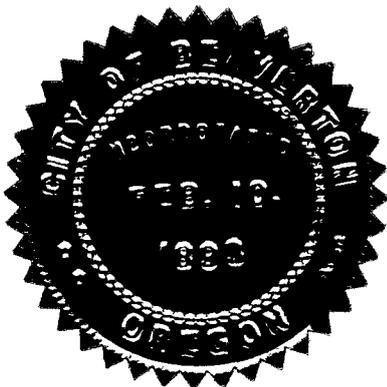
**WHEREAS,** Members of the Society of American Magicians both professional and amateur, generously offer their time and talent for charitable purposes, providing entertainment for children and adults throughout the area; and

**WHEREAS,** Magic is an ancient and delightful form of entertainment which continues to give much pleasure to young and old. Magic, as a hobby for teenagers, has demonstrated to be a positive activity; and

**WHEREAS,** The Society of American Magicians is dedicated to elevation the art of magic with its endowment fund providing educational and humanitarian assistance to its members; and

**NOW, THEREFORE, I,** Rob Drake, Mayor of the City of Beaverton, Oregon, do hereby proclaim the week of October 30<sup>th</sup> - November 5<sup>th</sup> 2005 as:

### NATIONAL MAGIC WEEK



in the City of Beaverton and encourage all citizens to enjoy and recognize magic as wholesome and fun entertainment.

Rob Drake  
Mayor

**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

**SUBJECT:** Community Action Organization (CAO)  
Poverty in Washington County 2005  
Presentation

**FOR AGENDA OF:** 10-24-05 **BILL NO:** 05194

**Mayor's Approval:** 

**DEPARTMENT OF ORIGIN:** Mayor's

**DATE SUBMITTED:** 10-17-05

**CLEARANCES:** None

**PROCEEDING:** Presentation

**EXHIBITS:**

**BUDGET IMPACT**

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

For 40 years, Community Action Organization (CAO), a non-profit agency, has been offering hope, help and change for families in poverty. Community Action programs promote the birth of healthy babies, reduce the potential for child abuse and neglect, increase children's chances for success in school, and improve the quality and accessibility of child care. CAO also offers energy assistance and help to prevent homelessness.

**INFORMATION FOR CONSIDERATION:**

Jerralynn Ness, Executive Director of CAO, will present information regarding poverty in Washington County.

**RECOMMENDED ACTION:**

Listen to presentation.

## DRAFT

BEAVERTON CITY COUNCIL  
REGULAR MEETING  
OCTOBER 10, 2005

### CALL TO ORDER:

The Regular Meeting of the Beaverton City Council was called to order by Mayor Rob Drake in the Forrest C. Soth City Council Chamber, 4755 SW Griffith Drive, Beaverton, Oregon, on Monday, October 10, 2005, at 6:35 p.m.

### ROLL CALL:

Present were Mayor Drake, Counc. Catherine Arnold, Betty Bode, Dennis Doyle, Fred Ruby and Cathy Stanton. Also present were City Attorney Alan Rappleyea, Chief of Staff Linda Adlard, Finance Director Patrick O'Claire, Engineering Director Tom Ramisch, Operations/Maintenance Director Gary Brentano, Library Director Ed House, Human Resources Director Nancy Bates, Deputy Police Chief Chris Gibson and City Recorder Sue Nelson.

### PROCLAMATIONS:

Mayor Drake proclaimed October 2005 Breast Cancer Awareness Month and National Arts and Humanities Month.

### PRESENTATIONS:

05175 Recognizing June Bass for Receiving the Northwest Oregon Volunteer Administrators Association's 2005 Lucke Award

Library Director Ed House introduced the Library Volunteer Coordinator June Bass and Nancy Gaston, President, Association of Volunteer Administrators (AVA).

Ms. Gaston said she was honored to present this award to June Bass. She said the award honored a volunteer administrator who has worked in the tradition of Elma Lucke, a pioneer in volunteer management in the greater Portland area. She said when Bass started four years ago there were 60 volunteers; there were currently 300 volunteers who provided services that enhanced the impact of the Library's service by one million dollars over the last four years. She said it was important for cities to have good volunteer management because it allowed citizen involvement and enhanced service. She said every citizen that has a good experience volunteering for the City becomes a good advocate for the City. She said it was her pleasure to give this 2005 Lucke Award to Bass for vision and leadership in the field of volunteerism. She presented the award to Bass.

Bass said she was pleased to accept the award as it was given to her by her peers. She thanked the City for allowing her to improve the program; she worked with a wonderful staff and she thanked everyone for the award.

Mayor Drake said Bass had put in extra effort to enhance the program. He said the volunteers had logged 14,000 hours per year. He said this was a huge army of volunteers and noted that Coun. Stanton volunteered because they loved and supported the Library. He thanked Bass for all her work.

Coun. Stanton said she has volunteered at the Library for many years. She said Bass brought a new dimension to the volunteer coordinator position beyond what the City had previously. She said Bass coordinates the orientation and training to ensure volunteers find their niche and do work that is valuable to them and the City. She said Bass takes the time to recognize the volunteers and their work. She said Bass does excellent work and she thanked the AVA for recognizing her for her leadership and organization.

#### 05176 Bicycle Friendly Community Award Renewal by the League of American Bicyclists

Leo Baldwin, Chair, Beaverton Bicycle Advisory Committee, said in the 1800's the first modern bicycle replaced the horse and mule, providing transportation for everyone. He said most of the roads were dirt at that time which made bicycling difficult. He said the League of American Wheelman petitioned the US Congress to create the Road Department in 1893; this was ten years before the American Automobile Association was formed. He said the first paved roads were created for bicycles. He said the League of American Wheelman was now the League of American Bicyclists. He said in 2003 the League started the Bicycle Friendly Community Program to officially recognize communities that promote bicycling. He said the League recognized 27 cities in its first year, including Beaverton. He said the award was given every two years. He reviewed the cities that have received the award and said this year Beaverton was receiving the Bronze Award. He thanked Mayor Drake, the Council and the Engineering Department staff, especially Traffic Engineer Randy Wooley and Planner Margaret Middleton, for continuing to work towards making Beaverton a bicycle friendly community. He presented the award to Mayor Drake.

Mayor Drake said the Council and community deserved the credit. He said staff has worked with the resources available and listened to citizens; this community has heard the cry and the people want to ride their bikes and walk. He said this award would be displayed proudly.

#### VISITOR COMMENT PERIOD:

There were none.

#### COUNCIL ITEMS:

Coun. Stanton said she was honored to represent Mayor Drake at the City of Cheonan, Beaverton's Korean Sister City, at the dedication of their new City Hall. She distributed pictures of the event and gave the Council information packets about the City of Cheonan. She presented a gift to Mayor Drake from the Mayor of Cheonan. She said

they had a wonderful time in Korea noting that Cheonan had a larger population than Beaverton but was dealing with some of the same issues concerning water, sewer and youth. She added Cheonan had 27 male city councilors; but not one female councilor. She thanked Mayor Drake for the opportunity to represent him.

Mayor Drake thanked her for representing him on the trip.

Mayor Drake said this weekend the City, Washington County, the Vision Action Network and the City's Human Rights Advisory Commission, were jointly sponsoring a Walk for Unity to promote tolerance and understanding in the community. He said the walk would start at 2:30 p.m., on Sunday, October 13, 2005 at the Library and would go through Central Beaverton. He invited everyone to participate in the walk.

Coun. Bode said she represented the City at a fund raising concert for the victims of Katrina last Saturday. She said a young man new to this area (a music major in New Orleans) played at the fund raiser. She said he was contacted by Portland State who offered him free tuition to study at Portland State until he is able to return to his college in New Orleans. She commented he was a wonderful piano player. She said she was happy to represent the City at this event.

#### STAFF ITEMS:

There were none.

#### CONSENT AGENDA:

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

05177 Liquor Licenses: New Outlet - Assaggio Restaurant

05178 Traffic Commission Issue No. TC 580

05179 Approval of a Transit Oriented Development Agreement between Metro, DPP Beaverton Commercial Investments LLC and the City to Provide Metro Funds for Improvements to the Transit Plaza, Entrance Plaza and Associated Pedestrian Improvements

Contract Review Board:

05180 PULLED for Separate Consideration: Bid Award - Janitorial Services for City Buildings

Coun. Arnold had a revision to the September 19, 2005 minutes which she gave to the Recorder.

Coun. Stanton said she would not vote on the minutes as she was not at either Council meeting.

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

Mayor Drake said Coun. Arnold wished to discuss a Traffic Commission issue that was separate but related to Traffic Commission Issue 580. He said a memorandum was provided to Council on this issue. He read from the Traffic Commission Minutes of September 1, 2005 "The Commission passed a self-generated motion after some discussion which recommends to the City Council that the City investigate providing legal local parking for large trucks belonging to the City of Beaverton residents."

Coun. Arnold said she thought this issue and Traffic Commission Issue 580 were related. She referred to the Traffic Commission Minutes in the Council packet concerning the trucks parked on Cascade Plaza; she said she understood the ruling and she agreed this was not the best use of public space. She said not allowing the trucks to park there had economic effects for the truckers but allowing the truck parking had economic effects on the businesses. She said changing the rules affected everyone. She said when she read the second motion by the Traffic Commission, it seemed they had some uneasiness; they talked about past decisions and it seemed they wanted to do something to ensure this was being addressed. She said they talked about Beaverton citizens that would be affected financially and the City's responsibility to look after the needs of the citizens. She said she was not sure how big a problem this was; the best guess she received was that one to five Beaverton citizens use roads to park their trucks. She said she was not sure this was enough information for the Council to feel it was proceeding as best as possible. She said she would be more comfortable if there was a transition period. She said she did not want the City to be in the truck parking business. She suggested the City might work through the Chamber to find parking locations. She said her concern was about the transition period and not severely impacting small businesses.

Mayor Drake said he discussed this with Coun. Arnold. He said he thought the Traffic Commission wrestled with this issue. He said the community does not provide right of way for commercial businesses to store vehicles. He said regarding a transition time, if Council directed them to place the signage up no sooner than 30 days, that would be a natural transition period. He said there were options, such as industrial zones, where parking space could be rented. He said the difficulty was that with a public right of way, the public was providing long-term free space for an individual business. He said the City did not normally provide storage space for private individuals and it would lead to the question of the City providing storage space for recreational vehicles. He said people needed to find alternative modes of parking. He said this came to the City's attention because the retailers along the roadway were concerned about overall appearance and their lack of visibility from Highway 217.

Coun. Doyle suggested the code enforcement staff place notices on the vehicles that within a certain time parking would not be allowed on the roadway. He said that would help in the transitioning. He added this was a business opportunity for someone to facilitate this change and provide parking for the trucks. He said this decision needed to be made and noticing would help make the transition.

Coun. Bode said she concurred regarding leaving it up to the Traffic and Engineering Departments to take reasonable steps to inform the truckers and help the merchants.

Coun. Ruby said he appreciated Coun. Arnold's sensitivity to the issue. He said before local truckers started using Cascade Avenue, they were parking elsewhere. He said he

believed there was available space elsewhere perhaps contracting for parking. He said the comments made about implementing the policy were sensible.

Coun. Stanton said she agreed with the Council, but from the Commissioners' point of view they were trying to balance the needs of the truckers and the Cascade Plaza business owners. She suggested sending the Council's comments from this meeting back to the Traffic Commission asking them to write a letter to the Valley Times; an open letter to the truckers stating the City was not in the parking business and did not want to be. She said the Traffic Commission should do a letter to make the same points and to challenge someone in the community to come up with a solution. She said the Council should send this back to the Traffic Commission to say the Council cannot agree to create a new department within the City to become a defacto parking structure.

Mayor Drake said the suggestion of placing notices on the trucks, as opposed to tickets, for 30 days was a good suggestion. He said the Traffic Commission could be invited to address the issue if it wished to; staff could take this back to the Traffic Commission.

Coun. Stanton said that was fine. She suggested that the Council's comments be forwarded to the Traffic Commission, to let them know the Council did not think the Commission was wrong, but the City did not want to get into providing business services at this level, i.e. finding property and setting up a permit system within the City's government structure.

Coun. Bode agreed it would be a good idea to forward the Council minutes to the Traffic Commission. She said it was a slippery slope to allow trucks to park there; soon recreational vehicles will start parking there. She said that road was built to get traffic in and out of a commercial area safely.

Mayor Drake said he heard that Council shared the same concerns as the Traffic Commission, but it was beyond the normal scope of the City to engage in providing parking. He said Council preferred delaying the signage and placing information notices on the trucks; in lieu of tickets. He said in 30 days the signage would go up. He said the Traffic Engineer would ask the Traffic Commission if it was interested in taking this out for public comment to encourage private industry to find a workable solution.

There was Council consensus to forward their comments back to the Traffic Commission and Engineering staff.

#### 05180 Bid Award - Janitorial Services for City Buildings

Coun. Doyle MOVED, SECONDED by Coun. Ruby that Council approve Agenda Bill 05180, Bid Award - Janitorial Services for City Buildings.

Coun. Stanton said she had this agenda bill pulled for separate consideration because while this was a bid award, the subject title did not describe what the City had to do because of State statute.

Coun. Stanton said in 1999 the Legislature passed the Products of Disabled Individuals Act. She said that Act requires local jurisdictions to accept services, regardless of the cost. She stressed the City cannot look at the price of the service. She said she felt this

was an unfunded mandate. She said in this case it means a twenty percent increase in cost of services for the next year and the service level was decreasing as the two companies cannot meet the service and schedule of the City's current provider. She said this Act requires the City to pay more and get less service and there was nothing the City could do about it. She outlined the services that would decrease and said she could not believe it would be sufficient to vacuum floors once a month. She said she would vote no on this issue as she felt it was wrong that the City was not allowed to make its selection based on cost, quality and history. She said this came from the 1999 State Legislature and it was not free market.

Mayor Drake said the competitive bidding process assures citizens of the lowest price and highest quality of service. He said what Coun. Stanton was saying that the work level was being reduced and it was costing more. He said her point was not about the companies, it was that the process does not allow the City to get the lowest bid for the same amount of work currently being performed.

Coun. Stanton said the current company had performed well for the City and they were not able to submit a quote because the City had to take the bids from the companies that fell under the Products of Disabled Individuals category. She said that did not allow the Council to judiciously provide service at an economic level.

Coun. Doyle said in reviewing the agenda bill, staff negotiated with the two vendors and the reason the level of service was dropping was to try to get the quote closer to the budgeted line item.

Finance Director Patrick O'Claire said that was correct; staff negotiated to get this more in line with the budget for this fiscal year. He said both vendors' quotes were significantly over budget when based on the current service level. He said staff had to negotiate service levels to stay close to the budget amount.

Coun. Doyle asked if with the one year contract, the City then evaluate the service and increase the budget if service levels were not sufficient. He said he knew there had been issues in the past when cleaning service levels were decreased; it created problems in all the City facilities.

O'Claire said the service levels were being reduced in the less public areas; all the public areas will be vacuumed daily; the less public areas would be vacuumed once a week. He said the contract was for one year with a review in six months. He said the issue would be brought back to Council to either continue with the firm or seek an alternate source.

Coun. Bode referred to a book *Urban Development and Public Health Issues* by Dr. Howard Frumkin. She also referred to the Avian Flu that is air-transmitted. She said in keeping a clean environment, in this package the return air grills and diffusers would only be cleaned every other month. She said the Council Chamber never has outside clean air and it is a public area. She asked for clarification.

Maintenance Director Gary Brentano said outside air was brought into the Chamber through the heating and ventilating system at the rate of forty percent. He said there are hepa filters in the system. He said what is done today in terms of filtration compensates

for a regular need to remove dust and other contaminants from the fixtures and the heating and ventilation system. He said he thought stability would be close to what currently exists and the cost of those small items are modest, so if it is found there are special needs, the City would do that.

Coun. Bode asked if there was standard on changing filters in public buildings.

Brentano replied there was not; it depended on the type of system, volume of air exchange and design of the system. He said since the systems were custom designed, the specifications were customized and usage experience helps them understand what is happening in the various areas of the building.

Coun. Stanton said the area where one works needs to be clean and those areas would not get the same level of service they currently received. She said she was concerned with the health and safety issue for the staff.

Coun. Doyle said he expected after six months staff would let them know what was happening.

Mayor Drake said that would happen and he wanted to approach this with a positive attitude. He said he asked for the six-month review. He said the City has a stringent cleaning schedule because City Hall needs to be clean and look nice for everyone. He said if something was amiss, the City will be able to correct it or make a change. He said his hope was that everything would be fine, but it will be reviewed in six months.

Question called on the motion. Couns. Arnold, Bode, Doyle and Ruby voting AYE, Coun. Stanton voting NAY, the MOTION CARRIED. (4:1)

#### RECESS:

Mayor Drake called for a brief recess at 7:30 p.m.

#### RECONVENED:

Mayor Drake reconvened the meeting at 7:40 p.m.

#### WORK SESSION:

05181 An Ordinance Amending Provisions of Chapter Five of the Beaverton City Code Relating to Abatement Procedures and Liens (Ordinance No. 4369)

Code Services Manager George Fetzer presented a PowerPoint slide presentation on the proposed Code amendment relating to nuisance abatement procedures and liens (in the record). He reviewed the sections of the Code being amended relating to notification, property owner responsibilities, assessment of abatements cost and placement of liens (in the record). He showed pictures of abatement issues and explained the abatement process.

Coun. Bode asked how many times they had to put a lien on a property.

Fetzer said since July 2003 the City performed eleven abatements. He said the only lien he was sure of was at 4925 SW Angel; it was over \$9,000 for that abatement.

Coun. Arnold said when the lien came into the process if the City has to clean the property.

Fetzer said the process is to provide the notice and give the owners ten days to clean the property. If they do not clean it the City will, and then send them a notice that they owe the abatement cost. If it is not paid within 30 days it will become a lien on the property.

Coun. Arnold asked why they were waiting 30 days before putting the lien on the property.

Fetzer said the existing Code had the 30 day timeline. He said the Code revision being requested would authorize the Finance Director to put a temporary lien entry on the lien docket, in case someone tried to sell the property anyone purchasing the property would see there was a pending lien.

Coun. Arnold asked if the pending lien would be entered at the time the City did the abatement.

Fetzer confirmed that was correct.

Coun. Arnold referred to the appeal to the Council and said she wanted to be sure people were notified of their right of appeal.

Mayor Drake asked how people would be notified of their right of appeal when the lien notice was sent.

Fetzer said the Code provides that the lien notice states that they have the right to appeal. He said it also provides a timeline for filing the appeal; the appeal has to be filed within ten days of the notice.

Mayor Drake asked if the notice were sent by certified mail.

Fetzer said the problem with certified mail was many people would not pick them up. He said they do not have that problem with first class mail.

Mayor Drake said their goal was compliance; if someone needed extra time, City staff worked with them and gave them extensions. He said Fetzer was patient and professional.

Coun. Doyle asked if the City Attorney was happy with the changes.

City Attorney Alan Rappleyea indicated he was in agreement with the changes.

Coun. Stanton said this was an excellent packet and she appreciated all the information put into the report. She said everything in the ordinance made sense and she felt the timelines were sensible and timely.

Coun. Ruby said about a year ago the City passed the ordinance that strengthened the Code to allow removal of such things as abandoned appliances and furniture. He asked if the situation had improved since the stronger regulations were enacted.

Fetzer said he had seen an improvement. He said there was one problem area that had not been resolved; this was an area on 158th Avenue, between Jenkins Road and Baseline Road. He said the City was almost ready to abate the property.

Mayor Drake said a community had to have certain standards and Fetzer and his staff were reasonable in their dealings with citizens.

Coun. Stanton said the City has to provide a healthy and safe environment for its citizens and businesses. She said streamlining the process and making it clear to residents, gives the Council the clearness of vision to maintain the health and safety standards. She thanked Fetzer for his work and said she looked forward to implementation.

#### ORDINANCES:

Coun. Stanton MOVED, SECONDED by Coun. Ruby that the rules be suspended, and that the ordinances embodied in Agenda Bills 05182 and 05183, 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, Ruby and Stanton voting AYE, the MOTION CARRIED unanimously. (5:0)

First Reading:

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

05182 An Ordinance Amending Provisions of Chapter Five of the Beaverton City Code Relating to Abatement Procedures and Liens (Ordinance No. 4369)

05183 An Ordinance Annexing Two Parcels, and Associated Right-of-Way, Located at 10845 SW Walker Road to the City of Beaverton: Expedited Annexation 2005-0008 (Ordinance No. 4370)

#### ADJOURNMENT

There being no further business to come before the Council at this time, the meeting was adjourned at 8:05 p.m.

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Sue Nelson, City Recorder

APPROVAL:

Approved this     day of     , 2005.

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Rob Drake, Mayor

## DRAFT

BEAVERTON CITY COUNCIL  
REGULAR MEETING  
OCTOBER 17, 2005

### CALL TO ORDER:

The Regular Meeting of the Beaverton City Council was called to order by Mayor Rob Drake in the Forrest C. Soth City Council Chamber, 4755 SW Griffith Drive, Beaverton, Oregon, on Monday, October 17, 2005, at 6:31 p.m.

### ROLL CALL:

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

### PROCLAMATIONS:

Mayor Drake proclaimed October 2005 SMART (Start Making a Reader Today) Month. He said he had been a SMART Reader for ten years and any program that helped children develop their reading skills was very important. He said he was happy to support SMART Month.

### PRESENTATIONS:

#### 05184 Presentation of Solid Waste and Recycling Program

Auxiliary Services Program Manager Scott Keller presented a PowerPoint slide show on the City's Solid Waste and Recycling Program. He explained the Oregon legislature established recovery goals for the Region and the current goal was to reach a 64% recycling rate by 2009. He said in 2004 the City's recovery rate was 55%. He said to reach the 64% goal; the Region was focusing on three recycling areas: Commercial Recovery; Construction and Demolition; and Organics (commercial food waste).

Keller said the City was working with its seven franchised garbage haulers to meet this goal. He said in 2004 the haulers collected 86,000 tons of material in the City, which was an increase of 9,000 tons from the previous year. He said 40% of that tonnage came from the residential sector; 31% from commercial and multifamily businesses; and 29 % from commercial drop boxes.

Keller reviewed the Think Inside the Box campaign that provided recycling to businesses, including multifamily businesses. He said staff conducted over 1,500 business visits and distributed over 5,500 recycling boxes. He said one out of two commercial businesses participated in the campaign; the other 50% already had their own recycling program. He said this coming year the emphasis would be to reach multi-tenant property managers, where garbage services are managed by a central property manager.

Keller said this year they worked actively in the multifamily sector. He noted 50% of the City's 80,000 residents lived in multifamily dwellings and they worked to reach the tenants directly. He said they distributed 12,000 red recycling Tote Bags, made over 715 site contacts and distributed 20,517 tenant education packets. He said they had a positive response to this program. He said no new services were added to the residential sector in the last two years and he reviewed the current residential services. He said the City had the best service levels at the best cost in the Region. He said a few jurisdictions had lower rates, but they did not have weekly yard debris; a couple of jurisdictions had the same services as Beaverton but their monthly rates were higher.

Keller reviewed the proposed improvements to the Residential Recycling Program. He said the first proposed improvement was to have a Roll-Cart Recycling Program in place by March 1, 2006. He said this would be more convenient for residents, more efficient for the haulers, it would improve the quality of recycling by keeping paper dry, and it would increase the volume of recycling. He said the roll cart would be the 60-gallon size for commingled recycling. He said glass would go in one of the current curbside bins, rather than in the roll cart. He said a substantial resident education campaign would be launched in February and March, prior to distribution of the carts. He said the second substantial improvement to the program was to add plastic tubs (i.e., yogurt and cottage cheese containers) to the recycling mix. He said they were working with the haulers to add this service by March 1, 2006.

Keller concluded by saying the City was working to maintain its high level of cost-effective customer service, to increase its recycling rate to meet State goals and to monitor organics (food waste) programs so that they can be implemented when the time comes. He said they would continue to focus on the commercial sector and would add new recyclable items to the commingled collection when the markets allow. He added there were several items on the Consent Agenda for this meeting that would help fund various aspects of this program and set the recycling rates and franchise fees.

Coun. Doyle asked if the commingled cart would be a 60-gallon cart and if the frequency for glass collection would change.

Keller confirmed the commingled cart would be the 60-gallon size. He said they were looking at monthly collection for glass recyclables because on an average week, only one of eight to ten residents put out glass at the curb. He said for cost effectiveness, monthly glass collection was best.

Coun. Doyle asked if the numbers indicated only about 10% of the people in Beaverton recycle glass.

Keller said that was correct.

Coun. Doyles asked if there was any estimate of how often people include the plastic yogurt tubs in their recycling.

Keller said there were no estimates on that; it would be commingled with the other products.

Coun. Arnold asked if there were other areas that use the commingled containers.

Keller said Salem has done this for two years, and West Linn and Lake Oswego have used this system for the last year. He said Tigard would move to that system on January 1, 2005. He said they all advocated for a strong education program to limit contamination. He said for the last year DEQ and Metro studied contamination levels in recycling and the biggest issue was not garbage; it was the inclusion of items that people wished were recyclable, such as the plastic tubs. He said the education program would focus on those issues.

Coun. Arnold asked if there was any way to determine level of use of the red recycling bags handed out at multifamily units.

Keller replied they were in the midst of finalizing a study that was funded by a Metro grant concerning the recycling levels at the apartment complexes. He said it should be done by the end of November.

Coun. Doyle referred to the Regional Goal and asked if that was a percentage of what is supposed to be able to be recycled.

Keller replied that was correct.

Doyle asked if people recycled the glass, would they reach that goal.

Keller explained there was much less glass available than in the past. He said if glass recycling increased it would increase the recycling rate a bit, but not the needed nine percent.

Coun. Doyle asked if the shortcoming in hitting the goal of 62% for 2005 was from the single family and multifamily sectors.

Keller replied the shortcoming was from the commercial sector. He said the greatest need was in getting businesses to recycle more and getting more construction debris out of the waste stream.

Coun. Arnold asked what the constraints were in commercial recycling.

Keller replied said it was often lack of knowledge as to what is recyclable or lack of space; they do not have the space for the containers.

Coun. Stanton asked if cardboard and metal would go with the other commingles.

Keller replied everything but glass could go in the commingle cart including cardboard and metal. He said it was the same as what currently goes in the commingle bins. He

said the processing facility has a series of conveyor belts and mechanisms to sort the material automatically.

Mayor Drake thanked Keller for the presentation.

**VISITOR COMMENT PERIOD:**

There were none.

**COUNCIL ITEMS:**

Coun. Doyle thanked everyone who helped organize the Walk for Unity on October 16, 2005. He said the Walk went well; about 500 people were there and it was impressive. He said this was a significant event for the City and those who organized it should be commended. He referred to an event two weeks earlier where a few people showed up to protest a play that was being put on at Southridge High School. He said he chose to not participate in that protest. He said he thought the Unity Walk was the place where he could make a statement as to how he thinks the world should operate. He said he hoped the press would note what happened at the Walk, as it was a 100 to 1 ratio over the Southridge event that received considerable press. He said the Walk represented people from all walks of life; it was moving, and it showed how people conduct business in Beaverton. He said that was the example he wanted to set for his family and community.

Coun. Arnold said this Saturday, October 22, 2005, the Washington County Historical Society was holding its annual fund raiser. She said through this event they usually raise 25% of their operating fund. She said invited everyone to attend.

Coun. Stanton said she was selling tickets for a one-day Charity Shopping Day at the Meier & Frank department store on October 25, 2005. She said she was selling the tickets on behalf of the Good Neighbor Shelter; she said every non-profit organization in the County was selling these tickets. She said if anyone wished to go they could get tickets from her or their favorite charity.

**STAFF ITEMS:**

There were none.

**CONSENT AGENDA:**

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

05185 Liquor License Application: Greater Privilege - Courtyard by Marriott; New Outlet - Tienda Y Carniceria Palacios, Shabsara Restaurant

05186 A Resolution Establishing Rates for the Collection of Solid Waste (Resolution No. 3832)

05187 A Resolution Increasing the Franchise Fee for Commercial Solid Waste Collections (Resolution No. 3833)

05188 A Resolution Adopting an Intergovernmental Agreement with Metro Regional Government for Implementation of the Annual Waste Reduction Plan (Resolution No. 3834)

05189 A Resolution Adopting an Intergovernmental Agreement with Metro Regional Government for Multifamily Recycling Education and Outreach Funding (Resolution No. 3835)

05190 A Resolution Adopting an Intergovernmental Agreement with Metro Regional Government for Recycle At Work Program (formerly known as Commercial Technical Assistance Program) (Resolution No. 3836)

Contract Review Board:

05191 Authorization to Enter into a New IKON Color Copier Rental Agreement

Coun. Stanton thanked staff for their hard work in negotiating the extension of franchise fee agreement with the haulers. She thanked the haulers for participating in the process. She said she was looking forward to receiving the carts for commingled recycling. She said she was not sure people realized how much land has been saved in Oregon by recycling yard debris. She said people should be congratulated for thinking about recycling and the haulers need to be congratulated for figuring out how to make recycling happen.

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

PUBLIC HEARINGS:

05192 An Ordinance Amending Beaverton Code Chapter 4 by Adding New Provisions Relating to Sanitary and Storm Sewer Maintenance Charges (Ordinance No. 4371)

Engineering Director Tom Ramisch said Coun. Stanton submitted a set of written questions that covered the items he was going to discuss in his staff report. He said the written answers to those questions had been given to the Council (in the record - Memorandum dated October 17, 2005 to Linda Adlard from Tom Ramisch) so he would forego the staff report and answer Council questions.

Coun. Stanton asked what other jurisdictions were using a construction cost index? She said the written answer given to her question (bottom of page 2) did not say if the annual cost indexing was for cost of living inflation or construction cost inflation.

Ramisch said to the best of their knowledge, all the indexing formats used the construction cost indexing as published in the Engineering News Record (ENR). He said the City was not the last agency to be doing this. He said the other agencies were doing it primarily for their System Development Charges (SDC). He said there were few jurisdictions that have a sewer and storm surcharge. He said that was covered in the work session in August. He said there was some confusion in the minutes about the difference between inflation indexing for sewer and storm charges, and SDCs; the format followed the SDCs.

Coun. Stanton said her question was about the surcharge and the answer given was about the SDCs. She said for her the answer to her question would have been "no other jurisdiction is doing a surcharge." She said this was a mixing of apples and oranges. She asked if the SDC indexing to construction costs was done last spring.

Ramisch said the water SDC indexing was started in 2002; he said the agenda bill that approved that was attached to the memorandum answering her questions.

Coun. Stanton repeated the answer to her question should concern the surcharge only. She asked again which jurisdictions use a construction cost index instead of a cost of living index for surcharges.

Ramisch replied the only other jurisdiction that has a sewer surcharge was Forest Grove. He said he did not believe Forest Grove's charge was tied to any index.

Coun. Stanton said the answer to her question was that no other jurisdiction used an index.

Coun. Stanton asked if the City was creating an automatic increase based on inflation of construction costs, did staff have any knowledge of what the percentage increase has been for the construction cost index as compared to cost of living, for the last five or ten years?

Ramisch said staff had not researched that information.

Mayor Drake said the answer to that question could be determined by looking at what Washington County has done with the Traffic Impact Fee (TIF). He said he believed the TIF was linked to the construction cost index and annually the County Commission makes a determination on the TIF based on that index. He asked the Finance Director if that was correct.

Finance Director Patrick O'Claire said he was not aware of what inflation index the County uses, but it was adjusted July 1 of each year. He said he could get that information.

Mayor Drake said he was sure it was the construction cost index. He said the TIF has been above the regular cost of inflation over the past few years because of the cost of construction materials (steel, concrete); the cost of construction has been higher so the construction cost index has been higher.

Coun. Stanton asked when staff presented this to the public, did they go to service clubs or the Washington County Public Affairs Forum to get a broader business view.

Ramisch said they did not. He confirmed they went to the five Neighborhood Association Committees and the Beaverton Committee for Citizen Involvement.

Coun. Stanton said in reviewing the documents submitted, she could not find anything that talked about what happens after the rate increase for the first two years. She said it was not clear that the inflation increase was tied to the construction costs index instead. She added the information was not included in the article in the Oregonian and she was

not sure if it was in the Valley Times. She said her concern was that the information that went out to the public was not as clear as it could have been. She said she thought the construction cost index was higher than the cost of living index.

Mayor Drake said Utilities Engineer David Winship included that information in his presentation to the various groups. He said he did not recall if the press attended the meeting in August, but the presentation was on Cable Access Television. He said, in fairness, the City staff does not write the articles for the newspapers.

Coun. Stanton said at the August meeting she did not connect the construction cost index rate to this surcharge, only to SDCs. She said in reading the materials from that meeting she did find that information. She said she would support this action because she wants the improvements done so the sewer system will be safe. She said it was critical to her that everyone understands what is being done and why. She said she was not saying anyone was trying to sneak something through, though it might be perceived that way

Mayor Drake said he disagreed with Coun. Stanton's assessment because this was presented in August by staff. He said Coun. Stanton may have missed the delineation and the press did not write about it, but Winship did mention the indexing and the inflation. He stressed this was not hidden.

Coun. Stanton said she was not saying it was hidden but it could have been clearer so everyone would understand what was being done. She explained the difference between the SDCs (charges assessed to developers at the front end of construction for water, sewer and storm systems) and the surcharge (a back end charge to everyone on their monthly utility bills to replace the City's aging sewer system). She stressed these were two different types of funds and she wanted to be sure the public understood the funding, and what the City was planning to do and why.

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

Henry Kane, Beaverton, said Winship addressed the Beaverton Committee for Citizen Involvement last month and what he said was not the same as what was reflected in the proposed ordinance. He said the ordinance was unclear and it should list the charges. He said he did not understand calculations based on the number of Dwelling Unit Equivalent (DUE) on the property. He questioned what Equivalent Dwelling Units (EDU) were. He said the cost of living index was the Federal standard and that was what should be used to adjust rates for inflation. He said he did not agree with the Section 4.06.030 that states the user charge shall be \$2.00 per month or such other amount as the Council may determine from time to time. He said the City Council should not have a blank check on setting this amount. He said the City should state how much money it receives from Clean Water Services, how much revenue the new charge would create, and what would be done with that revenue. He asked Council to direct staff to prepare a report with this information.

Nora Pecca, Beaverton, said she read the Oregonian article about the rate increase and had a few questions. She asked how many years the \$1.00 rate increase be added.

Mayor Drake said it would be added for two years only. He said the inflation index is now being added to the storm drain service charge that began eight years ago. Pecca noted the article said this would generate \$528,000 per year. She said that seemed like a small amount of money to her. She questioned how much of the system the City would be able to replace with such a small amount generated each year.

Mayor Drake said that funding would get the City closer to closing the gap in what needs to be replaced over the long term. He said additional funds would be coming from Clean Water Services.

Pecca said she did not object to the \$1.00 increase but it was not making sense to her as it was not generating much revenue. She said she thought phasing in the rate increase over two years was commendable.

Coun. Stanton explained to Pecca that her earlier concern was that the \$2.00 rate increase, after the first two years, would be adjusted by the construction cost index. She said the biggest cost was construction materials and this would allow the City to stay even with construction costs. She said if she wanted more detailed information, Mr. Winship could provide that to her.

Mayor Drake asked Mr. Winship to speak with Ms. Pecca.

Coun. Arnold thanked Pecca for coming and asking her questions. She said it was great to hear from her.

There was no further public testimony.

Mayor Drake closed the public hearing.

Coun. Bode MOVED, SECONDED by Coun. Doyle that Council approve the proposed draft ordinance to enact a sanitary sewer service charge and direct staff to bring this ordinance back to Council for first reading.

Coun. Arnold referred to Kane's comments and explained that businesses have toilets and other fixtures but they are not dwelling units. She said Equivalent Dwelling Units are used to determine what is equivalent to what would be in a house. (Note: That equivalent is applied to businesses to determine the service charges.)

Coun. Stanton said she would prefer to encumber a rate increase of \$5.00 per month because that was what was needed to cover the needed replacements. She said the rest of the Council preferred the smaller incremental rates to help others in the community who are fiscally constrained. She said she would have preferred to see the information presented differently. She said would support the motion though she did not support how it was presented.

Coun. Doyle said he would support the motion. He said he was not at the August meeting but he did read the material and the slides from the presentation. He said he understood the construction index was being used. He said he felt staff and the Council were making progress on this project and it was important that this be done.

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

RECESS:

Mayor Drake called for a brief recess at 7:42 p.m.

RECONVENED:

Mayor Drake reconvened the meeting at 7:42 p.m.

05193 A Public Hearing on A Resolution Extending Solid Waste Franchises (Resolution No.3837)

Chief of Staff Linda Adlard said the proposed resolution allows the extension of the solid waste franchise agreements with the City's seven haulers for three and one-half years. She said the City Code allows this to be considered at the middle of a franchise period, which this was. She said this gives the dealers some comfort in the expenditure of capital for the recycling program. She asked if there were any Council questions.

There were no Council questions.

Mayor Drake opened the public hearing and asked for testimony.

David White, Beaverton, said he was the Regional Representative for the Oregon Refuse and Recycling Association, a state trade association located in Salem. He said the Association represents haulers throughout the state. He said he was proud to tell the Council that all the haulers in Beaverton were members of the Association and they worked well with the Association. He said as part of his duties he represents the haulers within the region which was why he was testifying at the hearing.

White said he agreed with staff that the City has an outstanding program. He said the haulers were proud of their role in establishing that program and they were committed to its maintenance. He said roll carts for the collection of recyclable materials was cutting edge throughout the country. He said they were trying to get this program implemented throughout the region and it was to Beaverton's credit that the City was at the front edge of accomplishing this. He said this program addresses many of the industries concerns in terms of efficiency, employee safety, cost effectiveness and customer service. He asked to clarify a comment made earlier in the discussion that ten percent of people were recycling glass. He said it was not that ten percent of people recycle glass. He said on any given week day, ten percent of the people on the route were recycling glass. He said it was not necessary to collect glass every week from every house, as there was not that much glass out there. He said it was more efficient and cost effective to collect it on a monthly basis. He said they support the franchise extension and look forward to working with the City in the future.

Mayor Drake thanked White for his comments. He said he has found that the haulers respond very quickly whenever a service problem occurs and fix the problem. He complimented staff and the haulers for exploring adding yogurt and cottage cheese

containers to the recyclable materials. He said this community was very conscious about environmental issues and this was a great way to proceed.

Coun. Stanton asked what happens when the gallon milk jugs were not rinsed out.

White replied the contents become rancid and smell. He said this was not a contaminant that damages the plastic recycling process, but it is a sanitation issue for the workers. He said the preparation of the materials was still important. He urged everyone to continue to rinse the containers.

Coun. Doyle thanked White for the clarification about the glass recycling. He congratulated staff and the franchisees for the agreement. He said the franchisees should be congratulated for earning the extension. He said the program had worked well and the haulers were doing an excellent job.

There was no further testimony.

Mayor Drake closed the public hearing.

Coun. Stanton MOVED, SECONDED by Coun. Ruby, that Council approve Resolution No. 3837 to extend the term of the franchise for the solid waste haulers doing business in the City of Beaverton for three and one-half years, with the new ending date of June 30, 2012.

Coun. Stanton said it was valuable to know the haulers can provide a new higher level of service and the City can extend the agreement to allow the haulers to depreciate their investment so it is not an economic burden. She said this was a win/win situation all the way around.

Coun. Arnold thanked Waste Management for always doing an excellent job in her area. She also thanked them for participating in an environmental/nature celebration a few weeks ago at Cooper Mountain.

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

#### ORDINANCES:

Second Reading:

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

- 05182 An Ordinance Amending Provisions of Chapter Five of the Beaverton City Code Relating to Abatement Procedures and Liens (Ordinance No. 4369)
- 05183 An Ordinance Annexing Two Parcels, and Associated Right-of-Way, Located at 10845 SW Walker Road to the City of Beaverton: Expedited Annexation 2005-0008 (Ordinance No. 4370)

Coun. Doyle MOVED, SECONDED by Coun. Stanton, that the ordinances embodied in Agenda Bills 05182 and 05183, now pass. Roll call vote. Couns. Arnold, Bode, Doyle, Ruby and Stanton voting AYE, the MOTION CARRIED unanimously. (5:0)

#### ADJOURNMENT

There being no further business to come before the Council at this time, the meeting was adjourned at 7:55 p.m.

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Catherine Jansen, Deputy City Recorder

#### APPROVAL:

Approved this     day of     , 2005.

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Rob Drake, Mayor

**AGENDA BILL**

**B averton City Council  
B av rton, Oregon**

**SUBJECT:** Bid Award – City Hall  
Reroofing Project

**FOR AGENDA OF:** 10-24-05 **BILL NO:** 05195

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

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

**DATE SUBMITTED:** 10-13-05

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

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

**EXHIBITS:** Bid Summary

**BUDGET IMPACT**

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$112,500	BUDGETED \$110,000	REQUIRED \$0

\*Account Number 001-85-0450-384 General Fund, Building Maintenance Services, Building Maintenance Projects. The additional \$2,500 in funding is available in this same account from the \$5,000 budgeted for th City Hall carpet replacement which was actually performed last year.

**HISTORICAL PERSPECTIVE:**

The roof of the City Hall Building, both 2<sup>nd</sup> and 3<sup>rd</sup> floors, continues to have small leaks and has been patched in many places over the years. The roof is 20 years old and has met it's life expectancy. This reroofing project includes a complete overlay using a hot asphalt mopping between and over four layers of roofing material. **The reroofing will** take place after normal business hours, evenings and weekends.

**INFORMATION FOR CONSIDERATION:**

Invitation for bid was advertised in the Daily Journal of Commerce on September 27, 2005. Bid documents were mailed to four contractors. Four bids were received and opened on October 13, 2005, at 2:00 PM in the Finance Department conference room. The low bid was received from ABC Roofing Company of Clackamas, Oregon, in the amount of \$112,500. ABC Roofing Company has been found to be a responsible bidder through previous work on all four roofs at the City's Operations Center.

The funding for this expenditure was included in the Adopted FY 2005-06 Budget in the amount of \$110,000. However, an additional \$5,000 is available (in the same account number) that was designated to replace the City Hall lobby carpet. The carpet replacement was purchased last fiscal year.

**RECOMMENDED ACTION:**

Council, acting as Contract Review Board, award the contract to ABC Roofing Company of Clackamas, Oregon, in the amount of \$112,500 as low bid received to replace the 2<sup>nd</sup> and 3<sup>rd</sup> floor roofs at City Hall.

**BID SUMMARY**

**CITY OF BEAVERTON**

**TO:** Mayor & City Council

**FROM:** Purchasing Division

**SUBJECT:** Bid Opening

Bids were opened on **OCTOBER 13, 2005** at **2:00 PM** in the **FINANCE CONFERENCE ROOM**

For: **CITY HALL REROOFING PROJECT FY 2005-06**

Witnessed by: **PAT VAN OSDEL**

<b>VENDOR NAME AND CITY, STATE</b>	<b>PRE-BID MTG</b>	<b>BID BOND</b>	<b>ADDENDUM</b>	<b>BID AMOUNT</b>
<b>ABC ROOFING CO CLACKAMAS OR</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>112,500.00</b>
<b>ANDERSON ROOFING CO INC PORTLAND OR</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>144,805.00</b>
<b>SNYDER ROOFING PORTLAND OR</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>119,599.00</b>
<b>GRIFFITH ROOFING INC BEAVERTON OR</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>138,151.00</b>

The Purchasing process has been confirmed.

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

The above amounts have been checked:  YES NO

Date: 10/17/05

**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

**SUBJECT:** Waiver of Sealed Bidding –  
Purchase Seven Vehicles From the  
State of Oregon Price Agreement

**FOR AGENDA OF:** 10/24/05 **BILL NO:** 05196

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

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

**DATE SUBMITTED:** 10-7-05

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

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

**EXHIBITS:**

**BUDGET IMPACT**

EXPENDITURE REQUIRED	AMOUNT BUDGETED	APPROPRIATION REQUIRED \$
\$157,549	\$164,500*	

\*Account number 001-60-0622-641 Police Department Capital Outlay Vehicle Account. The account has a total budget appropriation of \$177,500 of which \$164,500 was designated for the seven police vehicles.

**HISTORICAL PERSPECTIVE:**

The FY 2005-06 budget includes funding to replace seven patrol vehicles for the Police Department. The State of Oregon Price Agreement is available to public agencies. The agreement incorporates the low bids from numerous dealerships, which were obtained through the sealed bid process.

**INFORMATION FOR CONSIDERATION:**

The seven sedans, at \$22,507 each, are currently available for immediate purchase from the State of Oregon Price Agreement #3196 through Gresham Ford in Gresham, Oregon. Oregon law and the City's Purchasing Code permit an exemption from competitive solicitation if the purchase is made from an existing price agreement with another governmental agency.

**RECOMMENDED ACTION:**

Council, acting as Contract Review Board, waive the sealed bidding requirements and authorize the Finance Department to issue a purchase order to Gresham Ford, of Gresham, Oregon, for purchase of the seven vehicles described above in the amount of \$157,549 from the State of Oregon Price Agreement.

## AGENDA BILL

**B av rton City Council  
Beaverton, Oregon**

**SUBJECT:** An Ordinance Amending Beaverton Code Chapter 4 By Adding New Provisions Relating To Sanitary And Storm Sewer Maintenance Charges

**FOR AGENDA OF:** 10-24-05 **BILL NO:** 05197

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

**DEPARTMENT OF ORIGIN:** City Attorn y *US*

**DATE SUBMITTED:** 9-27-05

**CLEARANCES:** Finance  
Engineering  
Water

*[Signatures]*

**PROCEEDING:** First Reading of Ordinance

**EXHIBITS:** Ordinance

### BUDGET IMPACT

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

In May 2005, Engineering Department staff completed an analysis of the City's sanitary sewer (wastewater) system infrastructure needs related to on-going capital replacement of existing facilities. Results of the analysis showed that although significant effort has been underway over the last 10 years toward replacement of the existing sanitary sewer pipes and manholes, the rate of infrastructure replacement is not sufficient to keep pace with on-going depreciation and deterioration.

The current replacement value (in 2005 dollars) is \$280 million for the sewer system's 260 mil s (1.37 million lineal feet) of pipelines (6 to 21-inch diameter) and manholes. Assuming a us ful life of 65 years for those lines made of non-PVC materials (majority of the system), such as concrete, t racotta clay pipe, and 100 years for those sewer lines of PVC plastic, the current averag dpreciation each year of the sewer system is \$3.85 million using the system's 2005 replacem nt valu . This means that during an average year approximately 18,900 lineal feet (3.58 miles) of th sewer system deteriorates beyond its estimated useful life and function, and should be replaced.

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

Ov r the last four annual Clean Water Services (CWS) rate modifications, the City has seen a steady d cline in revenue from collections due to CWS revenue allocation formulas which have reduced City revenue historically shared for both Operations and CIP replacement/renewal capital improvements. In FY 2003-04, the City experienced a decrease of \$64,000 in revenues and is projecting a decrease of \$153,000 for FY 2005-06. The cumulative decrease from th four rate

formula re-allocations is estimated to be \$345,000. With flat sewer service rate levels over the last few years, inflationary pressures have also taken a toll on available revenue for sewer system replacement.

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

**INFORMATION FOR CONSIDERATION:**

On August 15, 2005, the Council conducted a work session as described in Agenda Bill No. 05154 to hear a staff presentation of information on the state of the sanitary sewer system infrastructure and a recommended 30-year replacement/renewal program.

To fund the replacement/renewal program, staff proposed a monthly sanitary sewer charge on all property within the City in addition to the similar charge for sanitary sewer maintenance now imposed by Clean Water Services District of Washington County.

Staff's August 15, 2005, presentation proposed annual indexing for inflation of the monthly surcharges for both sanitary sewer and for storm drainage. An annual adjustment using a recognized construction index is recommended to the existing storm drainage and proposed sanitary sewer surcharges to reflect annual inflation in the cost to construct infrastructure improvements and related facilities.

Oregon law requires that the City give the public an opportunity to comment on any proposed new or increased fees for City services; a public hearing was held on this matter on October 17, 2005. As this is an economic regulation, the only legal "criterion" for enacting this fee is that it serve a legitimate government purpose and that it is a logical means to achieving that purpose.

**RECOMMENDED ACTION:**

First reading of an ordinance to enact a sanitary sewer service charge and to enact adjustments for future inflation in the existing storm drainage charge.

**ORDINANCE NO. 4371**

**AN ORDINANCE AMENDING BEAVERTON CODE CHAPTER 4  
BY ADDING NEW PROVISIONS  
RELATING TO SANITARY AND STORM SEWER MAINTENANCE CHARGES**

**Whereas**, The Council conducted a work session at its regular meeting of August 15, 2005 to consider a staff recommendation to impose a sanitary sewer repair and replacement charge as to all property within the City separate and in addition to the similar charge for sanitary sewer maintenance now imposed by the Clean Water Services (CWS) District of Washington County; and

**Whereas**, CWS, by Resolution and Order No. 05-23, titled Clean Water Services Rates and Charges, imposes a sanitary sewer service charge to all properties within the District. From revenue collected for that charge, the City is allocated a certain portion to op rate, maintain and replace the City owned sewer system; and

**Whereas**, the Council finds that over the last four annual Clean Water Services rate modifications beginning in 2002, the City has seen a steady decline in revenue from collections due to CWS revenue allocation formulas which have reduced City revenue historically shared for both City operations and CIP (Capital Improvements Plan) replacement/renewal program, and with flat sewer service rate levels over the last few years, inflationary pressures have also taken a toll on available revenue allocated by CWS to the City operation, maintenance and replacement of the sewer system; and

**Whereas**, as a result of declining revenue in the sewer operating fund collected from monthly sewer bills and increasing operation and maintenance costs, available revenue allocated in the CIP for the sewer replacement/renewal program has been declining, and this essential replacement/renewal program and looming exhaustion of Sewer Fund contingency justifies a separate funding source similar to the dedicated charge that was enacted for the Storm Drain Fund's replacement and renewal program; and

**Whereas**, the Council finds that the facts presented at the work session show that the public health, safety and welfare require the imposition of such a charge to provide sufficient revenue for repair and replacement of that portion of the regional sanitary sewerage system that the City owns and is responsible to maintain, repair and replace and that the charge should be equitably allocated according to the number of equivalent service units that exist on a particular property; and

**Whereas**, the Council finds that there is a need to stabilize funding for the existing storm drainage replacement/renewal program and proposed sanitary sewer surcharge for replacement/renewal by means of an annual adjustment to those charges that reflects an independent index of construction cost inflation; now, therefore,

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

**Section 1.** Beaverton Code Chapter 4 is amended by adding new provisions to be numbered and to read as follows:

**"4.04.060 Sanitary Sewer Repair and Replacement Charge Imposed.** The owner or occupant of property within City boundaries that is subject to a charge imposed by the Clean Water Services District for use of the regional sanitary sewerage system, shall pay to the City a charge for City's repair and replacement of the City's system in addition to and not in lieu of any similar sanitary sewer maintenance charge imposed by the District. The charge shall be that amount determined by the Council from time to time to be an equitable share of the City's actual costs to repair and replace that portion of the regional system for which the City owns and is responsible to maintain, the equitable share to be calculated according to the number of dwelling unit equivalents on the property. For definition purposes of this ordinance, "dwelling unit equivalent" has the meaning shown in Clean Water Services' Resolution and Order No. 05-23, titled Clean Water Services Rates and Charges, or current adopted version of same.

**"4.04.070 Computation of Charge.** The charge shall be \$1 per equivalent dwelling unit from the effective date of this ordinance until January 31, 2007. The charge shall be \$2 per equivalent dwelling unit from February 1, 2007 until January 31, 2008. Effective February 1, 2008 and on February 1 of each calendar year thereafter, the charge shall be adjusted to reflect annual inflation in the cost to construct sanitary sewerage facilities as is shown in the construction cost index for Seattle, Washington, published in the ENR Engineering News-Record in January of each year."

**Section 2.** Beaverton Code Section 4.06.030 is amended to read as follows, with new provisions underlined:

**"4.06.030. Computation of Surcharge.** The user surcharge for public storm drainage shall be \$2/Month/EDU or such other amount as the Council may determine from time to time. Effective February 1, 2008 and on February 1 of each calendar year thereafter, the charge shall be adjusted to reflect annual inflation in the cost to construct storm drainage facilities as is shown in the construction cost index for Seattle, Washington, published in the ENR Engineering News-Record in January of each year."  
Measurement of EDU....."

**Section 3.** The charges imposed by this Ordinance shall apply to all property on which the charge is imposed effective February 1, 2006.

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

**AGENDA BILL**

**Beaverton City Council**  
**Beaverton, Oregon**

**SUBJECT:** An Ordinance Annexing Two Parcels, and Associated Right-of-Way, Located at 9355 SW 166th Avenue to the City of Beaverton: Expedited Annexation 2005-0010

**FOR AGENDA OF:** 10/24/05 **BILL NO:** 05198

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

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

**DATE SUBMITTED:** 09/28/05

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

**PROCEEDING:** First Reading

**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 two tax parcels, plus associated right-of-way, located at 9355 SW 166th Avenue to the City of Beaverton. The parcels are approximately 19.2 acres and are developed with a single family house. The property owners (who are also electors) have consented to the annexation. 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 currently within the Sexton Mountain NAC and the Neighborhood Office is recommending that this property remain in that NAC.

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

ORDINANCE NO. 4372

AN ORDINANCE ANNEXING TWO PARCELS, AND ASSOCIATED RIGHT-OF-WAY, LOCATED AT 9355 SW 166TH AVENUE TO THE CITY OF BEAVERTON: EXPEDITED ANNEXATION 2005-0010

- WHEREAS,** This expedited annexation was initiated under authority of ORS 222.125, whereby all owners of the property and at least fifty percent of the electors, have 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: 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 property will be withdrawn from the Washington County Urban Road Maintenance District and the Washington County Enhanced Sheriff Patrol District ; and
  - b. The City having annexed into the Tualatin Valley Fire and Rescue District in 1995, the property to be annexed by this Ordinance shall remain within that 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 \_\_\_\_\_  
Date

Second Reading and Passed \_\_\_\_\_  
Date

Approved by the Mayor \_\_\_\_\_  
Date

ATTEST:

APPROVED:

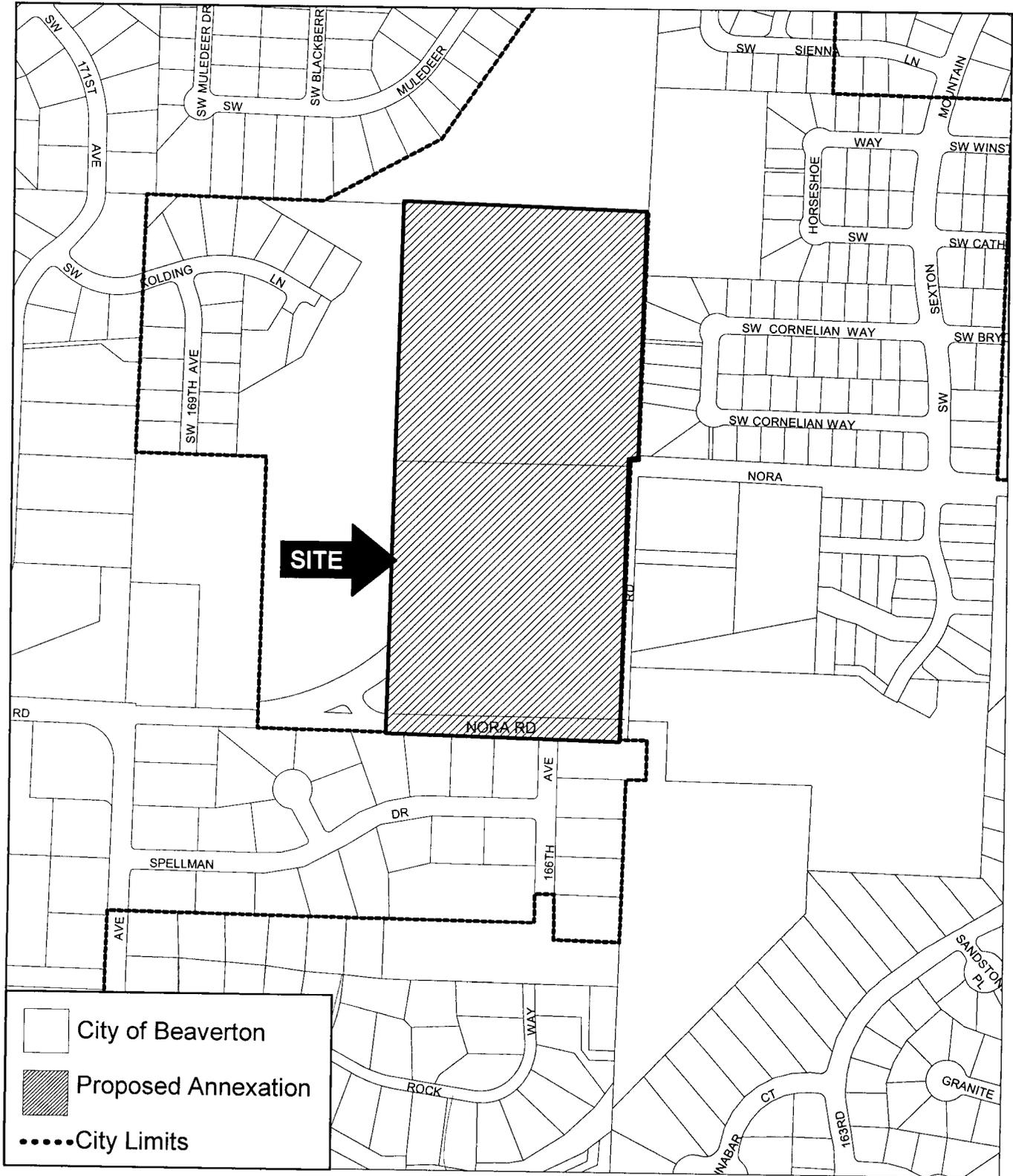
\_\_\_\_\_  
SUE NELSON, City Recorder

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

# VICINITY MAP

ORDINANCE  
No. 4372

# EXHIBIT "A"



CITY OF BEAVERTON

## 9355 SW 166TH AVE

### COMMUNITY DEVELOPMENT DEPARTMENT

Planning Services Division

8/11/05

Map #

1S130DA00500 & 100

N



Application #

ANX 2005-0010

## **EXHIBIT B**

### **LEGAL DESCRIPTION**

**ANX 2005-0010**

A tract of land situated in the northeast quarter of the of the southeast quarter of Section 30, Township 1 South, Range 1 West, Willamette Meridian, Washington County, Oregon. Said tract of land being more particularly described as follows:

Said tract of land being Lots 20 and 21 of MOUNTAIN VIEW HEIGHTS situated in the southeast quarter of Section 30, Township 1 South, Range 1 West, Willamette Meridian, Washington County, Oregon. The aforementioned Lot 20 includes the northerly right of way of S.W. Nora Road (County Road No. 2031).

ALSO TOGETHER WITH the southerly right of way of Said S.W. Nora Road. Said southerly right of way of Said S.W. Nora Road being more particularly described as follows: BEGINNING at the southeast corner of the aforementioned Lot 20; Thence, Southerly along the projection of the east line of said Lot 20 for a distance of twenty-five feet (25'), more or less, to the south right of way line of said S.W. Nora Road; Thence, Westerly along said southerly right of way line for a distance of 657.21 feet , more or less, to a point of intersection with southerly projection of the west line of said Lot 20 and the southerly right of way line of S.W. Nora Road; Thence, Northerly along the southerly projection of the aforementioned west line for a distance of twenty-five feet (25') to the southwest corner of said Lot 20; Thence, Easterly along the south line of said Lot 20 for a distance of 657.21 feet, more or less, to the Point of Beginning.



# CITY of BEAVERTON

**Exhibit C**

Ordinance No. 4372

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

## STAFF REPORT

**TO:** City Council **REPORT DATE:** September 26, 2005

**AGENDA**

**DATE:** October 24, 2005

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

**SUBJECT:** 9355 SW 166th Avenue Expedited Annexation (ANX 2005-0010)

**ACTIONS:** Annexation to the City of Beaverton of two parcels located at 9355 SW 166th Avenue plus associated right-of-way. The parcels are shown on the attached map, identified on tax map 1S130DA as lots 00100 and 00500, and more particularly described by the attached legal description. The annexation of the property is owner initiated (petitions attached) and is being processed as an expedited annexation under ORS 222.125 and Metro Code 3.09.045.

**NAC:** This property is currently within the Sexton Mountain Neighborhood Association Committee (NAC) and is recommended to remain in that NAC. The Neighborhood Office concurs with this recommendation.

**AREA:** The two parcels total approximately 19.2 acres

**TAXABLE BM 50 ASSESSED VALUE:** \$ 1,406,000

**ASSESSOR'S REAL MARKET VALUE:** \$ 1,407,260

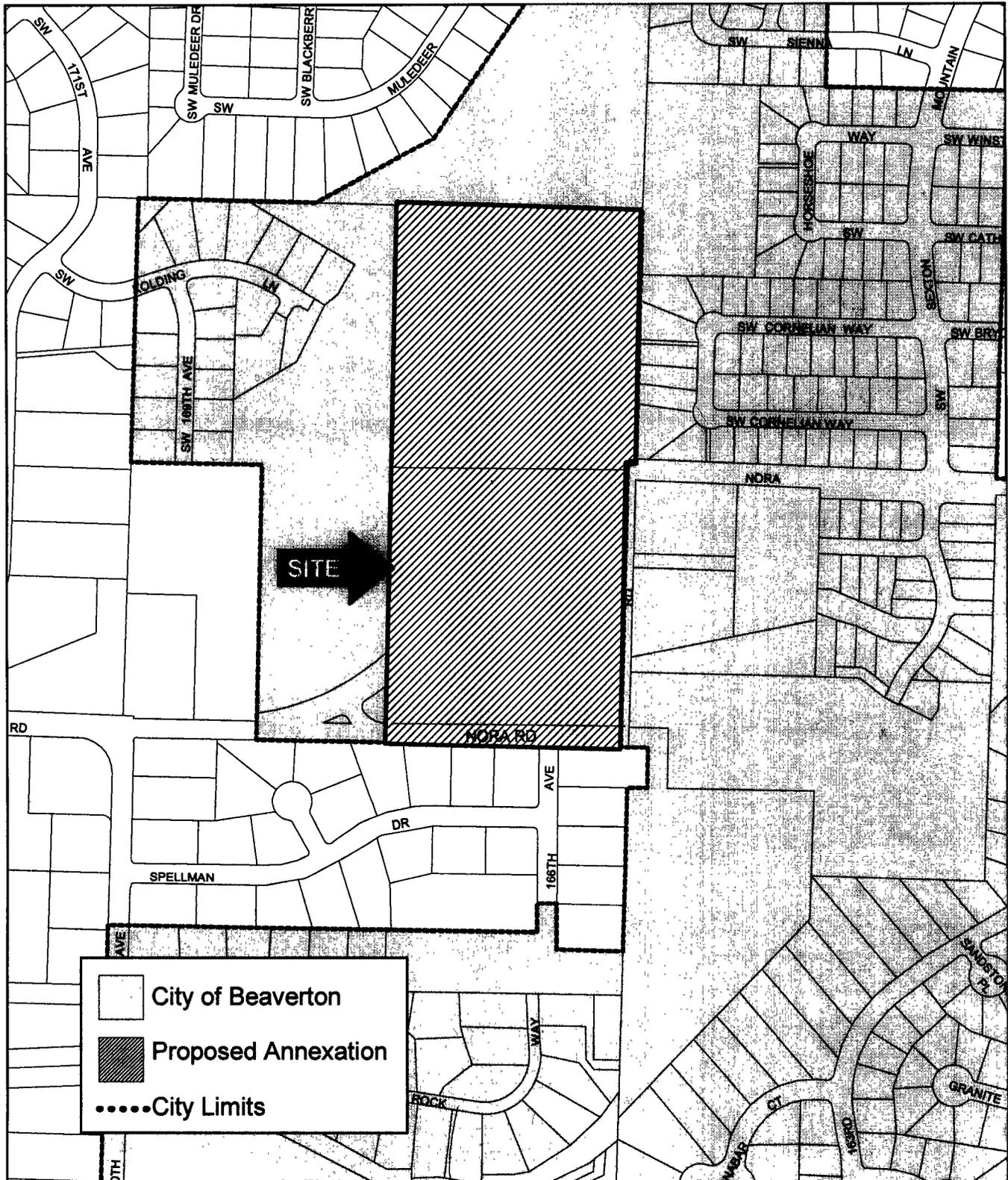
**NUMBER OF LOTS:** 2

**EXISTING COUNTY ZONE:** Residential - 6 units to the acre

### RECOMMENDATION

Staff recommends the City Council adopt an ordinance annexing the referenced property, effective thirty days after the Mayor's signature or the date the ordinance is filed with the Secretary of State as specified by ORS 222.180, which ever is later.

# VICINITY MAP



CITY OF BEAVERTON

## 9355 SW 166TH AVE

### COMMUNITY DEVELOPMENT DEPARTMENT

Planning Services Division

8/11/05

Map #

1S130DA00500 & 100



Application #

ANX 2005-0010

## **BACKGROUND**

The request is to annex two tax parcels located at 9355 SW 166th Avenue. The parcels are approximately 19.2 acres and are occupied by a single-family house. The property owners have consented to the annexation. Their 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. The property owners are requesting annexation to the City to access City sanitary sewer and water lines for development in the near future.

The Neighborhood Office is recommending that this property remain in the Sexton Mountain Neighborhood Association Committee boundaries.

In December, the City and Washington County entered into an Intergovernmental Agreement that established an area "A", in which the City could proceed with annexations without County consent, and an area "B", in which the City would need to obtain County consent to proceed with annexation. This proposed annexation is in area "A".

## **EXISTING CONDITIONS**

### **SERVICE PROVISION:**

The following analysis details the various services available to the property to be annexed. Cooperative, urban service and intergovernmental agreements affecting provision of service to the subject property are:

- The City has entered into ORS Chapter 195 cooperative agreements with Washington County, Tualatin Valley Fire and Rescue District, Tualatin Hills Parks and Recreation District, Tualatin Valley Water District and Clean Water Services.
- The City has entered into an agreement with Tualatin Valley Water District that has been designated an ORS 195.065 Urban Service Agreement by the parties. (No other ORS Chapter 195 Urban Service Agreements have been executed that would affect this decision.)
- The City has entered into an ORS Chapter 190 intergovernmental agreement with Clean Water Services.
- The City has been a party to a series of ORS Chapter 190 intergovernmental agreements "for Mutual Aid, Mutual Assistance, and Interagency Cooperation Among Law Enforcement Agencies Located in Washington County, Oregon", the last of which was signed by Beaverton Mayor Rob Drake on August 9, 2004. This agreement specifies the terms under which a law enforcement agency may provide assistance in response to an emergency situation outside its jurisdiction when requested by another law enforcement agency.

- On December 22, 2004 the City entered into an intergovernmental agreement with Washington County defining areas that the City may annex for ten years from the date of the agreement without opposition by the County. The property proposed for annexation by this application is included in the areas the City may annex without County opposition.

This action is consistent with those agreements.

- POLICE:** The property to be annexed currently receives police protection from the Washington County Enhanced Sheriff's Patrol District (ESPD). The property will be withdrawn from the ESPD and the City will provide police service upon annexation. In practice whichever law enforcement agency is able to respond first, to an emergency, does so in accordance with the mutual aid agreement described above.
- FIRE:** Tualatin Valley Fire & Rescue (TVF&R) provides fire and ambulance service to the property. The City annexed its own fire services to TVF&R in 1995. TVF&R is designated as the long-term service provider to this area.
- SEWER:** There currently is an 8-inch sanitary sewer line that comes from the Satterberg Heights No.3 Subdivision that is available to serve this property. The sewer lines runs into a line in SW Cornelian Way. Upon connection to the City's sanitary sewer system the City will be responsible for billing.
- WATER:** The City of Beaverton will provide water service to this area when it develops. There are two water lines adjacent to this property that are 16-inch and 20-inch in diameter.
- STORM WATER DRAINAGE:** The property currently has adequate drainage. If the property develops, storm drainage will be reviewed as part of the development review process. Upon annexation, billing responsibility will transfer to the City.
- STREETS and ROADS:** Access to the property is presently from the south via SW 166th Avenue, which is a Neighborhood Route. Access to this site is also available via SW Nora Road from the east and SW Kemmer Road from the west both of which are classified as Arterial Roads. Both the Washington County 2020 Transportation Plan and Beaverton's Comprehensive Plan show Nora and Kemmer Roads connecting through this property and this issue will be considered during the development review process.

- PARKS:** The petitioners are currently in the process of annexing to the Tualatin Hills Parks and Recreation District.
- SCHOOLS:** The proposed annexation is within the Beaverton School District. Neither services nor district boundaries will be affected by the proposed annexation.
- PLANNING, ZONING and BUILDING:** Washington County currently provides long-range planning, development review and building inspection for the property. Upon annexation, the City will provide those services. Pursuant to the Urban Planning Area Agreement (UPAA) between the City and County, City Comprehensive Plan and Zoning Designations should be applied to this parcel in a separate action within six months of annexation.

## **PUBLIC INVOLVEMENT**

Consistent with Metro Code Section 3.09.045, the City will send notice of the proposed annexation on or before October 4, 2005 (20 days prior to the agenda date) to all necessary parties including Washington County, Metro, affected special districts and County service districts. Additionally, the City sent notice to the following parties:

- Alice and Donald Kinzer, 9355 SW 166th Avenue, Beaverton, OR, 97007, the property owners;
- Michael Birndorf, MGH Associates, 104 W. 9th Street, Vancouver, WA, 98660, the listed contact person for the developer; and,
- The Sexton Mountain Neighborhood Association Committee and the Reedville/Cooper Mountain/Aloha Citizen Participation Organization; interested parties as set forth in City Code Section 9.06.035.

The notice and a copy of this staff report will be posted on the City's web page.

## **CRITERIA FOR APPROVAL**

### **REGIONAL ANNEXATION CRITERIA:**

In December 1998 the Metro Council adopted Metro Code Chapter 3.09 (Local Government Boundary Changes). Metro Code Section 3.09.050 includes the following minimum criteria for annexation decisions:

**3.09.050 (d)** An approving entity's final decision on a boundary change shall include findings and conclusions addressing the following criteria:

(1) Consistency with directly applicable provisions in an urban services provider agreement or annexation plan adopted pursuant to ORS 195.065;

**Findings:** *This staff report addresses the provision of services in detail and the provision of these services is consistent with cooperative agreements between Beaverton and the service providers. The City has not yet entered into an urban services provider agreement under ORS 195.065 that relates to all potential urban service providers in and around the city, although discussion with other urban services providers on the content of an agreement have occurred sporadically over the last several years, and the City has proposed an agreement that is acceptable to most of the parties. Because a comprehensive urban service agreement has not been completed, it is not possible to consider adoption of an annexation plan. The City has entered into one agreement that has been designated an ORS 195.065 Urban Service Agreement with Tualatin Valley Water District and this proposed action is consistent with that agreement, as explained in the findings above under existing conditions relating to water service .*

*As previously noted, on December 22, 2004 the City entered into an intergovernmental agreement with Washington County, titled the "Beaverton-Washington County Intergovernmental Agreement Interim Urban Services Plan" defining areas that the City may annex for ten years from the date of the agreement without opposition by the County, and referencing ORS 195.065(1). The property proposed for annexation by this application is within the ten year annexation area. No other ORS Chapter 195 Urban Service Agreements have been executed that would affect this proposed annexation.*

(2) Consistency with directly applicable provisions of urban planning or other agreements, other than agreements adopted pursuant to ORS 195.065, between the affected entity and a necessary party;

**Findings:** *The City has entered into an ORS Chapter 190 intergovernmental agreement with Clean Water Services, which was updated as of July 1, 2004. Exhibit 'A' to the new agreement defines areas within the "Beaverton Area of Assigned Service Responsibility" where, subsequent to annexation, specified maintenance responsibilities for sanitary sewer lines under 24 inches in diameter and for certain storm drainage facilities and surface water management functions would transfer to the City of July 1 of any year if so requested by the City by January 1 of that year. There currently is a City maintained 8-inch sanitary sewer line that comes from the Satterberg Heights No.3 Subdivision, to the east that is available to serve this property.*

*The acknowledged Washington County - Beaverton Urban Planning Area*

*Agreement (UPAA) does not contain provisions directly applicable to City decisions regarding annexation. The UPAA does address actions to be taken by the City after annexation, including annexation related Comprehensive Plan Land Use Map amendments and rezones. These actions will occur through a separate process.*

(3) Consistency with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facilities plans;

*Findings: Comprehensive Plans: The only relevant policy of the City of Beaverton's Comprehensive Plan is Policy 5.3.1.d, which states "The City shall seek to eventually incorporate its entire Urban Services Area." The subject territory is within Beaverton's Assumed Urban Services Area, which is Figure V-1 of the City of Beaverton's Acknowledged Comprehensive Plan.*

*After reviewing the Washington County Comprehensive Framework Plan for the Urban Area on the County's web site (reflecting changes through County Ordinance No. 598) as well as ordinances adopted subsequently up to the date of this staff report that amended the Comprehensive Framework Plan, staff finds that the following provisions may be applicable to this proposed annexation:*

- *A paragraph in the "County-Wide Development Concept" at the beginning of the Comprehensive Framework Plan which states:*

*As development occurs in accordance with this development concept, issues of annexation or incorporation may arise. Annexation or incorporation issues will necessarily relate to various other planning issues such as community identity, fiscal impacts of growth and service provision, coordination between service providers to achieve efficiencies and ensure availability, etc. As such issues arise; the County should evaluate community identity as an issue of equal importance with public service provision issues when developing policy positions on specific annexation or incorporation proposals.*

*Staff views this statement as direction to the County itself in how to evaluate annexation proposals, and not guidance to the City regarding this specific proposal. As a necessary party, the County has an opportunity to comment on and appeal this proposed boundary change if they believe the boundary change is inconsistent with the approval criteria (see Metro Code section 3.09).*

- *Policy 15 of the Comprehensive Framework Plan, relating to Roles and Responsibilities for Serving Growth, says:*

*It is the policy of Washington County to work with service providers, including cities and special service districts, and Metro, to ensure that facilities and services required for growth will be provided when needed by the agency or agencies best able to do so in a cost effective and efficient manner.*

***Two implementing strategies under Policy 15 that relate to annexation state:***

*The County will:*

- f. If appropriate in the future, enter into agreements with service providers which address one or more of the following:
  - 3. Service district or city annexation***
- g. Not oppose proposed annexations to a city that are consistent with an urban service agreement or a voter approved annexation plan.*

***The City of Beaverton, Washington County and the other urban service providers for the subject area have been working off and on for several years to arrive at an urban service area agreement for the Beaverton area pursuant to ORS 195.065 that would be consistent with Policy 15 and the cited implementing strategies. Unfortunately, although most issues have been resolved, a few issues remain between the County and the City that have prevented completion of the agreement. These issues do not relate to who provides services or whether they can be provided when needed in an efficient and cost effective manner so much as how the transfer of service provision responsibility occurs, particularly the potential transfer of employees and equipment from the County to the City. As previously noted the County and the City have entered into an intergovernmental agreement that sets an interim urban services plan area in which the County commits to not oppose annexations by the City.***

***Staff has reviewed other elements of the County Comprehensive Plan, particularly the Aloha-Reedville-Cooper Mountain Community Plan that includes the subject property. The property is not in an area of special concern. The Significant Natural and Cultural Resources map of the plan does indicate a stream on the property, shows it as having scenic features, and designates most of the site as wildlife habitat. These issues will be addressed in the development review process.***

***Public Facilities Plans: The City's public facilities plan consists of the Public Facilities and Services Element of the Comprehensive Plan, the Transportation Element of the Comprehensive Plan, the City's Capital Improvements Plan, and the most recent versions of master plans adopted by providers of the following facilities and services in the City: storm water drainage, potable water, sewerage conveyance and processing, parks and***

**recreation, schools and transportation. Where a service is provided by a jurisdiction other than the City, by adopting the master plan for that jurisdiction as part of its public facilities plan, the City has essentially agreed to abide by any provisions of that master plan. Metro Code Section 3.09.020(m) defines Urban Services as "... sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit. The City will become the provider of sanitary sewer and water. The City will be responsible for those streets and roads in the immediate area that are in the City. The Beaverton School District will continue to be responsible for providing kindergarten through twelfth grade education. The property owners are in the process of annexing to the Tualatin Hills Park and Recreation District. Public transportation will continue to be provided by Tri-met.**

**Staff could not identify any provisions in the Washington County Public Facilities Plan relevant to this proposed annexation.**

- (4) Consistency with specific directly applicable standards or criteria for boundary changes contained in the Regional Framework Plan or any functional plan;

**Findings: The Regional Framework Plan (which includes the RUGGOs and the Urban Growth Management Functional Plan) does not contain policies or criteria directly applicable to annexation decisions of this type.**

- (5) Whether the proposed change will promote or not interfere with the timely, orderly and economic provisions of public facilities and services;

**Findings: The Existing Conditions section of this staff report contains information addressing this criterion in detail. The proposed annexation will not interfere with the provision of public facilities and services. The provision of public facilities and services is prescribed by urban services provider agreements and the City's capital budget.**

- (6) The territory lies within the Urban Growth Boundary; and

**Findings: The property lies within the Urban Growth Boundary.**

- (7) Consistency with other applicable criteria for the boundary change in question under state and local law.

**Findings: OAR 660-001-0310 states "A city annexation made in compliance with a comprehensive plan acknowledged pursuant to ORS 197.251(1) shall be considered by Land Conservation and Development Commission to have been made in accordance with the goals...". Compliance with the Comprehensive Plan was addressed in number 3 above. The applicable Comprehensive Plan policy cited under number 3 above was acknowledged**

*pursuant to Department of Land Conservation and Development Order 001581 on December 31, 2003, meaning it became unnecessary for the City to address the Statewide Planning Goals after that date in considering proposed annexations. There are no other criteria applicable to this boundary change in State Law or local ordinances. The City of Beaverton does have Annexation Policies (attached) adopted by resolution and this proposed annexation is consistent with those policies. Staff finds this voluntary annexation with no associated development or land use approvals is consistent with State and local laws for the reasons stated above.*

**3.09.050 (g)** Only territory already within the defined Metro Urban Growth Boundary at the time a petition is complete may be annexed to a city or included in territory proposed for incorporation into a new city. However, cities may annex individual tax lots partially within and without the Urban Growth Boundary.

*Findings: This criterion is not applicable to this application because the territory in question is inside of the Portland Metro Urban Growth Boundary.*

Attachments: Annexation Petitions  
Legal Description  
City Annexation Policies

**ANNEXATION PETITIONS**



CITY OF BEAVERTON  
 COMMUNITY DEVELOPMENT DEPARTMENT  
 PLANNING SERVICES  
 4755 S.W. GRIFFITH DRIVE  
 P.O. BOX 4755  
 BEAVERTON, OR 97076-4755  
 PHONE: (503) 350-4039

**RECEIVED** PETITION FOR A CONSENT  
 ANNEXATION  
 SEP 09 2005  
 COMMUNITY DEVELOP DEPT. PURSUANT TO ORS 222.125

15

PLEASE USE ONE PETITION PER TAX LOT

FOR OFFICE USE	FILE NAME: <u>9355 SW 166th Avenue Expedited Annexation</u>
	FILE NUMBERS: <u>ANX 2005-0010</u>

**MUST BE SIGNED BY ALL OWNERS. IF THE OWNER IS A CORPORATION OR AN ESTATE THE PERSON SIGNING MUST BE AUTHORIZED TO DO SO. MUST ALSO BE SIGNED BY NOT LESS THAN 50 PERCENT OF ELECTORS (REGISTERED VOTERS), IF ANY, RESIDING ON THE PROPERTY.**

**PROPERTY INFORMATION**

MAP & TAX LOT	STREET ADDRESS (IF ASSIGNED)	# OF OWNER	# OF VOTERS	# OF RESIDENT
1S130DA-500	9355 SW 166 <sup>th</sup> AVE. BEAVERTON, OR. 97007	2	2	2

**CONTACT PERSON**  USE MAILING ADDRESS FOR NOTIFICATION

MICHAEL BIRNDORF	MGH ASSOCIATES	360-750-0399
PRINT OR TYPE NAME	BUSINESS NAME	PHONE #
104 W. 9 <sup>th</sup> ST.	VANCOUVER, WA. 98660	
ADDRESS		

**SIGNATURES OF OWNERS AND ELECTORS CONSENTING TO ANNEXATION (CONTINUED ON BACK)**

DONALD K. KINZER	<i>Donald K Kinzer</i>	25 Aug 2005	<input checked="" type="checkbox"/> OWNER <input checked="" type="checkbox"/> ELECTOR
PRINT OR TYPE NAME	SIGNATURE	DATE	
MAILING ADDRESS IF DIFFERENT FROM PROPERTY ADDRESS			

ALICE L. KINZER	<i>Alice L. Kinzer</i>	Aug 30 2005	<input checked="" type="checkbox"/> OWNER <input type="checkbox"/> ELECTOR
PRINT OR TYPE NAME	SIGNATURE	DATE	
MAILING ADDRESS IF DIFFERENT FROM PROPERTY ADDRESS			

			<input type="checkbox"/> OWNER <input type="checkbox"/> ELECTOR
PRINT OR TYPE NAME	SIGNATURE	DATE	
MAILING ADDRESS IF DIFFERENT FROM PROPERTY ADDRESS			

			<input type="checkbox"/> OWNER <input type="checkbox"/> ELECTOR
PRINT OR TYPE NAME	SIGNATURE	DATE	
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			<input type="checkbox"/> OWNER <input type="checkbox"/> ELECTOR
PRINT OR TYPE NAME	SIGNATURE	DATE	
MAILING ADDRESS IF DIFFERENT FROM PROPERTY ADDRESS			



CITY OF BEAVERTON  
 COMMUNITY DEVELOPMENT DEPARTMENT  
 PLANNING SERVICES  
 4755 S.W. GRIFFITH DRIVE  
 P.O. BOX 4755  
 BEAVERTON, OR 97076-4755  
 PHONE: (503) 350-4039

**RECEIVED**  
 SEP 09 2005

PETITION FOR A CONSENT  
 ANNEXATION

COMMUNITY DEVELOP DEPT. PURSUANT TO ORS 222.125

PLEASE USE ONE PETITION PER TAX LOT

FOR OFFICE USE	FILE NAME: <u>9355 SW 166th Avenue Expedited Annexation</u>
	FILE NUMBERS: <u>ANX 2005-0010</u>

**MUST BE SIGNED BY ALL OWNERS. IF THE OWNER IS A CORPORATION OR AN ESTATE THE PERSON SIGNING MUST BE AUTHORIZED TO DO SO. MUST ALSO BE SIGNED BY NOT LESS THAN 50 PERCENT OF ELECTORS (REGISTERED VOTERS), IF ANY, RESIDING ON THE PROPERTY.**

**PROPERTY INFORMATION**

MAP & TAX LOT	STREET ADDRESS (IF ASSIGNED)	# OF OWNER	# OF VOTERS	# OF RESIDENT
1S130DA-100		1	1	0

**CONTACT PERSON**  USE MAILING ADDRESS FOR NOTIFICATION

MICHAEL BIRNDORF	MGH ASSOCIATES	360-750-0399
PRINT OR TYPE NAME	BUSINESS NAME	PHONE #
104 W. 9TH ST.	VANCOUVER, WA 98660	
ADDRESS		

**SIGNATURES OF OWNERS AND ELECTORS CONSENTING TO ANNEXATION (CONTINUED ON BACK)**

ALICE L. KINZER	<i>Alice L. Kinzer</i>	Aug 30 2005	<input checked="" type="checkbox"/> OWNER <input checked="" type="checkbox"/> ELECTOR
PRINT OR TYPE NAME	SIGNATURE	DATE	
9355 SW 166TH AVE. BEAVERTON, OR. 97007			
MAILING ADDRESS IF DIFFERENT FROM PROPERTY ADDRESS			

## **LEGAL DESCRIPTION**

## LEGAL DESCRIPTION

ANX 2005-0010

A tract of land situated in the northeast quarter of the of the southeast quarter of Section 30, Township 1 South, Range 1 West, Willamette Meridian, Washington County, Oregon. Said tract of land being more particularly described as follows:

Said tract of land being Lots 20 and 21 of MOUNTAIN VIEW HEIGHTS situated in the southeast quarter of Section 30, Township 1 South, Range 1 West, Willamette Meridian, Washington County, Oregon. The aforementioned Lot 20 includes the northerly right of way of S.W. Nora Road (County Road No. 2031).

ALSO TOGETHER WITH the southerly right of way of Said S.W. Nora Road. Said southerly right of way of Said S.W. Nora Road being more particularly described as follows: BEGINNING at the southeast corner of the aforementioned Lot 20; Thence, Southerly along the projection of the east line of said Lot 20 for a distance of twenty-five feet (25'), more or less, to the south right of way line of said S.W. Nora Road; Thence, Westerly along said southerly right of way line for a distance of 657.21 feet , more or less, to a point of intersection with southerly projection of the west line of said Lot 20 and the southerly right of way line of S.W. Nora Road; Thence, Northerly along the southerly projection of the aforementioned west line for a distance of twenty-five feet (25') to the southwest corner of said Lot 20; Thence, Easterly along the south line of said Lot 20 for a distance of 657.21 feet, more or less, to the Point of Beginning.

## **ANNEXATION POLICY**

RESOLUTION NO. 3785

**A RESOLUTION ESTABLISHING CITY OF BEAVERTON URBAN SERVICE AREA AND CORPORATE LIMITS ANNEXATION POLICIES**

**WHEREAS**, the City of Beaverton presently has no defined policies regarding annexation of adjacent urban unincorporated areas, including unincorporated islands; and

**WHEREAS**, the City's progress toward annexing its assumed urban services area has been slow; and

**WHEREAS**, previous incremental annexations have resulted in City limits that are odd and create confusion about their location, with many unincorporated "islands" surrounded by properties within the City; and

**WHEREAS**, the City desires to create more logical boundaries and create complete incorporated neighborhoods; and

**WHEREAS**, a more assertive policy toward annexation of certain types of properties could improve the City's ability to provide services to its residents efficiently and at a reasonable cost; and

**WHEREAS**, a more assertive annexation policy could result in more City control of development in adjacent unincorporated areas that could affect the City; and

**WHEREAS**, the Washington County 2000 policy is to have all urban unincorporated areas annexed by cities over time; now, therefore,

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

Council directs the Mayor to pursue the annexation of properties in adjacent urban unincorporated areas in accordance with the policies in Attachment A to this resolution.

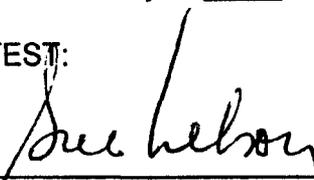
Adopted by the Council this 1st day of November, 2004.

Approved by the Mayor this 2ND day of NOVEMBER 2004.

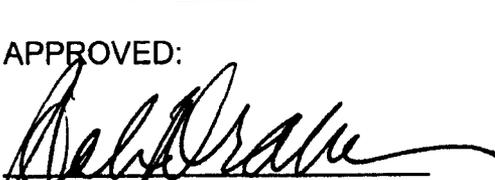
Ayes: 4

Nays: 0

ATTEST:

  
SUE NELSON, City Recorder

APPROVED:

  
ROB DRAKE, Mayor

## **City of Beaverton Urban Service Area and Corporate Limits Annexation Policies**

### **A. City of Beaverton Urban Service Area Policy**

The City remains committed to annexing its urban services area over time, but the City will be selective regarding the methods of annexation it chooses to use. The City of Beaverton prefers to avoid use of annexation methods that may force annexation against the will of a majority of voters in larger unincorporated residential neighborhoods. The City is, however, open to annexation of these areas by other means where support for annexation is expressed, pursuant to a process specified by State law, by a majority of area voters and/or property owners. The City is open to pursuing infrastructure/service planning for the purposes of determining the current and future needs of such areas and how such areas might best fit into the City of Beaverton provided such unincorporated residents pursue an interest of annexing into the City.

### **B. City of Beaverton Corporate Limits Policy**

The City of Beaverton is committed to annexing those unincorporated areas that generally exist inside the City's corporate limits. Most of these areas, known as "islands", generally receive either direct or indirect benefit from City services. The Washington County 2000 Policy, adopted in the mid-1980s, recognizes that the County should not be a long-term provider of municipal services and that urban unincorporated areas including unincorporated islands should eventually be annexed to cities. As such, primarily through the use of the 'island annexation method', the City's objectives in annexing such areas are to:

- Minimize the confusion about the location of City boundaries for the provision of services;
- Improve the efficiency of city service provision, particularly police patrols;
- Control the development/redevelopment of properties that will eventually be within the City's boundaries;
- Create complete neighborhoods and thereby eliminate small pockets of unincorporated land; and
- Increase the City's tax base and minimize increasing the City's mill rate.

In order to achieve these stated objectives, the City chooses to generally pursue the following areas for 'island annexation' into the City of Beaverton:

- Undeveloped property zoned for industrial, commercial uses or mixed uses;
- Developed or redevelopable property zoned for industrial, commercial or mixed uses;
- Undeveloped or redevelopable property zoned for residential use;
- Smaller developed property zoned residential (within a neighborhood that is largely incorporated within the City of Beaverton).