



TUALATIN CITY COUNCIL AND TUALATIN DEVELOPMENT COMMISSION

Monday, April 9, 2012

CITY COUNCIL CHAMBERS
18880 SW Martinazzi Avenue
Tualatin, OR 97062

WORK SESSION begins at 5:00 p.m.
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, partititions 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 Meeting Agenda of the Tualatin City Council for April 9, 2012

A. CALL TO ORDER

Pledge of Allegiance

B. ANNOUNCEMENTS

1. Tualatin Youth Advisory Council Update for April 2012
2. Proclamation Declaring April 22 - 28, 2012 as "Volunteer Appreciation Week" in the City of Tualatin

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 March 12, 2012
2. Resolution Granting a Conditional Use Permit for a Tigard-Tualatin School District 23J "Online Academy Learning / Technology Center" (Grades 6-12) within the Light Manufacturing (ML) Planning District at 19234 SW Mohave Court (Tax Map 2S123DA, Tax Lot 2200) (CUP 12-01)
3. Resolution Authorizing the Mayor to Execute a Four-Year Intergovernmental Agreement with Washington County for Coordinated Mosquito Reduction and Information Coordination
4. Recommendations from the Council Committee on Advisory Appointments

E. SPECIAL REPORTS

1. Hedges Creek Wetlands Protection District Restoration Project Update
2. 2011 Annual Report of the Tualatin Library Advisory Committee
3. Proclamation Declaring April 8-14, 2012 as National Library Week in the City of Tualatin

- 4. **Tualatin Chamber of Commerce Annual Report**
- F. **PUBLIC HEARINGS – Legislative or Other**
- G. **PUBLIC HEARINGS – Quasi-Judicial**
- H. **GENERAL BUSINESS**
 - 1. Resolution Recognizing the Formation of Citizen Involvement Organization Six (CIO 6)
 - 2. An Ordinance Relating to Public Contracting; Adding New Sections for Qualifications Based Selection Process for Certain Professionals; and Adding New Sections to TMC Chapter 1.21
 - 3. An Ordinance Relating to Initiative and Referendum Petitions; Authorizing the City to Submit Explanatory Statements for County Voters Pamphlets; Declaring an Emergency; and Adding a New Section, 1-23-010 to the Tualatin Municipal Code
- 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

Date:

04/09/2012

ANNOUNCEMENTS

Tualatin Youth Advisory Council Update for April 2012

Attachments

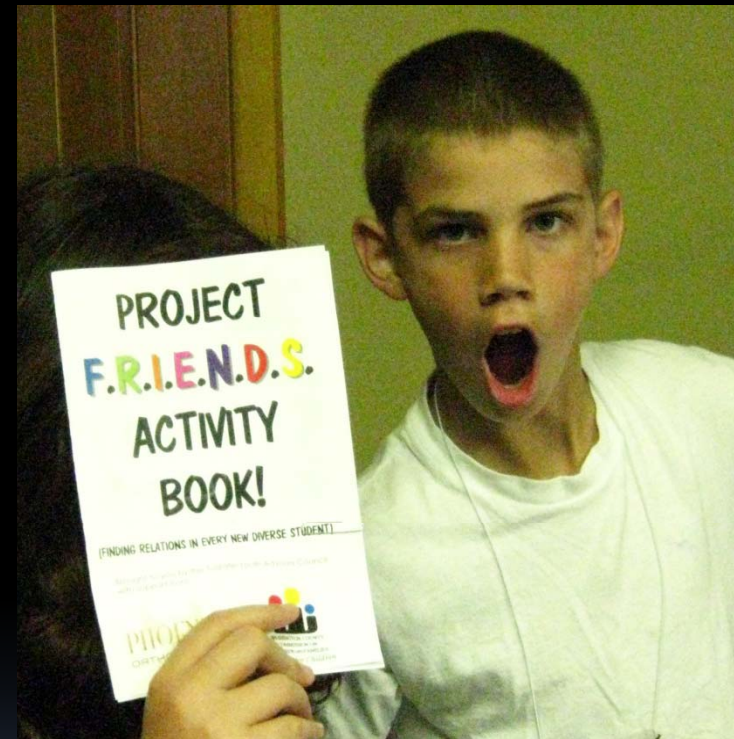
A - PowerPoint Youth Advisory Council Update

Council Update April 9, 2012

TUALATIN YOUTH ADVISORY COUNCIL

Project F.R.I.E.N.D.S

(Finding Relations in Every New Diverse Student)



- April 20, 2012
- Pre-event school visits April 2, 9, and 12.
- Bridgeport, Byrom and Tualatin Elementary Schools
- Washington County Commission on Children and Families

Tualatin YAC – Youth Participating in Governance

Tualatin Youth Summit



- Solicited input from City departments, Advisory Committees, and CIO's
- Plan on distributing survey to TuHS students in late spring
- Opportunity for discussion/feedback from students during lunches

Movies on the Commons

- Free, family-friendly movies
- Saturdays in July & August
- YAC helps choose films, sells concessions
- Many thanks to the Tualatin Chamber of Commerce, Community Newspapers, A Group Real Estate, Roxy's Island Grill, US West Coast Taekwondo, Azimuth Communications and Roxy's Island Grill for sponsoring the movies this summer!



Tualatin YAC – Youth Participating in Governance

Other YAC news and events

- Teen Extravaganza
June 15
- Planning ideas for the 2013 Centennial Celebration



City Council Meeting

B. 2.

Meeting Date: 04/09/2012

ANNOUNCEMENTS

Proclamation Declaring April 22 - 28, 2012 as "Volunteer Appreciation Week" in the City of Tualatin

SUMMARY

This is a proclamation declaring April 22 - 28, 2012 as "Volunteer Appreciation Week" in the City of Tualatin. The annual Volunteer Appreciation Dinner is Thursday, April 12, 2012, 6:00 p.m. at UA Local 290, 20210 SW Teton Avenue.

Attachments

A - Proclamation - Volunteer Appreciation Week

Proclamation

Proclamation Declaring April 22-28, 2012 as "Volunteer Appreciation Week" in the City of Tualatin

WHEREAS the foundation of a humane and just society is the people's willingness to work together for the common good; and

WHEREAS 3,428 volunteers contributed 38,506 hours of their time, in 2011, an equivalent of about 18 full time employees, to the betterment of our community; and

WHEREAS volunteers give freely of their time, energy, and ingenuity, and ask only for a thank you for their countless hours of service; and

WHEREAS it has long been a tradition in our community for individuals and families to volunteer to improve our community; and

WHEREAS it is fitting to recognize our volunteers for their service.

NOW, THEREFORE, BE IT PROCLAIMED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, that:

Section 1. The week of April 22 – 28, 2012, to be proclaimed "Volunteer Appreciation Week" in the City of Tualatin.

Section 2. The City of Tualatin takes great pleasure in honoring the volunteers of our community and conveying our sincere gratitude and appreciation for their dedicated, selfless, and compassionate efforts.

INTRODUCED AND ADOPTED this 9th day of April, 2011.

CITY OF TUALATIN, OREGON

BY _____
Mayor

ATTEST:

BY _____
City Recorder



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Maureen Smith, Deputy City Recorder

DATE: 04/09/2012

SUBJECT: Approval of the Minutes for the Work Session and Meeting of March 12, 2012

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve the minutes of the Work Session and Meeting of March 12, 2012.

RECOMMENDATION:

Staff respectfully recommends that the Council adopt the attached minutes.

Attachments: [A - Work Session Minutes of March 12, 2012](#)
[B - Meeting Minutes of March 12, 2012](#)



OFFICIAL MINUTES OF TUALATIN CITY COUNCIL WORK SESSION FOR MARCH 12, 2012

Present: Council President Monique Beikman; Councilor Wade Brooksby; Councilor Frank Bubenik; Councilor Joelle Davis; Councilor Nancy Grimes; Councilor Ed Truax

Absent: Mayor Lou Ogden

Staff Present: City Manager Sherilyn Lombos; City Attorney Brenda Braden; Police Chief Kent Barker; Community Development Director Alice Rouyer; Operations Director Dan Boss; Community Services Director Paul Hennon; Planning Manager Aquilla Hurd-Ravich; Assistant to the City Manager Sara Singer; Associate Planner Cindy Hahn; Management Analyst Ben Bryant; Executive Assistant Maureen Smith

1. **CALL TO ORDER**

Mayor Pro tem Beikman called the work session to order at 5:45 p.m.

2. Review and Recommendation on the Goals and Objectives and Existing Conditions Reports for the Tualatin Transportation System Plan and Linking Tualatin Projects

Associate Planner Cindy Hahn presented a PowerPoint overview of the Transportation System Plan and Linking Tualatin projects. Council is asked to consider if the goals and objectives presented for the projects provides a framework and direction. Associate Planner Hahn continued with review of the goals and objectives of each project, including existing pedestrian, bicycle and transit conditions. A timeline of meetings and events that have taken place in the past months was shown. Existing focus area conditions were discussed including review of the key transit connections map.

Associate Planner Hahn reviewed the next steps for both projects and displayed a calendar with the second round of upcoming working groups and task force discussions in April. Discussion followed. It was asked and explained that Linking Tualatin and the Transportation System Plan will be presented to the Planning Commission in April and May respectively. It was also asked about follow up on the need for better lighting at some intersections, which was discussed at the Working Groups. Tualatin's major arterials and road classifications and whether potential changes could be made was also discussed.

Consensus of all Council present were in agreement with the information as presented on the goals and objectives and existing conditions report of both projects.

3. Amicus Brief in Arizona v. United States Immigration Case

City Attorney Brenda Braden presented information on an Amicus Brief, drafted by California Santa Clara County Counsel, that will support the United States position in opposition to the Arizona v United States immigration case, which has been delayed from taking effect pending the resolution of this case by the U.S. Supreme Court.

Tualatin can take part in the Amicus Brief as a show of support. City Attorney Braden went on to explain the definition of an "amicus curiae" and reviewed the points of Arizona's immigration law. A number of counties and cities, including Portland, and the United States Conference of Mayors, have already signed on as a show of support. The Arizona law is raising national concern as it is seen as anti-immigration and several other states are considering adopting similar legislation if the Arizona law is upheld. There are four sections of law being challenged by the federal government.

The federal government's arguments will focus on the Ninth Circuit Court findings that Congress has preempted the challenged provisions by enacting the federal immigration laws and that the Arizona law provides no guidelines to avoid racial profiling in applying the "reasonable suspicion" standard and that it significantly expands officers arrest authority by not requiring a warrant. While the amicus brief will restate that immigration enforcement is the role of the federal government, it will take a different tact and argue the impact of these laws on local law enforcement and public safety.

Discussion followed. Councilor Davis, vice-chair of the Washington County Human Rights Council (HRC), said Mayor Ogden passed on the amicus brief to take to the HRC, where they ultimately voted to support. Discussion continued and Council questioned this being an "Arizona" issue and what part Tualatin would play. City Attorney Braden said it was brought to attention at the National League of Cities conference, and there is also some concern about the Arizona law spreading to other states/jurisdictions. There is also concern it would be a drain on local law enforcement. It was asked and Police Chief Kent Barker explained that Tualatin Police enforce criminal and traffic laws and any action involving illegal immigrant issues is determined at the county detention level. Council said it would be helpful to get feedback from the community to get a barometer of the feeling on the issue.

City Attorney Braden explained the brief is talking about the issue and the impact it could have on cities, it is not "joining" but rather just part of the explanation of the impact the law will have on local governments. Discussion continued. Council asked to review the brief before making a decision whether or not to support, with a phone call follow up from staff.

4. Council Meeting Agenda Review, Communications & Roundtable

CONSENT AGENDA

Council reviewed the Consent Agenda with no comments or changes.

COUNCIL COMMUNICATIONS

Councilor Bubenik distributed information regarding the Washington County Commission on Children and Families proposed changes on how services are going to be delivered to children and at-risk youth. Councilor Bubenik said there has been some talk about the usefulness of Children and Families County Commissions and went on to explain the 2013 Legislature will have to figure out how to implement these changes. Councilor Bubenik wanted Council to be aware of what is happening.

Planning Manager Aquilla Hurd-Ravich gave a brief update on the Stafford area S & H Logging Company application to allow construction of a new composting facility and surface mining operation that was initially approved by a Clackamas County land use hearings officer. The final decision was issued by Clackamas County in December 2011. The application has been appealed to the State Land Use Board of Appeals (LUBA) and with the timelines associated with an appeals process, the earliest a decision could be made is in June.

Councilor Davis proposed to take a look at Council rules and procedures and evaluate them based on identified best practices. This evaluation would be in line with the upcoming budget process. It was suggested to wait before any further discussion until Mayor Ogden is present to allow for all Council to decide on specifics and what information Council will need staff to provide.

5. ADJOURNMENT

Mayor Pro tem Beikman adjourned the work session at 6:34 p.m.

Sherilyn Lombos, City Manager



Maureen Smith Maureen Smith, Recording Secretary



OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR MARCH 12, 2012

Present: Council President Monique Beikman; Councilor Wade Brooksby; Councilor Frank Bubenik; Councilor Joelle Davis; Councilor Nancy Grimes; Councilor Ed Truax

Absent: Mayor Lou Ogden

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; Planning Manager Aquilla Hurd-Ravich; Assistant to the City Manager Sara Singer; Senior Planner William Harper; Associate Planner Cindy Hahn; Parks and Recreation Manager Carl Switzer; Library Manager Abigail Elder; Engineering Manager Kaaren Hofmann; Teen Program Specialist Julie Ludemann; Management Analyst Ben Bryant; Executive Assistant Maureen Smith

A. CALL TO ORDER

Mayor Pro tem Monique Beikman called the meeting to order at 7:00 p.m.

Pledge of Allegiance was led by Councilor Truax.

B. ANNOUNCEMENTS

1. Youth Advisory Council Update for March, 2012

Members of the Tualatin Youth Advisory Council (YAC) were present and gave a PowerPoint update on YAC past activities and upcoming events, such as Project F.R.I.E.N.D.S., participation in the tree planning event, and working on the upcoming Youth Summit.

2. Tualatin Library "Food for Fines" Week Announcement

Library Manager Abigail Elder presented information on the Library's "Food for Fines Week" March 11 - 17, 2012. Patrons will receive a voucher for use on Library late fines for the year. The list of donated items most needed was mentioned and everything collected will go to the Tualatin School House Food Pantry.

3. Proclamation Declaring April 8 - 14, 2012 as "National Community Development Week" in the City of Tualatin
-

Councilor Brooksby presented and read the proclamation declaring April 8 - 14, 2012 as "National Community Development Week" in the City of Tualatin.

C. CITIZEN COMMENTS

Linda Moholt, Tualatin Chamber of Commerce CEO, SW Martinazzi Avenue, Tualatin was present to announce the 62nd Annual 2012 Tualatin Crawfish Festival. This year it is on August 10 - 11, 2012, and the theme for this year is "Viva Claws Vegas." Ms. Moholt recited some of the activities and events this year. She thanked Council for all the support that has been given to the Crawfish Festival over the years.

D. CONSENT AGENDA

MOTION by Councilor Nancy Grimes, SECONDED by Councilor Frank Bubenik to adopt the Consent Agenda as read.

Vote: 6 - 0 MOTION CARRIED

1. Approval of the Minutes for the Work Session of February 13, 2012 and the Work Session and Meeting of February 27, 2012
2. Resolution No. **5089-12** Accepting Public Improvements Constructed in Association with McLane Food Service Inc.
3. Approval of 2012 Liquor License Renewals Late Submittals
4. Authorization for Staff to Approve Amendment No. 4 to a Contract with Washington County for a Community Development Block Grant to Expand and Remodel the Juanita Pohl Center
5. Resolution No. **5090-12** Granting Heritage Tree Status to a Tree on City Property

E. SPECIAL REPORTS

1. Council Consideration of a Proclamation Declaring April 1-7, 2012 as Arbor Week in the City of Tualatin
-

Parks and Recreation Manager Carl Switzer presented information on the upcoming celebration of Arbor Week. Activities and events that will take place were recited, including a poster contest for all students in Tualatin's 4th and 5th grades. The student winners were present and Parks Manager Switzer invited the students forward to display their posters. The winning posters will be on display in April in the Library, along with all the other submittals. The Council was presented with the Tree City USA certification by the National Arbor Day Foundation for the 25th consecutive year. The flag will be displayed and the 25 year sticker will be displayed on the entrance signs to the City. Councilor Nancy Grimes served on the ad hoc committee for Arbor Week.

Councilor Nancy Grimes read the proclamation declaring April 1 - 7, 2012 as "Arbor Week" in the City of Tualatin.

2. 2011 Annual Report of the Tualatin Planning Advisory Committee (TPAC)

Planning Manager Aquilla Hurd-Ravich and Tualatin Planning Commission Chair Mike Riley presented a PowerPoint on the 2011 Tualatin Planning Advisory Committee (TPAC) Annual Report. The City's Municipal Code requires an annual report be filed by April 1, that evaluates TPAC's role in citizen involvement and a list of activities during the preceding year. Planning Manager Hurd-Ravich spoke on the changes that took place this past year with the Planning Advisory Committee structure, more specifically the change from an advisory committee to a commission, moving from nine to seven members, redefining what constitutes a quorum, and removing term limits.

Chair Riley spoke on the reasoning behind transitioning to a planning commission, is TPAC members wanted to take a more active role in decision-making authority on land use issues, relieving Council of some of the burden, and to streamline the current application process.

Activities and highlights of TPAC during the past year, and the goals for the coming year were reviewed.

F. **PUBLIC HEARINGS – *Legislative or Other***

G. **PUBLIC HEARINGS – *Quasi-Judicial***

1. A Conditional Use Permit for a Tigard-Tualatin School District 23J Online Academy Learning/Technology Center: (Grades 6-12) within the Light Manufacturing (ML) Planning District at 19234 SW Mohave Court (Tax Map 2S123DA, Tax Lot 2200)(CUP-12-01)
-

Mayor Pro tem Beikman read language required by legislation before a comprehensive plan or land-use regulation [ORS 197.765(5) and (6)] and opened the public hearing. No bias or ex parte contact noted.

Senior Planner Will Harper presented the staff report and entered the entire staff report and attachments into the record. The application was submitted by the Tigard-Tualatin School District for an Online Academy Learning Technology Center in Tualatin. It would be for students in grades 6-12 in a leased space at the Oak Tree Business Center. The location is in the Light Manufacturing (ML) Planning District, and schools are an allowed use. The Online Academy Learning Technology Center would operate Monday through Friday, 10:00 a.m. to 10:00 p.m., with no more than 20 students at a time. Senior Planner Harper recited the conditional use permit criteria.

Staff recommends that the City Council consider the staff report and supporting attachments and direct staff to prepare a resolution granting Conditional Use Permit 12-01 with four recommended conditions of approval.

PROPONENTS

Tigard-Tualatin School District Project Manager Nancy Hubbard, Director of Operations Ernie Brown and Durham Education Center Principal Karen Twain, who will oversee the program, were present and thanked staff for their work on this application. They are in agreement with the staff report and four conditions of approval.

Ernie Brown spoke on the reasoning behind choosing this particular location was for its proximity to the bus line, its unobtrusiveness, not being located in a residential area, and its close proximity to the conveniences in downtown Tualatin, enabling students to access safe routes.

Principal Karen Twain spoke about the focus of recapturing youth that are leaving the District for home school or other online programs and the opportunities of this program for students. It is the first of its kind in the state, and the District is excited about the program. Ms. Twain reiterated the reasons for the proposed location, and in addition to utilizing public transportation, students will also have a parent drop off. It will not be a "hang out" site and there will always be two staff members on site, with the sessions spread out through the day. The hours of operation allow for students that work or are otherwise unable to attend during the day. Ms. Twain said the District has received positive attention on the uniqueness of the program and thanked Council for the opportunity to bring this forward.

OPPOSITION - None.

COUNCIL DISCUSSION

Councilor Grimes said this appears to be a positive program, and asked how many students would be enrolled. Ms. Twain replied to date there are 40 students, but as it continues to grow the maximum enrollment would be somewhere between 100-200. Ms. Twain also said there would never be more than 20 students at a time at the facility.

Councilor Davis asked and Senior Planner Harper replied this was not taken to the

Tualatin Planning Commission.

Mayor Pro tem Beikman closed the oral portion of the public hearing.

COUNCIL DELIBERATION

MOTION by Councilor Nancy Grimes, SECONDED by Councilor Frank Bubenik to direct staff to prepare a resolution granting Conditional Use Permit 12-01 with the four recommended conditions of approval as stated in the staff report.

Vote: 6 - 0 MOTION CARRIED

H. GENERAL BUSINESS

I. ITEMS REMOVED FROM CONSENT AGENDA

J. COMMUNICATIONS FROM COUNCILORS

Councilor Bubenik noted the Tualatin Library Foundation "Vine2Wine" event will be held Saturday, April 21, 2012, 7:00 - 9:30 p.m. This is their second annual event at the Library.

K. EXECUTIVE SESSION

L. ADJOURNMENT

MOTION by Councilor Frank Bubenik, SECONDED by Councilor Wade Brooksby to adjourn the meeting at 7:52 p.m.

Vote: 6 - 0 MOTION CARRIED

Sherilyn Lombos, City Manager



Maureen Smith / Recording Secretary



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Linda Odermott, Paralegal
Brenda Braden, City Attorney

DATE: 04/09/2012

SUBJECT: Resolution Granting a Conditional Use Permit for a Tigard-Tualatin School District 23J "Online Academy Learning / Technology Center" (Grades 6-12) within the Light Manufacturing (ML) Planning District at 19234 SW Mohave Court (Tax Map 2S123DA, Tax Lot 2200) (CUP 12-01)

ISSUE BEFORE THE COUNCIL:

The Council will consider a resolution that would grant a conditional use permit to the Tigard-Tualatin School District 23J for an "Online Academy Learning/Technology Center" (Grades 6-12) to locate at 19234 SW Mohave Court in the Light Manufacturing Planning District.

RECOMMENDATION:

Staff recommends that the City Council approving the resolution granting CUP-12-01.

EXECUTIVE SUMMARY:

On March 12, 2012 the Council held a quasi-judicial public hearing on CUP-12-01 to decide whether to grant a conditional use permit to the Tigard Tualatin School District 23J "On-line academy Learning/Technology Center" (Grades 6-12) within the Light Manufacturing (ML) Planning District at 19234 SW Mohave Court (Tax Map 2S123DA, Tax Lot 2200) (CUP-12-01). At the conclusion of the public hearing, the Council voted 6-0 (Mayor Ogden absent) to approve the conditional use permit, adopt the findings in the Staff Report, and directed Staff to bring back a resolution granting CUP-12-01 with the conditions recommended by Staff.

Attachments: [A - Resolution](#)

RESOLUTION NO. _____

RESOLUTION GRANTING A CONDITIONAL USE PERMIT FOR A TIGARD-TUALATIN SCHOOL DISTRICT 23J "ONLINE ACADEMY LEARNING/TECHNOLOGY CENTER" (GRADES 6-12) WITHIN THE LIGHT MANUFACTURING (ML) PLANNING DISTRICT AT 19234 SW MOHAVE COURT (TAX MAP 2S123DA, TAX LOT 2200) (CUP 12-01)

WHEREAS a quasi-judicial public hearing was held before the City Council of the City of Tualatin on March 12, 2012, upon the application of Nancy Hubbard of Hubbard & Associates representing the Tigard-Tualatin School District (TTSD); and

WHEREAS notice of public hearing was given as required by the Tualatin Development Code by mailing a copy of the notice to affected property owners located within 1,00 feet of the property, which is evidenced by the Affidavit of Mailing marked "Exhibit A," attached and incorporated by this reference, and by posting a copy of the notice in two public and conspicuous places within the City, which is evidenced by the Affidavit of Posting marked "Exhibit B," attached and incorporated by this reference; and

WHEREAS the Council heard and considered the testimony and evidence presented on behalf of the applicant, the City staff, and those appearing at the public hearing; and

WHEREAS after the conclusion of the public hearing the Council vote resulted in approval of the application [Vote 6-0]; with Mayor Ogden absent; and

WHEREAS based upon the evidence and testimony heard and considered by the Council, the Council makes, enters, and adopts as its findings of fact the findings and analysis in the City staff report, dated March 12, 2012, marked "Exhibit C," attached and incorporated by reference; and

WHEREAS based upon the foregoing Findings of Fact, the Council finds that the applicant has provided sufficient evidence to demonstrate that all of the requirements of the Tualatin Development Code relative to a conditional use have been satisfied and that granting the conditional use permit is in the best interests of the residents and inhabitants of the City, the applicant, and the public generally.

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

Section 1. The City Council grants CUP-12-01 allowing a Tigard-Tualatin School District 23J "Online Academy Learning/Technology Center: (Grades 6-12) within the Light Manufacturing (ML) Planning District at 19234 SW Mohave Court (Tax Map 2S123DA, Tax Lot 2200) (CUP-12-01) with the following conditions:

1. All TTSD Online Academy student activities shall be conducted indoors within the building spaces available to TTSD.

2. Expanding the on-site facilities to other buildings in the Oak Tree Center or increasing the size of the physical school facilities to accommodate more than the expected 20 students at one time (stated in the application), shall require a revision to the conditional use approval being reviewed in this application.

3. The applicant shall comply with all applicable policies and regulations of the Tualatin Development Code (TDC).

4. The applicant shall operate the proposed use in a manner consistent with statements made in the application materials submitted on or after January 24, 2012.

INTRODUCED AND ADOPTED this 9th day of April, 2012.

CITY OF TUALATIN, Oregon

By _____
Mayor

ATTEST:

By _____
City Recorder

ITEMS REFERRED TO AS EXHIBITS IN THE FOREGOING RESOLUTION ARE ATTACHED TO THE ORIGINAL. THEY HAVE BEEN OMITTED FROM THE COUNCIL PACKET AS A CONSERVATION MEASURE. IF THESE EXHIBITS NEED TO BE EXAMINED, PLEASE CONTACT THE CITY RECORDER.



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Kathy Kaatz, Program Coordinator
Daniel J. Boss, Operations Director

DATE: 04/09/2012

SUBJECT: Resolution Authorizing the Mayor to Execute a Four-Year Intergovernmental Agreement with Washington County for Coordinated Mosquito Reduction and Information Coordination

ISSUE BEFORE THE COUNCIL:

Authorize the mayor to enter into a four-year Intergovernmental Agreement (IGA) with Washington County (Attachment A) for coordination of mosquito reduction and information coordination services.

By means of a court decision, the Environmental Protection Agency (EPA) was required to create a new National Pollutant Discharge Elimination System Waste Discharge Permit (NPDES) to Washington County as part of the Clean Water Act as it relates to the pesticide discharges in, near or around water within the State of Oregon.

The new IGA with Washington County will be for a four-year period in order to coincide with the NPDES permit expiration date of December 30, 2016.

RECOMMENDATION:

Adoption of the attached Resolution (Attachment B), authorizing the mayor to enter into the IGA with Washington County for mosquito reduction information coordination services. This would allow the City of Tualatin to continue the existing IGA with Washington County and not interrupt our current services.

EXECUTIVE SUMMARY:

Since 2002, the City of Tualatin has partnered with Washington County Department of Health and Human Services to coordinate response in the county to the threat of West Nile Virus and to coordinate public information. Beginning in 2007, the program was expanded to include a more active abatement program for all city-owned water quality facilities and sump catch basins. The county provides the larvicide that is then placed into the catch basins by city staff during the spring and summer months.

Now new requirements by the EPA to issue a NPDES permit to the county for these services have in turn, required a new IGA to be entered into. This new IGA will be for a four-year period, expiring at the same time as the NPDES permit in 2016.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this agreement between the City of Tualatin and Washington County.

Attachments: A - Intergovernmental Agreement
 B - Resolution

INTERGOVERNMENTAL AGREEMENT

This Agreement is entered into, by and between Washington County, a political subdivision of the State of Oregon, and City of Tualatin.

WHEREAS ORS 190.010 authorizes the parties to enter into this Agreement for the performance of any or all functions and activities that a party to the Agreement has authority to perform.

Now, therefore, the parties agree as follows:

- 1) The effective date is: 04/01/2012, or upon final signature, whichever is later.

The expiration date is: 12/30/2016; unless otherwise amended.
- 2) The parties agree to the terms and conditions set forth in Attachment A, which is incorporated herein, and describes the responsibilities of the parties, including compensation, if any.
- 3) Each party shall comply with all applicable federal, state and local laws; and rules and regulations on non-discrimination in employment because of race, color, ancestry, national origin, religion, sex, marital status, age, medical condition or handicap.
- 4) To the extent applicable, the provisions of ORS 279B.220 through ORS 279B.235 and ORS 279C.500 through 279C.870 are incorporated by this reference as though fully set forth.
- 5) Each party is an independent contractor with regard to each other party(s) and agrees that the performing party has no control over the work and the manner in which it is performed. No party is an agent or employee of any other.
- 6) No party or its employees is entitled to participate in a pension plan, insurance, bonus, or similar benefits provided by any other party.
- 7) This Agreement may be terminated, with or without cause and at any time, by a party by providing _____ (30 if not otherwise marked) days written notice of intent to the other party(s).
- 8) Modifications to this Agreement are valid only if made in writing and signed by all parties.
- 9) Subject to the limitations of liability for public bodies set forth in the Oregon Tort Claims Act, ORS 30.260 to 30.300, and the Oregon Constitution, each party agrees to hold harmless, defend, and indemnify each other, including its officers, agents, and employees, against all claims, demands, actions and suits (including all attorney fees and costs) arising from the indemnitor's performance of this Agreement where the loss or claim is attributable to the negligent acts or omissions of that party.
- 10) Each party shall give the other immediate written notice of any action or suit filed or any claim made against that party that may result in litigation in any way related to this Agreement.

- 11) Each party agrees to maintain insurance levels or self-insurance in accordance with ORS 30.282, for the duration of this Agreement at levels necessary to protect against public body liability as specified in ORS 30.270.
- 12) Each party agrees to comply with all local, state and federal ordinances, statutes, laws and regulations that are applicable to the services provided under this Agreement.
- 13) This Agreement is expressly subject to the debt limitation of Oregon Counties set forth in Article XI, Section 10 of the Oregon Constitution, and is contingent upon funds being appropriated therefor.
- 14) This writing is intended both as the final expression of the Agreement between the parties with respect to the included terms and as a complete and exclusive statement of the terms of the Agreement.

WHEREAS, all the aforementioned is hereby agreed upon by the parties and executed by the duly authorized signatures below.

Jurisdiction

Signature

Date

Printed Name

Title

Address: _____

WASHINGTON COUNTY:

Signature

Date

Printed Name

Title

Address:

155 N First Ave
Mail Stop # 5
Hillsboro, OR 97124

ATTACHMENT A

Statement of Work /Schedule/Payment Terms

The County's Responsibilities:

1. The County shall coordinate efforts to meet the goals of the State Health Service's West Nile Virus (WNV) response plan.
2. The County shall coordinate public education related to matters of public health and human behavior related to vector-borne disease throughout Washington County.
3. The County shall work with state and local health, veterinarian, agricultural, and wildlife organizations to survey and track human, equine, and avian cases of WNV.
4. The County shall alert those subject to this Intergovernmental Agreement of confirmed WNV cases.
5. The County shall employ a Mosquito Control Coordinator to design and develop a sampling program and train City staff on mosquito sampling procedures, as needed.
6. The County shall establish a schedule for City staff to submit larval and adult mosquito samples, as needed. The County Mosquito Control Coordinator shall process and track larvae and adult mosquito samples collected by City staff.
7. The County shall provide larvicide product to the City to treat publicly owned sumped catch basins under city control.
8. The County shall maintain a database of known sumped catch basin and aquatic habitats.
9. The County shall maintain a database mapping complaints, surveillance findings and mosquito control activities.
10. The County shall maintain, design, develop and conduct a regional larval and adult mosquito program that will include representative catch basins, storm water facilities, and natural areas within the County throughout the mosquito season (typically March through October).
11. The County shall maintain registration and follow requirements as an operator for the 2300 A Pesticide General Permit through the Oregon Department of Environmental Quality.
12. The County shall establish mosquito management practices for catch basins (Attachment B)
13. The County shall maintain a Pesticide Discharge Management Plan as required for the 2300A Pesticide General Permit
14. The County shall conduct mosquito surveillance, visual assessments, mosquito control measures and efficacy checks throughout the County, as needed
15. The County shall maintain all correspondences relating to agreement

CITY RESPONSIBILITIES

1. The City shall utilize and distribute public education materials provided by the County and Clean Water Services (CWS), in order to maintain a consistent regional communication strategy.

ATTACHMENT A

Statement of Work /Schedule/Payment Terms

2. The City shall actively educate neighborhood associations, community participation organizations, and other citizen groups, and encourage private property source reduction efforts and other personal behaviors that will reduce risk of exposure.
3. The City shall report bird and mosquito complaints that it receives to the County
4. The City shall identify, in cooperation with CWS, locations of storm water facilities and aquatic features that may produce mosquitoes and provide that information to the County to integrate with the County's complaint and surveillance information.
5. The City shall deliver larval and/or adult mosquito samples to the County Mosquito Control Coordinator for processing and tracking on the schedule established by the County, as needed.
6. The City shall allow the County to implement mosquito surveillance and control measures as needed, for sites under the control of the City.
7. The City shall maintain catch basins and storm water facilities to limit the presence of standing water and decaying organic debris (particularly dead cattails and grass clippings).
8. The City shall follow mosquito management practices for catch basins (Attachment B) developed by the County.
9. The City shall provide the County with reports of surveillance and/or pesticide applications, no later than 14 days after actions take place.
10. In the event the City is unable to implement mosquito surveillance and/or control measures in a timely manner, the City will notify the County and request assistance.
11. The City shall maintain pesticide application records in accordance with local, state and federal laws.
12. The City shall apply pesticides for mosquito control in compliance with local, state, and federal laws.
13. The City shall follow the County's Pesticide Discharge Management Plan regarding mosquito control as found in Attachment C and by this reference incorporated herein.
14. The City shall maintain all correspondences relating to agreement.

Unless otherwise specified herein, the parties agree that there will be no monetary compensation paid to the other that each shall bear their own costs and that reasonable and beneficial consideration exists to support this agreement.

RESOLUTION NO. _____

RESOLUTION AUTHORIZING A FOUR-YEAR INTERGOVERNMENTAL AGREEMENT WITH WASHINGTON COUNTY FOR COORDINATED MOSQUITO REDUCTION AND INFORMATION COORDINATION ON WEST NILE VIRUS

WHEREAS the citizens of Tualatin need effective, efficient, and coordinated services to monitor for West Nile Virus; and

WHEREAS the City of Tualatin has worked with Washington County for the past ten years to coordinate response in the county to the threat of West Nile Virus; and

WHEREAS the City of Tualatin and Washington County Department of Health and Human Services are working jointly to coordinate public information programs and monitor for West Nile and reduce breeding areas for the types of mosquitoes that carry the disease;

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

Section 1. The Mayor be, and hereby is, authorized and instructed to execute a four-year Intergovernmental Agreement with Washington County for coordinated mosquito reduction and information coordination on the West Nile Virus.

INTRODUCED AND ADOPTED this 9th day of April, 2012.

CITY OF TUALATIN, OREGON

BY _____
Mayor

ATTEST:

BY _____
City Recorder



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Maureen Smith, Deputy City Recorder

DATE: 04/09/2012

SUBJECT: Recommendations from the Council Committee on Advisory Appointments

ISSUE BEFORE THE COUNCIL:

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

RECOMMENDATION:

Staff recommends the City Council approve the recommendations from the Council Committee on Advisory Appointments (CCAA) 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>Individuals</i>	<i>Advisory Committee / Board</i>	<i>Term</i>
Art Barry	Tualatin Arts Advisory Committee	Reappointment Term expiring 03/31/15
Carol Dersham	Tualatin Arts Advisory Committee	Reappointment Term expiring 03/31/15
Janiel Santos	Tualatin Library Advisory Committee	Student Term - 1 yr expiring 03/31/13
Ryan Miller	Core Area Parking District Board	Reappointment Term expiring 12/31/13
Mike Cooper	Core Area Parking District Board	Reappointment Term expiring 12/31/13
Dr. William Jordan	Core Area Parking District Board	Reappointment Term expiring 12/31/14
Dana Terhune	Tualatin Tomorrow Advisory Committee -- Partnering Organization - Tigard-Tualatin School District	1 Year Term expiring 04/30/13

Attachments:

City Council Meeting**E. 1.****Meeting Date:** 04/09/2012**Submitted By:** Carl Switzer, Community
Services

SPECIAL REPORTS

Hedges Creek Wetlands Protection District Restoration Project Update

SUMMARY

On October 8, 2007 the Tualatin City Council passed a resolution approving an agreement between the City of Tualatin and The Wetlands Conservancy to partner on a wetland restoration project on 29 acres of City owned property inside the Hedges Creek Wetlands Protection District. The Wetlands Conservancy has since been working to improve habitat and water quality on this land by removing and controlling reed canary grass and other invasive plants and planting and restoring native wetland vegetation.

When the City acquired these two properties in the year 2000, it also received a \$10,000 donation to be used for restoration. These funds were held in reserve until such time that they could be leveraged with additional resources. The Wetlands Conservancy used the City's \$10,000 to leverage an additional \$10,000 from Clean Water Services and receive a \$200,000 grant from the Oregon Department of State Lands. The net effect is that the City has received the benefit of \$220,000 in restoration for a \$10,000 investment.

As the major restoration work has now been completed, Council will receive a project update.

Attachments**A - PowerPoint Hedges Creek Wetlands Protection District Restoration Project Update**

Hedges Creek Wetlands Protection District: Restoring an Urban Wetland



Jennifer C. Wilson
Esther Lev
The Wetlands Conservancy

Hedges Creek Wetlands Protection District

Hedges Creek Wetlands Protection District - Locator Map

TUALAGIS



Project Goals

- Improve wetland function and wildlife habitat values of the Hedges Creek Marsh

- Establish native trees, shrubs and herbaceous vegetation
 - Enhance breeding and foraging habitat for birds, mammals, amphibians and reptiles

- Improve water quality through planting of native vegetation
 - Native plantings will help to stabilize soils and reduce erosion
 - Native plantings will increase shading of creek and marsh water

- Increase community education and participation in wetland conservation

Project Summary

- 43,200 native trees, shrubs and herbs planted
 - Twinberry, Willow, Red alder, Ash, Hawthorne, Snowberry, Douglas fir, Bulrush, Pine, Serviceberry, Elderberry, Ninebark, Dogwood, Spirea, Nutka rose, Swamp rose and Crab apple
- Non-native species controlled through mechanical and manual removal methods along with some chemical treatments
 - Invasive plants include Reed canary grass, Common hawthorne, Himalayan blackberry, Scotch broom and Nightshade
- Wood Duck boxes installed to provide nesting areas for local cavity nesters

Volunteer Participation

Winter 2008-March 2012

30 volunteer events

200 volunteers

650 volunteer hours

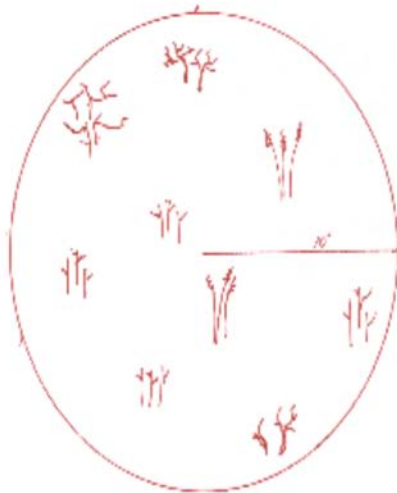


Native Plants used to enhance the Hedges Creek Marsh...



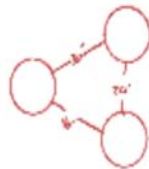
Circular Plots

Cells 2 & 3



Notes:

- Clear 10' radius
PREP
- Plant like-species in groups
of 3 @ 1/2' to 6' o.c. or as
appropriate
- Distribute 'circles' roughly as
shown below, adjusted for
field conditions



6-3-09



Enhancement of Riparian Area



November 2007



September 2011

Enhancement of Marsh Area



January 2008



March 2012

Enhancement of Marsh Area



Improved habitat will attract...



Next Steps...

- Maintenance and monitoring through 2016
- The Wetlands Conservancy looks forward to future opportunities to work together in the Hedges Creek Marsh

Thank You

Special thanks to Wetlands Conservancy members Steve Berliner for wildlife photos.
The Wetlands Conservancy P.O. Box 1195, Tualatin , OR 97062 T: 503.691.1394



City Council Meeting

E. 2.

Meeting Date: 04/09/2012

Submitted By: Abigail Elder, Community
Services

SPECIAL REPORTS

2011 Annual Report of the Tualatin Library Advisory Committee

SUMMARY

1. Background

Tualatin Library Advisory Committee (TLAC) was established by Ordinance 758-88, adopted by Council on October 10, 1988 and incorporated into the Tualatin Municipal Code as Chapter 1-25.

The enabling ordinance requires the Tualatin Library Advisory Committee to file an annual report with the Council including a summary of the committee's activities during the preceding year and other matters and recommendations the committee deems appropriate.

Members of the 2011 Tualatin Library Advisory Committee were: David Abbey, Phil Anderson, Victoria King, Len Runion (Chair), Sean Neary, Thea Wood, and Marcus Young. Gimena Olguin resigned from TLAC in July 2011 in order to attend college. Willie Stephan served on TLAC until her term ended in October 2011.

2. Roles of the Committee

- A. Consult with and advise the Library Manager on all matters affecting the operational policies of the City Library
- B. Make recommendations to the City Council with respect to services, facilities and all other matters pertaining to the maintenance and improvement of the City Library
- C. Hear and consider complaints about City Library policies or materials.

3. Actions and Accomplishments in Support of Roles in 2011

- A. Consulted with and advised the Library Manager on all matters affecting the operational policies of the City Library
 - 1. Facilities
 - 2. Radio Frequency Identification (RFID) technology
 - 3. E-readers and the future of the book
 - 4. Library outreach and services to Job Seekers
- B. Made recommendations to the City Council with respect to services, facilities and all other matters pertaining to the maintenance and improvement of the City Library
 - 1. Provided citizen feedback to City Staff on City projects
 - a. Transportation System Plan
 - b. High Speed Rail
 - c. Gateway Featured. Citizen Involvement Organizations
- C. Heard and considered complaints about City Library policies or materials.
 - 1. Monthly review of library statistics and comment cards
 - 2. No formal complaints filed in 2011

4. Action Plan for 2012

- A. Tualatin Library Advisory Committee will continue to be actively involved and educated in the operations and roles of the City Library, and to address issues as they emerge.
- B. Participate in the selection of centennial themed art if funded.
- C. Provide citizen feedback in library space planning and possible remodel options if funded.
- D. Continue to support and work collaboratively with the Friends of the Tualatin Public Library, the Tualatin Library Foundation and individual library volunteers.

5. Detailed Descriptions of Actions and Accomplishments in 2011

See Attachment A.

Attachments

A - 2011 Annual Report

B - PowerPoint Presentation



2011 Annual Report Tualatin Library Advisory Committee

The following is a summary of the most significant accomplishments of the Tualatin Library Advisory Committee (TLAC) in 2011.

1. Background

Tualatin Library Advisory Committee (TLAC) was established by Ordinance 758-88, adopted by Council on October 10, 1988 and incorporated into the Tualatin Municipal Code as Chapter 1-25.

The enabling ordinance requires the Tualatin Library Advisory Committee to file an annual report with the Council including a summary of the committee's activities during the preceding year and other matters and recommendations the committee deems appropriate.



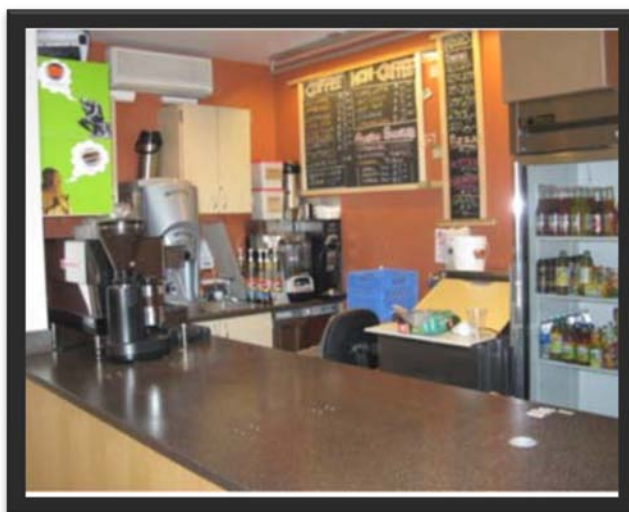
Members of the 2011 Tualatin Library Advisory Committee were: David Abbey, Phil Anderson, Victoria King, Len Runion (Chair), Sean Neary, Thea Wood, and Marcus Young. Gimena Olguin resigned from TLAC in July 2011 in order to attend college. Willie Stephan served on TLAC until her term ended in October 2011.

2. Accomplishments

A. Consult with and advise the Library Manager on all matters affecting the operational policies of the City Library

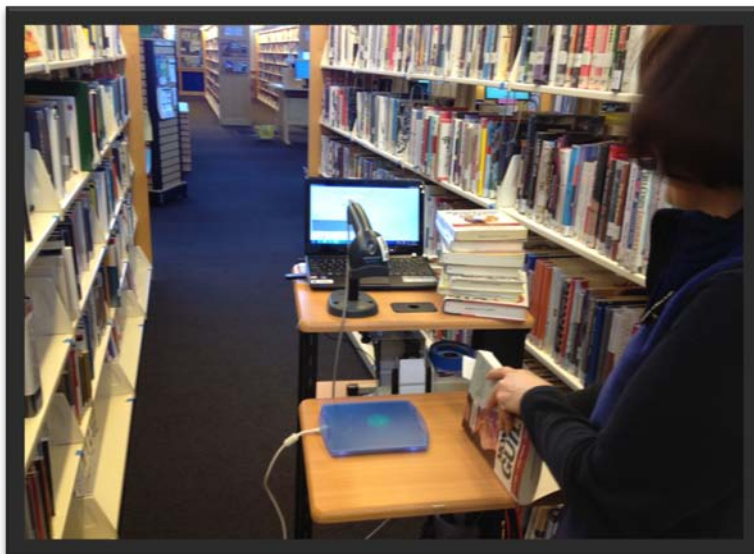
1. Facilities

Throughout the year, TLAC continued its involvement with various aspects of the new library and provided valuable comments and perspectives on use of the building. TLAC members provided input on the use of space in the library lobby and café space.



2. Radio Frequency Identification

In 2011-2012, Washington County Cooperative Library Services (WCCLS) libraries are moving to using Radio Frequency Identification (RFID) tags for the circulation of library materials. TLAC members reviewed plans and gave input and recommendations to staff. This project will continue through the summer of 2012.



3. E-readers and the future of the book

Tualatin Library is a member of the Oregon Digital Library Consortium through WCCLS, participating in the Library2Go initiative. TLAC members reviewed the project and gave feedback to staff as the e-book trend continues.



4. Library outreach and services to job seekers

TLAC members provided input and feedback regarding outreach needs in the community and potential partners for the library to extend its reach. TLAC members also reviewed current library services for job seekers and provided feedback on how to strengthen such services.



B. Make recommendations to the City Council with respect to services, facilities and all other matters pertaining to the maintenance and improvement of the City Library

1. Provide citizen feedback to City Staff on City projects

TLAC members represent every neighborhood in Tualatin, providing an excellent opportunity for city staff to solicit feedback on projects that impact residents.



TLAC members provided feedback and recommendations to city staff for the transportation system plan, high speed rail, the gateway feature, and citizen involvement.

C. Hear and consider complaints about City Library policies or materials.

1. Monthly review of library statistics and comment cards

Tualatin Public Library circulated 758,688 items in 2011, an increase of 4.6% over the previous year. There were 322,079 visits, a decrease of 7% over the previous year. The library provided 75,309 internet sessions, an increase of 3% from the calendar year 2010.

TLAC members reviewed library comment cards and other correspondence directed to the Library Manager. Parking, the lack of a drive-up bookdrop, and noise generated the greatest number of public comments.



- c. Members of Tualatin Library Advisory Committee (TLAC)
Molly Skeen, President, Friends of Tualatin Public Library
Brenda Bajdek-Slowski, President, Tualatin Library Foundation

Tualatin Library Advisory Committee



2011 Annual Report

TLAC Members

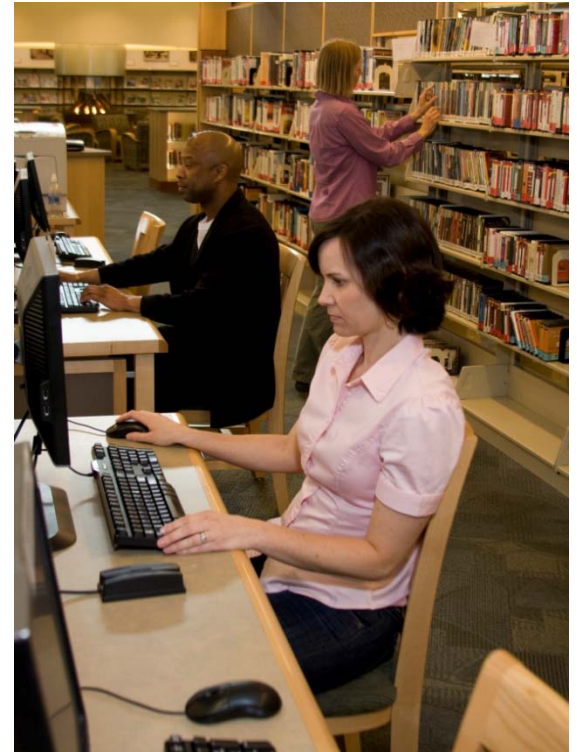


Pictured: David Abbey, Len Runion, Thea Wood, Victoria King, Janiel Santos, Sean Neary, and Marcus Young.

Not in photo: Phil Anderson, Gimena Olguin, and Willie Stephan

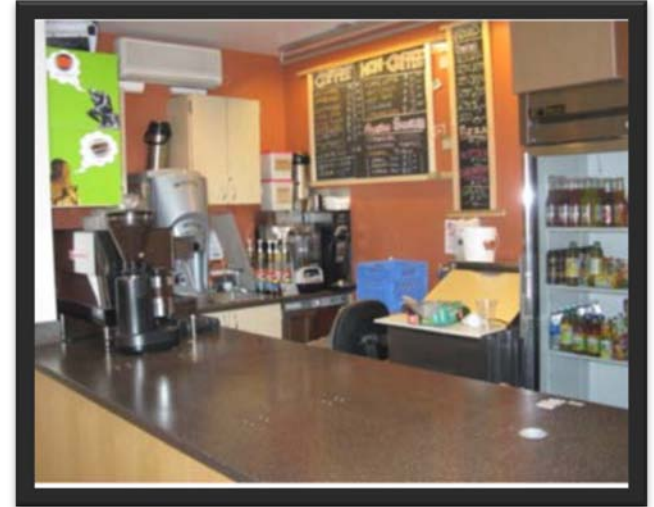
Committee Role

- Consult with and advise the Library Manager
- Make recommendations to City Council
- Hear and consider complaints about Library policies and materials



Consult & Advise

Library Spaces
Coffee Service
E-books
Outreach



Radio Frequency Identification



Provide Citizen Feedback on City Projects

Transportation System Plan

Citizen Involvement
Organizations

Tualatin Gateway Project

City Communications

Tualatin Gateway



Tualatin Library Advisory Committee



2011 Annual Report

City Council Meeting

E. 3.

Meeting

Date:

04/09/2012

ANNOUNCEMENTS

Proclamation Declaring April 8-14, 2012 as National Library Week in the City of Tualatin

Attachments

A - Proclamation

Proclamation

PROCLAMATION DECLARING APRIL 8-14, 2012 AS "NATIONAL LIBRARY WEEK" IN THE CITY OF TUALATIN

WHEREAS the new Tualatin Public Library creates an inviting community center where learning, discovery, and interaction flourishes while expressing a welcoming civic identity that embraces Tualatin's values and future; and

WHEREAS the library patrons in 2011 asked over 40,000 reference questions, checked out over 758,000 items, and attended over 700 library programs; and

WHEREAS our nation's libraries make a difference in the lives of millions of Americans and play a vital role in supporting the quality of life in their communities by being places for opportunity, education, self-help, and lifelong learning; and

WHEREAS the Tualatin Public Library Foundation, the Friends of the Tualatin Public Library and many individual and groups of volunteers support the mission of the Library; and

WHEREAS libraries, library workers, library volunteers and readers all across America are celebrating National Library Week

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

Section 1. The week of April 8-14, 2012 shall be "National Library Week" in the City of Tualatin and everyone is encouraged to visit the library this week and take advantage of all of the wonderful library resources available.

INTRODUCED AND ADOPTED this 9th day of April, 2012.

CITY OF TUALATIN, OREGON

BY _____
Mayor

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, Deputy City Manager

DATE: 04/09/2012

SUBJECT: Resolution Recognizing the Formation of Citizen Involvement Organization Six (CIO 6)

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 Six (CIO 6).

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 A). The approved boundary map outlines six residential Citizen Involvement Organizations (CIOs), a Commercial CIO, and a Manufacturing CIO. The Code allows for citizens 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 day in advance of the meeting date, except in case of emergency, in which case at least 24 hours advance notices 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 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 December 7, 2011, CIO 6 held their first organizational meeting where they voted to form the CIO, and they adopted their bylaws (see Attachment B). On February 2, 2012, CIO 6 held another organizational meeting where they elected their officers (see Attachment C). The newly elected officers have submitted all appropriate documents for review by staff. Staff has determined that the minimum standards of Section 11-9-040 of the Tualatin Municipal Code have been met. A Resolution recognizing the formation of Citizen Involvement Organization Six has been prepared for adoption by the City Council.

Attachments: Resolution Recognizing the Formation of CIO 6

A - Boundary Map

B - CIO 6 Bylaws

C - CIO 6 Officers

D - PowerPoint Presentation

RESOLUTION NO. _____

RESOLUTION RECOGNIZING THE FORMATION OF CITIZEN INVOLVEMENT ORGANIZATION SIX

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 Six (CIO 6) 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 6 has conducted an annual election of officers, and
- 2) The bylaws adopted by CIO 6 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 6 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 6 has provided an executed copy of their bylaws.

By satisfying the standards of Chapter 11-9-40 of the Tualatin Municipal Code, CIO 6 is eligible to be recognized by the City Council.

INTRODUCED AND ADOPTED this 9th day of April, 2012.

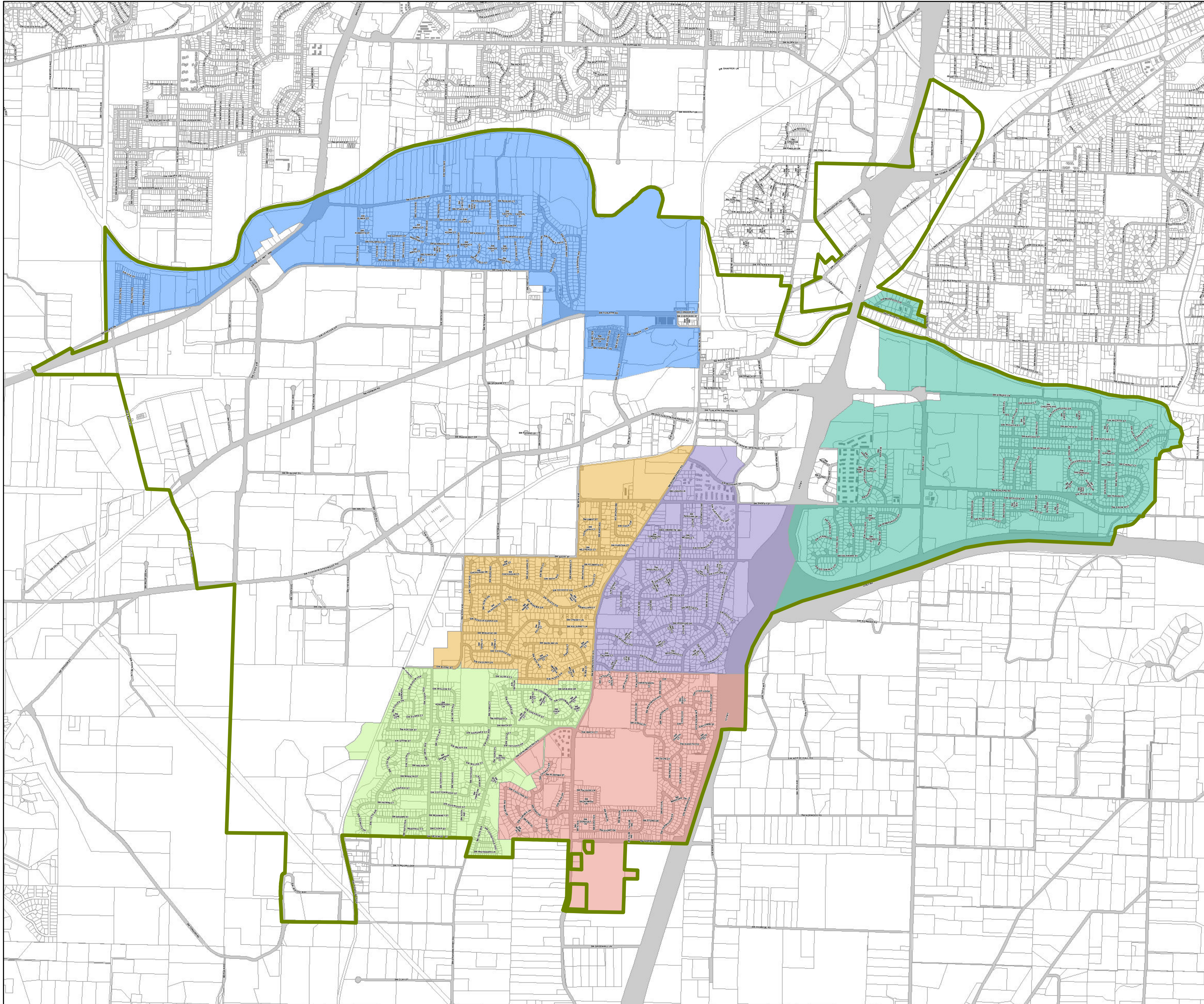
CITY OF TUALATIN, OREGON

BY _____
Mayor

ATTEST:

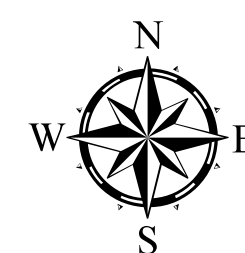
BY _____
City Recorder

Citizen Involvement Organizations



- CIO 1
- CIO 2
- CIO 3
- CIO 4
- CIO 5
- CIO 6
- Taxlots
- Planning Area Boundary

RF 1:14,400



This map is derived from various digital database sources. While an attempt has been made to provide an accurate map, the City of Tualatin, OR assumes no responsibility or liability for any errors or omissions in the information. This map is provided "as is". - Engineering and Building Dept. Printed 7/7/2011

**CITIZEN INVOLVEMENT ORGANIZATION 6 (CIO)
BYLAWS
Tualatin, Oregon**

**ARTICLE 1
ORGANIZATION**

Section 1. The Name. The name of this Organization is Citizen Involvement Organization (CIO) Six.

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 and their elected City Councilors on matters affecting the neighborhoods and the City. A major purpose of the Citizen Involvement Organization (“CIO”) is to facilitate *citizen participation in all aspects of the decision making process which is 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 support 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.

**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. Membership in the Residential CIO

- 1. 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 residential properties designated by the City of Tualatin as residential. Owners or representatives of residential property must be on file with the City of Tualatin per the Tualatin Municipal Code chapter 6-13-060.

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. 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 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. Meetings shall be one of the meeting types below.

A. Annual Meeting. One meeting a year will be considered the annual meeting of the CIO. 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 30 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 each year following the formation of the CIO and its bylaws.

1. Election of Officers may only take place at the annual meeting
2. Bylaws may only be modified at an annual meeting
3. Annual meetings will have an agenda item for “other business”, which will provide members the opportunity to add topics to the meeting agenda.

B. General Meetings. A general meeting may be called by the executive board, at anytime, with at least 7 days notice. Notice may be in an electronic or written format. All general meetings will have an agenda item for “other business”, which will provide members the opportunity to add topics to the meeting agenda.

C. Special Meeting. If a “special meeting” is found to be necessary by the Executive Board, a 2 day notice will be made by electronic or written format. All special meetings will have an agenda item for “other business”, which will provide members the opportunity to add topics to the meeting agenda.

Section 2. Quorum.

A. A quorum for the first Annual Meeting shall be a minimum of 17 members present to adopt the bylaws and conduct any business that may come before the CIO.

B. A quorum at all meetings after the first annual meeting shall be minimum of 20 members.

Section 3. General. All meetings will be open to members and to the public Minutes will be taken and made available to the members. 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. One person can only hold two offices at a time, within the CIO. No member may hold an office in another CIO within the City of Tualatin. The Executive Board shall consist of the officers. 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. The chair will take nominations from the membership during the annual meeting and vote at the close of the nomination process. 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 3. Powers and Duties

President. Set the agenda and preside at all meetings of the CIO and of the Executive Board; 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.

Vice President. Serve in the absence of the President; shall assist the President; if required; and perform other duties as designated by the Board. After formation, the Vice President shall be elected in even numbered years.

Secretary. Shall make best efforts that accurate minutes are taken of each meeting, that attendance registration is kept, 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.

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. After formation, the Treasurer shall be elected in even numbered years.

Land Use Officer. Shall keep current on land use issues pertinent to the CIO. 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. Removal of Officers. Officers of the CIO maybe removed at any of the CIO meetings with at least a 60 % of the voting members present voting to remove the officer. A replacement officer for the position vacated will be voted on at the same meeting. The nomination process listed in Article IV section II will be used.

Section 5. Executive Board Meetings. The Executive Board has the responsibility to act in the best interest of the CIO. Executive Board meetings will be held periodically at such time and place as determined by the Board. 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.

ARTICLE V COMMITTEES

Section 1. Standing Committees. Committees may be formed at the discretion of the executive board or a majority of the members at a member meeting.

ARTICLE VI STANDARDS OF RECOGNITION

Section 1. Recognition. The CIO shall submit the bylaws to the City Manager or designee, and then the application for recognition which will be submitted to City Council for final approval and recognition per Municipal Code Chapter 11-9.

Section 2. Inactive Organization. If the CIO does not meet ARTICLE III section A for two consecutive years the CIO will be deemed inactive. To be become an active organization after being deemed inactive, the CIO must have an initial meeting and adapt by-laws and request that the City Council recognize the CIO per municipal code 11-9-050.

Section 3. Termination of Recognition. The CIO maybe terminated per Tualatin Municipal Code 11-9-050.

**ARTICLE VII
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.

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 6 Officer Board
Citizen Involvement Organization
Roster**

Willie Fisher	Position: President Original Appt: 02-02-2012
Steve Caporale	Position: Vice President Original Appt: 02-02-2012
Chris Burchill	Position: Land Use Officer Original Appt: 02-02-2012
Peggy Fisher	Position: Secretary Original Appt: 02-02-2012
Scott Mitton	Position: Treasurer Original Appt: 02-02-2012



Recognizing the Formation of Citizen Involvement Organization 6 (CIO 6)

Tualatin
Citizen Involvement
Organizations
www.tualatincio.org

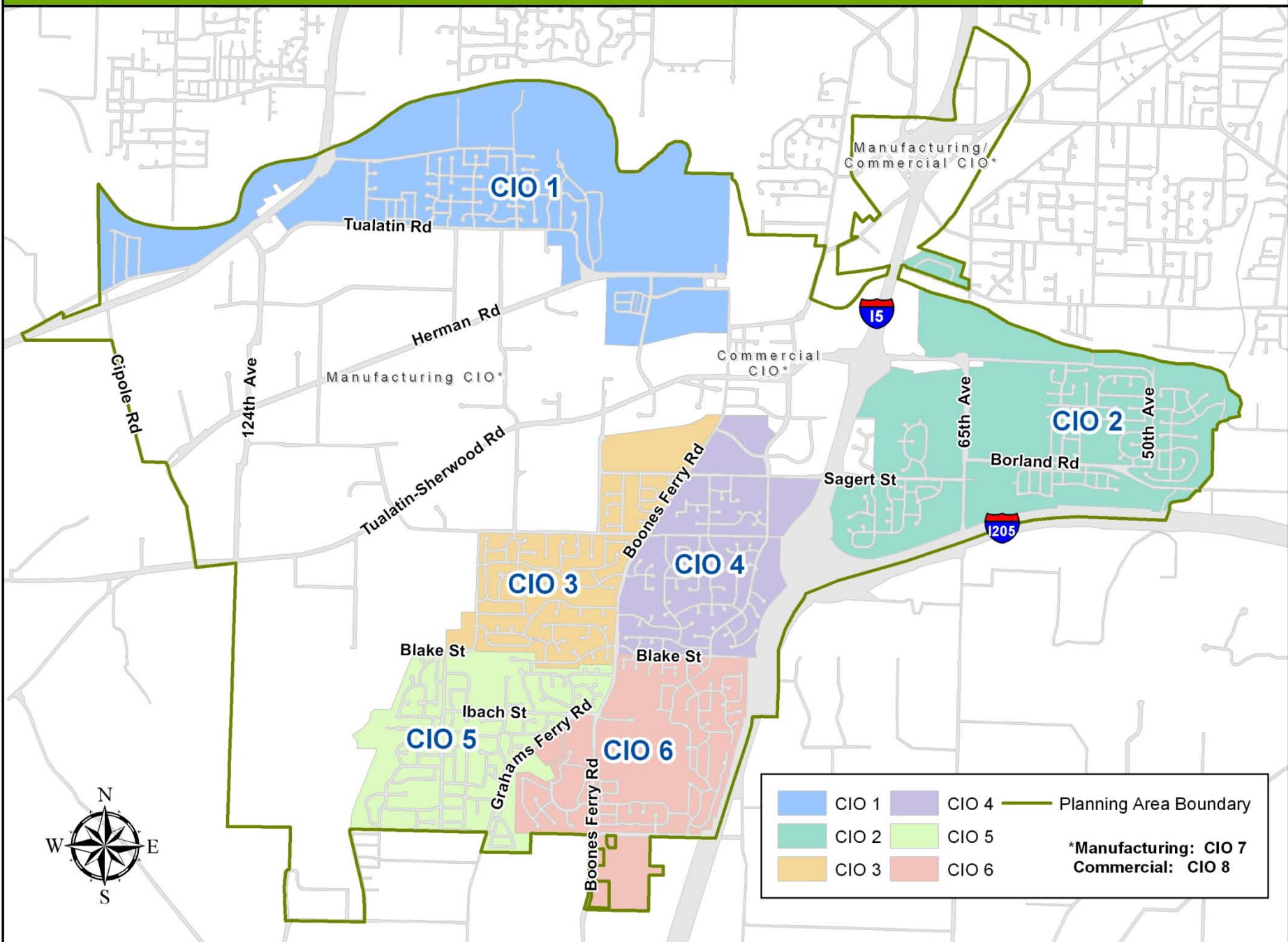
April 9, 2012

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 CIOs, a Commercial CIO, and a Manufacturing CIO to form



Proposed Citizen Involvement Organizations (CIOs)



Municipal Code Minimum Requirements

CIO Code Minimum Requirements	CIO 6
1. The CIO must hold an annual election of officers.	On February 2, 2012, CIO 6 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 6 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.
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 6 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.



QUESTIONS?

THANK YOU.





STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Brenda Braden, City Attorney

DATE: 04/09/2012

SUBJECT: An Ordinance Relating to Public Contracting; Adding New Sections for Qualifications Based Selection Process for Certain Professionals; and Adding New Sections to TMC Chapter 1.21

ISSUE BEFORE THE COUNCIL:

The Council will consider whether to adopt new sections to the public contracting rules for selecting architects, engineers, photogrammetric mappers, transportation planners and land surveyors to comply with ORS 279C. 105 et seq. or whether to decide not to adopt its own rules for this process but instead use the Attorney General's Model Rules.

RECOMMENDATION:

Staff recommends that Council adopt the ordinance.

EXECUTIVE SUMMARY:

In the 2011 Legislative Session, the Oregon Legislature passed a new statute that requires public entities to use a qualifications-based selection process when selecting architects, engineers, photogrammetrists, transportation planners, land surveyors or related service providers if the fee for such professional under a public contract will be \$100,000 or more.

The statute requires that in such cases, a public entity must use a Request for Proposal or Request for Qualifications process and select the most qualified consultant without regard to price. Only after the selection is made may the entity negotiate with the consultant to try to reach an agreement on price. If the consultant and the entity do not reach an agreement, then the entity may enter into negotiations with the consultant that came in second, then third until the parties agree on a price or the entity may readvertise and begin anew.

The City is required to either adopt its own rules to create the process to be followed in these contracts or to use the Attorney General's Model Rules. Tualatin has its own purchasing rules for other public contracts, which gives the City the flexibility to modify the State's process to better fit its smaller size. The proposed new rules would supplement Tualatin's existing purchasing rules.

OUTCOMES OF DECISION:

If the Council decides to adopt the ordinance, the City will follow the specified process for selecting the specified consultants.

If the Council decides not to adopt the ordinance, the City will comply with the Attorney General's Model Rules for Qualifications Based Selection, which are similar but not identical to those proposed in the attached ordinance.

Attachments: A - Ordinance - QBS Rules

ORDINANCE NO. _____

AN ORDINANCE RELATING TO PUBLIC CONTRACTING; ADDING NEW SECTIONS FOR A QUALIFICATIONS BASED SELECTION PROCESS FOR CERTAIN PROFESSIONALS; AND ADDING NEW SECTIONS TO TMC CHAPTER 1.21.

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. A new section, TMC 1-21-180, is added to the Tualatin Municipal Code to read as follows:

TMC 1-21-180 Definitions. As used in TMC 1-21-180 through 1-21-260, the following definitions apply:

(1) "Estimated fee" means the City's reasonably projected fee to be paid for a QBS Consultant's services under the anticipated contract, excluding all anticipated reimbursable or other non-professional fee expenses. The estimated fee is used solely to determine the applicable contract solicitation method and is distinct from the total amount payable under the contract.

(2) "Price agreement" refers to an agreement that is related to the procurement of Architectural, Engineering, Photogrammetric Mapping, Transportation Planning or Land Surveying Services, or Related Services, under agreed-upon terms and conditions and possibly at a set price with:

(a) No guarantee of a minimum or maximum purchase; or

(b) An initial order or minimum purchase, combined with a continuing QBS Consultant obligation to provide Architectural, Engineering, Photogrammetric Mapping, Transportation Planning or Land Surveying Services or Related Services in which the City does not guarantee a minimum or maximum additional purchase.

(3) "Project" means all components of a City's planned undertaking that gives rise to the need for a QBS Consultant's Architectural, Engineering, Photogrammetric Mapping, Transportation Planning or Land Surveying Services, or Related Services, under a Contract.

(4) "QBS" means Qualification Based Selection as required by ORS 279C.105.

(5) "QBS Consultant" means an Architect, Engineer, Photogrammetrist, Transportation Planner, Land Surveyor or provider of Related Services. A QBS Consultant includes a business entity that employs Architects, Engineers, Photogrammetrists, Transportation Planners, Land Surveyors or providers of Related Services, or any combination of the foregoing.

(6) "QBS Services" refers to Architectural, Engineering, Photogrammetric Mapping, Transportation Planning or Land Surveying Services, or Related Services.

(7) "Related services" means personal services, other than architectural, engineering, photogrammetric, mapping, Transportation Planning or land surveying services, that are related to planning, designing, engineering or overseeing public improvement projects or components of public improvements, including, but not limited to, landscape architectural services, facilities planning services, energy planning services, space planning services, hazardous substances or hazardous waste or toxic substances testing services, cost estimating services, appraising services, material testing services, mechanical system balancing services, commissioning services, project management services, construction management services, and owner's representation services or land-use planning services.

(8) "Transportation Planning Services" include Project-specific transportation planning involved in categorical exclusions, environmental assessments, environmental impact statements and other documents required for compliance with the National Environmental Policy Act, 42 USC 4321 et. seq. Transportation Planning Services do not include transportation planning for corridor plans, transportation system plans, interchange area management plans, refinement plans and other transportation plans not associated with an individual Project which will require compliance with the National Environmental Policy Act, 42 USC 4321 et. seq. Transportation Planning Services also do not include transportation planning for Projects not subject to the National Environmental Policy Act, 42 USC 4321 et. seq.

Section 2. A new section, TMC 1-21-190 is added to the Tualatin Municipal Code to read as follows:

Applicable Selection Procedures (1) When selecting the most qualified QBS Consultant to perform Architectural, Engineering, Photogrammetric Mapping, Transportation Planning or Land Surveying Services, the City shall follow its ordinary procurement processes if the Estimated Fee will be \$100,000 or less or the City may choose to follow the QBS selection process. If a QBS selection process is used or required, the City shall not solicit or use pricing policies and pricing proposals, or other pricing information, including the number of hours proposed for the services required, expenses, hourly rates and overhead, to determine a QBS Consultant's compensation until after the City has selected the most qualified QBS Consultant in accordance with the applicable selection procedure.

(2) When selecting QBS Consultants to perform Related Services, the City shall use its standard selection processes or a QBS selection process, as determined in its sole discretion.

(3) The City may use electronic methods to screen and select a QBS Consultant in accordance with the procedures set forth in this ordinance.

(4) For purposes of this ordinance, a “mixed” contract is one requiring the QBS Consultant to perform QBS Services and other Services or other related goods under the contract. The City’s classification of a procurement that will involve a “mixed” contract will be determined by the predominant purpose of the contract.

(5) Consistent with the requirements of ORS 279C.107 and the remaining requirements of ORS 279C.100, 279C.105 and 279C.110 through 279C.125, the following provisions apply to proposals received by the City for QBS or Related Services:

(a) "Competitive proposal", for purposes of ORS 279C.107 means proposals submitted according to the QBS selection process.

(b) In the limited circumstances permitted by ORS 279C.110, 279C.115 and 279C.120, where the City is conducting discussions or negotiations with proposers who submit proposals that the City has determined to be closely competitive or to have a reasonable chance of being selected for award, the City may open proposals so as to avoid disclosure of proposal contents to competing Proposers, consistent with the requirements of ORS 279C.107. Otherwise, City may open proposals in such a way as to avoid disclosure of the contents until after the City executes a contract with the selected QBS Consultant. If the City determines that it is in the best interest of the City to do so, the City may make proposals available for public inspection following the City’s issuance of a notice of intent to award a contract to a QBS Consultant.

(c) Disclosure of proposals and proposal information is otherwise governed by ORS 279C.107.

(6) As required by ORS 279C.307, to ensure the objectivity and independence of providers of certain personal services that are procured under ORS chapter 279C, the City may not:

(a) Procure services for the purpose of administering, managing, monitoring, inspecting, evaluating compliance with or otherwise overseeing a public contract from a contractor or an affiliate of a Contractor who is a party to the public contract that is subject to administration, management, monitoring, inspection, evaluation or oversight by means of the Services; or

(b) Procure services for the purpose of administering, managing, monitoring, inspecting, evaluating compliance with or otherwise overseeing a public contract through the public contract that is subject to

administration, management, monitoring, inspection, evaluation or oversight by means of the Services.

(7) The requirements of ORS 279C.307 and subsection (6) apply in the following circumstances, except as provided in (8) of this section:

(a) The City requires the procurement of personal services for the purpose of administering, managing, monitoring, inspecting, evaluating compliance with or otherwise overseeing a public contract or performance under a public contract that is subject to ORS chapter 279C.

(b) The procurements of personal services subject to the restrictions of ORS 279C.307 includes but are not limited to, the following:

(i) Procurements for QBS Services, which involve overseeing or monitoring the performance of a construction contractor under a Public Contract for construction services subject to ORS chapter 279C;

(ii) Procurements for commissioning services, which involve monitoring, inspecting, evaluating or otherwise overseeing the performance of a contractor providing QBS Services or the performance of a construction contractor under a public contract for construction services subject to ORS chapter 279C;

(iii) Procurements for project management services, which involve administration, management, monitoring, inspecting, evaluating compliance with or otherwise overseeing the performance of a Contractor providing QBS Services, construction services subject to ORS chapter 279C, commissioning services or other Related Services for a project;

(iv) Procurements for special inspections and testing services, which involve inspecting, testing or otherwise overseeing the performance of a construction contractor under a public contract for construction services subject to ORS chapter 279C; and

(v) Procurements for other related services or personal services, which involve administering, managing, monitoring, inspecting, evaluating compliance with or otherwise overseeing the public contracts.

(8) The restrictions of ORS 279C.307 do not apply in the following circumstances, except as further specified below:

(a) To the City's procurement of both design services and construction services through a single "Design-Build" procurement.

(b) To the City's procurement of both pre-construction services and construction services through a single "Construction Manager/General Contractor" procurement.

Section 3. A new section, TMC 1-21-200, is added to the Tualatin Municipal Code to read as follows:

Selection Procedures. (1) The City may enter into a contract directly with a QBS Consultant without following QBS selection procedures if:

(a) The City finds that an emergency exists; or

(b) The Estimated Fee to be paid under the contract does not exceed \$100,000; or

(c) The services consist of or are related to Architectural, Engineering, Photogrammetric Mapping, Transportation Planning or Land Surveying Services or Related Services that have been substantially described, planned or otherwise previously studied in an earlier contract with the same QBS Consultant and are rendered for the same project as the QBS Services rendered under the earlier contract; and

(i) The estimated fee to be made under the contract does not exceed \$250,000; and

(ii) The City used the formal selection procedure at the time the QBS Consultant was selected for the earlier contract.

(d) When a project is being continued and the estimated fee is expected to exceed \$250,000, the QBS Services to be performed under the Contract must meet the following requirements:

(i) The services consist of or are related to QBS Services that have been substantially described, planned or otherwise previously studied under an earlier contract with the same QBS Consultant and are rendered for the same project as the QBS Services rendered under the earlier Contract;

(ii) The City used either the formal selection procedure or the formal selection procedure applicable to selection of the QBS Consultant at the time of original selection for the earlier contract; and

(iii) The City makes written findings that entering into a contract with the QBS Consultant, whether as an amendment to an existing contract or to a separate contract for the additional scope of services, will:

(iv) Promote efficient use of public funds and resources and result in substantial cost savings to the City; and,

(v) Protect the integrity of the public contracting process and the competitive nature of the procurement by not encouraging favoritism or substantially diminishing competition in the award of the contract.

(2) The City may select QBS Consultants for contracts under (1) of this section from any QBS Consultants offering the required Architectural, Engineering, Photogrammetric Mapping, Transportation Planning or Land Surveying Services or Related Services that the City reasonably can identify under the circumstances.

(3) The City shall direct negotiations with QBS Consultants selected under this section toward obtaining written agreement on:

(a) The QBS Consultant's performance obligations and performance schedule;

(b) Payment methodology and a maximum amount payable to the QBS Consultant for the Architectural, Engineering, Photogrammetric Mapping, Transportation Planning or Land Surveying Services or Related Services required under the Contract that is fair and reasonable to the City as determined solely by the City, taking into account the value, scope, complexity and nature of the QBS Services; and

(c) Any other provisions the City believes to be in the City's best interest to negotiate.

Section 4. A new section, TMC 1-21-210, is added to the Tualatin Municipal Code to read as follows:

Formal Selection Procedure (1) The City shall use the formal selection procedure described in this section to select QBS Consultants if the Estimated Fee will exceed \$100,000. The formal selection procedure may be used when the Estimated Fee will not exceed \$100,000 at the City's discretion.

(2) When using the formal selection procedure the City shall obtain Contracts through public advertisement of Requests for Proposals, or Requests for Qualifications followed by Requests for Proposals.

(a) Except as provided in (b) of this section (electronic advertisements), the City shall advertise each RFP and RFQ at least once in at least one newspaper of general circulation in the area where the Project is located and in as many other issues and publications as may be necessary or desirable to achieve adequate competition. Other issues and publications may include, but are not limited to, local newspapers, trade journals, and publications targeted to reach the minority, women and emerging small business enterprise audiences.

(i) The City shall publish the advertisement within a reasonable time before the deadline for the Proposal submission or response to the RFQ or RFP, but in any event no fewer than fourteen (14) calendar days before the closing date set forth in the RFQ or RFP.

(ii) The City shall include a brief description of the following items in the advertisement:

(A) The Project;

(B) A description of the Architectural, Engineering, Photogrammetric Mapping, Transportation Planning or Land Surveying Services or Related Services the City seeks;

(C) How and where QBS Consultant-applicants may obtain a copy of the RFQ or RFP; and

(D) The deadline for submitting a Proposal or response to the RFQ or RFP.

(b) In the alternative to advertising in a newspaper as described in (2) (a) of this section, the City shall publish each RFP and RFQ by one or more of electronic methods approved by the City.

(3) RFQ requirements. The City may use the RFQ procedure to evaluate potential QBS Consultants and establish a short list of qualified QBS Consultants to whom the City may issue an RFP for some or all of the QBS Services described in the RFQ.

(a) The City shall include the following, at a minimum, in each RFQ:

(i) A brief description of the Project for which the City is seeking QBS Consultants;

(ii) A description of the Architectural, Engineering, Photogrammetric Mapping, Transportation Planning or Land

Surveying Services or Related Services the City seeks for the Project;

(iii) Conditions or limitations, if any, that may constrain or prohibit the selected QBS Consultant's ability to provide additional services related to the Project, including but not limited to construction services;

(iv) The deadline for submitting a response to the RFQ;

(v) A description of required QBS Consultant qualifications for the QBS Services the City seeks;

(vi) The RFQ evaluation criteria, including weights, points or other classifications applicable to each criterion;

(vii) A statement whether or not the City will hold a pre-qualification meeting for all interested QBS Consultants, and if a pre-qualification meeting will be held, the location of the meeting and whether or not attendance is mandatory; and

(viii) A Statement that QBS Consultant's responding to the RFQ do so solely at their expense and that the City is not responsible for any QBS expenses associated with the RFQ.

(b) The City may include a request for any or all of the following in each RFQ:

(i) A statement describing QBS Consultant's general qualifications and related performance information;

(ii) A description of QBS Consultants' specific qualifications to perform the QBS services described in the RFQ including QBS Consultants' committed resources and recent, current and projected workloads;

(iii) A list of similar QBS services and references concerning past performance, and a copy of all records, if any, of QBS Consultants' performance under contracts with any other City;

(iv) The number of QBS Consultants' experienced staff available to perform the QBS services described in the RFQ, including such personnel's specific qualifications and experience and an estimate of the proportion of time that such personnel would spend on those services;

(v) QBS Consultants' approaches to QBS services described in the RFQ and design philosophy, if applicable;

(vi) QBS Consultants' geographic proximity to and familiarity with the physical location of the Project;

(vii) QBS Consultants' ownership status and employment practices regarding women, minorities and emerging small businesses or historically underutilized businesses;

(viii) If the City is selecting a QBS Consultant to provide related services, QBS Consultant's pricing policies and pricing proposals or other pricing information, including the number of hours proposed for the services required, expenses, hourly rates and overhead;

(ix) QBS Consultant's ability to assist the City in complying with the solar energy technology requirements of ORS 279C.527; and

(x) Any other information the City deems reasonably necessary to evaluate QBS Consultants' qualifications.

(4) The City may use any reasonable screening or evaluation method to establish a short list of qualified QBS Consultants.

(5) The City shall use the following procedures when issuing an RFP for a QBS Consultant:

(a) When using the formal selection procedure the City shall include at least the following in each Request for Proposals, whether or not the RFP is preceded by an RFQ:

(i) General background information, including a description of the Project and the specific QBS services sought for the Project, the estimated Project cost, the estimated time period during which the Project is to be completed, and the estimated time period in which the specific QBS Services sought will be performed.

(ii) The RFP evaluation process and the criteria which will be used to select the most qualified proposer, including the weights, points or other classifications applicable to each criterion. If the City does not indicate the applicable number of points, weights or other classifications, then each criterion is of equal value. Evaluation criteria may include, but are not limited to, the following:

(A) Proposers' availability and capability to perform the Services described in the RFP;

- (B) Experience of Proposers' key staff persons on comparable projects;
- (C) The amount and type of resources, and number of experienced staff persons Proposers have committed to perform the QBS Services;
- (D) The recent, current and projected workloads of the staff and resources;
- (E) Proposers' demonstrated ability to complete successfully similar QBS Services on time and within budget, including whether or not there is a record of satisfactory performance;
- (G) References and recommendations from past clients;
- (H) Proposers' performance history in meeting deadlines, submitting accurate estimates, producing high quality work, and meeting financial obligations;
- (I) Status and quality of any required license or certification;
- (J) Proposers' knowledge and understanding of the Project and Services and proposed solutions to any perceived design and constructability issues;
- (K) Results from interviews, if conducted;
- (L) Design philosophy, if applicable;
- (M) If the City is selecting a QBS Consultant to provide Related Services, pricing policies and pricing proposals or other pricing information, including the number of hours proposed for the services required, expenses, hourly rates and overhead; and
- (N) Any other criteria that the City seems relevant to the project.
- (O) Conditions or limitations, if any, that may constrain or prohibit the selected QBS Consultant's ability to provide additional services related to the project, including but not limited to construction services;

- (P) Whether interviews are possible and if so, the weight, points or other classifications applicable to the potential interview;
- (Q) The date and time proposals are due, and the delivery location for proposals;
- (R) Reservation of the right to seek clarifications of each proposal;
- (S) Reservation of the right to negotiate a final contract that is in the best interest of the City;
- (T) Reservation of the right to reject any or all proposals and reservation of the right to cancel the RFP at anytime if doing either would be in the public interest as determined by the City;
- (U) A Statement that proposers responding to the RFP do so solely at their expense, and City is not responsible for any proposer expenses associated with the RFP;
- (V) A statement directing proposers to the protest procedures set forth in the solicitation document.
- (W) Special contract requirements, including but not limited to disadvantaged business enterprise ("DBE"), minority business enterprise ("MBE"), women business enterprise ("WBE") and emerging small business enterprise ("ESB") participation goals or good faith efforts with respect to DBE, MBE, WBE and ESB participation, and federal requirements when federal funds are involved;
- (X) A statement whether or not the City will hold a pre-proposal meeting for all interested QBS Consultants to discuss the project and the QBS Services and if a pre-proposal meeting will be held, the location of the meeting and whether or not attendance is mandatory;
- (Y) A request for any information the City deems reasonably necessary to permit the City to evaluate, rank and select the most qualified proposer to perform the QBS Services described in the RFP; and
- (Z) If the City does not cancel the RFP after it receives the results of the scoring and ranking for each Proposer, the City

will begin negotiating a Contract with the highest ranked proposer.

(AA) If the City and proposer are unable for any reason to reach agreement on a contract within a reasonable amount of time, as determined by the City, the City shall, formally terminate negotiations with the highest ranked proposer and begin negotiations with the second ranked proposer. The City may repeat this process, if necessary, with the third ranked proposer and subsequent proposers, until negotiations result in a contract. If negotiations are unsuccessful, the City may end the particular formal solicitation and begin a new solicitation for the same QBS Services.

Section 5. A new section, TMC 1-21-220 is added to the Tualatin Municipal Code to read as follows:

Ties Among Proposers. If the City is selecting a QBS Consultant on the basis of qualifications alone and determines after the ranking of proposers that two or more proposers are equally qualified, the City may select a candidate through any process that the City believes will result in the best value for the City taking into account the scope, complexity and nature of QBS Services. However, the tie breaking process cannot be based on the QBS Consultant's pricing policies, pricing proposals or other pricing information

Section 6. A new section, TMC 1-21-230 is added to the Tualatin Municipal Code to read as follows:

Solicitation Cancellation, Delay or Suspension; Rejection of All Proposals. The City may cancel, delay or suspend a solicitation, RFQ or other preliminary procurement document, or reject all proposals, responses to RFQs, responses to other preliminary procurement documents, or any combination of the foregoing, if the City believes it is in the public interest to do so. The City is not liable to any proposer for any loss or expense caused by or resulting from any such cancellation, delay, suspension or rejection.

Section 7. A new section, TMC 1-21-240 is added to the Tualatin Municipal Code to read as follows:

Two-Tiered Selection Procedure-State Agency (1) If the City requires QBS Services for a public improvement owned and maintained by the City, and a state agency will serve as the lead contracting agency and will enter into contracts with QBS Consultants for that public Improvement, the City shall utilize the two-tiered selection process described below to obtain these contracts with Architects, Engineers, Photogrammetrists, Transportation Planners, or Land Surveyors.

(2) Tier One. The state contracting agency shall, when feasible, identify no fewer than the three (3) most qualified proposers responding to an RFP pursuant to its own rules, or, if permitted by the state, by the City's rules, from among Architects, Engineers, Photogrammetrists, Transportation Planners, or Land Surveyors and shall notify the City of the Consultants selected.

(3) Tier Two. In accordance with the qualifications based selection requirements of ORS 279C.110, the City shall either:

(a) Select an Architect, Engineer, Photogrammetrist, Transportation Planner or Land Surveyor from the state list of proposers to perform the QBS Services for the City's public improvement from among the three candidates chosen by the state; or

(b) Select an Architect, Engineer, Photogrammetrist, Transportation Planner or Land Surveyor to perform the QBS Services for the City's public improvement through an alternative process adopted by the City, consistent with the provisions of the applicable RFP, if any, and these QBS rules.

(4) The City shall then begin contract negotiations with the selected QBS Consultant in accordance with these rules.

(5) Nothing in these rules should be construed to deny or limit the City's ability to enter into a contract directly with QBS consultants pursuant to ORS 279C.125(4), through a selection process established by the City .

Section 8. A new section, TMC 1-21-250, is added to the Tualatin Municipal Code to read as follows:

Price Agreements. (1) The City may establish price QBS Services, when the City cannot determine the precise quantities of those services which the City will require for a specified time period.

(2) Solicitation materials and the terms and conditions for a price agreement for QBS Services must:

(a) Include a scope of services, menu of services, a specification for services or a similar description of the nature, general scope, complexity and purpose of the procurement that will reasonably enable a prospective bidder or proposer to decide whether to submit a bid or proposal;

(b) Specify whether the City intends to award a price agreement to one QBS Consultant or to multiple QBS Consultants. If the City will award a price agreement to more than one QBS Consultant, the solicitation document and price agreement shall describe the criteria and procedures

the City will use to select a QBS Consultant for each individual work order or task order.

(c) Specify the maximum term for assigning QBS Services under the price agreement.

(3) All QBS services assigned under a price agreement require a written work order or task order issued by the City. Any work orders or task orders assigned under a price agreement must include, at a minimum, the following:

(a) A clearly defined statement of work and schedule for any deliverables;

(b) A maximum, not-to-exceed price or fixed price amount for the QBS Consultant specified and authorized under the work order or task order, and

(c) Language that incorporates all applicable terms and conditions of the price agreement into the task order.

Section 9. A new section, TMC 1-21-260, is added to the Tualatin Municipal Code to read as follows:

Expired or Terminated Contracts; Reinstatement. (1) If a City enters into a contract for QBS Services and that contract subsequently expires or is terminated, the City may proceed as follows, subject to the requirements of subsection (2) of this rule:

(a) Expired Contracts. If the contract has expired as the result of project delay caused by the City or caused by any other occurrence outside the reasonable control of the City or the QBS Consultant, and if no more than one year has passed since the contract expiration date, the City may amend the contract to extend the contract expiration date, revise the description of the QBS Services required to reflect any material alteration of the project made as a result of the delay, and revise the applicable performance schedule. Beginning on the effective date of the amendment, the City and the QBS Consultant shall continue performance under the contract as amended; or

(b) Terminated Contracts. If the City or both parties to the contract have terminated the contract for any reason and if no more than one year has passed since the contract termination date, then the City may enter into a new contract with the same QBS Consultant to perform the uncompleted QBS Services, or to perform any remaining QBS services not completed under the contract as adjusted to reflect a material alteration of the project.

(2) The City may proceed under either subsection (1)(a) or subsection (1)(b) of this rule only after making written findings that amending the existing Contract or entering into a new Contract with the QBS Consultant will:

(a) Promote efficient use of public funds and resources and result in substantial cost savings to the City;

(b) Protect the integrity of the public contracting process and the competitive nature of the procurement process by not encouraging favoritism or substantially diminishing competition in the award of contracts.; and

(c) Result in a contract that is still within the scope of the final form of the original procurement document.

INTRODUCED AND ADOPTED this _____ day of _____, 2012.

CITY OF TUALATIN, OREGON

BY _____
Mayor

ATTEST:

BY _____
City Recorder



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Brenda Braden, City Attorney

DATE: 04/09/2012

SUBJECT: An Ordinance Relating to Initiative and Referendum Petitions; Authorizing the City to Submit Explanatory Statements for County Voters Pamphlets; Declaring an Emergency; and Adding a New Section, 1-23-010 to the Tualatin Municipal Code

ISSUE BEFORE THE COUNCIL:

The Council will consider whether to adopt the ordinance to allow the City Manager or City Attorney to draft an explanatory statement for Washington and Clackamas Counties' Voter's Pamphlets when an initiative or referendum pertaining to municipal legislation will be on the ballot.

RECOMMENDATION:

Staff recommends that Council adopt the ordinance.

EXECUTIVE SUMMARY:

Under the Oregon Constitution, the people may initiate or refer measures that contain municipal legislation to the ballot. When such a proposed measure is received by the City, once the City elections official (in Tualatin, that person is the City Manager) has determined that the measure meets the constitutional requirements, the City Attorney must prepare the ballot title. The ballot title consists of three parts: the Caption, which is 10 words; the Question, which is 20 words; and the Summary of the major impacts of the measure, is 175 words. It is often extremely difficult to summarize a complex measure into the 175 word limitation.

Oregon voters have the counties' Voter's Pamphlets as a resource to help them understand what they are voting on. Explanatory statements are simple, impartial and understandable explanations of 500 words or less that allow for a more thorough explanation of the proposed measure. Under Oregon Administrative Rule (OAR) 165-022-00040, the City must pass an ordinance if it wishes to prepare an explanatory statement on matters that are initiated or referred to the voters by petition. This proposed ordinance would allow the City to write explanatory statements in such cases.

OUTCOMES OF DECISION:

If the Council adopts the ordinance, either the City Manager or City Attorney would be authorized to write an explanatory statement for the voter's pamphlets on measures initiated or referred by petition.

If the Council does not adopt the ordinance, no explanatory statement would appear in the voter's pamphlet on measures initiated or referred by petition.

Attachments: A - Explanatory Statement Ordinance

ORDINANCE NO. _____

AN ORDINANCE RELATING TO INITIATIVE AND REFERENDUM PETITIONS; AUTHORIZING THE CITY TO SUBMIT EXPLANATORY STATEMENTS FOR COUNTY VOTERS PAMPHLETS; DECLARING AN EMERGENCY; AND ADDING A NEW SECTION, 1-23-010 TO THE TUALATIN MUNICIPAL CODE

WHEREAS the initiative and referendum powers are reserved to the people by the terms of Article IV, section 1 of the Oregon Constitution as to both state and municipal legislation; and

WHEREAS Article IV, subsection 1(5) provides that municipalities may provide for the manner of exercising the initiative and referendum powers as to municipal legislation; and

WHEREAS under the terms of OAR 165-022-0040 (2012), the City must pass an ordinance if it wishes to prepare explanatory statements on matters that are initiated or referred to the voters by petition.

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. The City Manager or City Attorney may prepare explanatory statements for the Washington and Clackamas County Voter's Pamphlet for matters relating to municipal legislation referred or initiated by petition consistent.

Section 2. This ordinance being necessary for the immediate preservation of the public peace, health, or safety, an emergency is declared to exist, and shall be effective upon its passage by the City Council.

INTRODUCED AND ADOPTED this 9th day of April, 2012.

CITY OF TUALATIN, Oregon

BY _____
Mayor

ATTEST:

BY _____
City Recorder