



TUALATIN CITY COUNCIL AND TUALATIN DEVELOPMENT COMMISSION

Monday, December 12, 2011

CITY COUNCIL CHAMBERS
18880 SW Martinazzi Avenue
Tualatin, OR 97062

WORK SESSION begins at 6:00 p.m. **[Note start time]**
REGULAR MEETING begins at 7:00 p.m.

Mayor Lou Ogden
Council President Monique Beikman
Councilor Wade Brooksby Councilor Frank Bubenik
Councilor Joelle Davis Councilor Nancy Grimes
Councilor Ed Truax

Welcome! By your presence in the City Council Chambers, you are participating in the process of representative government. To encourage that participation, the City Council has specified a time for citizen comments on its agenda - *Item C*, following Presentations, at which time citizens may address the Council concerning any item not on the agenda, with each speaker limited to three minutes, unless the time limit is extended by the Mayor with the consent of the Council.

Copies of staff reports or other written documentation relating to each item of business referred to on this agenda are available for review on the City's website at www.ci.tualatin.or.us/government/CouncilPackets.cfm, the Library located at 18878 SW Martinazzi Avenue, and on file in the Office of the City Manager for public inspection. Any person with a question concerning any agenda item may call Administration at 503.691.3011 to make an inquiry concerning the nature of the item described on the agenda.

In compliance with the Americans With Disabilities Act, if you need special assistance to participate in this meeting, you should contact Administration at 503.691.3011. Notification thirty-six (36) hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.

Council meetings are televised *live* the day of the meeting through Washington County Cable Access Channel 28. The replay schedule for Council meetings can be found at www.tvctv.org. Council meetings can also be viewed by live *streaming video* on the City's website, the day of the meeting at www.ci.tualatin.or.us/government/CouncilPackets.cfm.

Your City government welcomes your interest and hopes you will attend the City of Tualatin Council meetings often.

PROCESS FOR LEGISLATIVE PUBLIC HEARINGS

A **legislative** public hearing is typically held on matters which affect the general welfare of the entire City rather than a specific piece of property.

1. Mayor opens the public hearing and identifies the subject.
2. A staff member presents the staff report.
3. Public testimony is taken.
4. Council then asks questions of staff, the applicant, or any member of the public who testified.
5. When the Council has finished questions, the Mayor closes the public hearing.
6. When the public hearing is closed, Council will then deliberate to a decision and a motion will be made to either *approve*, *deny*, or *continue* the public hearing.

PROCESS FOR QUASI-JUDICIAL PUBLIC HEARINGS

A **quasi-judicial** public hearing is typically held for annexations, planning district changes, variances, conditional use permits, comprehensive plan changes, and appeals from subdivisions, partitions and architectural review.

1. Mayor opens the public hearing and identifies the case to be considered.
2. A staff member presents the staff report.
3. Public testimony is taken:
 - a) In support of the application
 - b) In opposition or neutral
4. Council then asks questions of staff, the applicant, or any member of the public who testified.
5. When Council has finished its questions, the Mayors closes the public hearing.
6. When the public hearing is closed, Council will then deliberate to a decision and a motion will be made to either *approve*, *approve with conditions*, or *deny the application*, or *continue* the public hearing.

TIME LIMITS FOR PUBLIC HEARINGS

The purpose of time limits on public hearing testimony is to provide all provided all interested persons with an adequate opportunity to present and respond to testimony. All persons providing testimony **shall be limited to 3 minutes**, subject to the right of the Mayor to amend or waive the time limits.

EXECUTIVE SESSION INFORMATION

Executive session is a portion of the Council meeting that is closed to the public to allow the Council to discuss certain confidential matters. No decisions are made in Executive Session. The City Council must return to the public session before taking final action.

The City Council may go into Executive Session under the following statutory provisions to consider or discuss: *ORS 192.660(2)(a)* employment of personnel; *ORS 192.660(2)(b)* dismissal or discipline of personnel; *ORS 192.660(2)(d)* labor relations; *ORS 192.660(2)(e)* real property transactions; *ORS 192.660(2)(f)* non-public information or records; *ORS 192.660(2)(g)* matters of commerce in which the Council is in competition with other governing bodies; *ORS 192.660(2)(h)* current and pending litigation issues; *ORS 192.660(2)(i)* employee performance; *ORS 192.660(2)(j)* investments; or *ORS 192.660(2)(m)* security issues. **All discussions within this session are confidential.** Therefore, nothing from this meeting may be disclosed by those present. News media representatives are allowed to attend this session (unless it involves labor relations), but shall not disclose any information discussed during this session.



**OFFICIAL AGENDA OF THE TUALATIN CITY COUNCIL FOR
DECEMBER 12, 2011**

A. CALL TO ORDER
Pledge of Allegiance

B. ANNOUNCEMENTS

1. Tualatin Youth Advisory Council Update for December 2011
2. Presentation of Checks to Agency Recipients of the Tualatin Employee Donate-A-Dollar Program
3. Government Finance Officers Association Certificate of Excellence in Financial Reporting Presentation

C. CITIZEN COMMENTS

This section of the agenda allows citizens to address the Council regarding any issue not on the agenda. The duration for each individual speaking is limited to 3 minutes. Matters requiring further investigation or detailed answers will be referred to City staff for follow-up and report at a future meeting.

D. CONSENT AGENDA

The Consent Agenda will be enacted with one vote. The Mayor will first ask staff, the public and Councilors if there is anyone who wishes to remove any item from the Consent Agenda for discussion and consideration. The matters removed from the Consent Agenda will be considered individually at the end of this Agenda under, 1) Items Removed from the Consent Agenda. The entire Consent Agenda, with the exception of items removed from the Consent Agenda to be discussed, is then voted upon by roll call under one motion.

1. Approval of the Minutes for the Work Session and Meeting of November 28, 2011.
2. Approval of a Change of Ownership Liquor License Application for Celia's Mexican Restaurant
3. Council Committee on Advisory Appointments Recommendations for Appointments to City Advisory Committees

E. SPECIAL REPORTS

F. PUBLIC HEARINGS – Legislative or Other

G. PUBLIC HEARINGS – Quasi-Judicial

H. GENERAL BUSINESS

1. Resolution No. **5077-11** Authorizing a Personal Services Agreement with Angelo Planning Group for Professional Services for the Linking Tualatin Project
2. Resolution No. **5078-11** Recognizing the Formation of Citizen Involvement Organization Five
3. Resolution No. **5079-11** Recognizing the Formation of Citizen Involvement Organization Two

I. ITEMS REMOVED FROM CONSENT AGENDA

Items removed from the Consent Agenda will be discussed individually at this time. The Mayor may impose a time limit on speakers addressing these issues.

J. COMMUNICATIONS FROM COUNCILORS

K. EXECUTIVE SESSION

L. ADJOURNMENT

City Council Meeting

B. 1.

Meeting 12/12/2011
Date:

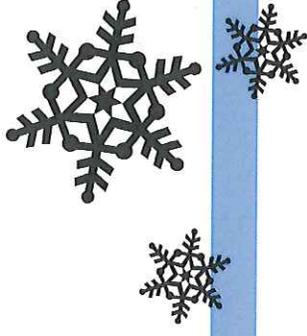
ANNOUNCEMENTS

Tualatin Youth Advisory Council Update for December 2011

Attachments

A - YAC update

National League of Cities Congress of Cities



- Phoenix, AZ
- November 10-12

 **CONGRESS OF CITIES & EXPOSITION** 

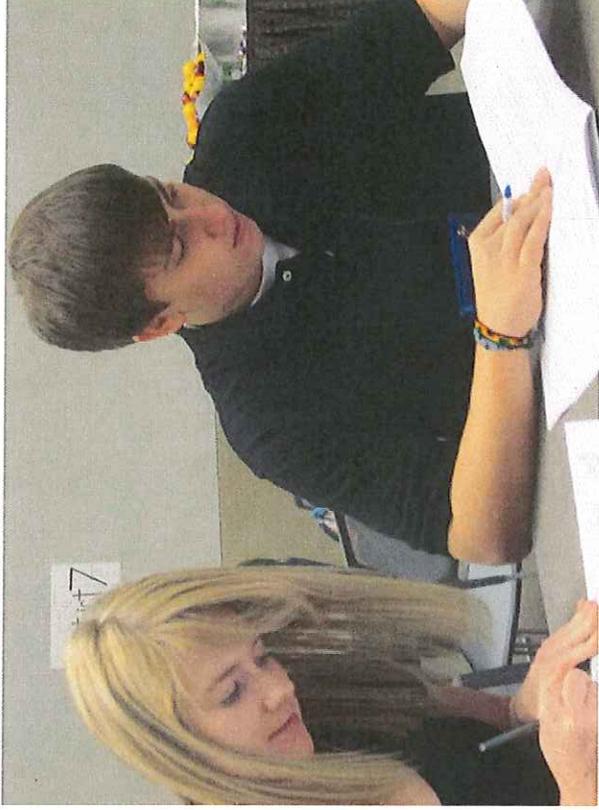
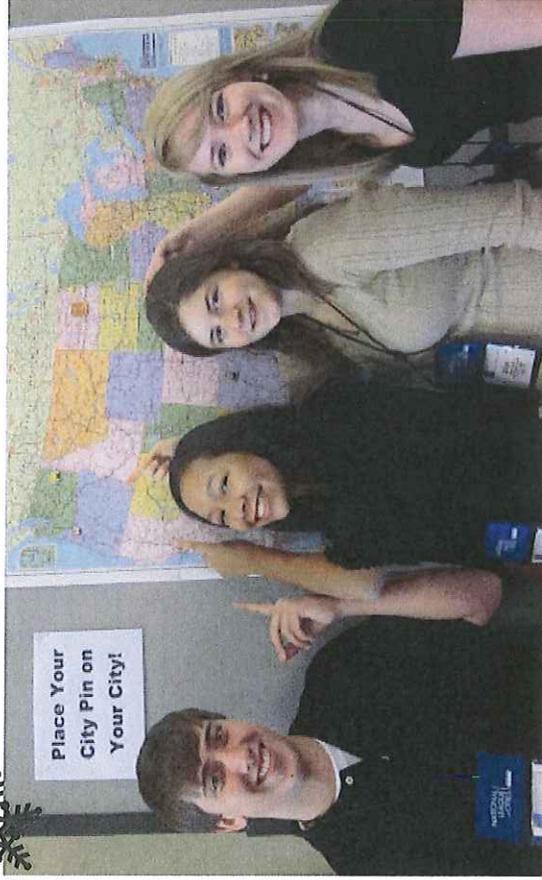
Colorado Convention Center • Denver, Colorado • November 30 - December 4, 2010

Tualatin YAC – Youth Participating in Governance

NLC 2011



- Youth delegate sessions
- General sessions and conference workshops
- Networked with other YAC members from across the country



Tualatin YAC – Youth Participating in Governance

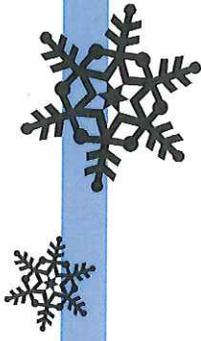
NLC 2011 - Ideas for Tualatin



- Continue to focus on healthy communities and reducing childhood obesity
- Continue to place high priority on parks and trails
- YAC will continue to work to solicit input from youth in the community
- Thank you to sponsors PGE, Comcast, and Allied Waste!



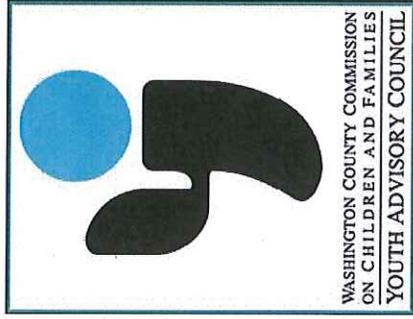
Washington County Youth Summit



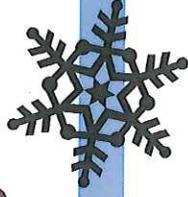
- ❑ YAC submitted Mini-Grant application on 11/18
- ❑ Focus on violence prevention/anti-bullying
- ❑ Planning to bring back Project F.R.I.E.N.D.S.!



Tualatin YAC – Youth Participating in Governance



Starry Nights and Holiday Lights



- Friday, December 2
- YAC participated in:
 - Crafts
 - Cards for Troops
 - Santa's Helpers
 - General merriment
 - Choir helper



Tualatin YAC – Youth Participating in Governance

Meeting 12/12/2011
Date:

ANNOUNCEMENTS

Presentation of Checks to Agency Recipients of the Tualatin Employee Donate-A-Dollar Program

SUMMARY

For many years, City employees "adopted" families during the holidays. Employees would sign up to purchase gifts for under privileged families, and deliver them during the holiday season. As the City and staff numbers grew, this program became too large, so a new program, Donate-A-Dollar, was instituted to take its place.

How does it work? City employees can sign up to have \$1, or more taken out of each of their bi-weekly paychecks. The money is kept in a separate account by the City and after the last pay period in November is withdrawn and the funds are divided among four charities: the Tigard-Tualatin Resource Center, the Tualatin Schoolhouse Food Pantry, the Good Neighbor Center, and the Domestic Violence Resource Center. These charities together provide a range of services, from basic food supplies, shelter, language classes, and counseling, to job and skill training. Every dollar donated helps provide these much-needed services to our community.

The program is now in it's fourth year, and continues to grow. The first year each charity received \$425, the following year \$732, last year \$856, and this year it will be \$1168!

City Council Meeting

B. 3.

Meeting 12/12/2011
Date:

ANNOUNCEMENTS

Government Finance Officers Association Certificate of Excellence in Financial Reporting Presentation

SUMMARY

The Government Finance Officers Association (GFOA) established the Certificate of Achievement for Excellence in Financial Reporting Program in 1945 to encourage and assist state and local governments to go beyond the minimum requirements of generally accepted accounting principles to prepare comprehensive annual financial reports (CAFRs) that evidence the spirit of transparency and full disclosure and then to recognize individual governments that succeed in achieving that goal. It is one of the most prestigious awards for financial reporting available. The City of Tualatin submitted its report for the period ending June 30, 2010 to the GFOA and was recently awarded a Certificate of Achievement. This is the 20th consecutive year that the City's CAFR has received this honor.

Staff will present the plaque to the Council and recognize the Finance Staff who were instrumental in preparing the report.



City of Tualatin

City Council SPEAKER REQUEST FORM

IMPORTANT: Any citizen attending Council meetings may speak on any item on the agenda. If you wish to speak, please complete this form and return to the **City Recorder**. *This document is a public record.*

NAME Wendie Kellington DATE 12/12/11
STREET ADDRESS 1335 Chandler Rd LO
STATE OR ZIP 97034 E-MAIL wk@wkellington.com

I wish to speak during **CITIZEN COMMENTS** on a subject that is not on the current Council agenda. (3-minute time limit per speaker)

Subject TIG SW concept plan update/check in

I wish to speak on **AGENDA ITEM No.** _____ (TESTIMONY TIME MAY BE LIMITED)

_____ IN FAVOR _____ OPPOSED _____ NEUTRAL

NOTE: IF WRITTEN DOCUMENTATION IS PRESENTED PLEASE FURNISH AT LEAST ONE (1) COPY, ALONG WITH THIS FORM, TO THE CITY RECORDER FOR THE OFFICIAL RECORD.

Submitted for the record
under Citizen Comments
on December 12, 2011



JOHNSON REID
LAND USE ECONOMICS

MEMORANDUM

DATE: December 5, 2011

TO: Wendie Kellington
ATTORNEY AT LAW

FROM: Jerry Johnson
JOHNSON REID LLC

SUBJECT: Industry Characteristics and Needs

I have been asked to prepare a memorandum discussing industrial user needs, both in general as well as for the specific cluster of employers you represent in Washington County. Jurisdictions often have economic development goals that are undermined by land use actions, and it is important that the functional needs of industries are understood to minimize these conflicts.

Industry Dynamics

Businesses make location decisions based on a number of criteria, which varies somewhat from firm to firm. In general, sites need to have the following:

- Adequate infrastructure
 - Transportation - auto, truck, rail, marine, etc.
 - Utilities – electric, gas, water, sanitary, etc.
- Workforce – proximity to an adequately scaled and skilled workforce
- Flexibility – an ability to expand or change operations, often scale and entitlement related

Firms make location decisions on the basis of what they initially need, and what they believe they may need in the future. A business may have an initial need for a 20,000 square foot warehouse, but that may shift in time to include additional structures for similar or other uses, as well as uses such as outdoor storage or yard space.

Industry typically values flexibility, allowing it to adjust to the needs and opportunities of the marketplace. Firms are not clairvoyant, and must be able to modify their business and operations models significantly over time. Regulatory uncertainty introduces a substantial risk for firms, increasing their perceived costs and reducing their incentives to invest in specific locations.

Highly prescriptive zoning typically works in opposition to the needs of firms, particularly industrial firms. The ability to adjust nimbly to the marketplace requires the ability to quickly obtain building permits for expansions/ changes/reconstruction. As an example, a type III discretionary process can span many months and has an uncertain outcome. This can factor into a firm's decision to commit the time and funding to such a process and may cause either the loss of the opportunity or force the expansion opportunity to a different location. For larger firms with multiple locations, firms are essentially competing against a series of alternative locations for capital investment. The firm must make investments in ways that keep it competitive in its market, and operating in a regulatory environment that is less favorable may offer a competitor a significant advantage.



Nonconforming Use Entitlements

Allowing firms to continue operations as nonconforming uses has a corrosive influence on those operations. When entitlements are changed and existing uses are categorized as “nonconforming”, this typically restricts the ability of firms to expand or invest in their current locations. Over time, this may lead to the relocation of a business, but often at substantial cost and entailing a loss of significant investments in specialized improvements. This also can have a substantial impact on the value of a business, most notably for firms unable to thrive as nonconforming uses and also unable to survive the cost of relocation. A buyer of a business is not likely to place full value on land and improvements that do not also have the entitlements in place for necessary expansion and investment.

In summary, categorization of a business as a nonconforming use significantly erodes its ability to maintain its operations, while also reducing the ability of the business owner to sell the operation. The ability to sell a business is important to the maintenance of jobs. As closely held business owners retire they need to sell their businesses in order for the business to survive. If they can't sell, then the jobs they represent are unlikely to be saved. If they can't sell it would not make sense to make significant investment in upgrading and/or modernizing the business because that is an investment that cannot be recouped. If the ability to sell is significantly constrained, even if a business sells it will sell for a fraction of its value potentially contributing to blight in the area. Businesses will be sold at a lower basis that discounts the value of current land and facilities, making these firms more likely to relocate. The abandoned properties will often have highly specialized improvements, which are difficult to sell.

Economic Development Impacts

The emphasis of industrial analysis should be on “sites” as opposed to land. Firms require sites that can accommodate their current and anticipated future needs. The traditional planning formula approach to industrial land needs determination is poorly suited to industrial site needs and is based upon population and employment projections applied to a square footage per employee ratio to arrive at a total acreage number. The necessary range of parcel sizes, lot configuration, required site attributes, land banking/growth options, and critical infrastructure factors are essentially de-prioritized in the traditional planning formula, subordinated or ignored in this traditional static acreage calculation approach. This traditional planning approach can work for residential and commercial projections, but is poorly suited to the calculation of industrial site needs.¹ We have recently worked with major industrial employers that have expanded their on-site employment through a reduction in built space.

In addition, the competition for firms is significant and jurisdictions that limit their potential pool of employers will be at a competitive disadvantage vis-à-vis more business friendly jurisdictions. Jurisdictions that feel they can pick “targeted” industries must make that decision carefully, as the track record of public industrial targeting is not good.

The jobs in the specific cluster impacted are well paid, and difficult to replace. While zoning efforts are often prescriptive in terms of form, those forms can only address a limited spectrum of firms. Industrial firms have a much more diverse range of facility requirements relative to office, commercial or residential uses. As a result, flexibility in allowed uses is more critical for industrial uses. Without flexibility these firms are lost, as they are functionally incapable of occupying more traditional commercial development forms. The proposed code appears to favor firms with higher employment densities, but these will not be

¹ Unlike office demand, the need for most types of industrial space is difficult to determine using employment projections. Most industrial uses generate comparatively few jobs per square foot of leasable area, and space needs have little to do with changes in the number of jobs in production or distribution business...Warehouse and distribution demand (for example) is usually generated by changes in corporate logistics and freight volumes, not job growth.” *Real Estate Market Analysis: Methods and Case Studies, Second Edition, ULI Press, 2009.*



the same firms as currently exist. It is important to recognize that the many of the relatively high employment density firms are not sustainable in the economy without the function of lower density industrial firms that are not consistent with less industrial friendly zoning codes. The economy needs a variety of allowed uses to meet the full spectrum of needs.

Specific Cluster Impacts

Each of the existing specific area businesses has needs and plans to eventually be something more or something else, and the proposed zoning will limit their flexibility and impact their ability to maintain themselves as a healthy ongoing concerns. If the existing industry is not allowed broad rights consistent with an industrial classification, the change in entitlements is likely to risk job loss, with the industries becoming unhealthy and either relocating or closing operations.

The ability to maintain a business is significantly constrained if entitlements are changed and the business is left as a nonconforming use. It is very difficult and in some cases impossible to obtain financing, and makes no sense to invest in the business for the company to adjust and grow. Placing businesses in a nonconforming use status risks blighting the area as there is no incentive to maintain or upgrade the business.

We understand that an alternative being discussed is not categorizing a business as a nonconforming use but limiting it by land use regulations to exist exactly as it is today. We fail to see how this differs substantively from designating the business as a nonconforming use. All the above difficulties remain. Even worse are proposals to "sunset" rights of existing businesses to be permitted uses, which effectively amortizes businesses out of existence over time.

The existing firms in this area located in an industrial area that allowed them the flexibility to operate and invest in their businesses consistent with their planned needs. In other jurisdictions, economic development efforts have focused on the needs of industrial tenants, and protecting industrial sanctuaries from incompatible uses. Industrial users are seen as vital basic industries that are necessary for the broader economic function of the region, and zoning is established to protect and encourage their operations and future expansion.



I. QUALIFICATIONS

COMPANY BACKGROUND, JOHNSON REID

JOHNSON REID LLC was founded with the intent of assembling the most technically capable and knowledgeable consulting professionals in the Northwest. We have assembled a staff of highly qualified and experienced individuals, with over 50 years of combined experience. The firm offers a full range of real estate and economic development services, with extensive experience in a wide range of land uses and development forms. Our experience includes the following types of projects:

- **Land Use and Regional Economics**
 - *Economic and Fiscal Impact Analysis*
 - *Residential Needs Assessment*
 - *Commercial and Industrial Needs Assessment*
 - *Development Fee/SDC Incidence Analysis*
 - *Litigation Support/Expert Witness Testimony*
- **Economic and Business Development Planning & Analysis**
 - *Economic Development Plans*
 - *Target Industry Analysis*
 - *Small Business Formation Analysis and Feasibility*
- **Commercial/Industrial Market Analysis**
- **Residential Market Analysis**
- **Periodic Economic and Market Forecasting**
- **Financial Analysis**
 - *Financial Feasibility Analysis*
 - *Residual Land Value Analysis*
 - *Least Cost Location Analysis*
 - *Public/Private Partnerships*
 - *Urban Renewal District Bonding Capacity Calculations*
 - *Highest and Best Use Analysis*
- **Strategic Planning**

The Firm has been actively involved in the development of many of the largest and most complex developments in the Pacific Northwest, and is regularly retained by the region's most prominent developers to complete market and financial feasibility studies in the Northwest. In addition, we work for many of the region's lenders on a retainer basis to monitor local real estate markets.

JOHNSON REID serves a diverse mix of clients, including government and public agencies, corporations, developers, institutional investors, financial institutions and non-profit organizations. The diversity of our client base has allowed our firm to approach the development process from a wide range of perspectives. As a result, we have developed a comprehensive understanding of the factors necessary to encourage facilitate and direct the development process in support of public policy objectives. We have been among the leading consultants to private sector developers in the region, are viewed as the primary source of real estate market evaluation by the area's largest commercial lenders, and have worked extensively with public agencies throughout the region. JOHNSON REID regularly melds public policy with market and financial realities, producing accurate, reliable and realistic advice.



JOHNSON REID CLIENT LIST

| | | |
|-----------------------------------|---|--|
| Private Sector | Naumes, Inc | City of Beaverton |
| Albertsons, Inc. | Newland Northwest | City of Central Point |
| Alexandria Investment Company | Nova Northwest | City of Coos Bay |
| American Pacific Bank | Nupark Development | City of Corvallis |
| Amstar Properties, Ltd. | Opus Northwest | City of Eugene |
| Angelo Eaton | Pacific Lifestyle Homes | City of Fairview |
| Archstone Communities | PacifiCap Properties Group | City of Gresham |
| Associated General Contractors | PacLand | City of Hillsboro |
| Association for Portland Progress | Polygon Northwest | City of Klamath Falls |
| Austin Industries | Prestige Development | City of LaGrande |
| Avalon Bay | Quadrant Corporation | City of Lake Oswego |
| Beaumont Village | R.A. Gray & Company | City of Lincoln City |
| Bedford Properties | Randall Realty Corporation | City of Marysville |
| Belbadi Group | Richmond American Homes | City of Medford |
| Bircher Mitsui | Rick Burnstead Construction | City of Milton-Freewater |
| Blackhawk on the River | Rose CDC | City of Milwaukie |
| Blackhawk Port Blakely | Running Y Ranch | City of Mollala |
| Bosa Development | Ryland Homes | City of Newberg |
| Bowen Real Estate Group | Salem Chamber of Commerce | City of Newport |
| BRE Properties | Sam Galbreath Associates | City of North Plains |
| Caitac USA Corporation | Samish Nation | City of Ontario |
| Century Real Estate Advisors | Scherzer Real Estate Group | City of Oregon City |
| Chemawa Station | Schnitzer Investment Corporation | City of Portland |
| College Housing Northwest | Schnitzer NW | City of Redmond |
| Costa Pacific Homes | Security Capital Group | City of Reedsport |
| Crossings Corporation | Service Corp International | City of Roseburg |
| Del Webb Corporation | Sheridan Capital | City of Salem |
| Don Morrisette Homes | Simmco | City of Sandy |
| Dorn-Platz & Co | Simpson Housing | City of Seattle |
| Dry Creek Landfill | Sobrato Development | City of Springfield |
| DUC Housing Partnership | Specht Development | City of Tigard |
| Eagle Crest | The Dahl Company | City of Troutdale |
| ECONorthwest | The Development Group | City of Turner |
| Equity Residential | TMT Development | City of Union |
| Essex Property Trust | Trammell Crow Residential | City of Vancouver |
| Fred Meyer | Trendwest Resorts | City of Waldport |
| Friends of the Gorge | Triad Development | City of Wood Village |
| Genstar | United Dominion Realty Trust | Clackamas Community College |
| Gerding/Edlen | Vulcan | Clackamas County, Oregon |
| Glacier Northwest | Waste Management | Clark County Housing Department |
| Glacier Park Properties (BNRR) | Wellsford Residential | Deschutes County Fairgrounds |
| Gramor Development | Weyerhaeuser Real Estate Company | Downtown Corvallis Association |
| GSL Properties, Inc. | Winkler Development Corporation | Housing Authority of Portland |
| H&S Development | | HUD |
| Harbor Properties | Institutional/Corporate | King County Department of Development |
| Harsch Investment Corporation | Bank of America | King County Housing |
| HBAMP | Bank of the West | Lewis and Clark College |
| HGW, Inc. | Bank One | Metropolitan Service District (METRO) |
| Hillebrand Paradise Ranch | Centennial Bank | Multnomah County, Oregon |
| Holland Partners | First Bank of Tennessee | Oregon Department of Corrections |
| Homart | First Horizon | Oregon Department of Transportation |
| Innovative Housing | GE Capital Corp. | Oregon Economic Development Department |
| Intracorp | Portland State University | Port of Astoria |
| Intrawest Corporation | Interstate Bank Developers | Port of Camas/Washougal |
| JPI | Kaiser Permanente | Port of Coos Bay |
| Kemper Company | Legacy Health Systems | Port of Garibaldi |
| Key Bank of Oregon | Nike, Inc. | Port of Hood River |
| Key Bank Of Washington | Northwest Aluminum | Port of Newport |
| Killian Pacific | Northwest Natural Gas | Port of Portland |
| Kimco Developers | Rogue Disposal & Recycling | Port of Siuslaw |
| LandAmerica Lawyers Title | Sisters of St. Mary | Port of The Dalles |
| Legacy Partners | Southwest Wash. Hospitals | Port of Tillamook Bay |
| Lennar Affordable Housing | Taiki Corporation | Portland Business Alliance |
| Lincoln Property Company | US Bancorp | Portland Development Commission |
| Macerich Company | Wells Fargo Bank | Portland Planning Bureau |
| Matrix Development | | Redmond Airport |
| MBK Northwest | Public Sector | Skamania County |
| Miller Nash | Abu Dhabi Urban Planning Council | State of Oregon Dept. of Corrections |
| Milliken | Ada County, Idaho | Tri Met |
| Myhre Group Architects | Central Oregon Regional Housing Authority | Vancouver Housing Authority |



JERALD W. JOHNSON, PRINCIPAL

JERRY JOHNSON is a real estate market and regional economic development consultant. He has consulted on a broad range of real estate development and land use economic topics, for both public- and private-sector clients. As a Principal with JOHNSON REID, Mr. Johnson is involved in research design, market analysis, economic and financial modeling, and public policy. His clients include many of the region's major developers, as well as financial institutions and governmental agencies.

AREAS OF SPECIALIZATION:

- **Land Use and Regional Economics**
 - *Economic Development Planning;*
 - *Public need analysis;*
 - *Development fee incidence analysis;*
 - *Strategic Planning and residential and commercial needs assessment; and*
 - *Target industry analysis.*
- **Residential, Commercial and Industrial Market Analysis**
 - *All residential property types;*
 - *Business parks, including flex space and warehouse/distribution facilities;*
 - *Office developments, including mid- and high-rise Class A buildings and suburban office parks;*
 - *Retail developments, including neighborhood, community, regional and specialty retail centers;*
 - *Hotel/motel and conference center developments.*
- **Public Private Partnerships**
- **Financial Analysis**
 - *Financial modeling of residential, commercial, and industrial developments;*
 - *Residual land value analysis and highest and best use analysis; and*
 - *Least cost location analysis.*
- **Litigation Support**

EXPERIENCE:

- Economic development analysis and efforts for various entities, including the Cities of Portland, Seattle, Hillsboro, Lynnwood, Troutdale, Forest Grove, Gresham, Medford, Newport, Redmond, Deschutes County, Clackamas County and the Oregon Community & Economic Development Department.
- Market and financial analysis for major developers, including Opus Northwest, Schnitzer Northwest, Vulcan Properties, Trammell Crow Residential, Intrawest, Birtcher-Mitsui, Lincoln Properties, Gramor Northwest, Weyerhaeuser Real Estate, Sobrato Development, Macerich, Jones Lang LaSalle, Equity Residential and Security Capital.
- Market and public policy analysis for public sector jurisdictions and agencies, including the Portland Development Commission, Port of Portland, Metro, City of Seattle, Ada County, Abu Dhabi Urban Planning Council, and numerous jurisdictions and agencies.
- Real estate market forecasting for major metropolitan areas within the Western United States for US Bancorp, Wells Fargo, Bank of America, Bank One, Key Bank, First Bank of Tennessee and numerous REITS.
- Frequent speaker on real estate trends, market forecasts and land use management issues.

In addition, Mr. Johnson serves as an adjunct professor at Portland State University's School of Urban Studies, teaching real estate finance and real estate market analysis to graduate students. He also currently sits on the Governor's Council of Economic Advisors for the State of Oregon. He holds a Master of Science in Urban Planning with a specialization in Economic Development from Portland State University, as well as a Bachelor of Science in Architectural Design.



STAFF REPORT CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Maureen Smith, Executive Assistant

DATE: 12/12/2011

SUBJECT: Approval of the Minutes for the Work Session and Meeting of November 28, 2011.

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve the minutes of the Work Session and Meeting of November 28, 2011.

RECOMMENDATION:

Staff respectfully recommends that the Council adopt the attached minutes.

FINANCIAL IMPLICATIONS:

There are no financial impacts associated with this item.

Attachments: A - Work Session Minutes of November 28, 2011
B - Meeting Minutes of November 28, 2011



**OFFICIAL MINUTES OF TUALATIN CITY COUNCIL WORK SESSION
FOR NOVEMBER 28, 2011**

Present: Mayor Lou Ogden; Council President Monique Beikman; Councilor Frank Bubenik; Councilor Joelle Davis; Councilor Nancy Grimes; Councilor Ed Truax

Absent: Councilor Wade Brooksby

Staff Present: City Manager Sherilyn Lombos; City Attorney Brenda Braden; Police Chief Kent Barker; Operations Director Dan Boss; Community Development Director Alice Rouyer; Community Services Director Paul Hennon; Finance Director Don Hudson; Assistant to the City Manager Sara Singer; Project Engineer Dayna Webb; Parks and Recreation Manager Carl Switzer; Management Analyst Ben Bryant; Executive Assistant Maureen Smith

1. CALL TO ORDER

Mayor Ogden called the Work Session to order at 5:30 p.m.

2. Discussion on Durham Police Services Contract

City Manager Sherilyn Lombos began the discussion on the contract Tualatin has with the City of Durham for police services coverage.

Police Chief Kent Barker gave a brief history on the police services contract with Durham. Tualatin has provided police services coverage since 1989. Previous discussions and Council direction was given to negotiate terms of a new contract with Durham for a long term police coverage contract. Chief Barker said he and City Manager Lombos had met with the Durham City Administrator deciding on a one-year contract and to revisit the contract terms again after the end of that contract. Last fiscal year Durham paid \$87,563 for police services coverage. Staff has recently met with Durham officials several times and attended a Durham Council meeting. The current contract expires December 31, 2011.

Chief Barker said, in response to the question, that his recommendation is to propose a five year contract beginning at \$110,000/year, raising it 3% per year thereafter. Services provided would be 24/7, except for Code violations/enforcement, alarm permits administration, and park ranger enforcement. In answer to the question, Chief Barker said he believes that Durham would be amenable to the proposal.

City Manager Lombos commented that Tualatin wants to continue to be Durham's service provider, and assuming that the City can come to an agreement, Durham has expressed the same. With cost recovery the City can, in good faith, show Tualatin residents that they are not subsidizing the City of Durham. Brief discussion followed. All Council present agreed to the proposal presented by staff. Staff will return at a later date after meeting with Durham City officials.

3. *Update on the Blake Street Pathway Project*

Community Services Director Paul Hennon presented a PowerPoint and gave an update on the Blake Street Pathway project preparing a master plan within the undeveloped Blake Street Right-of-Way. The pathway is approximately 750 feet. He reviewed the design work that has been done to date, workshops that have been held, including the topic of "naming" the project/site. The next steps were reviewed, with a recommendation that will come from the Tualatin Parks Advisory Committee (TPARK), and then come back before Council at the January 9, 2012 meeting for a decision. If the decision is to move forward, there may not be funding for the entire project, but the master plan could be adopted. Director Hennon said until the final design is done he is not sure what the cost will be, but it will exceed any funds that are available.

A brief background was given on how the Blake Street neighborhood worked with the City to make sure there would not be a street built. Possible funding sources were reviewed that could include applying for grants and possible state lottery funds. The process of approval, etc. was reviewed, and Mayor Ogden mentioned this project could give a certainty with the residents that a road will not be built there. Council President Beikman's preference is to connect the City's present trails rather than a trail that leads to nowhere. It was asked and explained that the pathway would be primarily for the use of the neighborhood. Brief discussion followed.

4. *Tall Grass On Undeveloped Lots*

City Attorney Brenda Braden and Code Enforcement Officer Crystal Reynolds presented information on "tall grass" in undeveloped lots. It has caused an issue in recent months with grass growing more rapidly than usual and keeping within the 10 inch requirement as it coincides with mowing. The current ordinance does not distinguish between undeveloped properties that have been graded and planted with meadow-type grasses from properties that are covered with weeds and other noxious vegetation, and also doesn't distinguish between undeveloped properties in residential areas and those located in a commercial area.

A PowerPoint was shown of examples of various types of overgrown grass in different areas of the City. Questions for Council consideration is whether to leave the current requirement of no more than 10 inches high, establishing a specific mowing schedule, and to differentiate from residential and commercial lots. Discussion followed on the types of grass and the definition of "meadow-type." Council discussed what types of changes could be made to the current ordinance.

The consensus of all Council present was to keep the 10 inch requirement in place for residential or adjacent to residential, including "overall" 10 inches in height. A 10 foot setback against a road was decided for commercial and to leave natural, meadow-like habitat otherwise, and to not establish a mowing schedule. Staff will bring back an ordinance reflecting Council's direction.

5. Council Meeting Agenda Review, Communications and Roundtable

EXECUTIVE SESSION

Mayor Ogden noted an executive session pursuant to ORS 192.660(2)(e) to discuss real property transactions and an executive session pursuant to ORS 192.660(2)(h) to discuss current and pending litigation will be held after the Council Meeting.

CONSENT AGENDA REVIEW

Council reviewed the Consent Agenda with no questions or changes.

H. GENERAL BUSINESS

Item H-1 Ordinance No. **1336-11** to Require Dog Waste To Be Removed From Public and Private Properties; Proscribing a Penalty; and Adding New Section, 6-4-050 to the Tualatin Municipal Code

MOTION by Councilor Davis, SECONDED by Councilor Grimes for a first reading by title only. MOTION by Councilor Davis, SECONDED by Councilor Grimes for a second reading by title only. MOTION CARRIED. The poll was unanimous. MOTION by Councilor Davis, SECONDED by Councilor Grimes to place adoption of the ordinance on the Consent Agenda. MOTION CARRIED.

COMMUNICATIONS

Councilor Bubenik mentioned Clean Water Services' Board of Directors is looking for applicants to serve on their Advisory Commission, which makes recommendations to the Board on major policy issues and programs related to the management of water resources. Staff will post the information on the City's website and forward to the Chamber for their website.

Councilor Grimes said the meetings she attends in Clackamas County for various committees have been cancelled until January.

City Manager Lombos said she and Community Development Director Rouyer met with Metro officials regarding the Stafford area advocating for early and frequent communications as the discussions move forward. Metro will be speaking with Clackamas County officials and will advocate for the adjoining cities' involvement and communication.

Council President Beikman asked and staff will provide more information on the Transportation Development Tax (TDT) before she attends the next Washington County Coordinating Committee meeting.

Mayor Ogden mentioned the first regional mayors meeting that was held and felt it was important for mayors to get together and discuss city issues regionally. They will start meeting once a month on the second Wednesday and there will be agendas and notes taken. Mayor Ogden said he has high hopes that the meetings can bridge the communities working together and with Metro.

6. ADJOURNMENT

Mayor Ogden adjourned the Work Session at 6:55 p.m.

Sherilyn Lombos, City Manager



Maureen Smith, Recording Secretary



OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR
NOVEMBER 28, 2011

Present: Mayor Lou Ogden; Council President Monique Beikman; Councilor Frank Bubenik; Councilor Joelle Davis; Councilor Nancy Grimes; Councilor Ed Truax

Absent: Councilor Wade Brooksby

Staff Present: City Manager Sherilyn Lombos; City Attorney Brenda Braden; Police Chief Kent Barker; Community Development Director Alice Rouyer; Community Services Director Paul Hennon; Finance Director Don Hudson; Assistant to the City Manager Sara Singer; Project Engineer Dayna Webb; Management Analyst Ben Bryant; Executive Assistant Maureen Smith

A. CALL TO ORDER

Mayor Ogden called the meeting to order at 7:04 p.m.

The Pledge of Allegiance was led by Councilor Bubenik.

B. ANNOUNCEMENTS

1. Employee Introductions - *Lynette Sanford, Community Development*

Community Development Director Alice Rouyer introduced Lynette Sanford, part-time Office Coordinator for the department, and gave a brief background. Council welcomed Lynette to the City.

2. Proclamation Declaring December 10, 2011 as "Human Rights Day" and December 4 - 10, 2011 as "Human Rights Week"

Councilor Davis noted she serves on the Washington County Human Rights Council and mentioned the issues the Council deals with. The results of the annual poster contest done by students was distributed to Council, and Councilor Davis also noted the Human Rights Council sponsored a recent forum. Councilor Davis said she is proud to be a part of the Human Rights Council and read the proclamation declaring December 10, 2011 as "Human Rights Day" and December 4 through 10, 2011 as "Human Rights Week."

3. Starry Nights and Holiday Lights Presentation - Community Services

Recreation Program Specialist Heidi Marx presented information on the 8th annual Starry Nights and Holiday Lights event on the Commons. The event will be held on Friday, December 2, 2011 starting at 5:30 p.m. A PowerPoint was shown on activities that will take place, and a short video was shown that was produced by Tualatin Valley Community Television for airing on public access channels on the upcoming event.

C. **CITIZEN COMMENTS**

David Emami, North Shore Road, Lake Oswego, OR, spoke on the issue of "tall grass" on undeveloped property, and the City's current ordinance addressing the issue. Mr. Emami said he owns property that is undeveloped in the area of 72nd and that the complaints received by the City about the tall grass at that site are from an unsuccessful buyer of his property. He noted the costs he has incurred by mowing, and the wildlife that is nested there. He said he is asking for Council to consider an ordinance to distinguish between nuisance issues and "meadow-like" undeveloped lots.

Mayor Ogden noted this issue was discussed earlier at Work Session and he explained Council direction given to staff to modify the ordinance. It was asked and Mayor Ogden explained about the proposed ordinance.

D. **CONSENT AGENDA**

Item H-1 - Ordinance No. 1336-11 had first and second readings at Work Session and was placed on the Consent Agenda.

MOTION by Councilor Ed Truax, SECONDED by Councilor Frank Bubenik to adopt the Consent Agenda as amended and read.

Vote: 6 - 0 MOTION CARRIED

1. Approval of the Minutes for the Work Session and Meeting of November 14, 2011
2. Resolution No. 5076-11 Authorizing the Mayor to Sign the Southwest Corridor Plan Charter
3. Ordinance No. 1336-11 to Require Dog Waste To Be Removed From Public and Private Properties; Proscribing a Penalty; and Adding New Section, 6-4-050 to the Tualatin Municipal Code

E. **SPECIAL REPORTS**

1. Update on the Transportation System Plan
-

Community Development Director Alice Rouyer and Project Engineer Dayna Webb were present and gave an update on the Transportation System Plan (TSP) project. The video contest ended with an award given to two entries, and a short clip from each video was shown. Both videos are available on the project website (www.tualatintsp.org). It was suggested that it would be beneficial for the newly formed Transportation Task Force to view the videos to gain a perspective of the transportation issues Tualatin faces and what can be done to address those issues.

The first Transportation Task Force meeting will be held this week beginning with an overview of the projects they will be considering, and the next meeting focusing on the TSP. The technical work for the TSP is underway, with traffic counts and travel time studies along main corridors completing. Staff is currently reviewing the first draft of existing conditions from the consultant and will be sharing the information with the Task Force at an upcoming meeting. It was noted that there were 329 visitors to the TSP website in October, and 355 map comments received to date.

Also of note, the "Linking Tualatin" project, funded by a Metro excise tax grant, now has a consultant and sub-consultants selected. More information will be available at the next Council meeting.

- F. **PUBLIC HEARINGS** – Legislative or Other
- G. **PUBLIC HEARINGS** – Quasi-Judicial
- H. **GENERAL BUSINESS**
- I. **ITEMS REMOVED FROM CONSENT AGENDA**
- J. **COMMUNICATIONS FROM COUNCILORS** - *None.*
- K. **EXECUTIVE SESSION**

Mayor Ogden noted an executive session pursuant to ORS 192.660(2)(e) to discuss real property transactions, and an executive session pursuant to ORS 192.660(2)(h) to discuss current and pending litigation will be held after the Council meeting.

L. **ADJOURNMENT**

MOTION by Council President Monique Beikman, SECONDED by Councilor Joelle Davis to recess the meeting at 7:39 p.m to go into an executive session pursuant to ORS 192.660(2)(e) to discuss real property transactions and an executive session pursuant to ORS 192.660(2)(h) to discuss current and pending litigation.

The meeting adjourned at 8:32 p.m.

Vote: 6 - 0 MOTION CARRIED

Sherilyn Lombos, City Manager

Maureen Smith Maureen Smith / Recording Secretary



STAFF REPORT

CITY OF TUALATIN

APPROVED BY TUALATIN CITY COUNCIL

Date 12-12-11

Recording Secretary M. Smith

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Maureen Smith, Executive Assistant

DATE: 12/12/2011

SUBJECT: Approval of a Change of Ownership Liquor License Application for Celia's Mexican Restaurant

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve a change of ownership liquor license application for Celia's Mexican Restaurant.

RECOMMENDATION:

Staff respectfully recommends that the Council approve endorsement of the change of ownership liquor license application for Celia's Mexican Restaurant.

EXECUTIVE SUMMARY:

Celia's Mexican Restaurant has submitted a change of ownership liquor license application, formerly known as Juan Colorado Mexican Restaurant. The license is for Full On-Premises Sales - Commercial Establishment (which allows the sale and service of distilled spirits, malt beverages and wine for consumption on the licensed premises. Also allows licensees who are pre-approved to cater events off of the licensed premises). The business is located at 18770 SW Boones Ferry Road. The application is in accordance with provisions of Ordinance No. 680-85 which established a procedure for review of liquor licenses by the Council.

Ordinance No. 680-85 establishes procedures for liquor license applicants. Applicants are required to fill out a City application form, from which a review by the Police Department is conducted, according to standards and criteria established in Section 6 of the ordinance. *The Police Department has reviewed the new liquor license application and recommended approval.*

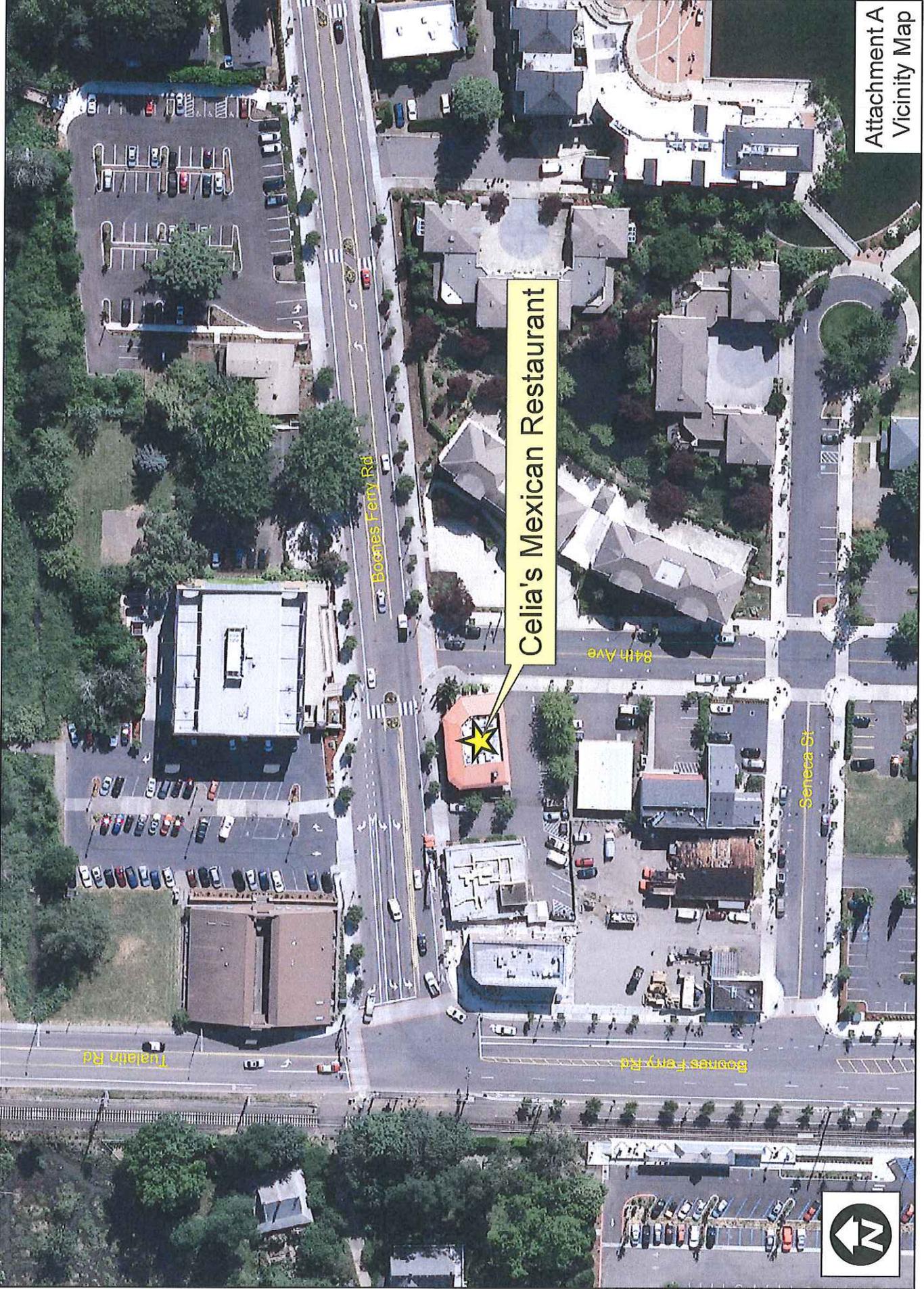
According to the provisions of Section 5 of Ordinance No. 680-85 a member of the Council or the public may request a public hearing on any of the liquor license requests. If such a public hearing request is made, a hearing will be scheduled and held on the license. It is important that any request for such a hearing include reasons for said hearing.

FINANCIAL IMPLICATIONS:

A fee has been paid by the applicant.

Attachments: A - Vicinity Map
 B - Liquor License Application
 C - OLCC License Types

Celia's Mexican Restaurant - 18770 SW Boones Ferry Rd



Attachment A
Vicinity Map



CITY OF TUALATIN
LIQUOR LICENSE APPLICATION

Date 11-23-11

IMPORTANT: This is a three-page form. You are required to complete all sections of the form. If a question does not apply, please indicate N/A. Please include full names (last, first middle) and full dates of birth (month/day/year). Incomplete forms shall receive an unfavorable recommendation. Thank you for your assistance and cooperation.

SECTION 1: TYPE OF APPLICATION

- Original (New) Application - \$100.00 Application Fee.
Change in Previous Application - \$75.00 Application Fee.
Renewal of Previous License - \$35.00 Application Fee. Applicant must possess current business license. License #
Temporary License - \$35.00 Application Fee.

SECTION 2: DESCRIPTION OF BUSINESS

Name of business (dba): Celia's Mexicant RESTAURANT
Business address 18770 SW BOONES FERRY RD City Tualatin State OR Zip Code 97062
Mailing address 18770 SW BOONES FERRY RD City Tualatin State OR Zip Code 97062
Telephone # 503-692-0390 Fax # 503-885-9665
Name(s) of business manager(s) First Alfonso Middle Contreras Last Cardenas
Date of birth Social Security # ODL# M X F
Home address City Tigard State OR Zip Code 97224
Type of business Mexicant Restaurant
Type of food served Mexicant
Type of entertainment (dancing, live music, exotic dancers, etc.)
Days and hours of operation Monday to Sunday 11:00AM to 10:00 PM
Food service hours: Breakfast Lunch 11:00-3:00 Dinner 3:00-10:00
Restaurant seating capacity 139 Outside or patio seating capacity 26
How late will you have outside seating? 10:00 PM How late will you sell alcohol? 10:00 PM

How many full-time employees do you have? 6 Part-time employees? 4

SECTION 3: DESCRIPTION OF LIQUOR LICENSE

Name of Individual, Partnership, Corporation, LLC, or Other applicants _____

Celia's Mexican RESTAURANT LLC
Type of liquor license (refer to OLCC form) Full-on premises

Form of entity holding license (check one and answer all related applicable questions):

INDIVIDUAL: If this box is checked, provide full name, date of birth, and residence address.
Full name Alfonso Nee Cardenas Contreras Date of birth _____
Residence address _____ TIGARD OR 97224

PARTNERSHIP: If this box is checked, provide full name, date of birth and residence address for each partner. If more than two partners exist, use additional pages. If partners are not individuals, also provide for each partner a description of the partner's legal form and the information required by the section corresponding to the partner's form.
Full name _____ Date of birth _____
Residence address _____
Full name _____ Date of birth _____
Residence address _____

CORPORATION: If this box is checked, complete (a) through (c).
(a) Name and business address of registered agent.
Full name _____
Business address _____

(b) Does any shareholder own more than 50% of the outstanding shares of the corporation? If yes, provide the shareholder's full name, date of birth, and residence address.
Full name _____ Date of birth _____
Residence address _____

(c) Are there more than 35 shareholders of this corporation? Yes No. If 35 or fewer shareholders, identify the corporation's president, treasurer, and secretary by full name, date of birth, and residence address.
Full name of president: _____ Date of birth: _____
Residence address: _____
Full name of treasurer: _____ Date of birth: _____
Residence address: _____
Full name of secretary: _____ Date of birth: _____
Residence address: _____

LIMITED LIABILITY COMPANY: If this box is checked, provide full name, date of birth, and residence address of each member. If there are more than two members, use additional pages to complete this question. If members are not individuals, also provide for each member a description of the member's legal form and the information required by the section corresponding to the member's form.
Full name: _____ Date of birth: _____
Residence address: _____

Full name: _____ Date of birth: _____
Residence address: _____

OTHER: If this box is checked, use a separate page to describe the entity, and identify with reasonable particularity every entity with an interest in the liquor license.

SECTION 4: APPLICANT SIGNATURE

A false answer or omission of any requested information on any page of this form shall result in an unfavorable recommendation.

 _____ 11-23-2011
Signature of Applicant Date

For City Use Only

Sources Checked:

DMV by [Signature] LEDS by [Signature] TuPD Records by [Signature]
 Public Records by [Signature]

Number of alcohol-related incidents during past year for location.
 Number of Tualatin arrest/suspect contacts for _____

It is recommended that this application be:

Granted
 Denied
Cause of unfavorable recommendation: _____

 _____ 11/30/11
Signature Date

Kent W. Barker
Chief of Police
Tualatin Police Department

OREGON LIQUOR CONTROL COMMISSION LICENSE TYPES & PRIVILEGES

Brewery – public house

Allows the manufacture & sale of malt beverages to wholesalers, & the sale of malt beverages, wine & cider for consumption on or off the premises. [ORS 471.200]

Brewery

Allows the manufacture, importation, storage, transportation & wholesale sale of malt beverages to OLCC licensees. Malt beverages brewed on the premises may be sold for consumption on the premises & sold in kegs to the public. [ORS 471.220] designates a licensee that does not allow tastings or other on premises consumption.

Certificate of Approval

This certificate allows an out-of-state manufacturer, or an importer of foreign wine or malt beverages, to import wine & malt beverages to Oregon licensees. [ORS 471.289]

Distillery

Allows the holder to import, manufacture, distill, rectify, blend, denature & store distilled spirits. A distillery that produces distilled liquor may permit tastings by visitors. [ORS 471.230]

Direct Shipper Permit

Allows manufacturers & retailers to ship wine & cider directly to Oregon residents for their personal use. [ORS 471.282]

Full On Premises Sales

Allows the sale & service of distilled spirits, malt beverages & wine for consumption on the licensed premises. Also allows licensees who are pre-approved to cater events off of the licensed premises [ORS 471.175] license sub-type designates the type of business licensed: F-CAT- caterer; F-CLU- private club; F-COM - commercial establishment; F-PC - passenger carrier; F-PL - other public location.

Growers Sales Privilege

Allows the importation, storage, transportation, export, & wholesale & retail sales of wines made from fruit or grapes grown in Oregon [ORS 471.227]. Designates a licensee that does not allow tastings or other on premises consumption.

Limited On Premises Sales

Allows the sale of malt beverages, wine & cider for consumption on the licensed premises & the sale of kegs of malt beverages for off premises consumption. Also allows licensees who are pre-approved to cater events off of the licensed premises. [ORS 471.178]

Off Premises Sales

Allows the sale of malt beverages, wine & cider in factory sealed containers for consumption off the licensed premises & allows approved licensees to offer sample tasting of malt beverages, wine & cider. [ORS 471.186]

Warehouse

Allows the storage, importing, exporting, bottling, producing, blending & transporting of wine & malt beverages. [ORS 471.242]

Wholesale Malt Beverage & Wine

Allows the importation, storage, transportation & wholesale sale of malt beverages & wine to OLCC licensees & limited retail sales to the public (dock sales). [ORS 471.235]

Wine Self Distribution Permit

Allows manufacturers to sell & ship wine & cider produced by the manufacturer directly to Oregon retailers for resale to consumers. May ship to businesses which have an OLCC endorsement to receive the shipments. [ORS 471.274]

Winery

Allows the licensee to import, bottle, produce, blend, store, transport & export wines, & allows wholesale sales to OLCC & licensees, & retail sales of malt beverages & wine for consumption on or off the licensed premises. [ORS 471.223]



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Maureen Smith, Executive Assistant

DATE: 12/12/2011

SUBJECT: Council Committee on Advisory Appointments Recommendations for Appointments to City Advisory Committees

ISSUE BEFORE THE COUNCIL:

Should the City Council approve appointments to various Advisory Committees and Boards?

RECOMMENDATION:

Staff recommends the City Council approve the Council Committee on Advisory Appointments (CCAA) recommendations and appoint the below listed individual(s).

EXECUTIVE SUMMARY:

The Council Committee on Advisory Appointments met and interviewed citizens interested in participating on City advisory committees and boards. The Committee recommends appointing and/or reappointing the following individual(s):

| <i>Individual(s)</i> | <i>Advisory Committee / Board</i> | <i>Term</i> |
|----------------------|--------------------------------------|--------------------------------|
| Dan Gaur | Tualatin Budget Advisory Committee | Partial term expiring 12/31/12 |
| Candice Kelly | Tualatin Budget Advisory Committee | Regular term expiring 12/31/14 |
| Roger Mason | Tualatin Budget Advisory Committee | Regular term expiring 12/31/14 |
| Diane Weisheit | Tualatin Budget Advisory Committee | Regular term expiring 12/31/14 |
| Bethany Wurtz | Tualatin Tomorrow Advisory Committee | Regular term expiring 09/30/14 |

Attachments:



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Cindy Hahn, Associate Planner
Aquilla Hurd-Ravich, Planning Manager

DATE: 12/12/2011

SUBJECT: Resolution Authorizing a Personal Services Agreement with Angelo Planning Group for Professional Services for the Linking Tualatin Project

ISSUE BEFORE THE COUNCIL:

Council consideration of a resolution directing the City Manager to enter into a Personal Services Agreement with Angelo Planning Group for professional services for the Linking Tualatin project.

RECOMMENDATION:

Staff recommends that the Council accept the scope and budget and direct the City Manager to enter into a contract with Angelo Planning Group for Professional Services for the Linking Tualatin project.

EXECUTIVE SUMMARY:

A Request for Proposals in search of Professional Services for the Linking Tualatin project was published on October 5, 2011. Staff received six high-quality submissions. The proposals were reviewed by a committee composed of the following individuals:

- Monique Beikman, City Council President;
- Nic Herriges, Tualatin Planning Advisory Committee Member;
- Alice Rouyer, Community Development Director;
- Aquilla Hurd-Ravich, Planning Manager;
- Dayna Webb, Project Engineer;
- Cindy Hahn, Associate Planner; and
- Judith Gray, City of Tigard, Senior Transportation Planner.

The review committee short-listed two consultant teams for interviews on October 26, 2011. After careful consideration and discussion, the committee chose Angelo Planning Group, with sub-consultants CH2M Hill, SERA Architects, Criterion Planners, DKS Associates, and Johnson Reid for the Linking Tualatin project. Staff subsequently negotiated the scope of work, budget and schedule with Angelo Planning Group; these are attached to this staff report for Council's review.

The Linking Tualatin project is funded through a Construction Excise Tax (GET) grant from Metro in the amount of \$181,000. Part of the Intergovernmental Agreement (IGA) with Metro for the grant outlines specific milestones that must be completed in order for the City to collect grant dollars. The first milestone was execution of the IGA, which was approved by Resolution #5053-11 on April 25, 2011. The second milestone was signing of the Southwest Corridor Plan Charter, which Council approved by Resolution No. 5076-11 on November 28, 2011. The third milestone is execution of the consultant contract, which the attached resolution authorizes. The last milestone is scheduled to be completed by December 2012 when the Linking Tualatin plan is adopted.

Next steps for Linking Tualatin include:

| Date | Activity | Description |
|------------------------------|--|---|
| Wednesday, December 14, 2011 | Staff and Consultant Team Meeting | Linking Tualatin Project "Kick-Off" |
| Thursday, January 19, 2012 | Transportation Task Force Meeting | Identify Goals & Objectives, Evaluation Criteria; Prepare for February Open House |
| Thursday, February 9, 2012 | Transit Working Group Meeting | Review Existing Conditions Report; Identify Gaps & Deficiencies |
| Thursday, February 16, 2012 | Combined TSP & Linking Tualatin Open House | Share Goals & Objectives, Existing Conditions; Get Info on TSP Long List of Options |

| | | |
|-----------------------------|-----------------------------------|--|
| Thursday, February 23, 2012 | Transportation Task Force Meeting | Review Node Selection Criteria & Preliminary Node Locations |
| Monday, March 12, 2012 | City Council Work Session | Present TSP & Linking Tualatin Goals & Objectives, Existing Conditions |

OUTCOMES OF DECISION:

If the City Manager is not authorized to sign the Personal Services Agreement with Angelo Planning Group, the City will not have an approved contract for professional services for the Linking Tualatin project and Milestone #3 of the City's Intergovernmental Agreement with Metro for Construction Excise Tax Grant funding for the Linking Tualatin project will not be met.

FINANCIAL IMPLICATIONS:

The Linking Tualatin project is funded by the award of a Construction Excise Tax (CET) grant in the amount of \$181,000 from Metro. The City is providing approximately \$33,200 in in-kind matching funds, or 15.5% of the \$214,200 project cost, through staffing and project management. There are adequate funds in the City general fund for staff to work on this project.

Attachments:

- A. Resolution
- B. Personal Services Agreement
- C. Attachments to PSA
- D. Consultant Budget
- E. Consultant Schedule
- F. PowerPoint

**CITY OF TUALATIN
PERSONAL SERVICES AGREEMENT**

THIS AGREEMENT is entered into as of the date first indicated on the signature page by and between the City of Tualatin, a municipal corporation of the State of Oregon ("City"), and Angelo Planning Group ("Consultant").

A. Term

The term of this Agreement shall be from the date of execution by both parties until tasks required are complete and accepted, unless earlier terminated as provided in this Agreement.

B. Consultant's Services

B.1 The scope of Consultant's services and time of performance under this Agreement are set forth in Attachment A, which is incorporated into this Agreement as if fully set forth.

B.2 All written documents, drawings, and plans submitted by Consultant and intended to be relied on for the project shall bear the signature, stamp, or initials of Consultant or Consultant's authorized Project Manager or City will not rely upon them. Consultant's or Consultant's Project Manager's interpretation of plans and answers to questions covering plans need not be in writing and may be relied upon by City and others, unless the subject matter arises prior to the deadline for submission of contractors' bids and requires issuance of an addendum.

B.3 Consultant shall not be responsible for damages, be in default, or be deemed to be in default because of delays in performance due to strikes, lockouts, accidents, acts of God, and other delays unavoidable beyond Consultant's reasonable control, or due to shortages or unavailability of labor at established area wage rates or delays caused by failure of City or City's agents to furnish information or to approve or disapprove Consultant's work promptly, or due to late or slow, or faulty performance by City, other contractors, other persons not under Consultant's control or governmental agencies, the performance of whose work is precedent to or concurrent with the performance of Consultant's work. If such delay occurs, the time of completion shall be extended accordingly.

C. City's Responsibilities

C.1 The scope of City's responsibilities, including those of its Project Manager, is incorporated into this Agreement.

C.2 City certifies that sufficient funds are available and authorized for expenditure to finance costs of this Agreement.

D. Compensation

D.1 City agrees to pay Consultant on an hourly basis shown on Table 1 of Attachment A for actual hours worked on this project, but not to exceed \$181,000. Consultant shall furnish with each invoice for services an itemized statement showing the number of hours devoted to the project by Consultant and its agents.

D.2 If City or its Project Manager specifically requests Consultant to provide additional services that are beyond the scope of the services described on Attachment A, Consultant shall proceed with the additional services and bill at Consultant's or Subconsultant's hourly rates outlined on the attached Table 1 or Table 2, provided the parties comply with the requirements of Section R. No compensation for additional services shall be paid or owing unless both parties specifically agree in writing to such additional compensation and services.

D.3 Consultant is entitled only to the compensation amount specified in subsections D.1, D.2, and D.3. Payment for reimbursable expenses shall be limited to those reimbursable expenses set forth on Attachment A which are actually incurred by Consultant and itemized on Consultant's bill for services.

D.4 Except for amounts withheld by City pursuant to this Agreement as specifically identified in D.2, City will pay Consultant for services within 30 days of receiving an itemized bill that has been approved by the Project Manager.

D.5 City shall be responsible for payment of required fees payable to governmental agencies including, but not limited to, plan checking, land use, zoning, and all other similar fees resulting from this project and not specifically covered by Attachment A.

E. City's Project Manager

City's Project Manager is [Cindy L. Hahn, AICP]. City shall give Consultant prompt written notice of any redesignation of its Project Manager. If City's Project Manager is changed, City shall promptly notify Consultant in writing. If Consultant receives a communication from City that is not executed by City's Project Manager, Consultant may request clarification by City's Project Manager, which shall be promptly furnished.

F. Consultant's Project Manager

Consultant's Project Manager is Matt Hastie. If Consultant's Project Manager is changed, Consultant shall promptly notify City in writing. If City receives a

communication from Consultant that is not executed by Consultant's Project Manager, City may request clarification by Consultant's Project Manager, which shall be promptly furnished.

G. Project Information

City shall provide full information regarding its requirements for the project. Consultant agrees to share all project information and to fully cooperate with all corporations, firms, contractors, public utilities, governmental entities, and persons involved in or associated with the project. No information, news or press releases related to the project shall be made without the authorization of City's Project Manager.

H. Duty to Inform

If during the performance of this Agreement or in the future, Consultant becomes aware of actual or potential problems, any nonconformance with the federal, state or local law, rule, or regulation, or has any objection to a decision or order made by City with respect to such laws, rules, or regulations, Consultant shall give prompt written notice to City's Project Manager. Delay or failure by City to provide a written response to Consultant shall not constitute agreement with, nor acquiescence to, Consultant's statement or claim, nor constitute a waiver of City's rights.

I. Consultant is Independent Contractor

- I.1 Consultant is an independent contractor for all purposes and is entitled to no compensation other than that provided under paragraph D of this Agreement. Consultant binds itself, its partners, officers, successors, assigns and legal representatives to City.
- I.2 Subcontracting: City and Consultant agree that only those special consulting services identified on Attachment A to be performed by subcontractors may be performed by their respective subcontracts, as identified on Attachment A, and not by Consultant. Consultant acknowledges such services are provided to City pursuant to a subcontract(s) between Consultant and those who provide such services. Consultant may not utilize any subcontractors or in any way assign its responsibility under the Agreement without first obtaining the express written consent of City.
- I.3 Consultant shall be responsible for and indemnify and defend City against any liability, cost, or damage to the extent and proportionate to that arising out of subcontractor's negligent acts. Such responsibility and indemnification shall be limited to the maximum extent of \$1,000,000. Subcontractors will meet the same insurance requirements of Consultant under this Agreement, unless otherwise specifically agreed to by City, and shall be subject to the provisions of this §I.

- I.4 Consultant shall promptly pay any claim for labor, materials, or services furnished to Consultant by any person in connection with this Agreement as it becomes due and not permit any lien or claim to be filed or prosecuted against City for labor or material furnished to or on behalf of Consultant. If Consultant fails, neglects, or refuses to make prompt payment of such a claim, City may pay the person furnishing the labor, materials, or services and charge that amount against funds due Consultant under this Agreement.
- I.5 To the extent required by Oregon law, no person shall be employed for more than 10 hours in any one day, or 40 hours in any one week, except in cases of absolute necessity, emergency, or where the public policy absolutely requires it, in which event the person or persons so employed for excessive hours shall receive at least time and a half pay for all overtime in excess of eight hours in a day or 40 hours in any one week when the work week is five consecutive days, Monday through Friday; or for all overtime in excess of 10 hours a day or 40 hours in any one week when the work week is four consecutive days, Monday through Friday; and for all work performed on Saturday and on each Sunday, New Year's Day on January 1, Memorial Day on the last Monday in May, Independence Day on July 4, Labor Day on the first Monday in September, Thanksgiving Day on the fourth Thursday in November, and Christmas Day on December 25 as provided in ORS 279C.540.
- I.6 Consultant shall make prompt payment as due to any person, co-partnership, association, or corporation furnishing medical, surgical, and hospital care or other needed care and attention incident to sickness or injury to the employees of such Consultant, of all sums which Consultant agrees to pay for such services and all monies and sums which Consultant collected or deducted from the wages of employees pursuant to any law, contract, or agreement for the purpose of providing or paying for such service.
- I.7 Should Consultant elect to utilize employees on any aspect of this Agreement, Consultant shall be fully responsible for payment of all withholding required by law including, but not limited to, taxes, including payroll, income, Social Security (FICA), and Medicaid. Consultant shall also be fully responsible for payment of salaries, benefits, taxes, Industrial Accident Fund contributions, and all other charges on account of any employees. Consultant shall pay to the Department of Revenue all sums withheld from employees pursuant to ORS 316.167. All costs incident to the hiring of assistants or employees shall be Consultant's responsibility. Consultant shall indemnify, defend, and hold City harmless from claims for payment of all such expenses. Unless otherwise expressly set forth on Attachment A as a reimbursable expense item, specific costs associated with items set forth in this paragraph shall be borne by Consultant.
- I.8 No person shall be denied or subjected to discrimination in receipt of benefits of any services or activities made possible or resulting from this Agreement on grounds of sex, national origin, race, color, creed, marital status, age, or

disability. Any violation of this provision shall be grounds for cancellation, termination, or suspension of the Agreement in whole or in part by City.

J. Indemnity and Insurance

J.1.1 Consultant agrees to indemnify and defend City from any loss, cost, and expenses claimed by third parties for property damage and bodily injury, including death, caused solely by the negligence or willful misconduct of Consultant, its employees, agents, or Consultant's affiliates in connection with the project.

J.1.2 City agrees to indemnify and defend Consultant from any loss, cost, and expenses claimed by third parties for property damage and bodily injury, including death, caused solely by the negligence or willful misconduct of City, its employees, or agents, in connection with the project.

J.1.3 If the negligence or willful misconduct of both Consultant and City (or person identified above for whom each is liable) is a cause of such damage or injury, the loss, cost, or expense shall be shared between Consultant and City in proportion to their relative degrees of negligence or willful misconduct and the right of indemnity shall apply for such proportion.

J.2 Insurance Requirements and Consultant's Standard of Care

J.2.1 City and Consultant agree that in accordance with generally accepted construction practices, the construction contractor will be required to assume sole and complete responsibility for job site conditions during the course of construction of the project, including safety of all persons and property.

J.2.2 In the performance of its professional services, Consultant shall use that degree of care and skill ordinarily exercised under similar circumstances by reputable members of its profession practicing in the Portland Metropolitan Area. The Consultant will reperform any services not meeting this standard without additional compensation. Consultant's reperformance of any services, even if done at City's request, shall not be considered as a limitation or waiver by City of any other remedies or claims it may have arising out of Consultant's failure to perform in accordance with the applicable standard of care or this Agreement.

J.2.3 Consultant shall provide City with evidence of the following insurance coverages prior to commencement of work. A copy of each insurance policy, issued by a company currently licensed in the State of Oregon and certified as a true copy by an authorized representative of the issuing company or a certificate in a form satisfactory to City certifying to the issuance of such insurance, shall be furnished to City. Unless specifically set forth on Attachment A, insurance and related costs shall be borne by Consultant.

J.2.4 Consultant shall furnish City a certificate evidencing the date, amount, and type of insurance procured in accordance with this Agreement. All policies shall be written on an "occurrence basis," except for Consultant's Professional Liability Insurance which may be written on a "claims made" basis, and maintained in full force for not less than four (4) years following Consultant's performance under this Agreement. All policies shall provide for not less than 30 days' written notice to City before they may be revised, non-renewed, canceled, or coverage reduced. Excepting professional liability and worker's compensation coverage, all policies shall provide an endorsement naming the City, its officers, employees, and agents as additional insureds. If the policy lapses during performance, City may: treat said lapse as a breach; terminate this Agreement and seek damages; withhold progress payments without impairing obligations of Consultant to proceed with work; pay an insurance carrier (either Consultant's or a substitute) the premium amount and withhold that amount from payment to Consultant; and use any other remedy provided by this Agreement or by law.

J.2.5 Insurance Requirements. Consultant, its subcontractors, if any, and all employers working under this Agreement are subject employers under the Oregon Worker's Compensation Law and shall comply with ORS 656.017. Consultant will maintain the following insurance throughout this Agreement:

J.2.5.1 Workers' compensation and employers liability insurance as required by the state where the work is performed.

J.2.5.2 Comprehensive automobile and vehicle liability insurance covering claims for injuries to members of the public and/or damages to property of others arising from the use of motor vehicles, including on-site and off-site operations, and owned, non-owned, or hired vehicles, with \$1,000,000 combined single limits.

J.2.5.3 Commercial general liability insurance covering claims for injuries to members of the public or damage to property of others arising out of any covered negligent act or omission of Consultant or of any of its employers, agents, or subcontractors, with \$1,000,000 per occurrence and \$2,000,000 in the aggregate.

J.2.5.4 Professional liability insurance of \$1,000,000 per occurrence and in the aggregate, including contractual liability coverage. If Consultant proposes using subcontractors, City may require subcontractors to provide professional liability insurance, provided the amount and form of coverage complies with the requirements of paragraphs J.2.1, J.2.2, J.2.3, J.2.4 and this section.

J.2.6 Coverage provided by this policy(ies) shall be primary and any other insurance carried by City is excess. Consultant shall be responsible for any deductible amounts payable under all policies of insurance. If a dispute arises between City and Consultant for which Consultant has obtained

insurance, the maximum amount which may be withheld for all such claims shall be no more than the amount of the applicable insurance deductible.

K. Termination

K.1 This Agreement may be terminated prior to expiration of agreed upon terms:

K.1.1 By mutual written consent of the parties;

K.1.2 By City, effective upon seven days prior written notice, in the event of substantial failure by Consultant to perform in accordance with the terms through no fault of City.

K.1.3 By Consultant, effective upon seven days prior written notice, in the event of substantial failure by City to perform in accordance with the terms through no fault of Consultant.

K.2 After having given reasonable notice to correct default or performance failure, if City terminates the Agreement in whole or in part due to default or failure of Consultant to perform services in accordance with this Agreement, City may procure, upon reasonable terms and in a reasonable manner, services similar to those so terminated. In addition to any other remedies City may have, Consultant shall be liable for all costs and damages incurred by City in procuring such similar service, and Contract shall be in full force to the extent not terminated.

K.3 If City terminates the Agreement for its own convenience, payment of Consultant shall be prorated to and include day of termination and shall be in full satisfaction of all claims by Consultant against City under this Agreement.

K.4 Termination under any provision of this paragraph shall not affect any right, obligation, or liability of Consultant or City which accrued prior to such termination. Consultant shall surrender to City items of work referred to in Paragraph O for which Consultant has received payment or City has made payment. City retains the right to elect whether to proceed with actual construction of the project.

L. Suspension of Work

City may suspend, delay, or interrupt all or any part of work for such time as City deems appropriate for its own convenience by giving written notice to Consultant. An adjustment in time of performance or method of compensation shall be allowed as a result of such delay or suspension unless the reason for delay is substantially within Consultant's control. City shall not be responsible for work performed by subcontractors after notice of suspension is given by City to Consultant. Should City suspend, delay, or interrupt work and suspension is not substantially within Consultant's control, City shall extend time of completion by length of delay plus reasonable time to re-institute the project team, and method of compensation shall

be adjusted to reflect Consultant's increase/decrease in its standard hourly rates.

M. Subcontractors and Assignments

M.1 Unless expressly authorized in Attachment A or Paragraph I of this Agreement, Consultant shall not subcontract with others for work nor assign any of Consultant's rights under this agreement without obtaining prior written approval from City. Work may be performed by persons other than Consultant if Consultant advises City of the names of such subcontractors and work which they intend to perform and City specifically agrees thereto. Consultant acknowledges such services are provided to City pursuant to a subcontract(s) between Consultant and subcontractor(s). Except as otherwise provided by this Agreement, City incurs no liability to third persons for payment of any compensation provided to Consultant. Any attempted assignment of this Contract without written consent of City shall be void. Except as otherwise specifically agreed, all costs for services performed by others on behalf of Consultant shall not be subject to additional reimbursement by City.

M.2 City may let other agreements be coordinated with this Agreement. Consultant shall cooperate with other firms, engineers, or subcontractors on the project and the City so that all portions of the project may be completed in the least possible time within normal working hours. In order to avoid conflicts, Consultant shall furnish detail drawings giving full information to other engineers and subconsultants and affected public utilities.

N. Access to Records

City shall have access, upon request, to such books, documents, receipts, papers, and records of Consultant as are directly pertinent to this Agreement for the purpose of making audit, examination, excerpts, and transcripts for a period of three years, unless within that time City specifically requests an extension. This clause shall survive the expiration, completion, or termination of this Agreement.

O. Work is Property of City

All work in its original form, including, but not limited to, documents, drawings, tracings, surveying records, mylars, papers, computer programs, diaries, and photographs, performed or produced by Consultant under this Agreement shall be the exclusive property of City and shall be delivered to City prior to final payment. Statutory or common law rights to such property held by Consultant as creator of such work shall be conveyed to City upon request without additional compensation. With City's approval and so long as City is identified in connection with the work, Consultant may include Consultant's work in its promotional materials.

P. Law of Oregon

The Agreement shall be governed by the laws of the State of Oregon. The provisions required by ORS Chapters 279A, 279B and 279C to be included in public agreements are incorporated by this reference and shall become a part of this Agreement as if fully set forth.

Q. Adherence to Law

Consultant shall adhere to all applicable federal and state laws. Consultant shall maintain any certificates, licenses, or permits required by statute, administrative rule, or local ordinance throughout the term of this Agreement.

R. Modification

No modification of this Agreement is enforceable unless it is in writing and signed by both parties. If Consultant receives a communication from City that Consultant believes is a modification of this Agreement, Consultant shall, within ten (10) days after receipt, make a written request for modification to City's Project Manager. Consultant's failure to submit such written request for modification in a timely manner may be the basis for refusal by City to treat said communication as a basis for modification. For a modification affecting any change in price, Consultant shall submit a complete breakdown of labor, material, equipment, and other costs. If Consultant incurs additional costs or devotes additional time on project tasks which were reasonably expected as part of the original Agreement or any mutually approved modifications, then City shall be responsible for payment of only those costs for which it has agreed to pay.

S. Consultant's Warranty; No Waiver of Legal Rights

- S.1 Consultant warrants that the contract specifications and plans, if any, prepared by Consultant will be adequate and sufficient to accomplish the purposes of the project and that review or approval by the owner of the plans and specifications shall not diminish the warranty of adequacy.
- S.2 Notwithstanding acceptance or payments, City shall not be precluded or estopped from recovering from Consultant or its insurer or surety such damages as may be sustained by reason of Consultant's failure to comply with the terms of this Agreement. Accordingly, Consultant shall not be precluded or estopped from recovering from City or its insurer or surety such damages as may be sustained by reason of City's failure to comply with the terms of this Agreement. A waiver by City of a breach by Consultant shall not be deemed to be a waiver of any subsequent breach by Consultant.

T. Integration

This Agreement, including Attachments and Consultant's proposal submitted to City contains the entire and integrated agreement between the parties and supersedes all prior written or oral discussions, representations or agreements. In case of conflict among these documents the provisions of this Agreement shall control.

APPROVED AND ENTERED this 12th day of December, 2011.

[Angelo Planning Group]

City of Tualatin

By _____

By _____

Title _____

City Manager

[921 SW Washington Street, Suite 468]

18880 SW Martinazzi Ave.

[Portland, OR 97205]

Tualatin, OR 97062

[503-224-6974]

503-692-2000

Consultant's Federal ID Number or
Social Security Number

APPROVED AS TO LEGAL FORM

City Attorney

ATTACHMENT A
CONSULTANT'S RESPONSIBILITIES

LINKING TUALATIN SCOPE OF WORK

Prepared by Angelo Planning Group

Final November 30, 2011

Task 1. Project Management

Consultant will conduct the following activities:

- A. Prepare an overall schedule and maintain/update it as needed throughout the project; consultant also will prepare more detailed schedules for shorter time periods (one to two months), approximately 5 times during the project;
- B. Project manager will conduct weekly conference calls with city staff; conference calls are expected to last approximately 30 minutes on average; staff from CH2M Hill are expected to participate in approximately 15-20 calls;
- C. Regularly communicate with staff via e-mail and telephone about project status, deliverables, schedule and public involvement efforts;
- D. Conduct up to ten (10) additional meetings with city staff and other agency coordinating committee members in Tualatin, including an initial meeting to review the project schedule and public outreach goals, objectives and responsibilities;
- E. Conduct additional internal project team meetings to prepare for specific activities or deliverables, including coordination with the TSP team.

Deliverables

- Overall project schedules and periodic short-term (one to two-month) detailed schedules
- Weekly conference calls with city staff
- Regular communication via e-mail and telephone
- Up to ten (10) face-to-face meetings with staff, including agency coordinating committee meetings in Tualatin

Task 2. Public Outreach and Agency Coordination

Consultant will conduct the following activities:

- A. Develop public outreach plan, including a draft and final outreach plan
- B. Assist in coordinating with the Task Force and TSP working groups, including the following activities:
 - Regularly communicate with city and JLA staff re: Task Force and working group meeting agendas and preparations;
 - Attend and present information at up to five (5) two-hour Task Force meetings.
 - Prepare brief meeting summaries of Task Force meetings based on notes provided by other project staff attending the meetings;
 - Attend up to three (3) Transit working group meetings;

ATTACHMENT A - CONSULTANT'S RESPONSIBILITIES

- Share working group meeting coordination duties with JLA staff and share meeting facilitation and summary duties with city staff.
- C. Assist staff with additional stakeholder communication, including the following:
- Assist staff in identifying key stakeholders as part of preparation of public outreach plan;
 - Attend up to three (3) meetings with an agency coordinating committee (staff from the Linking Tualatin team as well as the Tigard HCT, Southwest Corridor and other related HCT planning efforts);
 - Assist in staffing up to three (3) meetings with employers and/or employees;
 - Assist in coordinating with node stakeholders, including major employers, property owners regarding the Task 4 design charrette.
- D. Prepare one survey monkey visual preference survey questionnaire using Metro State of the Centers typologies, as well as any other typologies developed specifically for Linking Tualatin (e.g., solely employment-based typologies), and prepare a summary of responses; the purpose and timing of the survey may be refined and will be further defined in the Public Outreach Plan.
- E. Assist with other Web-based outreach. Consultant assumes that the city will host the web site and that the consultant is providing tools and materials to link to their site. Consultant also will provide advice and materials that will help the city incorporate a unique visual identity into Linking Tualatin Web pages or materials.
- F. Conduct up to two (2) public open houses (in addition to the Design Charrette in Task 4), including the following activities:
- Prepare notification plan as part of development of Public Outreach Plan
 - Coordinate and if possible conduct open houses in concert with public meetings or open houses conducted for the TSP process;
 - Prepare notification and presentation materials
 - Facilitate/staff two (2) workshops/open houses (up to three consulting team members to attend);
 - Summarize results.
- G. Assist with additional public events/neighborhood meetings, including the following:
- Advise on potential events or activities as part of development of Public Outreach Plan;
 - Prepare materials for meetings/events at two milestones during project;
 - Assist the city in coordinating events, including conducting a two-hour training/discussion session with staff related to use of public meeting/event materials, talking points, event summaries, etc., as needed.

Deliverables

- Attendance at and summary of up to five (5) Task Force meetings (see other tasks)
- Attendance at up to three (3) Transit Working Group meetings (see other tasks)
- Attendance at up to three (3) agency coordinating committee meetings, concurrent with meetings with City staff described in Task 1
- One survey monkey visual preference survey and summary of results, including one draft and one final survey questionnaire
- Advice on visual appearance of Web-based outreach materials and content for Web-based materials (including results of reports prepared as part of other tasks)

ATTACHMENT A - CONSULTANT'S RESPONSIBILITIES

- Summary materials for two (2) sets of neighborhood meetings or events (e.g., brief handouts, comment forms and/or meeting agendas)
- One two-hour meeting/training session with staff regarding outreach during community events and activities
- Preparation for and participation in up to two (2) open houses (assumed to be joint TSP/Linking Tualatin events), including preparation of notification materials, open house presentations and summaries of comments received

Task 3. Goals and Objectives, and Existing Conditions

Consultant will conduct the following activities:

- A. Conduct plan and policy review, building on work already conducted for TSP project:
 - Focus on pertinent regulatory information (local, regional and state plans, goals, policies, standards, and regulations) applicable to high capacity transit (HCT) in the study area;
 - Summarize results in a brief memorandum, highlighting relationship to project goals and objectives.
- B. Consulting team will identify draft goals and objectives based on results of plan and policy review, discussion with city staff and coordination with INDEX model to ensure ability to model with INDEX where relevant.
- C. Review goals and objectives with Task Force (TF) at TF Meeting #1
 - Conduct and summarize meeting to review, discuss and refine goals and objectives as needed;
 - Coordinate meeting with other TSP Task Force meeting and notification processes or materials;
 - Prepare revised draft of goals and objectives for display on city Web site and at future meetings.
- D. Develop node selection criteria,* considering the following:
 - Project goals and objectives;
 - Applicable sustainability design practices;
 - INDEX evaluation indicators;
 - Available data related to study area and potential nodes.
- E. Create high level map of key transit connections.*
- F. Identify preliminary list and map of up to ten (10) potential node locations for the purposes of defining the study area for assessing existing conditions. The map of preliminary nodes prepared by the City for Metro will be the starting point for preparation of this map. These areas may be further refined in Tasks 4 and 5.
- G. Review existing conditions related to land use, transportation, infrastructure, and natural resources data; assumptions include:
 - Existing conditions data will be focused on likely node locations;
 - GIS based information will come from existing city GIS or RLIS data;
 - Information will come primarily from existing GIS data and/or from data collected for the TSP Update from relevant inventories and plans pertinent to development of the study area, such as Metro, ODOT, Washington County, Tri-Met and other service providers, including data

ATTACHMENT A - CONSULTANT'S RESPONSIBILITIES

- associated with the Southwest Corridor Plan, Context Tool and State of the Centers projects;
 - Data will include high-quality street centerline files, and sidewalk locations
 - City GIS staff will be responsible for "cleaning" all data to meet INDEX specifications as defined in its Indicator Dictionary.
- H. Conduct market and feasibility study of potential node locations to define probable long-term demand for different land uses and built forms in potential nodes; specific sub-tasks include:
- Quantify demand for various commercial, retail, residential, and industrial uses within the larger study area. Characterize existing supply of these uses. Consultant will also analyze any specific institutional uses identified by the client;
 - The opportunities/strengths and constraints/weaknesses of the Study Area, including different types of nodes, and its ability to attract (re)development at transit-supportive employment and/or residential densities and land use mix consistent with node goals;
 - Anticipated development by scale, density and quality, and potential timing of development;
 - Necessary economic development efforts and strategies to encourage development of transit-supportive land uses.
- I. Prepare existing conditions report to summarize information reviewed in sub-tasks G and H; assumptions include:
- The report will be relatively concise, highlighting key conditions that would be relevant to HCT, rather than describing all conditions in exhaustive detail;
 - The report will be organized to highlight conditions in potential node locations or nearby areas as identified in subtask E; consultant budget assumes one round of revision;**
- J. Conduct Task Force Meeting #2 and one Transit Working Group meeting to review preliminary node locations, existing conditions and market analysis
- Conduct and summarize one two-hour Task Force meeting to review, discuss and refine Existing Conditions Report as needed;
 - In advance of the second TF meeting, meet with the Transit Working Group to review the Existing Conditions Report (Working Group Meeting #1); working group members will focus on data gaps or deficiencies.
 - Coordinate meeting(s) with other related TSP Task Force meeting and notification.
- K. Implement public outreach plan through the following activities to review and comment on Task 3 work, including Project Goals and Objectives, node location criteria and potential node locations
- Post project materials on City Web site;
 - Send e-mail blast to interested parties re: progress to date and opportunity to review materials
 - Prepare brief handout summarizing key findings for Task 3 and references to additional materials on project Web site for distribution at listening stations and community events.
- L. Present Task 3 project materials to City Council and Tualatin Planning Advisory Committee (TPAC)
- Coordinate with staff regarding presentation approach and timing;
 - Prepare a brief presentation that summarizes work on Public Outreach Plan, Project Goals and Objectives, and Existing Conditions Report; the same presentation will be used for both groups.

ATTACHMENT A - CONSULTANT'S RESPONSIBILITIES

- Attend City Council and TPAC meetings to give presentation and respond to questions and comments;
- As part of weekly conference call, debrief with city staff re: how best to reflect Council and TPAC comments in subsequent tasks.

Notes

(*): Tasks E, F and I were previously identified as part of Task 4. However, we recommend that they be undertaken as part of this task in advance of summarizing existing conditions for the study area. That will ensure a more cost-effective approach to subsequent tasks.

(**): For the purposes of documenting existing conditions in this task and opportunities and constraints in Task 4, some nodes may be aggregated into groups or "study areas" to reduce the number of separate maps and amount of narrative needed to describe conditions, opportunities and constraints.

Deliverables

- Brief memorandum describing results of Plans and Policies Review
- Project Goals and Objectives, including up to three (3) drafts reflecting comments from city staff, stakeholders and citizens, Transit Working Group, Task Force, TPAC and City Council
- Attendance at and summary of Task Force meetings #1 and #2
- Attendance at and summary of one Transit Working Group meeting (Working Group Meeting #1)
- Draft and revised node selection criteria
- High level map of key transit connections
- Preliminary map and list of potential Linking Tualatin nodes
- Existing Conditions Report, incorporating results of market feasibility analysis and assessment of other conditions related to land use, infrastructure, park and natural features
- Attendance at one TPAC meeting
- Attendance at one City Council briefing and preparation of associated presentation materials (primarily incorporating materials prepared as a part of other sub-tasks)
- Summary materials for one set of neighborhood meetings or events (e.g., brief handouts, comment forms and/or meeting agendas) (if specified to occur in this task in public outreach plan)
- Preparation for and participation in one public open house, including preparation of notification materials, open house presentations and summaries of comments received (if specified to occur in this task in the Linking Tualatin Public Outreach Plan)

Task 4. Node Selection Criteria, Typologies, and Needs Opportunities and Constraints Analysis

Consultant will conduct the following activities:

- A. Identify needs, opportunities and constraints, building on the work completed in Task 3
 - Similar to the existing conditions documented in Task 3, a summary of opportunities and constraints in each node will be relatively concise, highlighting key issues that would be relevant to HCT;
 - Opportunities and constraints will be summarized on a series of maps (one for each general node location) and accompanying brief narrative text. INDEX will produce an existing conditions base case of each area including indicator scores and maps that form a Strengths, Weaknesses, Opportunities, and Threats (SWOT) analysis.

ATTACHMENT A - CONSULTANT'S RESPONSIBILITIES

- B. Identify or develop node typologies, with the following assumptions:
- Reference documents may include Metro's State of the Centers report (2011), Metro's Transit-Oriented Development Strategic Plan (2010), and the City of Tigard High Capacity Transit Land Use Plan (2011), as well as research related to employment-based transit oriented development conducted for other communities in the US (e.g., industrial typologies developed for the city of Seattle and others);
 - Typologies will be coordinated with evaluation indicators contained in the INDEX model to ensure that different typologies can be readily compared in terms of their ability to achieve project goals and objectives;
 - One or more typologies will be focused primarily on employment-based land uses and incorporate characteristics and indicators that relate to the potential for successful implementation of HCT in such areas;
 - Typologies will be illustrated using photograph examples;
 - As part of an agency coordinating committee meeting, project team members, city staff and other agency staff (e.g., Metro and Tri-Met) may participate in a brainstorming session to discuss potential typologies not previously considered in other Metro-related planning projects (including those focused on employment).
- C. Develop node evaluation criteria, with the following assumptions:
- Criteria will be consistent with project goals and objectives;
 - Criteria will be coordinated with evaluation indicators contained in the INDEX model to ensure that different typologies can be readily compared in terms of their ability to achieve project goals and objectives;
 - Some criteria may be weighted differently for application in different types of nodes or typologies (e.g., those with a heavier focus on employment goals); criteria will be categorized in terms of those that are likely to be used consistently in all nodes vs. weighted differently.*
- D. Using INDEX, prepare a base case analysis of each node based on existing conditions, land use evaluation criteria and preliminary node boundaries for use in the charrette conducted in Task 5.
- E. Conduct Task Force meeting #3 and one Transit Working Group meeting to review the results of Task 4
- Conduct and summarize one two-hour meeting with the Task Force to review, discuss and possibly refine typologies and land use evaluation criteria, as needed;
 - In advance of the third TF meeting, meet with the Transit Working Group to review the needs, opportunities and constraints analysis, and typologies (Working Group Meeting #2); working group members will focus on data gaps or deficiencies.
 - Coordinate meeting(s) with related TSP Task Force meeting and notification;
 - Prepare revised draft summary of typologies and evaluation criteria for display on city Web site and at future meetings.
- F. Implement public outreach plan through the following activities
- Post project materials on City Web site;
 - Send e-mail blast to interested parties re: progress to date and opportunity to review materials;

ATTACHMENT A - CONSULTANT'S RESPONSIBILITIES

- Prepare brief handout summarizing key findings for Task 4 and references to additional materials on project Web site for distribution at listening stations and community events.
- G. Present results to City Council and TPAC
- Coordinate with staff regarding presentation approach and timing;
 - Prepare a brief presentation that summarizes work on Typologies and Study Area Evaluation Criteria;
 - Attend City Council and TPAC meetings to give presentation and respond to questions and comments;
 - As part of weekly conference call, debrief with city staff re: how best to reflect Council and TPAC comments in subsequent tasks.

Deliverables

- Summary of opportunities and constraints associated with potential nodes
- Draft and revised node evaluation criteria and weighting recommendations
- Summary of node typologies, including narrative descriptions and photographic illustrations of each typology
- Attendance at and summary of brainstorming session with staff and Agency Coordinating Committee
- INDEX base case analysis of each node based on existing conditions and preliminary node boundaries
- Attendance at and summary of one Transit Working Group meeting (Working Group Meeting #2)
- Attendance at and summary of Task Force meeting #3
- Attendance at one TPAC meeting
- Attendance at one City Council briefing and preparation of associated presentation materials (primarily incorporating materials prepared as a part of other sub-tasks)
- Summary materials for one set of neighborhood meetings or events (e.g., brief handouts, comment forms and/or meeting agendas) (if specified to occur in this task in the Linking Tualatin Public Outreach Plan)

Task 5. Development, Analysis and Evaluation of Conceptual Alternatives

Consultant will conduct the following activities.

- A. Confirm potential node locations based on feedback from Task Force, City Council and TPAC in Task 4
- Assume that node boundaries may be refined somewhat in the design charrette but that the center of each area will not vary by more than one-quarter mile.
- B. Organize and prepare for design charrette
- As part of Task 4, the city staff will prepare needed GIS data and a base case for use in evaluating node land use alternatives during the charrette; as noted previously, city staff will be responsible for providing data and checking its accuracy to the extent needed;
 - Prepare a charrette program, including a detailed schedule and summary of preparations needed by consulting team members and city staff;

ATTACHMENT A - CONSULTANT'S RESPONSIBILITIES

- Prepare a notification plan, consistent with the Public Outreach Plan;
 - Notify key stakeholders of the charrette, focusing on how they can most effectively participate in the event (e.g., which days and times);
 - Advertise the charrette via the City's Web site, articles in local newspapers, e-mails to stakeholders and interested parties, the city newsletter, meeting flyers, Special Reports to City Council, and other city-sponsored informational materials or events;
 - Conduct one or two meetings with city staff to review and discuss preparations for the charrette.
- C. Conduct Design charrette in late May or early June to define nodes, develop land use alternatives, evaluate market feasibility, evaluate land use alternatives, including transportation impact, refine alternatives and identify preferred alternatives (includes use of INDEX tool); assumptions include:
- As part of preparation of the Charrette Program, the project team will agree on a sequence of events for the charrette; a preliminary draft program is included as an exhibit to this scope of work;
 - The APG project manager and at least one staff member each from SERA Architects and Criterion will attend the entire event; additional staff from APG and SERA also will attend portions of the event;
 - Additional staff members from CH2M Hill, Johnson Reid and DKS will attend portions of the event;
 - At least two City staff members will attend and assist in facilitating small group discussions related to development and evaluation of land use alternatives for specific nodes; at any given time, approximately two city staff members should plan to participate in the event, although the same two people will not have to attend the entire event and staffing needs will be further refined in this sub-task and sub-task B;
 - The INDEX model will be used to evaluate up to three land use alternatives for each potential node using land use alternative evaluation criteria developed in Task 4 and the project goals and objectives from Task 3; in some cases fewer than three alternatives may be considered;**
 - Land use alternatives and typologies will incorporate possible building prototypes based on current zoning/entitlements or application of new typologies;
 - The general market feasibility of land use alternatives will be assessed during the charrette by a member of the project team and based on the market analysis conducted in Task 4;
 - Analysis and development of alternatives will incorporate a broad evaluation of transportation impacts and potential transportation improvements based on existing and future conditions analyses associated with the city's TSP update project;
 - Preferred alternatives will be developed and evaluated during the charrette also using the INDEX tool; they will be based on some combination of initial land use alternatives, results of the INDEX evaluation and feedback from charrette participants;
 - The charrette will include multiple opportunities for stakeholders, Task Force members and the general public to participate;
 - The charrette may incorporate an opportunity for use of keypad polling (potentially using a Web based system and text messaging via cell phones) to test participants priorities or

ATTACHMENT A - CONSULTANT'S RESPONSIBILITIES

- values; alternatively, this activity may be incorporated in another public event earlier in the project;
- During the charrette, the project team will begin to identify the types of actions needed to implement preferred land use alternatives.
- D. Develop Conceptual Linking Tualatin Plan, including the following:
- Summary of the planning process to date, including the results of the charrette;
 - Concise summary of preferred alternatives, including how they meet evaluation criteria based on the INDEX analysis;
 - Summary of actions needed to implement preferred land use alternatives;*
 - Relationship between nodes, as well as other segments of the Southwest Corridor project, including consideration of alternative alignments from the Southwest Corridor Alternatives, depending on the status of the Southwest Corridor Plan;
 - Next steps in the planning process.
- E. Conduct Task Force meeting #4 and one Transit Working Group meeting to review the results of Task 5
- Conduct and summarize one two-hour Task Force meeting to review and solicit comments on the Conceptual Linking Tualatin Plan;
 - In advance of the fourth TF meeting, meet with the Transit Working Group to review the charrette results; working group members will focus on gaps or deficiencies in the alternatives analysis (Working Group Meeting #3).
 - Coordinate meeting(s) with related TSP Task Force meeting and notification.
- F. Implement public outreach plan through the following activities (in addition to those in preparation for the Charrette)
- Post project materials on City Web site;
 - Send e-mail blast to interested parties re: progress to date and opportunity to review materials;
 - Prepare brief handout summarizing key findings for Task 5 and references to additional materials on project Web site for distribution at listening stations and community events.
- G. Present results to City Council and TPAC
- Coordinate with staff regarding presentation approach and timing;
 - Prepare a brief presentation that summarizes work on the Conceptual Linking Tualatin Plan;
 - Attend City Council and TPAC meetings to give presentation and respond to questions and comments;
 - As part of weekly conference call, debrief with city staff re: how best to reflect Council and TPAC comments in subsequent tasks.

Notes

()*: Task D incorporates inclusion of proposed implementation actions and strategies in this draft of the Conceptual Linking Tualatin Plan, rather than waiting until Task 6. This is intended to streamline the overall process and project schedule.

*(**)* For budgeting purposes, we assume that we will generally be facilitating up to three or four groups of stakeholders at one time and each group will be developing more than one land use

ATTACHMENT A - CONSULTANT'S RESPONSIBILITIES

alternative (although they may have sub-groups that are doing that). We also assume the following process for developing preferred land use alternatives for each node:

- After evaluating the preliminary alternatives and ranking and scoring them with INDEX, we'll ask stakeholders (in the group session), including Task Force members, to give us feedback on how we might refine one of the alternatives (probably the highest ranking one) to improve it even more (e.g., minor changes to land use, additional proposed ped/bike connections, minor shifts in transit route, etc.);*
- If time allows, we will make those changes and re-score with INDEX during that same session; if time does not allow, we will re-run INDEX separately from the group process;*
- After the stakeholder group process is done, the project team (consultants and staff) will identify any other proposed refinements needed to create/define the preferred alternative;*
- We will then map and present those preferred alternatives for review on the following day of the charrette for review by stakeholders/community members and get any further feedback they may have; based on consultation with city staff and other team members, we may or may not re-run INDEX on the refined preferred alternatives at that point in the process.*

Deliverables

- Draft and final Charrette Program, including a notification plan and summary of roles, responsibilities and needed preparations
- Facilitation of a four-day Design Charrette as described in sub-task 5.C
- Draft Conceptual Linking Tualatin Plan
- Attendance at and summary of one Transit Working Group meeting (Working Group Meeting #3)
- Attendance at and summary of Task Force meeting #4
- Attendance at one TPAC meeting
- Attendance at one City Council briefing and preparation of associated presentation materials (primarily incorporating materials prepared as a part of other sub-tasks)
- Implementation of public outreach strategies as detailed in the Linking Tualatin Public Outreach Plan

Task 6. Adoption of Conceptual Linking Tualatin Plan

Consultant will conduct the following activities.

- A. Refine Conceptual Linking Tualatin Plan
 - Update Plan document prepared in Task 5 based on comments from Task Force and City Council, as well as further review and comment by consultant and staff;
 - Refine long-term public and private investment strategies, as needed.
- B. Conduct Task Force meeting #5 to review updated draft of or proposed changes to Conceptual Linking Tualatin Land Use Plan
 - Conduct and summarize one two-hour Task Force meeting to review and solicit comments on proposed changes to the Conceptual Linking Tualatin Plan;
 - Coordinate meeting(s) with related TSP Task Force meeting and notification.
- C. Present the Conceptual Linking Tualatin Plan to TPAC for review and comment

ATTACHMENT A - CONSULTANT'S RESPONSIBILITIES

- Coordinate with staff regarding presentation approach and timing;
 - Prepare a brief presentation that summarizes key elements of the Conceptual Linking Tualatin Plan;
 - Conduct one meeting of TPAC to present and solicit comments on the Conceptual Linking Tualatin Plan;
 - As part of weekly conference call, debrief with city staff re: how best to reflect TPAC comments in subsequent tasks.
- D. Refine Conceptual Linking Tualatin Plan for presentation to City Council during a work session
- E. Present the Conceptual Linking Tualatin Plan to City Council for review and comment
- Coordinate with staff regarding presentation approach and timing;
 - Prepare a brief presentation that summarizes work on the Conceptual Linking Tualatin Plan;
 - Attend City Council meeting to give presentation and respond to questions and comments;
 - As part of weekly conference call, debrief with city staff re: how best to address any Council comments or suggested revisions in subsequent tasks.
- F. Prepare outline of needed Plan and Code amendments to implement the Conceptual Linking Tualatin Plan, possibly including:
- Application of new or updated zoning districts to portions of nodes to ensure consistency with proposed land use typologies;
 - Potential amendments to transportation requirements related to access, circulation or facility design;
 - Implementation of sustainability design practices;
 - Phasing or other requirements to ensure that preferred land use alternatives can be implemented over time;
 - Ability to allow and/or require transit facilities needed to achieve HCT objectives.
- G. Implement public outreach plan through the following activities
- Post project materials on City Web site;
 - Send e-mail blast to interested parties re: progress to date, opportunity to review materials and meetings with TPAC and City Council;
 - Advertise TPAC and City Council per city noticing requirements and consistent with other city notification processes;
 - Utilize the Executive Summary from the Conceptual Linking Tualatin Plan for distribution at listening stations and community events.
- H. Update technical analyses as needed to support City Council adoption
- For budgeting purposes, the Consultant assumes that additional technical analyses will be relatively minimal and will not require re-evaluation using INDEX, revisions to node boundaries (for analysis purposes) or additional, detailed transportation analyses.
- I. Prepare Plan and Code amendments, as needed based on outline prepared in Task 6.F.
- Work closely with staff to determine which types of plan and code amendments should be completed as part of this process vs. at a later date;
 - Work with staff to determine the most effective approach for implementing code amendments, particularly those that could require rezoning (e.g., creating new zones or amending existing zones);

ATTACHMENT A - CONSULTANT'S RESPONSIBILITIES

- Prepare a targeted, priority set of zoning amendments needed to ensure that the Linking Tualatin Plan can be implemented in the future while ensuring that proposed amendments do not present significant challenges to adoption of the Plan within the proposed adoption timeframe.
- K. Present the Conceptual Linking Tualatin Plan and zoning amendments to City Council and TPAC
 - Coordinate with staff regarding presentation approach and timing;
 - Prepare a brief presentation that summarizes proposed refinements to the Conceptual Linking Tualatin Plan, as well as proposed Plan and Code amendments;
 - Conduct one meeting of TPAC to give presentation and respond to questions and comments;
 - Conduct one meeting with City Council to affirm that the project team is ready to proceed to adoption hearings;
 - As part of weekly conference call, debrief with city staff re: how best to reflect TPAC comments in subsequent task.
- J. Prepare Conceptual Linking Tualatin Plan for Adoption by City Council
 - Refinements to the base Plan document are expected to be relatively minor at this point but will incorporate any comments or recommended changes identified in Tasks 6/7.C and 6/7.E., as well as any updated analyses prepared in sub-task 6/7.H;
 - Plan and Code amendments will be referenced in the Conceptual Plan but not directly incorporated.
- L. Present Plan and Text Amendments to Council for Adoption
 - Coordinate with staff regarding presentation approach and timing;
 - Prepare a brief presentation that summarizes proposed refinements to the Conceptual Linking Tualatin Plan, as well as proposed Plan and Code amendments;
 - Attend City Council meeting to give presentation and respond to questions and comments;
 - Refine Conceptual Linking Tualatin Plan and implementing Plan and Code Amendments as needed to reflect results of public hearing process (assumes one round of revisions).

Deliverables

- Revised draft Conceptual Linking Tualatin Plan (2 drafts)
- Attendance at and summary of Task Force meeting #5
- Attendance at two (2) TPAC meetings and preparation of associated presentation materials
- Attendance at two (2) City Council briefings and preparation of associated presentation materials (primarily incorporating materials prepared as a part of other sub-tasks)
- Outline of needed Plan and Code amendments to implement the Conceptual Linking Tualatin Plan
- Implementation of public outreach strategies as detailed in sub-task 6/7.G and the Linking Tualatin Public Outreach Plan
- Preparation for and participation in one public open house, including preparation of notification materials, open house presentations and summaries of comments received (if specified to occur in this task in the Linking Tualatin Public Outreach Plan)
- Updated technical analyses (as needed) associated with the Conceptual Linking Tualatin Plan

ATTACHMENT A - CONSULTANT'S RESPONSIBILITIES

- Proposed code amendments recommended to implement the Linking Tualatin Plan (up to two drafts, including a final)
- Final Conceptual Linking Tualatin Plan for City Council Adoption (one draft)
- Attendance at one City Council hearing to adopt the Conceptual Linking Tualatin Plan, including preparation of associated presentation materials

Table 1
CONSULTANT'S HOURLY RATES
 (Angelo Planning Group)

The following hourly rates are effective through project completion or January 2013.

| | Hourly Rate |
|------------------------------|------------------------|
| Angelo Planning Group | |
| F. Angelo | \$170 |
| M. Hastie | \$126 |
| S. Breakstone | \$65 |
| R. Dann | \$54 |
| SERA Architects | |
| M. Arnold | \$170 |
| A. Wildman | \$98 |
| M. Marx | \$86 |
| Proj. Assist | \$68 |
| CH2M Hill | |
| K. Hull | \$157 |
| B. Steffen | \$88 |
| D. Sheehy | \$182 |
| DKS | |
| A. Snook | \$125 |
| M. Tomasini | \$90 |
| Criterion | |
| E. Allen | \$155 |
| J. Ahmann | \$95 |
| Johnson Reid | |
| B. Buckley | \$122 |
| J. Johnson | \$180 |

ATTACHMENT B CITY'S RESPONSIBILITIES

The City's responsibilities are included in the Scope of Work contained in Attachment A to this Personal Services Agreement. Specific tasks that may require more concentrated effort on City staff's part than general project management, review, evaluation, and coordination duties include the following:

Task 2. Public Outreach and Agency Coordination

B. Task Force and TSP working groups:

- City will share working group meeting facilitation and summary duties with Consultant.

E. Web-based outreach:

- City will host the Linking Tualatin page on the city web site and the Consultant will provide tools and materials to link to the site. Consultant also will provide advice and materials that will help the city incorporate a unique visual identity into Linking Tualatin web pages or materials.

Task 3. Goals and Objectives, and Existing Conditions

G. Existing conditions related to land use, transportation, infrastructure, and natural resources data:

- City GIS staff will be responsible for "cleaning" all data to meet INDEX specifications as defined in its Indicator Dictionary.

Task 4. Node Selection Criteria, Typologies, and Needs Opportunities and Constraints Analysis

B. Node typologies identification and development:

- City staff and other agency staff (e.g., Metro and Tri-Met), as part of an agency coordinating committee meeting with project team members, may participate in a brainstorming session to discuss potential typologies not previously considered in other Metro-related planning projects (including those focused on employment).

Task 5. Development, Analysis and Evaluation of Conceptual Alternatives

B. Design charrette preparation:

- City staff, as part of Task 4, will prepare needed GIS data and a base case for use in evaluating node land use alternatives during the charrette; as noted previously, city staff will be responsible for providing data and checking its accuracy to the extent needed.

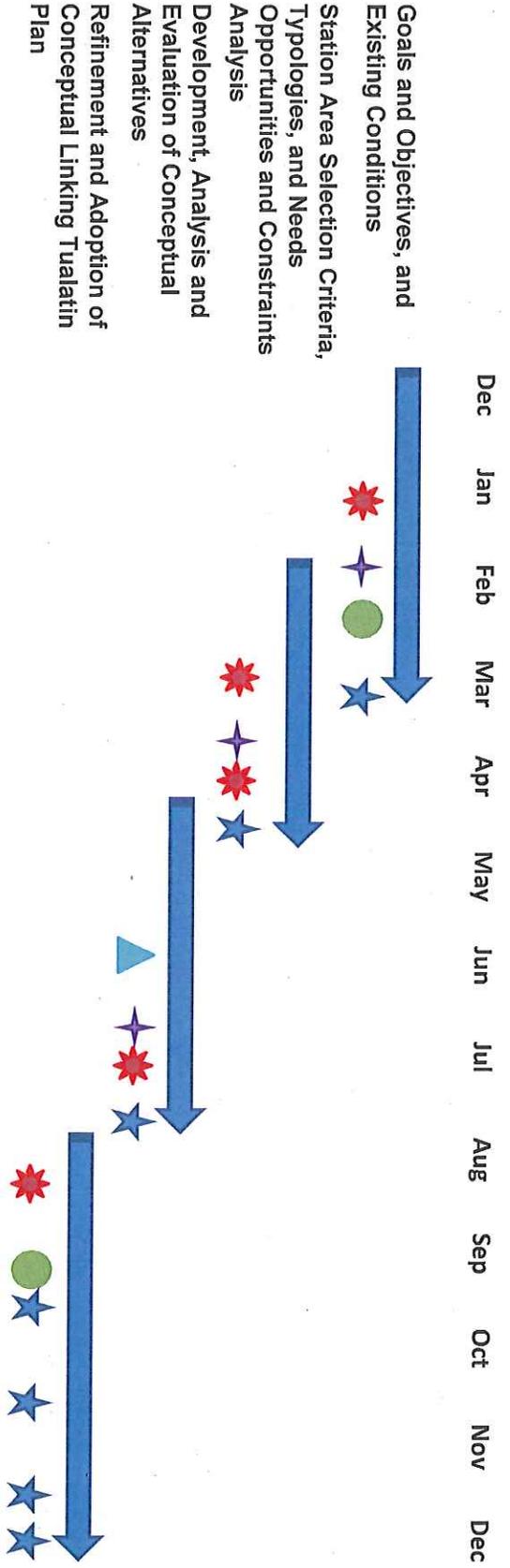
C. Design charrette implementation:

- At least two City staff members will attend and assist in facilitating small group discussions related to development and evaluation of land use alternatives for specific nodes; at any given time, approximately two city staff members will plan to participate in the event, although the same two people will not have to attend the entire event.

Consultant's Budget Summary

| | Angelo Planning Group | SERA Architects | CH2M Hill | DKS | Criterion | Johnson Reid | Consultant Team Total |
|---|-----------------------------|--------------------|-----------|----------|-----------|-----------------|--------------------------|
| Task 1. Project Management | \$15,314 | \$1,032 | \$6,638 | \$1,770 | \$380 | \$1,208 | \$26,342 |
| Task 2. Public Outreach and Agency Coordination | \$3,300 | \$0 | \$17,065 | \$0 | \$0 | \$0 | \$20,365 |
| Task 3. Goals and Objectives, and Existing Conditions | \$10,231 | \$5,930 | \$510 | \$3,965 | \$1,070 | \$7,784 | \$29,490 |
| Task 4. Station Area Selection Criteria, Typologies, and Needs Opportunities and Constraints Analysis | \$4,168 | \$7,474 | \$1,878 | \$965 | \$6,230 | \$546 | \$21,261 |
| Task 5. Development, Analysis and Evaluation of Conceptual Alternatives | \$18,356 | \$18,884 | \$6,581 | \$3,805 | \$12,720 | \$732 | \$61,078 |
| Task 6. Adoption of Conceptual Linking Tualatin Plan | \$13,389 | \$2,580 | \$728 | \$1,720 | \$190 | \$848 | \$19,455 |
| Total Labor | \$64,758 | \$35,900 | \$33,399 | \$12,225 | \$20,590 | \$11,118 | \$177,990 |
| Total Reimbursable Expense | \$975 | \$800 | \$650 | \$200 | \$250 | \$125 | \$3,000 |
| Total Labor + Expense | \$65,733 | \$36,700 | \$34,049 | \$12,425 | \$20,840 | \$11,243 | \$180,990 |

Linking Tualatin Project Schedule



-  Task Force Meeting
-  Transit Working Group Meeting
-  Open House
-  City Council & TPAC Presentation
-  Charrette

RESOLUTION NO. 5077-11

RESOLUTION AUTHORIZING A PERSONAL SERVICES AGREEMENT WITH ANGELO PLANNING GROUP FOR PROFESSIONAL SERVICES FOR THE LINKING TUALATIN PROJECT

WHEREAS the Review Committee recommended that the City Council accept their recommendation of Angelo Planning Group, with sub-consultants CH2M Hill, SERA Architects, Criterion Planners, DKS Associates, and Johnson Reid to provide professional services for the Linking Tualatin project; and

WHEREAS funds are available for the Linking Tualatin project through a Construction Excise Tax (CET) grant from Metro.

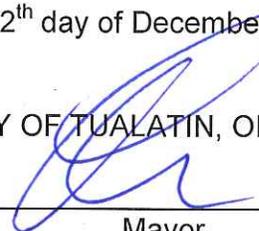
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

Section 1. The Professional Services contract for the Linking Tualatin project is awarded to Angelo Planning Group.

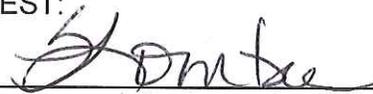
Section 2. The City Recorder is authorized to execute a contract with Angelo Planning Group in an amount not to exceed \$181,000.

INTRODUCED AND ADOPTED this 12th day of December, 2011.

CITY OF TUALATIN, OREGON

BY  _____
Mayor

ATTEST:

BY  _____
City Recorder

APPROVED AS TO LEGAL FORM


CITY ATTORNEY



STAFF REPORT

CITY OF TUALATIN

APPROVED BY TUALATIN CITY COUNCIL
Date 12-12-11
Recording Secretary M. Smith

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Sara Singer, Assistant to the City Manager

DATE: 12/12/2011

SUBJECT: Resolution Recognizing the Formation of Citizen Involvement Organization Five

ISSUE BEFORE THE COUNCIL:

According to Chapter 11-9-40 of the Tualatin Municipal Code, Citizen Involvement Organizations must meet the minimum standards set forth in the Code to be recognized by the City Council.

RECOMMENDATION:

Staff recommends adopting the attached Resolution recognizing the formation of Citizen Involvement Organization Five.

EXECUTIVE SUMMARY:

In July 2011, the City Council adopted Chapter 11-9 of the Tualatin Municipal Code which establishes and creates the Citizen Involvement Organization Program (CIOP). Included with the adoption of the code language was also the adoption of the CIOP Boundary Map (See Attachment). The approved boundary map outlines six residential Citizen Involvement Organizations (CIOs) and two business CIOs. The code allows for residents to come together and form their CIO by meeting the following standards in the code:

- 1) The CIO must hold an annual election of officers;
- 2) All meetings shall be publicized at least seven days in advance of the meeting date, except in case of emergency, in which case at least 24 hours advance notice shall be given.
- 3) A current list of the names and addresses of the officers must be provided to the City;
- 4) After their initial organizational meeting in the first year of recognition, a minimum of two general meetings each year with the time, place and purpose well publicized throughout the CIO prior to each meeting; and
- 5) CIOs must provide an executed copy of their current bylaws.

On October 26, 2011, CIO 5 held an organizational meeting where participants voted to form the CIO, approved bylaws, and elected officers. The newly elected officers have submitted all appropriate documents for review by staff. Staff has determined that the minimum standards of Section 11-9-40 of the Tualatin Municipal Code have been met. A Resolution recognizing the formation of Citizen Involvement Organization Five has been prepared for adoption by the City Council.

Attachments: Resolution Recognizing CIO 5
 CIO 5 Adopted Bylaws
 CIO 5 Elected Officers
 CIO 5 Boundary Map

**BYLAWS
OF
CITIZEN INVOLVEMENT ORGANIZATION #5
(Tualatin, Oregon)**

**ARTICLE 1
ORGANIZATION**

Section 1. The Name. The name of this Organization is Citizen Involvement Organization #5.

Section 2. Purpose. The general purpose is to provide an opportunity for members to meaningfully cooperate with each other and with the City of Tualatin on matters affecting the neighborhoods and the City. A major purpose of the Citizen Involvement Organization ("CIO") is to facilitate citizen participation in land use related matters, consistent with Oregon Statewide Land Use Goal 1. Another major purpose is to promote community and a sense of community. Using best efforts to ensure opportunities for involvement and engagement by all CIO members, the means of accomplishing this purpose shall include but not be limited to:

- A. Provide public forums for the review and evaluation of issues affecting the neighborhood, the CIO, and the City; provide for the education of citizens, groups and government bodies with respect to such issues; and provide for an exchange of views and opinions on such issues;
- B. Provide public forums for CIO members to present their views and provide input to private and public bodies such as City Council, its advisory boards and committees, and other governmental and community bodies on issues having an impact on either the CIO, the City, or the region;
- C. Provide a formalized channel of communication and dissemination of accurate and timely information between the City government, other governmental bodies, and the CIO and the CIO's members;
- D. Provide input to City Council and other governmental bodies on land use and other matters which affect the neighborhoods.

Section 3. Boundary. The CIO boundary shall be as indicated on the attached map and the map is hereby incorporated by reference. Tualatin residents living outside the boundaries of any residential CIO may belong to the residential CIO nearest their residence. A request that boundaries be altered shall be voted on at the Annual Meeting, requiring a 2/3 majority vote of the membership present, with that request noticed to the CIO membership at least 14 days prior to the Annual Meeting. If any abutting CIO boundaries are affected, then the affected CIO(s) must approve any request before the CIO votes on the boundary change request. Any request approved by the CIO and any affected CIO(s) then shall be submitted within 20 days of the Annual Meeting to the Citizen Involvement Coordinating Committee ("CICC") Executive Board for consideration and a vote. If the request is approved by the CICC Executive Board, then the request by the CIO and the CICC recommendation shall be submitted to City Council for consideration and final vote. However, the CIO has the right to submit its request directly to City Council. If a boundary alteration is approved by City Council, the boundary and map will be amended and shall become part of the CIO and CICC bylaws.

ARTICLE II MEMBERSHIP

Section 1. Eligibility. The CIO shall not deny membership rights or access to the benefits of the CIO to any individual on the basis of race, color, gender, heritage, national origin, sex, age, disability, sexual orientation, religion, political affiliation, or marital status. Membership shall be open to anyone 16 years of age or older; and

- A. A Tualatin resident within the recognized residential CIO boundaries will belong to the designated residential CIO, including a person who owns or a representative of the owner(s) of rental residential properties designated by the City of Tualatin as residential;
or
- B. Membership in the commercial or the manufacturing CIO is open to:
 - 1. A property owner or a representative of the owner(s) whose commercial or manufacturing property or properties, designated as commercial or manufacturing by the Tualatin planning district in which the property (s) is/are located; or
 - 2. A person who owns, or one representative of a commercial or manufacturing business or businesses, a commercial or manufacturing business or businesses, designated as commercial or manufacturing by the Tualatin planning district in which the property (s) is/are located ; and has a current business license; or
 - 3. A representative of a non-profit organization located within the CIO boundaries; determination of membership in the commercial or the manufacturing CIO is generally by the organization's purpose.

Section 2. Membership Dues. No dues or fees shall be required.

Section 3. Voting Rights. Each member of the CIO present at meetings shall have one vote, as specified in these Bylaws. Voting shall be done in person only. All rights, privileges, and responsibilities of membership, including the right to vote on CIO business, shall accrue to all members. Regardless if a person or persons owns or has ownership interest in multiple properties or businesses in Tualatin, there shall be one vote for one member as defined in Article II, Section 1.

ARTICLE III MEMBER MEETINGS

Section 1. General Meetings. The members of the CIO shall hold at least two general meetings each year.

A. Annual Meeting. One of the general meetings shall be the Annual Meeting, at which election of officers and other business designated by these bylaws and by the CIO's Executive Board shall occur. The Annual Meeting shall be called and held at a location determined by the Executive Board, but within or near the CIO boundaries. Written or electronic notice shall be provided and/or made available no less than 14 days in advance to all members of the CIO which shall include the date, time, location, and purpose of the Annual Meeting. The Annual Meeting shall be held in the month of April of each year, except for the first year.

B. General Meetings. A general meeting or meetings in addition to the Annual Meeting shall be called by the Executive Board and held at least once yearly. Notice of a general

meeting shall be given at least 7 days in advance and may be in an electronic or written format, unless the schedule of meetings is noticed on an annual basis. If a "special meeting" is found to be necessary by the Executive Board, reasonable effort will be made to notice by written or electronic means 2 days in advance of the meeting at least those members who attended the most recent general meeting.

Section 2. Quorum. A quorum for the first Annual Meeting shall be 20 members present. Before the next general meeting, the minimum numbers of required members present to constitute a quorum at annual, general or emergency meetings shall be determined by the Executive Board, and which may be amended from time to time by the Board. Decisions requiring a vote at annual, general, and emergency meetings shall be made by a majority vote of those members present at such meeting, except for amendments or changes to the Bylaws or CIO boundaries, as per these Bylaws.

Section 3. General. All meetings will be open to members and to the public, and generally follow Robert's Rules of Order. Members shall have the right to introduce agenda items; proposed agenda items shall be given the President at least 14 days in advance of a meeting in order to be considered by the President as to whether to be placed on the agenda. Minutes will be taken and made available to the members; and, the minutes shall include a summary of the consensus reached or if a consensus was not reached then the general views of the majority and minority including the approximate numbers of each. Members shall conduct themselves in all meetings in a manner exhibiting common courtesy and fairness.

ARTICLE IV EXECUTIVE BOARD, ELECTION, AND MEETINGS

Section 1. Officers and Executive Board. The officers of the CIO shall be a President, Vice President, Secretary, Treasurer, and Land Use Officer. No more than two offices shall be held by a single person at a time. The Executive Board shall consist of the officers and the chairpersons of standing committees. A list of current Executive Board members and contact information shall be kept on file with the City of Tualatin and available to the members. Regardless of the number of offices held by anyone person, each Board member shall have one vote on any issue or matter.

Section 2. Election and Term of Office. The officers shall be elected at the Annual Meeting by the membership. All nominees shall be submitted to the members present. Every member present shall be entitled to one vote for each executive board office to be elected. The nominee receiving a majority of the votes cast for each office shall be deemed elected. Each Board member shall hold office until the successor has been duly elected and taken office. In the event of a vacancy, the vacancy shall be filled by a majority vote of the remaining members of the Executive Board, and the member so elected fills the position until the next annual meeting. Two officers shall be selected by the Executive Board to serve on the Citizen Involvement Coordinating Committee.

Section 3. Powers and Duties. The duties of each office are:

- A. **President.** Set the agenda and preside at all meetings of the CIO and of the Executive Board; have the authority to speak on behalf of the CIO and the Executive Board; serve as a contact for all written/oral communications from the City regarding CIO matters; perform all the duties of supervision and management as pertains to the office of president; ensure that the organization complies with the requirements of the CIO's

Bylaws; and perform those duties as may be designated by the Board. After formation, the President shall be elected in odd numbered years.

- B. Vice President.** Serve in the absence of the President; shall assist the President; serve as the chair of the nominating committee, if required; and perform other duties as designated by the Board. After formation, the Vice President shall be elected in even numbered years.
- C. Secretary.** Shall make best efforts that accurate minutes are taken of each meeting, that attendance registration is kept, that a summary is taken of the consensus reached or the general statements of majority/minority views and numbers of the majority/minority views; ensure that meeting notices are made; maintain and provide current lists of officers and committee chair members' names and contact information and a copy of current bylaws are provided to the City and made available to the membership; ensure minutes of any meeting be made available within a reasonable time after any meeting to the membership and to the City; and perform other duties as designated by the Board. A copy of minutes shall be maintained for no less than 3 years. After formation, the Secretary shall be elected in odd numbered years.
- D. Treasurer.** Shall receive, deposit, disburse, and account for all CIO funds; prepare and present operating statements at each general meeting or as otherwise requested by the Executive Board; present to the Treasurer of the CICC an annual financial report of the grant funding program, and the report shall also be given to a representative of the City; and perform other duties as designated by the Board. After formation, the Treasurer shall be elected in even numbered years.
- E. Land Use Officer.** Shall keep current on land use issues pertinent to the CIO; shall have the authority to speak on behalf of the Executive Board and CIO pertaining to land use issues; shall be a member of the Land Use Committee; shall make available to membership pertinent land use information; and perform other duties as designated by the Board. After formation, the Land Use Officer shall be elected in odd numbered years.

Section 4. Executive Board Meetings. The Executive Board has the responsibility to act in the best interest of the CIO and use best efforts that members are generally made aware of pertinent issues and matters which may affect them. Executive Board meetings will be held periodically at such time and place as determined by the Board; however the Board shall hold at least two meetings each year, open to the public, with notice requirements of a general meeting being followed. Robert's Rules of Order will generally be followed. Board decisions requiring a vote shall be decided by affirmative vote of a majority of those voting members present but no vote is valid unless a quorum is present. A quorum for the Executive Board shall be 51% of officers and board members, no fewer than 2 of which shall be officers, except in the initial year when a quorum may be 2 officers.

ARTICLE V COMMITTEES

Section 1. Standing Committees. Committees shall be designated and responsibilities assigned to them by the Executive Board. Each committee shall develop a statement of organization and implementation methods to be approved by the Executive Board. A chair person shall be elected

from the committee by a simple majority vote of those in attendance. The Chairperson of any committee shall serve on the Executive Board. Membership on a committee shall be from the CIO membership; however, each Committee shall have at least one Board member on the Committee.

- A. Community Connection.** This Committee shall be a permanent committee with the primary purpose to engage members in events and issues which build and increase a sense of community. Such activities and events may be, but not limited to, Neighborhood Night Out, emergency preparedness, events which care for and enhance public spaces in the neighborhood, and events which engage citizens interacting with each other. The Committee shall be responsible for the management and implementation of the Grant Funding Program of the CIO, funded by the City or other sources. The Committee shall identify, select, and recommend to the Executive Board for its approval events which are of significant community value to qualify as a Grant Funded Program; selected grant funded programs will be presented to the CICC for its review and comments. The approved program(s) shall then be submitted to the City Council for consideration and funding. The Committee will be composed of no less than 3 positions, and the Chairperson shall serve on the Executive Board.
- B. Land Use.** This Committee shall be a permanent committee with the primary purpose to engage members in the discussion of and provide timely information to members on land use matters of the City and the region. The Committee shall review such matters as, but not limited to, land use, traffic, development proposals, and zoning, providing a forum for member discussion of issues. The Committee shall keep minutes, making a good faith effort to accurately record a summary of the consensus reached or the general statements of majority/minority views and numbers of each, and record attendance. The Committee will be composed of no less than 3 positions, with the Land Use Officer as one of the committee's members, and the Chairperson shall serve on the Executive Board.

Section 3. General. Meetings shall be open to the public and notice requirements of a general meeting shall be followed. All decisions will be decided by a simple majority of those in attendance; the definition of a quorum shall be set before the first committee meeting by the Executive Board and may be amended from time to time by the Executive Board. Committees shall make recommendations on major issues to the Executive Board for approval; however, with specific authorization from the Executive Board, the Committees may have the power to act on behalf of the CIO and its Executive Board. Each Committee should meet at least twice yearly. Members shall conduct themselves in all meetings in a manner exhibiting common courtesy and fairness.

ARTICLE VI STANDARDS OF RECOGNITION

Section 1. Recognition. The CIO shall first submit an application for recognition to the Citizen Involvement Coordinating Committee, if the CICC is formed, and the CICC shall adopt recommendations regarding recognition. The CIO application for recognition and the CICC recommendations shall be, as per the City Ordinance #1328-11, submitted to the City Manager or designee, and then the application for recognition shall be submitted to City Council for final approval and recognition. The CIO shall meet and continue to maintain conformity with the following minimum recognition criteria:

- A. Members shall meet the member eligibility as detailed in Article II, Section 1. A-B of these Bylaws; and,
- B. Members shall hold an initial annual meeting in the first year to adopt the bylaws and elect a minimum of 2 officers; and,
- C. After at least one initial organizational/annual meeting in the first year, the CIO shall thereafter hold at least two general meetings annually, one of which is the annual meeting with election of officers as per these Bylaws; the time, place, and purpose will be well publicized in accordance with these Bylaws throughout the CIO prior to each meeting; and,
- D. Comply with the Bylaws of the CIO and the City of Tualatin Ordinance #1328-11 as part of Tualatin Municipal Code 11-9. The CIO bylaws shall conform to the City of Tualatin Ordinance.

Section 2. Inactive Organization. If the CIO does not meet the above minimum criteria and comply with the Bylaws over a reasonable period of time as determined by the Citizen Involvement Coordinating Committee, the CIO shall be deemed to be inactive. To become an active organization after being deemed inactive, application must be made to the CICC which shall review and establish conditions for re-activation and recognition.

Section 3. Termination of the Organization. The formal termination of the CIO may be recommended by the Citizen Involvement Coordinating Committee to the City Council for review and action. Such recommendation shall be based on the failure of the CIO to abide by these Bylaws and minimum recognition standards over a reasonable period of time. If the CIO is terminated by City Council, the boundaries may be reconfigured by the City Council.

ARTICLE VII MISCELLANEOUS

Section 1. Grievances. Any member objecting to or challenging any action of an officer, committee, or Executive Board shall provide written notice to the officer or members of the committee and to the Executive Board within 14 days of such action specifying the action objected to or challenged and the grounds for the objection or challenge. The Executive Board shall review the written objection or challenge and shall consider such action or refer the matter to the Citizen Involvement Coordinating Committee if the objection or challenge involves a CIO officer or Executive Board member(s). The decision by either the Executive Board or the Citizen Involvement Coordinating Committee shall be final and binding. A grievance will only be considered if the grievance is an objection or challenge in which a representative of the CIO exceeded the authority granted by these Bylaws or an action was illegal.

Section 2. Annexed Areas. When Tualatin annexes new areas into the city limits, that area will become part of the nearest CIO, as determined by the Citizen Involvement Coordinating Committee with agreement of the affected CIOs and approved by City Council. A new boundary will be drawn and an altered map attached to the bylaws.

Section 3. Nonpartisan. The CIO shall be nonpartisan and will not support or oppose candidates for public office.

Section 4. Alternate to Citizen Involvement Coordinating Committee. The membership may elect an alternate to the Citizen Involvement Coordinating Committee in addition to the two officers designated to the CICC. The alternate may attend the meetings, but is not entitled to vote, unless one of the designated representatives is not present.

Section 5. Adoption of CIO Name. At any general meeting the membership may adopt a name for the CIO with notification of such given to the CICC and to a representative of the City. Until a name is adopted, the CIO will be referred to by the number designated on the CIO boundary map, attached.

Section 6. Notice. The requirements for notice to all members will be considered met when notice is provided and made available to members by written and/or electronic means, such as but not limited to posting on a CIO website.

ARTICLE VIII AMENDMENTS

Section 1. Amendments. These Bylaws may be amended at any Meeting of the general membership at which a quorum of fifteen people is present and a 2/3rd favorable vote of all members present, provided that notice and substance of such an amendment shall have been given to all members of the Executive Board and to the CIO's membership at least 14 days prior to the date on which the amendment is to be considered. If the amendment is approved, the amendment shall be submitted to the Citizen Involvement Coordinating Committee within 20 days for consideration. The decision of the Citizen Involvement Coordinating Committee is final and such decision and justification shall be communicated in writing to the CIO within 5 days of the decision.

Section 2. Placement. A current version of the Bylaws shall be kept by the CIO's secretary, by the secretary of the Citizen Involvement Coordinating Committee, provided to the City, and shall be available to the membership.

Approved this 26th date of October, 2011.

**CIO 5 Officer Board
Citizen Involvement Organization
Roster**

| | |
|-------------------------|---|
| Robert E Kellogg | Position: President Original Appt: 10-26-2011 Expiration: April 2013 |
| Erik Johannes | Position: Vice President Original Appt: 10-26-2011 Expiration: April 2014 |
| Julie Makarowsky | Position: Secretary Original Appt: 10-26-2011 Expiration: April 2013 |
| Jonathan Crane | Position: Treasurer Original Appt: 10-26-2011 Expiration: April 2014 |
| Nic Herriges | Position: Land-Use Officer Original Appt: 10-26-2011 Expiration: April 2013 |

RESOLUTION NO. 5078-11

RESOLUTION RECOGNIZING THE FORMATION OF CITIZEN INVOLVEMENT ORGANIZATION FIVE

WHEREAS the Citizen Involvement Organization Program (CIOP) was established and created to provide an opportunity for members of the CIOP to meaningfully cooperate with each other and the City of Tualatin on matters affecting the neighborhoods and the City consistent with Tualatin's Principles of Citizen Involvement; and

WHEREAS the Citizen Involvement Organization Five (CIO 5) has determined that they would like to form to promote communication and a sense of community in their neighborhood.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

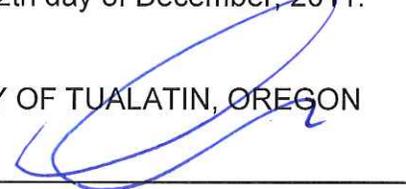
Section 1. The City Manager has confirmed that:

- 1) CIO 5 has conducted an annual election of officers, and
- 2) The bylaws adopted by CIO 5 provide that meetings be publicized 7 days in advance of the meeting date, except in case of emergency, in which case at least 24 hours advance notice shall be given, and
- 3) A current list of the names and addresses of the officers has been provided to the City, and
- 4) The bylaws adopted by CIO 5 provide that a minimum of two general meetings each year with the time, place and purpose well publicized throughout the CIO prior to each meeting, and
- 5) CIO 5 has provided an executed copy of their bylaws.

By satisfying the standards of Chapter 11-9-40 of the Tualatin Municipal Code, CIO 5 is eligible to be recognized by the City Council.

INTRODUCED AND ADOPTED this 12th day of December, 2011.

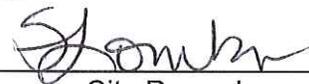
CITY OF TUALATIN, OREGON

BY  _____
Mayor

APPROVED AS TO LEGAL FORM


CITY ATTORNEY

ATTEST:

BY  _____
City Recorder



STAFF REPORT CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council
THROUGH: Sherilyn Lombos, City Manager
FROM: Sara Singer, Assistant to the City Manager
DATE: 12/12/2011
SUBJECT: Resolution Recognizing the Formation of Citizen Involvement Organization Two

ISSUE BEFORE THE COUNCIL:

According to Chapter 11-9-40 of the Tualatin Municipal Code, Citizen Involvement Organizations must meet the minimum standards set forth in the Code to be recognized by the City Council.

RECOMMENDATION:

Staff recommends adopting the attached Resolution recognizing the formation of Citizen Involvement Organization Two.

EXECUTIVE SUMMARY:

In July 2011, the City Council adopted Chapter 11-9 of the Tualatin Municipal Code which establishes and creates the Citizen Involvement Organization Program (CIOP). Included with the adoption of the code language was also the adoption of the CIOP Boundary Map (See Attachment). The approved boundary map outlines six residential Citizen Involvement Organizations (CIOs) and two business CIOs. The code allows for residents to come together and form their CIO by meeting the following standards in the code:

- 1) The CIO must hold an annual election of officers;
- 2) All meetings shall be publicized at least seven days in advance of the meeting date, except in case of emergency, in which case at least 24 hours advance notice shall be given.
- 3) A current list of the names and addresses of the officers must be provided to the City;
- 4) After their initial organizational meeting in the first year of recognition, a minimum of two general meetings each year with the time, place and purpose well publicized throughout the CIO prior to each meeting; and
- 5) CIOs must provide an executed copy of their current bylaws.

On October 26, 2011, CIO 2 held an organizational meeting where participants voted to form the CIO, approved bylaws, and elected officers. The newly elected officers have submitted all appropriate documents for review by staff. Staff has determined that the minimum standards of Section 11-9-40 of the Tualatin Municipal Code have been met. A Resolution recognizing the formation of Citizen Involvement Organization Two has been prepared for adoption by the City Council.

Attachments: A - Resolution Recognizing CIO 2
 B - CIO 2 Bylaws
 C - CIO 2 Officers
 D - CIO 2 Boundary Map
 E - PowerPoint

RESOLUTION NO. 5079-11

RESOLUTION RECOGNIZING THE FORMATION OF CITIZEN INVOLVEMENT ORGANIZATION TWO

WHEREAS the Citizen Involvement Organization Program (CIOP) was established and created to provide an opportunity for members of the CIOP to meaningfully cooperate with each other and the City of Tualatin on matters affecting the neighborhoods and the City consistent with Tualatin's Principles of Citizen Involvement; and

WHEREAS the Citizen Involvement Organization Two (CIO 2) has determined that they would like to form to promote communication and a sense of community in their neighborhood.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

Section 1. The City Manager has confirmed that:

- 1) CIO 2 has conducted an annual election of officers, and
- 2) The bylaws adopted by CIO 2 provide that meetings be publicized 7 days in advance of the meeting date, except in case of emergency, in which case at least 24 hours advance notice shall be given, and
- 3) A current list of the names and addresses of the officers has been provided to the City, and
- 4) The bylaws adopted by CIO 2 provide that a minimum of two general meetings each year with the time, place and purpose well publicized throughout the CIO prior to each meeting, and
- 5) CIO 2 has provided an executed copy of their bylaws.

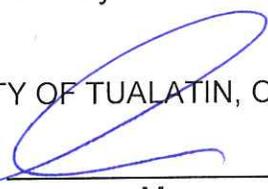
By satisfying the standards of Chapter 11-9-40 of the Tualatin Municipal Code, CIO 2 is eligible to be recognized by the City Council.

INTRODUCED AND ADOPTED this 12th day of December, 2011.

APPROVED AS TO LEGAL FORM


CITY ATTORNEY

CITY OF TUALATIN, OREGON

BY 

Mayor

ATTEST:

BY 

City Recorder

CITIZEN INVOLVEMENT ORGANIZATION TWO
BYLAWS
Tualatin, Oregon

ARTICLE I
ORGANIZATION

Section 1. The Name. The name of this Organization is _____ Citizen Involvement Organization.

Section 2. Purpose. The general purpose is to provide an opportunity for members to meaningfully cooperate with each other and with the City of Tualatin on matters affecting the neighborhoods and the City. A major purpose of the Citizen Involvement Organization ("CIO") is to facilitate citizen participation in land use related matters, consistent with Oregon Statewide Land Use Goal 1. Another major purpose is to promote community and a sense of community. Using best efforts to ensure opportunities for involvement and engagement by all CIO members, the means of accomplishing this purpose shall include but not be limited to:

- A. Provide public forums for the review and evaluation of issues affecting the neighborhood, the CIO, and the City; provide for the education of citizens, groups and government bodies with respect to such issues; and provide for an exchange of views and opinions on such issues;
- B. Provide public forums for CIO members to present their views and provide input to private and public bodies such as City Council, its advisory boards and committees, and other governmental and community bodies on issues having an impact on either the CIO, the City, or the region;
- C. Provide a formalized channel of communication and dissemination of accurate and timely information between the City government, other governmental bodies, and the CIO and the CIO's members;
- D. Provide input to City Council and other governmental bodies on land use and other matters which affect the neighborhoods.

Section 3. Boundary. The CIO boundary shall be as indicated on the attached map and the map is hereby incorporated by reference. The city Council may amend the boundaries of the CIO per municipal code 11-9-060. Boundaries of residential CIOs are adopted by the City Council. Residential CIO areas must be mutually exclusive of other recognized residential CIOs. Residential CIO boundaries should be logical, contiguous, and follow identifiable physical features such as streets, property ownership boundaries, topographic features, boundaries of political jurisdictions, or public rights-of-way. The Commercial and Manufacturing CIOs' boundaries are designated as the boundary of the entire Planning Area of the City of Tualatin (*see Figure 11-9-1*). The City Manager, or designee, shall keep on file a current map of the CIO boundaries. Any amendment to the CIO boundaries shall be adopted by the City Council and shall be submitted within 20 days of the Annual Meeting to the City Council for consideration and final vote.

ARTICLE II
MEMBERSHIP

Section 1. Eligibility. The CIO shall not deny membership rights or access to the benefits of the CIO to any individual on the basis of race, color, gender, heritage, national origin, sex, age, disability, sexual orientation, religion, political affiliation, or marital status. Membership shall be open to anyone 16 years of age or older; and

- A. A Tualatin resident within the recognized residential CIO boundaries will belong to the designated residential CIO, including a person who owns or a representative of the owner(s) of rental residential properties designated by the City of Tualatin as residential; or
- B. Membership in the commercial or the manufacturing CIO is open to:
 1. A property owner or a representative of the owner(s) whose commercial or manufacturing property or properties, designated as commercial or manufacturing by the Tualatin planning district in which the property (s) is/are located; or
 2. A person who owns, or one representative of a commercial or manufacturing business or businesses, a commercial or manufacturing business or businesses, designated as commercial or manufacturing by the Tualatin planning district in which the property (s) is/are located ; and has a current business license; or

3. A representative of a non-profit organization located within the CIO boundaries; determination of membership in the commercial or the manufacturing CIO is generally by the organization's purpose.

Section 2. Membership Dues. No dues or fees shall be required.

Section 3. Voting Rights. Each member of the CIO present at meetings shall have one vote, as specified in these Bylaws. Voting shall be done in person only. All rights, privileges, and responsibilities of membership, including the right to vote on CIO business, shall accrue to all members. Regardless if a person or persons owns or has ownership interest in multiple properties or businesses in Tualatin, there shall be one vote for one member as defined in Article II, Section I.

ARTICLE III MEMBER MEETINGS

Section 1. General Meetings. The members of the CIO shall hold at least two general meetings each year.

A. Annual Meeting. One of the general meetings shall be the Annual Meeting, at which election of officers and other business designated by these bylaws and by the CIO's Executive Board shall occur. The Annual Meeting shall be called and held at a location determined by the Executive Board, but within or near the CIO boundaries. Written or electronic notice shall be provided and/or made available in advance to all members of the CIO which shall include the date, time, location, and purpose of the Annual Meeting. The Annual Meeting shall be held in the month of April of each year, except for the first year.

B. General Meetings. A general meeting or meetings in addition to the Annual Meeting shall be called by the Executive Board and held at least once yearly. Notice of a general meeting shall be given at least 7 days in advance and may be in an electronic or written format, unless the schedule of meetings is noticed on an annual basis. If a "special meeting" is found to be necessary by the Executive Board, reasonable effort will be made to notice by written or electronic means 2 days in advance of the meeting at least those members who attended the most recent general meeting.

Section 2. Quorum. A quorum for the first Annual Meeting shall be 20 members present. Before the next general meeting, the minimum numbers of required members present to constitute a quorum at annual, general or emergency meetings shall be determined by the Executive Board, and which may be amended from time to time by the Board. Decisions requiring a vote at annual, general, and emergency meetings shall be made by a majority vote of those members present at such meeting, except for amendments or changes to the Bylaws or CIO boundaries, as per these Bylaws.

Section 3. General. All meetings will be open to members and to the public, and generally follow Robert's Rules of Order. Members shall have the right to introduce agenda items; proposed agenda items shall be given the President at least 14 days in advance of a meeting in order to be considered by the President as to whether to be placed on the agenda. Minutes will be taken and made available to the members; and, the minutes shall include a summary of the consensus reached or if a consensus was not reached then the general views of the majority and minority including the approximate numbers of each. Members shall conduct themselves in all meetings in a manner exhibiting common courtesy and fairness.

ARTICLE IV EXECUTIVE BOARD, ELECTION, AND MEETINGS

Section 1. Officers of the CIO/Executive Board shall reside there place of resident within the CIO boundary map, attached.

Section 2. Officers and Executive Board. The officers of the CIO shall be a President, Vice President, Secretary, Treasurer, and Land Use Officer. No more than two offices shall be held by a single person at a time. The Executive Board shall consist of the officers and the chairpersons of standing committees. A list of current Executive Board members and contact information shall be kept on file with the City of Tualatin and available to the members. Regardless of the number of offices held by anyone person, each Board member shall have one vote on any issue or matter.

Section 3. Election and Term of Office. The officers shall be elected at the Annual Meeting by the membership. All nominees shall be submitted to the members present. Every member present shall be entitled to one vote for each executive board office to be elected. The nominee receiving a majority of the votes cast for each office shall be deemed elected. Each Board member shall hold office until the successor has been duly elected and taken office. In the event of a vacancy, the vacancy shall be filled by a majority vote of the remaining members of the Executive Board, and the member so elected fills the position until the next annual meeting.

Section 4. Powers and Duties. The duties of each office are:

- A. President.** Set the agenda and preside at all meetings of the CIO and of the Executive Board; have the authority to speak on behalf of the CIO and the Executive Board; serve as a contact for all written/oral communications from the City regarding CIO matters; perform all the duties of supervision and management as pertains to the office of president; ensure that the organization complies with the requirements of the CIO's Bylaws; and perform those duties as may be designated by the Board. After formation, the President shall be elected in odd numbered years.
- B. Vice President.** Serve in the absence of the President; shall assist the President; serve as the chair of the nominating committee, if required; and perform other duties as designated by the Board. After formation, the Vice President shall be elected in even numbered years.
- C. Secretary.** Shall make best efforts that accurate minutes are taken of each meeting, that attendance registration is kept, that a summary is taken of the consensus reached or the general statements of majority/minority views and numbers of the majority/minority views; ensure that meeting notices are made; maintain and provide current lists of officers and committee chair members' names and contact information and a copy of current bylaws are provided to the City and made available to the membership; ensure minutes of any meeting be made available within a reasonable time after any meeting to the membership and to the City; and perform other duties as designated by the Board. A copy of minutes shall be maintained for no less than 3 years. After formation, the Secretary shall be elected in odd numbered years.
- D. Treasurer.** Shall receive, deposit, disburse, and account for all CIO funds; prepare and present operating statements at each general meeting or as otherwise requested by the Executive Board. An annual financial report of the grant funding program, shall also be given to a representative of the City; and perform other duties as designated by the Board. After formation, the Treasurer shall be elected in even numbered years.
- E. Land Use Officer.** Shall keep current on land use issues pertinent to the CIO; shall have the authority to speak on behalf of the Executive Board and CIO pertaining to land use issues; shall be a member of the Land Use Committee; shall make available to membership pertinent land use information; and perform other duties as designated by the Board. After formation, the Land Use Officer shall be elected in odd numbered years.

Section 4. Executive Board Meetings. The Executive Board has the responsibility to act in the best interest of the CIO but shall not be specifically bound to act according to the desire of a majority of members; and using best efforts that members are generally made aware of pertinent issues and matters which may affect them. Executive Board meetings will be held periodically at such time and place as determined by the Board; however the Board shall hold at least two meetings each year, open to the public, with notice requirements of a general meeting being followed. Robert's Rules of Order will generally be followed. Board decisions requiring a vote shall be decided by affirmative vote of a majority of those voting members present but no vote is valid unless a quorum is present. A quorum for the Executive Board shall be 51% of officers and board members, no fewer than 2 of which shall be officers, except in the initial year when a quorum may be 2 officers.

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Section 1. Standing Committees. Committees shall be designated and responsibilities assigned to them by the Executive Board. Each committee shall develop a statement of organization and implementation methods to be approved by the Executive Board. A chair person shall be elected from the committee by a simple majority vote of those in attendance. The Chairperson of any committee shall serve on the Executive Board. Membership on a committee shall be from the CIO membership; however, each Committee shall have at least one Board member on the Committee.

- A. **Community Connection.** This Committee shall be a permanent committee with the primary purpose to engage members in events and issues which build and increase a sense of community. Such activities and events may be, but not limited to, Neighborhood Night Out, emergency preparedness, events which care for and enhance public spaces in the neighborhood, and events which engage citizens interacting with each other. The Committee shall be responsible for the management and implementation of the Grant Funding Program of the CIO, funded by the City or other sources. The Committee shall identify, select, and recommend to the Executive Board for its approval events which are of significant community value to qualify as a Grant Funded Program; selected grant funded programs will be presented to the City of Tualatin for its review and comments. The approved program(s) shall then be submitted to the City Council for consideration and funding. The Committee will be composed of no less than 3 positions, and the Chairperson shall serve on the Executive Board.
- B. **Land Use.** This Committee shall be a permanent committee with the primary purpose to engage members in the discussion of and provide timely information to members on land use matters of the City and the region. The Committee shall review such matters as, but not limited to, land use, traffic, development proposals, and zoning, providing a forum for member discussion of issues. The Committee shall keep minutes, making a good faith effort to accurately record a summary of the consensus reached or the general statements of majority/minority views and numbers of each, and record attendance. The Committee will be composed of no less than 3 positions, with the Land Use Officer as one of the committee's members, and the Chairperson shall serve on the Executive Board.

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Section 1. Recognition. The CIO shall first submit an application for recognition to the City of Tualatin shall adopt recommendations regarding recognition. The CIO application for recognition shall be, as per the City Ordinance #1328-11, submitted to the City Manager or designee, and then the application for recognition shall be submitted to City Council for final approval and recognition. The CIO shall meet and continue to maintain conformity with the following minimum recognition criteria:

- A. Members shall meet the member eligibility as detailed in Article II, Section 1. A-B of these Bylaws; and,
- B. Members shall hold an initial annual meeting in the first year to adopt the bylaws and elect a minimum of 2 officers; and,
- C. After at least one initial organizational/annual meeting in the first year, the CIO shall thereafter hold at least two general meetings annually, one of which is the annual meeting with election of officers as per these Bylaws; the time, place, and purpose will be well publicized in accordance with these Bylaws throughout the CIO prior to each meeting; and,
- D. Comply with the Bylaws of the CIO and the City of Tualatin Ordinance #1328-11 as part of Tualatin Municipal Code 11-9. The CIO bylaws shall conform to the City of Tualatin Ordinance.

Section 2. Inactive Organization. If the CIO does not meet the above minimum criteria and comply with the Bylaws over a reasonable period of time as determined by the City Council, the CIO shall be deemed to be inactive. To become an active organization after being deemed inactive, application must be made to the City Council which shall review and establish conditions for re-activation and recognition.

Section 3. Termination of the Organization. The formal termination of the CIO may be recommended by the City Council for review and action. Such recommendation shall be based on the failure of the CIO to abide by these Bylaws and minimum recognition standards over a reasonable period of time. If the CIO is terminated by City Council, the boundaries may be reconfigured by the City Council.

**ARTICLE VII
MISCELLANEOUS**

Section 1. Annexed Areas. When Tualatin annexes new areas into the city limits, that area will become part of the nearest CIO, as determined by the City of Tualatin with agreement of the affected CIOs and approved by City Council. A new boundary will be drawn and an altered map attached to the bylaws.

Section 2. Nonpartisan. The CIO shall be nonpartisan and will not support or oppose candidates for public office.

Section 3. Adoption of CIO Name. At any general meeting the membership may adopt a name for the CIO with notification of such given to a representative of the City. Until a name is adopted, the CIO will be referred to by the number designated on the CIO boundary map, attached.

Section 4. Notice. The requirements for notice to all members will be considered met when notice is provided and made available to members by written and/or electronic means, such as but not limited to posting on a CIO website.

**ARTICLE VIII
AMENDMENTS**

Section 1. Amendments. These Bylaws may be amended at the Annual Meeting of the general membership at which a quorum is present by a 2/3rd favorable vote of all members present, provided that notice and substance of such an amendment shall have been given to all members of the Executive Board and to the CIO's membership at least 14 days prior to the date on which the amendment is to be considered. If the amendment is approved, the amendment shall be submitted to the City of Tualatin within 20 days for consideration. The decision of the City of Tualatin is final and such decision and justification shall be communicated in writing to the CIO within 5 days of the decision.

Section 2. Placement. A current version of the Bylaws shall be kept by the CIO's secretary, provided to the City, and shall be available to the membership.

Approved this date of: _____

By:

**CIO 2 Officer Board
Citizen Involvement Organization
Roster**

Bart Dickson

Position: President
Original Appt: 10-26-2011

Eric Barber

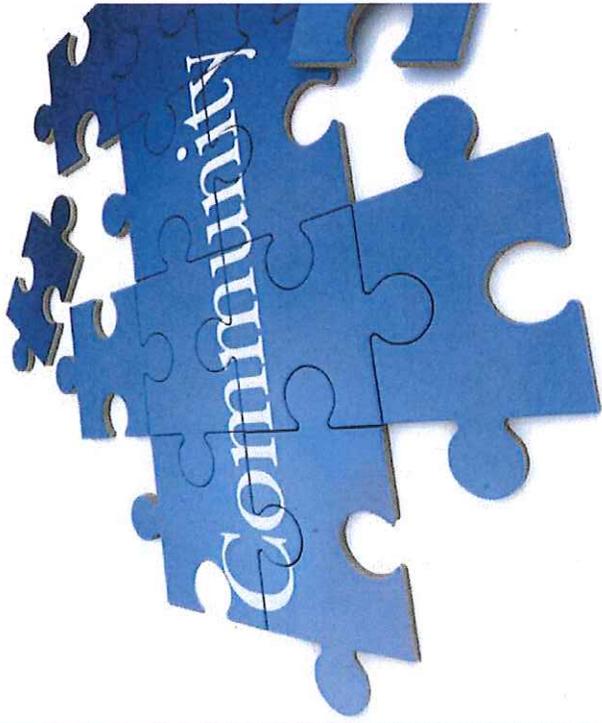
Position: Vice President
Original Appt: 10-26-2011

Doug Ulmer

Position: Secretary/Treasurer
Original Appt: 10-26-2011

Charlie Benson

Position: Land-Use Officer
Original Appt: 10-26-2011



Tualatin
Citizen Involvement
Organizations
www.tualatincio.org

Recognizing the Formation of CIO's 2 & 5

December 12, 2011

Background

- In July 2011, City Council adopted Chapter 11-9 of the Tualatin Municipal Code
- The Citizen Involvement Organization Program (CIOP) was created
- The CIOP allows for six residential and two business Citizen Involvement Organizations to form

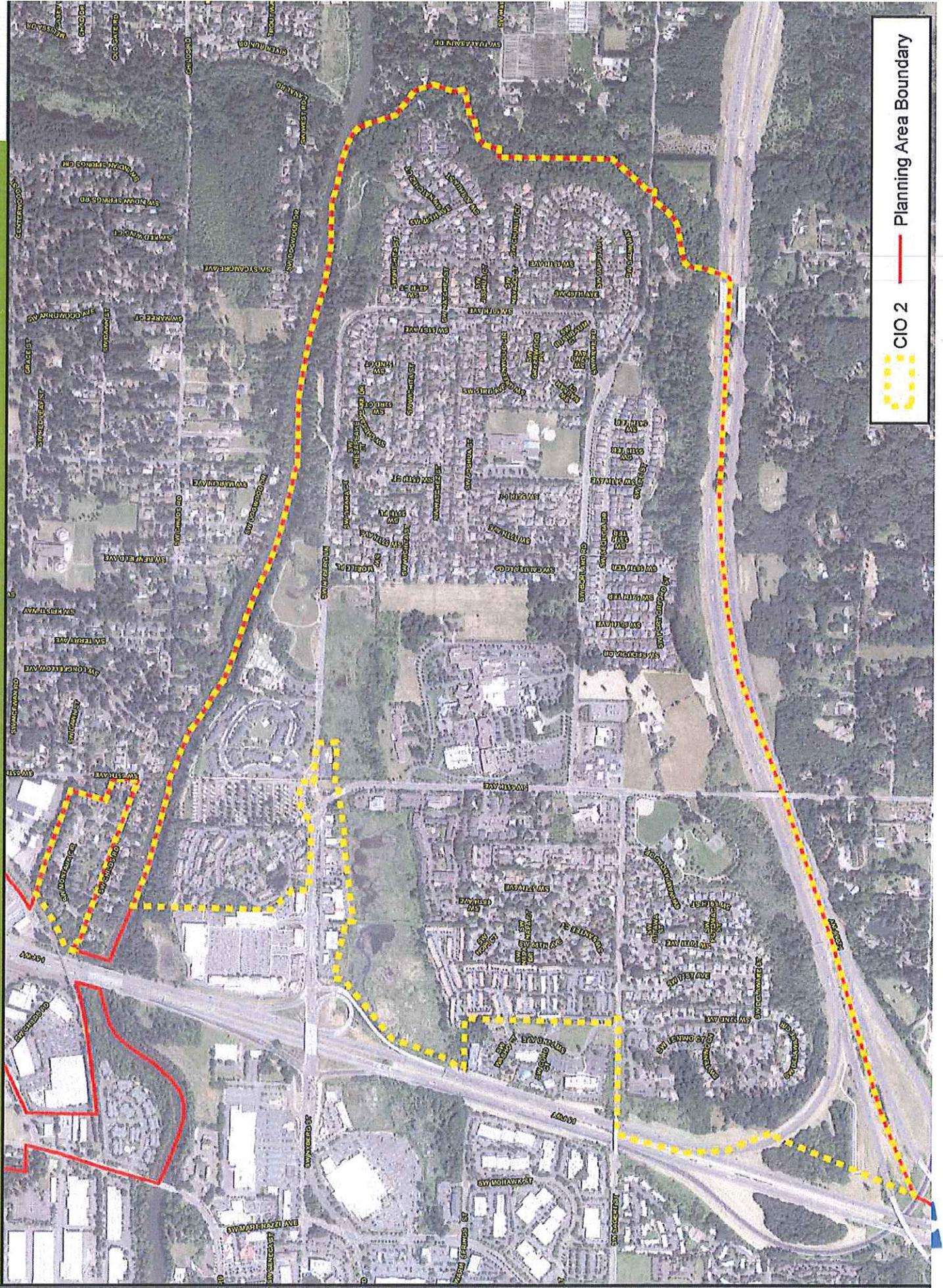


Citizen Involvement Organization (CIO) 2

RF 11-12,600
Air Photo: July 2010



TUALGIS



CIO 2



Planning Area Boundary

Citizen Involvement Organization (CIO) 5

RF 17-800
Air Photo: July 2010



TUALGIS



CIO 5 — Planning Area Boundary

Municipal Code Minimum Requirements

| CIO Code Minimum Requirements | CIO 2 | CIO 5 |
|--|---|---|
| 1. The CIO must hold an annual election of officers. | On October 26, 2011 CIO 2 elected officers. | On October 26, 2011 CIO 5 elected officers. |
| 2. All meetings shall be publicized at least seven days in advance of the meeting date, except in case of emergency, in which case at least 24 hours advance notice shall be given. | The adopted bylaws of CIO 2 include this requirement. | The adopted bylaws of CIO 5 include this requirement. |
| 3. A current list of the names and addresses of the officers must be provided to the City. | This list has been included in the City Council packet materials. | This list has been included in the City Council packet materials. |
| 4. After their initial organizational meeting in the first year of recognition, a minimum of two general meetings each year with the time, place and purpose well publicized throughout the CIO prior to each meeting. | The adopted bylaws of CIO 2 include this requirement. | The adopted bylaws of CIO 5 include this requirement. |
| 5. CIOs must provide an executed copy of their current bylaws. | The adopted bylaws have been included in the City Council packet materials. | The adopted bylaws have been included in the City Council packet materials. |



QUESTIONS?

THANK YOU.

