



City of Beaverton  
**CITY COUNCIL MINUTES**

BEAVERTON CITY COUNCIL  
REGULAR MEETING  
APRIL 2, 2013

**CALL TO ORDER**

The Regular Meeting of the Beaverton City Council was called to order by Mayor Denny Doyle in the Forrest C. Soth City Council Chamber, 4755 SW Griffith Drive, Beaverton, Oregon, on Tuesday, April 2, 2013, at 6:31 p.m.

**ROLL CALL**

Present were Mayor Denny Doyle, Councilors Cate Arnold, Betty Bode, Mark Fagin, Ian King and Marc San Soucie. Planning Commissioners Kim Overhage, Mimi Doukas, Ric Stephens, Greg Kiene, Jennifer Nye, and Linda Wilson. Commissioners Scott Winter and Dan Maks were excused. Also present were City Attorney Bill Kirby, Chief Administrative Officer Randy Ealy, Community and Economic Development Director Don Mazziotti, Assistant Finance Director Dave Waffle, Public Information Manager Bill LaMarche, Library Director Ed House, Human Resources Director Nancy Bates, Police Chief Geoff Spalding, Public Works Director Peter Arellano, Principal Planner Steven Sparks, Senior Planner Barbara Fryer, Associate Planner Ken Rencher and Deputy City Recorder Nanci Moyo.

**PROCLAMATIONS**

Mayor Doyle announced the following proclamations which were read in full:

- Fair Housing Month: April 2013
- National Volunteer Month: April 2013
- Arbor Week: April 1 - 7, 2013
- Days of Remembrance: April 7 – 14, 2013
- National Service Recognition Day: April 9, 2013

**VISITOR COMMENT PERIOD**

Joe Hayes, Heidi Sackos, Steve Bintliff, Alisa Blum, Barbara Council and Cathy Stanton spoke in support of Resolution 4169, A Resolution of the City Council of Beaverton, Oregon, Recommending an Amendment to the United States Constitution that Establishes that Statutory Entities Do Not Have Constitutional Rights and that Legislatures May Regulate Money that is Raised and Spent for Political Purposes.

Henry Kane, Beaverton, read his letter dated April 2, 2013, urging that a provision on public safety be included in the Beaverton Comprehensive Plan (in the record).

Greg Cody, Beaverton, spoke in opposition to Resolution 4169 as it was too broad in scope and had disastrous ramifications that have not been considered or thought through. He said he understood the need for political campaign contribution reform; however, this resolution seeks to remove the voices of all entities that make important contributions to the society, by removing or limiting political contributions. He said this was the only voice these entities have because they cannot vote.

## PRESENTATIONS

### 13075 Presentation on Portland Community College's Future Connect Scholarship Program

Birgitte Ryslinge, Interim Campus President Portland Community College (PCC) Rock Creek Campus, reviewed PCC's Future Connect Scholarship Program which supports low-income, first-generation college students. PCC requested the City contribute matching funds to bring this program to Beaverton students.

Program Manager Joshua Laurie, Future Connect, said they connect students' passion and purpose with guiding principles to succeed. Students receive a scholarship to PCC to further their education and are connected to a college success coach in high school and through their college years. The coach acts as the student's academic advisor throughout their PCC experience.

Damien Sanchez said he received a scholarship last year, and has learned to manage his time and was working toward a transfer degree to Lewis and Clark College.

Vicki Lukich, Beaverton School District (BSD), said the BSD supported Future Connect because it advances the BSD strategic plan and closely aligns the two strategies of the plan: 1) Individual student growth and 2) Equity in student outcome. BSD looked forward to working with PCC to continue a long history of successful partnerships.

Cher Hinerman, PCC Foundation Board Member, said government support was critical for success of the program. Future Connect has a 70 percent success rate of students coming back for a second year of college; the usual success rate was 25 percent for students from similar backgrounds who do not receive these services. She wanted Future Connect's success in Portland to spread to Washington County and throughout the state. The funding model was: 50 percent City contribution; 25 percent PCC; and 25 percent PCC Foundation working with the private sector. This would provide funding for 50 Beaverton students to begin to succeed in college.

Councilor Bode thanked PCC for this creative idea to help community members. She asked when they needed an answer from the City on the matching funds and what the criteria was for selecting students.

Ms. Ryslinge said the goal was to start the Beaverton cohort Fall 2013 with recruitment beginning soon; a commitment from the City was needed by the first of May. PCC would work closely with the City and BSD to identify a matrix for recruiting students. The students would be Beaverton residents and the screening criteria could include the zip code or address of the student.

Councilor Fagin asked how long it would take to expand this program throughout PCC's service boundaries.

Ms. Ryslinge said their service area was large; they began in Multnomah County and are now reaching out to Washington County, Hillsboro, Beaverton and Newberg. They do not want to expand beyond their capacity and would look at further expansion next year. She added Future Connect was singled out as a model that could be applicable across the state. The strength of the program was that it brought together various resources and has a long-term payoff for the community.

Councilors San Soucie and Bode supported the program and said it was crucial to ensure Beaverton City dollars were spent on Beaverton residents.

Mayor Doyle thanked the presenters and said he would let them know the decision by the PCC deadline.

#### 13076 Metro Councilor Craig Dirksen: Introduction and General Discussion

Newly-elected Metro Councilor Craig Dirksen introduced himself and reviewed Metro's large-scale initiatives for the coming year including:

- Southwest Corridor Plan – Planning for the one-mile wide transportation corridor running from downtown Portland along Barbur Boulevard and out Pacific Highway.
- Climate Smart Communities – A State legislative mandate to reduce greenhouse gas emissions by 20 percent by 2035.
- Community Investment Initiative – A public/private partnership to create an integrated federal/state/regional/local investment approach to maintain existing public infrastructure and community assets, to support new investments to spur job creation, and implement local plans.
- Solid Waste Roadmap – a multi-year effort to find new ways to reduce waste.
- Equity Strategy Program – Define Metro's roles/responsibilities in advancing equity.
- Convention Center Hotel – Develop a 600-room hotel on property near the Center.
- Natural Areas Levy – Prioritize the work needed to preserve/maintain the natural areas.
- Development of the Willamette Falls project – Metro/Oregon City/Clackamas County and the State exploring a public/private partnership to provide resources and support to transform the industrial site into a regional center.
- Strategic plans for Metro's Convention Center, Oregon Zoo and Expo Center.
- Urban Growth Management – Report on review of urban growth due March 2014.
- Regional Transportation Plan – overarching policies, goals and system concepts of all modes of travel, funding strategies and local implementation requirements.
- Powell Division Corridor Plan – Improve transportation options for east county residents.

Mayor Doyle said a number of the items mentioned by Councilor Dirksen were coming before Council in the near future and he would invite him to those meetings.

In response to Councilor Bode, Councilor Dirksen said he serves District 3 which was most of Washington County, portions of Clackamas County including Wilsonville, the

portion of Tualatin that was in Clackamas County and extending north from Wilsonville to Central Beaverton, including portions of Aloha south of TV Highway.

## COUNCIL ITEMS

It was reported the first Sustainability Forum was successful with good attendance and an excellent speaker. The next Sustainability Forum will be April 15. The application deadline for the Mayor's Youth Advisory Board was April 8, 2013.

## STAFF ITEMS

Staff announced: 1) An Arbor Day Celebration on Saturday, April 6, 2013, at 9:00 a.m., at the Alice Lane/Allen Boulevard intersection, with a tree planting and creation of a small neighborhood arboretum. 2) A Washington County/City Open House on the Farmington Road Major Street Transportation Improvement Plan on Wednesday, April 10, at 6:00 p.m., in the Beaverton High School Cafeteria.

## CONSENT AGENDA

Councilor Arnold MOVED, SECONDED by Councilor Bode that the Council approves the Consent Agenda as presented:

Minutes of the Regular Meeting of March 5, 2013

13077 Liquor Licenses: Change of Ownership – Albertson's #559 and Albertson's #582

13078 Resolution No.4168: A Resolution Granting Solid Waste Franchises

13079 Authorize City Attorney to Contract with Outside Legal Counsel to Provide Paralegal Services

Question called on the motion. Councilors Arnold, Bode, Fagin, King and San Soucie voting AYE, the MOTION CARRIED. (5:0)

## ORDINANCES

Second Reading:

City Attorney Bill Kirby read the ordinance by title only for the second reading.

13073 Ordinance No. 4613: An Ordinance Amending the Beaverton City Code by Revising the Solid Waste and Recycling Ordinance

Councilor Arnold MOVED, SECONDED by Councilor San Soucie that the ordinance embodied in Agenda Bill 13073 now pass. Roll call vote. Councilors Arnold, Bode, Fagin, King and San Soucie voting AYE, the MOTION CARRIED. (5:0)

## ACTION ITEM

13080 Resolution No. 4169: A Resolution of the City Council of Beaverton, Oregon, Recommending An Amendment to the United States Constitution that Establishes that Statutory Entities Do Not Have Constitutional Rights and That Legislatures May Regulate Money that is Raised and Spent For Political Purposes

Councilor San Soucie said after hearing citizen presentations and analysis by the City Attorney, he believed this topic and resolution were relevant for Council consideration. The Beaverton Citizens for Fairness presented a resolution to the State Legislature which was being considered as House Joint Memorial 6; that was the resolution now before the Council. He said he understood Mr. Cody's viewpoint (Visitor Comment Period) but this resolution did not state how campaign finance reform would be carried out. This resolution stated the Council was in favor of a constitutional amendment that would give legislatures the authority to decide how to regulate campaign finance. He would like to see the Council join in the public support of the resolution.

Councilor San Soucie MOVED, SECONDED by Councilor Bode that the City Council approves Resolution 4169, A Resolution of the City Council of Beaverton, Oregon, Recommending An Amendment to the United States Constitution that Establishes that Statutory Entities Do Not Have Constitutional Rights and That Legislatures May Regulate Money that is Raised and Spent for Political Purposes.

Councilor King said his major concern was the last statement in the second paragraph regarding corporations, which stated "they are not equated with individual persons or granted constitutional rights." He believed it was dangerous to say that corporations do not have any rights under the Constitution of the United States. He shared case history from the Supreme Court where the Court upheld the constitutional rights of business or corporations. He said it was one thing to support campaign reform or to not equate money to free speech, but unnerving to say there was a need to remove constitutional rights acquired via the Supreme Court. He believed this was setting the stage for dangerous constitutional precedence that could undo a great deal of history. He advised a more thoughtful approach was needed to determine what issues Council would advocate and cautioned this resolution advocated eliminating all rights allocated to corporations.

Councilor Arnold said this was a hard issue because there was general agreement that people are concerned about campaign finance and the lack of transparency in fund raising to influence campaigns. She had some concerns regarding constitutional amendments and precedence set, but she supported the general idea of the resolution and eliminating the wording Councilor King described.

Councilor Fagin suggested removing the wording "or granted constitutional rights". He asked Councilor King if removing the wording would make it acceptable.

Councilor King said removing that wording would make this less dangerous.

Councilor Fagin said he would like to amend the resolution to remove "or granted constitutional rights" out of the second paragraph.

Councilor San Soucie agreed and noted similar language should be struck from the preamble paragraph and Item 1. He read the revisions into the record and Councilor Bode, seconder to the motion, agreed to the revised wording.

Question called on the motion. Councilors Arnold, Bode, Fagin and San Soucie voting AYE, Councilor King abstaining, the MOTION CARRIED. (4:0:1) (Resolution No. 4169)

## WORK SESSION

### 13081 Comprehensive Plan Update Project Overview with Planning Commission

Community and Economic Development Director Don Mazziotti welcomed the Planning Commissioners and thanked them for their guidance on the Comprehensive Plan Update (Plan). He said the Commission reviewed the Plan outline, methodology and process in February; the Commission has the statutory duty of principle jurisdiction and played an integral part in the Plan development process. The Plan was last updated in 2002. Staff worked closely with Department of Land Conservation and Development (DLCD); the DLCD supported the methodology proposed and offered assistance in proceeding. Three new sections were added to the Plan, as mandated by the state and a federal grant: 1) Metro's Climate Smart Program which relates to the Sustainability Element; 2) the Community Health Element as required by the Centers for Disease Control Grant; and 3) the Resilience Element to address hazards and other matters related to the geographical area. He introduced the Plan project team, which included the Planning Commission and staff.

Senior Planner Barbara Fryer, Project Lead, requested feedback on two key issues: 1) the Plan's architecture or organization; and 2) the outreach process.

Associate Planner Ken Rencher said the update process started by reviewing the Plan's current and actual architecture, which were different and would be corrected. The Plan framework had guiding principles at the front of each element, using the Vision Action Plan and Civic Plan. Each element has a narrative section describing background, issues and behind-the-scene work. The last section was the goals, policies and actions where the hierarchy of the Plan takes shape. Each goal was a desired outcome the City intends to achieve. Supporting each of the goals were the policies; the legal weight of the Plan. The actions are derived from the policies and were measurable criteria.

Ms. Fryer said this was the structure proposed for the entire Plan, with the new part of the Plan being the principles to guide the strategies.

In response to Councilor Arnold, Mr. Sparks clarified the principles give context for what the City was trying to achieve within the element.

Commissioner Mimi Doukas said earlier the Planning Commission asked that this be kept simple. Without an example of this approach, it was hard to see how it would function and it looked word heavy. She asked if there were any other ideas.

Ms. Fryer said this was the structure being recommended and further explanation would show it was not as wordy as it may seem.

Mr. Sparks said staff's intent was to create a lean, usable document. After review of the document for a period of time, if it was not working they would consider alternatives.

Mr. Mazziotti said the intention was to use the approach used for the Civic Plan in terms of identifying specific issues from the Visioning Plan, put into terms that are project-related, in order to achieve the vision and make it clear that was the direction the City was headed.

Commissioner Overhage said there was value to including the guiding principles, but it needed to be short, succinct and focused. The principles help understand the intent behind the policies. She encouraged making the document straight forward and focused, with limited aspirations statements as Mr. Rencher suggested.

Councilor Fagin said he liked the guiding principles and this could be used as a separate document to explain what the Plan was.

Ms. Fryer said the outreach for the Plan included: 1) the Beaverton Committee for Citizen Involvement (BCCI) and the Visioning Advisory Committee (VAC) work together to create group values for the guiding principles with the ideas forwarded to the Planning Commission and Council for approval; 2) meetings with stakeholders or community groups that fit each element; 3) open houses for the public to be involved; 4) public hearings before the Planning Commission and City Council; 5) in May 2013 the BCCI hosts a visioning meeting to gather public input on themes and values which would be used to develop the guiding principles and aspirations statements. The elements include economy, housing, resiliency, community health and sustainability.

Councilor San Soucie suggested the City's Boards and Commissions be included in the outreach because they might have contributions under the different topics.

Commissioner Doukas said resiliency has a broader scope than only disasters. Resiliency includes a robust community that withstands different types of stresses; this could encompass community health, sustainability, and disasters. It could be a bold and broader vision for the whole aspect of community. She said one topic that fell out since the last presentation was the civic category and she would like to see it restored. Also, it was important to watch out for repetition in the Plan.

Councilor Arnold said she was at the meeting where they included resiliency under sustainability, because to be sustainable the City has to keep going during a disaster. She said many of the elements were interlocking and formulating them was tricky.

Councilor King said sustainability at its inception was considered to be a societal, financial, cultural and environmental concept for communities. He said it was a valid point to address the greater community aspects of sustainability.

Commissioner Stephens said sustainability was discussed thoroughly with staff. The definitions for sustainability, urban resiliency and a newer term "urban regeneration" were evolving. Staff was under the constraints of State laws and guidelines with the different elements in the Plan. He said the new concepts that were evolving were: sustainability as the long range goals and aspirations; resiliency as the immediate

flexibility to respond to crisis; and regeneration as an aspiration of where people want to be.

Mr. Mazziotti explained the Planning Commission considered staff methodology and recommended merging sustainability and community health. He said one could argue that sustainability encompasses all of what was sought in the Plan. He emphasized staff followed the legal requirements of the State Land Use Planning Goals and used the broad definition of sustainability to best follow the excellent guidance of the Planning Commission.

Commissioner Kiene asked why two elements, public schools and public safety, were not addressed, and if there was a point when priorities could change.

Ms. Fryer explained under the state-wide planning goals, school districts and public safety reside under Public Facilities and Services. She said there would be many new issues brought up over the course of Plan review and they were not covering everything at this meeting.

Mr. Sparks said legally a school district must address its concerns and a city can offer encouragement and suggestions. About a year and a half ago the Beaverton School District (BSD) completed a Comprehensive Facilities Plan, because it is a service district within Beaverton; the BSD's Comprehensive Plan was adopted into the City of Beaverton's Plan.

Commissioner Nye said there may be overlap between community health, sustainability and resiliency which may lead to a combining or reorganization of the categories. She said it was stronger to integrate sustainability throughout the entire Plan because of the influence, rather than it being a standalone category.

Mr. Mazziotti said the LCDC was considering the addition of sustainability as a separate element in the required State Plan, but it was unsure if it would be mandatory. He agreed sustainability was an all-encompassing term, but there were clearly distinct elements in sustainability.

Councilor Arnold said all the elements that were important need to be in the Plan with clear definitions.

Councilor San Soucie said the City's Plan was going to broaden the strict boundaries of traditional land-use-oriented Plans. He said the outreach process seemed strong and would generate the brainstorming that would be beneficial to the process. He said his process recommendation would be to allow the City Council to approve the guiding principles before it goes to the public for review. He referred to page 6 of the Agenda Bill, column 1 – Guiding Principles.

Councilor Fagin asked if the Council and Planning Commission could receive one of the elements to review to see how it fits together, before the process goes further.

Mr. Mazziotti said the Council and Planning Commission would receive the first element on economics currently being developed by staff.



Mayor Doyle thanked the staff for their work.

#### COUNCIL NEW BUSINESS/COUNCIL AND MAYOR DISCUSSION

There was no new business or additional discussion.

#### EXECUTIVE SESSION

Councilor Arnold MOVED, SECONDED by Councilor San Soucie the Council move into Executive Session in accordance with ORS 192.660(2)(h) to discuss the legal rights and duties of the governing body with regard to litigation or litigation likely to be filed and in accordance with ORS 192.660(2)(3) 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 persons designated by the governing body to carry on labor negotiations. Councilors Arnold, Fagin, King and San Soucie voting AYE, the MOTION CARRIED. (4:0)

The Executive Session convened at 9:17 p.m. and adjourned into the Regular Meeting at 9:22 p.m.

There was Council consensus to authorize the hiring of outside legal counsel as discussed during Executive Session.


#### ADJOURNMENT

There being no further business to come before the Council at this time, the meeting was adjourned at 9:29 p.m.

  
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Nanci Moyo, Deputy City Recorder

Approval:

Approved this 7<sup>th</sup> day of May, 2013.

  
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Denny Doyle, Mayor