

CITY COUNCIL MONTHLY MEETING CALENDAR

June-12

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday			
					1	2			
3	Candidacy Packets Available 9am - City Recorder's Office	4	5	3rd BUDGET COMM MTG 7:00 pm - Comm Aud (TBA)	6	7	8	9	
	Planning Comm 7pm		Water Providers-CB 7pm Rural Fire Bd 8pm	Employee Breakfast 7am - Fire Station EDC Noon		JWC 12:30pm - TBA			
10	CITY COUNCIL 5:30 PM - EXECUTIVE SESS (Prop) 6:00 PM - EXECUTIVE SESS (CM Eval) 7:00 PM - REGULAR MEETING COMMUNITY AUDITORIUM	11	12	Water Providers-CTC 1:30pm MPAC Watershed Ad-Hoc 5:30pm	13	14	15	16	
		Library 6:30pm						Rep. Brewer 9am - BJ's Coffee	
17	Chamber Luncheon - Comm Aud Senior Ctr Bd 6:30pm Planning Comm 7pm	18	19	P&R 7am CFC 5:15pm	20	Joint Legislative Dinner & Work Session 5:30 pm - Pumpkin Ridge	21	22	23
		CCI 5:30pm				Fernhill Wetlands 5pm			
24	CITY COUNCIL 7:00 PM - REGULAR MEETING COMMUNITY AUDITORIUM	25	Red Cross Blood Drive 1:30pm - 6:30pm Comm Aud	26	27	28	29	30	
		Downtown Revitalization 1pm HLB 6pm		PSAC 7:30am MPAC Watershed Ad-Hoc 5:30pm		Sustainability 5:30pm			

July-12

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday		
1		2	3	4	5	6	7	
	Johnston out thru July 31st			Holiday City Offices Closed				
	Planning Comm 7pm	Rural Fire Bd 8pm			EDC Moved to 12th			
8	CITY COUNCIL 7:00 PM - REGULAR MEETING COMMUNITY AUDITORIUM	9	10	11	12	13	14	
	1st DAY TO FILE CANDIDACY PETITION 120-DAYS BEFORE ELECTION 9AM - CITY RECORDER'S OFFICE	Library 6:30pm			EDC Noon PAC 5pm	JWC 12:30pm		
					Nyuzen Adult Delegation Arrive 07/12 - Depart 07/16			
15	Chamber Luncheon - Comm Aud Senior Ctr Bd 6:30pm Planning Comm 7pm	16	17	P&R 7am CFC 5:15pm	18	19	20	21
Nyuzen BBQ 3pm-Thatcher Pk	Nyuzen Adult Delegation Departs	CCI 5:30pm				Fernhill Wetlands 5pm		Rep. Brewer 9am - BJ's Coffee
					Oregon Mayors Summer Conference - Florence			
22	NO CITY COUNCIL MEETING SCHEDULED	23	Downtown Revitalization 6pm HLB 6pm	24	25	26	27	28
				MPAC PSAC 7:30am				
29		30	31					
		Johnston returns July 31st						

August-12

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday		
			1	2	3	4		
			Rural Fire Bd 8pm	EDC Noon (Cancelled)				
5		6	7	8	9	10	11	
	Planning Comm 7pm	Library 6:30pm		MPAC	PAC 5pm			
12	CITY COUNCIL 7:00 PM - REGULAR MEETING COMMUNITY AUDITORIUM	13	14	15	16	17	18	
		CCI 5:30pm		P&R 7am CFC 5:15pm	Fernhill Wetlands 5pm		Rep. Brewer 9am - BJ's Coffee	
19	Chamber Luncheon - TBA Senior Ctr Bd 6:30pm Planning Comm 7pm	20	21	MPAC (Cancelled) PSAC 7:30am	22	23	24	25
		HLB 6pm			Sustainability 5:30pm		Red Cross Blood Drive 1:30pm - 6:30pm Comm Aud	
26	NO CITY COUNCIL MEETING SCHEDULED	27	LAST DAY TO FILE CANDIDACY PETITION 70-DAYS BEFORE ELECTION 5PM - CITY RECORDER'S OFFICE	28	29	30	31	
					Ford Leadership 4pm - Comm Aud		Last Day to Withdraw Candidacy 5pm	



FOREST GROVE CITY COUNCIL

Monday, June 11, 2012

Meeting Agenda

5:30 PM – Executive Session (Real Property)
6:00 PM – Executive Session (City Manager Evaluation)
7:00 PM – Regular Meeting

Community Auditorium
1915 Main Street
Forest Grove, OR 97116

Forest Grove City Council Meetings are televised live by Tualatin Valley Community Television (TVCTV) Government Access Programming, Ch 30. To obtain the programming schedule, please contact TVCTV at 503.629.8534 or visit <http://www.tvctv.org/government-programming/government-meetings/forest-grove>.

PETER B. TRUAX, MAYOR

Thomas BeLusko, Jr.
Thomas L. Johnston, Council President
Victoria J. Lowe

Camille Miller
Ronald C. Thompson
Elena Uhing

All meetings of the City Council are open to the public and all persons are permitted to attend any meeting except as otherwise provided by ORS 192. The public may address the Council as follows:

➔ Public Hearings – Public hearings are held on each matter required by state law or City policy. Anyone wishing to testify should sign in for any Public Hearing prior to the meeting. The presiding officer will review the complete hearing instructions prior to testimony. The presiding officer will call the individual or group by the name given on the sign in form. When addressing the Council, please use the witness table (center front of the room). Each person should speak clearly into the microphone and must state his or her name and give an address for the record. All testimony is electronically recorded. In the interest of time, Public Hearing testimony is limited to three minutes unless the presiding officer grants an extension. Written or oral testimony is heard prior to any Council action.

➔ Citizen Communications – Anyone wishing to address the Council on an issue not on the agenda should sign in for Citizen Communications prior to the meeting. The presiding officer will call the individual or group by the name given on the sign in form. When addressing the Council, please use the witness table (center front of the room). Each person should speak clearly into the microphone and must state his or her name and give an address for the record. All testimony is electronically recorded. In the interest of time, Citizen Communications is limited to two minutes unless the presiding officer grants an extension.

The public may not address items on the agenda unless the item is a public hearing. Routinely, members of the public speak during Citizen Communications and Public Hearings. If you have questions about the agenda or have an issue that you would like to address to the Council, please contact the City Recorder at 503-992-3235.

City Council meetings are handicap accessible. Assistive Listening Devices (ALD) or qualified sign language interpreters are available for persons with impaired hearing or speech. For any special accommodations, please contact the City Recorder at 503-992-3235, at least 48 hours prior to the meeting.

**FOREST GROVE CITY COUNCIL AGENDA
JUNE 11, 2012
PAGE 2**

Michael Sykes
City Manager

5:30

EXECUTIVE SESSIONS ARE CLOSED TO THE PUBLIC. Representatives of the news media and designated staff may attend Executive Sessions. Representatives of the news media are specifically directed not to report on any of the deliberations during the Executive Session, except to state the general subject of the session as previously announced. No Executive Session may be held for the purpose of taking final action or making any final decision. ***The City Council will convene in the Community Auditorium – Conference Room to hold the following executive session(s):***

In accordance with ORS 192.660(2)(e) to deliberate with persons designated by the governing body to negotiate in real property transactions.

Michael Sykes
City Manager

6:00

In accordance with ORS 192.660(2)(i) to review and evaluate the employment-related performance of the City Manager

7:00

1. **REGULAR MEETING:** Roll Call and Pledge of Allegiance
2. **CITIZEN COMMUNICATIONS:** Anyone wishing to speak to Council on an item not on the agenda may be heard at this time. *Please sign-in before the meeting on the Citizen Communications form posted in the foyer.* In the interest of time, please limit comments to two minutes. Thank you.
3. **CONSENT AGENDA:** See Page 4
4. **ADDITIONS/DELETIONS:**
5. **PRESENTATIONS:** None.

Jeff King, Economic
Development Coordinator

7:10

6. **RESOLUTION NO. 2012-35 AUTHORIZING EXTENDING BUSINESS INCENTIVE PROGRAM FOR TWELVE MONTHS TO JUNE 30, 2013, AND REESTABLISHING THE PROGRAM REQUIREMENTS**

Rob Foster
Public Works Director
Nick Kelsay
Project Engineer

7:20

7. RESOLUTION NO. 2012-36 AUTHORIZING THE MAYOR AND CITY MANAGER TO ENDORSE THE LOCAL AGENCY GRANT AGREEMENT BETWEEN THE CITY OF FOREST GROVE AND OREGON DEPARTMENT OF TRANSPORTATION SAFE ROUTES TO SCHOOL PROGRAM GRANT FUNDING FOR HARVEY CLARKE ELEMENTARY SCHOOL SIDEWALK PROJECT

Jon Holan
Community Development
Director
James Reitz
Senior Planner

7:30

8. RESOLUTION NO. 2012-37 AUTHORIZING THE CITY OF FOREST GROVE TO APPLY FOR A TRANSPORTATION GROWTH MANAGEMENT (TGM) GRANT FOR THE WEST SIDE CONCEPT PLAN

Michael Sykes
City Manager

7:45

9. CITY MANAGER'S REPORT:

8:00

10. COUNCIL COMMUNICATIONS:

8:15

11. ADJOURNMENT

3. **CONSENT AGENDA:** Items under the Consent Agenda are considered routine and will be adopted with a single motion, without separate discussion. Council members who wish to remove an item from the Consent Agenda may do so prior to the motion to approve the item(s). Any item(s) removed from the Consent Agenda will be discussed and acted upon following the approval of the Consent Agenda item(s).
- A. Approve City Council Work Session (Urban Growth Boundary Decision) Meeting Minutes of May 14, 2012.
 - B. Approve City Council Executive Session (City Manager Evaluation) Meeting Minutes of May 29, 2012.
 - C. Approve City Council Work Session (Cornelius Municipal Court Update) Meeting Minutes of May 29, 2012.
 - D. Approve City Council Regular Meeting Minutes of May 29, 2012.
 - E. Accept Community Forestry Commission Meeting Minutes of April 18, 2012.
 - F. Accept Historic Landmarks Board Meeting Minutes of April 24, 2012.
 - G. Accept Parks and Recreation Commission Meeting Minutes of April 19, 2012.
 - H. Accept Resignation on Library Commission (Carla Ingrando, Term Expiring December 31, 2013).
 - I. Community Development Department Monthly Building Activity Informational Report for May 2012.
 - J. Endorse Temporary Sales Liquor License Application (Full On-Premises Sales) for Tabb's Sport Bar & Grill, 148 N. 20th Avenue, Cornelius, Concours d'Elegance event held at Pacific University, 2043 College Way.
 - K. Accept Abstract of Votes for Ballot Measure 34-196 Five Year Levy for Public Safety/Community Services.
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3A

**FOREST GROVE CITY COUNCIL WORK SESSION
(UGB DECISION)
MAY 14, 2012 – 6:00 P.M.
COMMUNITY AUDITORIUM
PAGE 1**

Minutes are unofficial until approved by Council.

1. ROLL CALL:

Mayor Peter Truax called the Work Session to order at 6:11 p.m. **ROLL CALL:**
COUNCIL PRESENT: Thomas BeLusko, Jr., Thomas Johnston, Council President, Victoria Lowe, Camille Miller, Ronald Thompson, Elena Uhing, and Mayor Peter Truax. **STAFF PRESENT:** Michael Sykes, City Manager; Paul Downey, Administrative Services Director; Jon Holan, Community Development Director; and Anna Ruggles, City Recorder.

2. WORK SESSION: URBAN GROWTH BOUNDARY DECISION

Holan and Sykes facilitated the work session, noting the purpose of the work session was to discuss and review with Council the report prepared by the Department of Land Conservation and Development (DLCD) responding to Metro’s submittal of the amended Urban Growth Boundary (UGB) and Metro’s adoption of the map indicating the UGB expansion areas. Holan reported the DLCD issued a report on April 19, 2012, recommending that the Commission approve the amendments to Metro’s Framework Plan, Functional Plans and Metro Code that implement Metro Council’s policies on development efficiency and investment strategy in those places in the region intended to accommodate higher residential densities. These places include regional and town centers, light rail station communities and designated corridors and main streets; however, the DLCD found that there is not sufficient information in Metro’s work to substantiate the amount of land to be added to the UGB or the locations of the expansions areas.

Council Discussion:

Mayor Truax opened the floor and roundtable discussion ensued pertaining to DLCD’s findings and recommendations, noting the City submitted a response supporting DLCD staff’s recommendation to remand the UGB decision back to Metro, noting while the City understands the recommendation only pertains to addressing Goal 14 inventory requirements, the City believes that a re-examination of the inventory will result in a better understanding of the large lot industrial need. Sykes noted the City hopes that Metro will take this resubmittal opportunity to re-open the public review process and provide more complete transparency as to why certain lands were selected while others were not. In

**FOREST GROVE CITY COUNCIL WORK SESSION
(UGB DECISION)
MAY 14, 2012 – 6:00 P.M.
COMMUNITY AUDITORIUM
PAGE 2**

conclusion, Council collectively reiterated that Forest Grove's needs were not addressed by Metro, noting the City is an interested party and will be notified of any upcoming meetings or hearings regarding this matter.

Council took no formal action nor made any formal decisions during the work session.

3. ADJOURNMENT

Mayor Truax adjourned the work session at 6:20 p.m.

Respectfully submitted,

Anna D. Ruggles, CMC, City Recorder

**FOREST GROVE CITY COUNCIL EXECUTIVE SESSION
ORS 192.660(2)(I) CITY MANAGER EVALUATION
MAY 29, 2012 – 5:30 P.M.
COMMUNITY AUDITORIUM – CONFERENCE ROOM
PAGE 1**

Minutes are unofficial until approved by Council.

1. ROLL CALL:

Mayor Peter Truax called the Executive Session to order at 5:30 p.m. **ROLL CALL: COUNCIL PRESENT:** Thomas BeLusko, Jr., Thomas Johnston, Council President, Victoria Lowe, Camille Miller, Ronald Thompson, and Mayor Peter Truax. **COUNCIL ABSENT:** Elena Uhing, excused. **STAFF PRESENT:** Michael Sykes, City Manager.

2. EXECUTIVE SESSION:

The City Council met in Executive Session in accordance with:

ORS 192.660(2)(I) to review and evaluate the employment-related performance of the City Manager.

3. ADJOURNMENT

Mayor Truax adjourned the Executive Session at 6:10 p.m.

Respectfully submitted,

Anna D. Ruggles, CMC, City Recorder



**FOREST GROVE CITY COUNCIL WORK SESSION
(CORNELIUS MUNICIPAL COURT)
MAY 29, 2012 – 6:00 P.M.
COMMUNITY AUDITORIUM – CONFERENCE ROOM
PAGE 1**

Minutes are unofficial until approved by Council.

1. ROLL CALL:

Mayor Peter Truax called the Work Session to order at 6:17 p.m. **ROLL CALL:**
COUNCIL PRESENT: Thomas BeLusko, Jr., Thomas Johnston, Council President, Victoria Lowe, Camille Miller, Ronald Thompson, and Mayor Peter Truax. **COUNCIL ABSENT:** Elena Uhing, excused. **STAFF PRESENT:** Michael Sykes, City Manager; Paul Downey, Administrative Services Director; Paul Downey, Administrative Services Director; Susan Cole, Administrative Services Assistant Director; Sue Hudson-Rau, Municipal Court Coordinator; and Anna Ruggles, City Recorder.

2. WORK SESSION: CORNELIUS MUNICIPAL COURT

Downey, Cole, Hudson-Rau, and Sykes facilitated the work session, noting the purpose of the work session was to discuss and review the possibility of Forest Grove assuming the Municipal Court operations for the City of Cornelius, noting Cornelius’s court employee recently left and rather than recruiting and hiring a new person, the City of Cornelius asked Forest Grove to evaluate whether Forest Grove could feasibly assume Cornelius’s court operations. Staff explained Cornelius Municipal Court would still exist and only operations would be transferred to Forest Grove Municipal Court. In conclusion, staff advised after reviewing the operations of both courts, staff believes it is feasible to assume the operations of the Cornelius Municipal Court, noting staff is currently working with legal counsel to determine what legal actions are needed by respective cities in order for the transfer to occur; however, legal counsel notified staff before the work session that Cornelius’s Charter provision may complicate the issue, because pursuant to Cornelius’s Charter provision, Cornelius Municipal Court must be held within the city limits of Cornelius.

Council Discussion:

Mayor Truax opened the floor and roundtable discussion ensued pertaining to whether the City should proceed with assuming the Cornelius Municipal Court operations. Staff responded to various inquiries, concerns, and scenarios Council presented, noting once the transfer is effective, Cornelius Police Officers would begin to cite traffic, parking, and code enforcement violations into Forest Grove Municipal Court. Staff explained Forest Grove would apply its

**FOREST GROVE CITY COUNCIL WORK SESSION
(CORNELIUS MUNICIPAL COURT)
MAY 29, 2012 – 6:00 P.M.
COMMUNITY AUDITORIUM – CONFERENCE ROOM
PAGE 2**

current operating procedures, timelines, payment arrangements, and fees to Cornelius's violations, noting Forest Grove and Cornelius have agreed to split all fines and fees in half, with the exception of payment arrangement fees which Forest Grove will retain. Staff explained how the fines are disbursed and how many citations Cornelius generates, noting Cornelius processes approximately 50 citations a month. In addition, staff explained in order to assume Cornelius's court operations, the existing Administrative Services Specialist would be allocated to Municipal Court full-time (a staff position that is currently shared with Utility Billing) and it is anticipated the Municipal Court Judge will spend more time in court and other office-related expenses will occur, noting these costs are not reflected in the Fiscal Year 2012-13 proposed budget; however, Cornelius has agreed to pay Forest Grove \$30,000 for the first year, defined as July 1, 2012, through June 30, 2013, with the cost structure reviewed and mutually agreed upon annually thereafter.

City Manager Sykes also pointed out the Charter provisions that Cornelius will need to amend in order to permanently transfer some or all of its court functions to Forest Grove, noting staff is looking for Council feedback before staff considers assuming the Cornelius Municipal Court operations in the interim.

In conclusion of the above-noted discussion, Council collectively voiced consensus of proceeding if Cornelius asks Forest Grove to implement an interim Intergovernmental Agreement; however, Mayor Truax voiced concern, and Council collectively concurred, that if Cornelius Council does not approve an election ballot, or the ballot is defeated, to make its necessary Charter amendments, then Council would want to reassess and determine if it is financially feasible for Forest Grove to continue providing this service long-term.

At the conclusion of the above-noted discussion, Downey reported the Forest Grove Municipal Judge has asked to renegotiate her existing contract to allow a four hour minimum and renegotiate her salary from \$75 per hour to \$80 per hour, noting staff will bring this proposal to Council for separate consideration.

In response to Council inquiries pertaining to attending Municipal Court, Hudson-Rau indicated Council is welcome to attend court, noting she would provide a copy of the court calendar for Council.

**FOREST GROVE CITY COUNCIL WORK SESSION
(CORNELIUS MUNICIPAL COURT)
MAY 29, 2012 – 6:00 P.M.
COMMUNITY AUDITORIUM – CONFERENCE ROOM
PAGE 3**

Council took no formal action nor made any formal decisions during the work session.

3. ADJOURNMENT

Mayor Truax adjourned the work session at 6:49 p.m.

Respectfully submitted,

Anna D. Ruggles, CMC, City Recorder

**FOREST GROVE CITY COUNCIL REGULAR MEETING
May 29, 2012 – 7:00 P.M.
COMMUNITY AUDITORIUM
PAGE 1**

Minutes are unofficial until approved by Council.

1. ROLL CALL:

Mayor Peter Truax called the regular City Council meeting to order at 7:00 p.m. and led the Pledge of Allegiance. **ROLL CALL: COUNCIL PRESENT:** Thomas BeLusko, Jr., Thomas Johnston, Council President, Victoria Lowe, Camille Miller, Ronald Thompson, and Mayor Peter Truax. **COUNCIL ABSENT:** Elena Uhing, excused. **STAFF PRESENT:** Michael Sykes, City Manager; Paul Downey, Administrative Services Director; Rob Foster, Public Works Director; Dan Riordan, Senior Planner; Bill Steele, Interim Police Chief; George Cress, Light and Power Director (in the audience); and Anna Ruggles, City Recorder.

1. A. POLICE CAPTAIN RECOGNITION:

Interim Police Chief Steele read the biography, introduced, and presented Interim Police Captain Mike Herb with his official Police Captain badge, noting Herb was officially promoted as Police Captain on May 15, 2012.

2. CITIZEN COMMUNICATIONS: None.

3. CONSENT AGENDA: Items under the Consent Agenda are considered routine and will be adopted with a single motion, without separate discussion. Council members who wish to remove an item from the Consent Agenda may do so prior to the motion to approve the item(s). Any item(s) removed from the Consent Agenda will be discussed and acted upon following the approval of the Consent Agenda item(s).

- A. Approve City Council Executive Session (Litigation) Meeting Minutes of May 14, 2012.
- B. Approve City Council Regular Meeting Minutes of May 14, 2012.
- C. Accept Public Arts Commission Meeting Minutes of April 12, 2012.
- D. Accept Public Safety Advisory Commission Meeting Minutes of April 24, 2012.

MOTION: Councilor Lowe moved, seconded by Councilor Miller, to approve the Consent Agenda as presented. ABSENT: Councilor

FOREST GROVE CITY COUNCIL REGULAR MEETING
May 29, 2012 – 7:00 P.M.
COMMUNITY AUDITORIUM
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Uhing. MOTION CARRIED 6-0 by voice vote.

4. ADDITIONS/DELETIONS: None.
5. PRESENTATIONS:
5. A. QUARTERLY FINANCIAL REPORT FOR PERIOD ENDING MARCH 31, 2012

Staff Report:

Cole and Downey presented a PowerPoint presentation outlining the quarterly financial report ending March 31, 2012, noting the first part of the report is a graphical representation of the quarterly status of the City's major operating departments and funds and the second part of the report is the line item detail. Cole explained the actual revenues received and expenditures disbursed through the end of the quarter are compared to the quarterly budget allotment and expressed in the detail report as both a dollar variance and percent variance. In conclusion, Cole highlighted the graphs pertaining to revenues and expenditures in the General Fund, Building Services Fund, Information Systems Fund, Light Fund, Street Fund, Water Fund, Surface Water Management Fund, and Equipment Fund, noting revenues are three percent ahead of the third quarter allotment and spending is below its quarterly target by three percent.

Council Discussion:

In response to Council President Johnston's inquiry pertaining to contingencies related to police vacancies, Downey and Cole advised the unspent funds remain in the General Fund.

6. PUBLIC HEARING AND RESOLUTION NO. 2012-31 ADOPTING THE CITY OF FOREST GROVE SUGGESTED STREET TREE PLANTING LIST

Staff Report:

Riordan presented the above-proposed resolution for Council consideration, noting the proposed resolution is requesting adoption of the City's suggested Street Tree List (Exhibit A) of suitable trees to be planted in public rights-of-way as recommended by the Community Forestry Commission (CFC). Riordan reported the list has been in existence for a number of years but has never been formally adopted, noting CFC's

FOREST GROVE CITY COUNCIL REGULAR MEETING
May 29, 2012 – 7:00 P.M.
COMMUNITY AUDITORIUM
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recommended changes include expanding the number and varieties of small trees; classifying cherry trees as medium rather than small trees; and consolidating the number of maple varieties into one category.

Before proceeding with Public Hearing and Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2012-31.

Sykes read Resolution No. 2012-31 by title.

MOTION: Council President Johnston moved, seconded by Councilor Thompson, to approve Resolution No. 2012-31 Adopting the City of Forest Grove Suggested Street Tree Planting List.

Public Hearing Opened:

Mayor Truax opened the Public Hearing.

Written Testimony Received:

No written testimony was received prior to the published deadline of May 29, 2012, 7:00 p.m.

Proponents:

No one testified and no written comments were received.

Opponents:

No one testified and no written comments were received.

Others:

No one testified and no written comments were received.

Public Hearing Closed:

Mayor Truax closed the Public Hearing.

Council Discussion:

In response to BeLusko's inquiry pertaining to CFC holding a hearing, Riordan explained CFC did not hold a formal hearing, noting CFC made a recommendation to submit the suggested Street Tree List to Council for consideration, and a Public Hearing Notice was published in the *NewsTimes* on May 23, 2012, for this hearing date.

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In response to Council President Johnston's inquiry pertaining to reasons certain trees were removed from the list, Riordan explained there were trees removed from the list but not due to sidewalk damage but more so because of clean-up and maintenance, i.e., fallen leaves and electrical wiring.

Hearing no further discussion from the Council, Mayor Truax asked for a roll call vote on the above motion.

ROLL CALL VOTE: AYES: Councilors BeLusko, Jr., Johnston, Lowe, Miller, Thompson, and Mayor Truax. NOES: None. ABSENT: Councilor Uhing. MOTION CARRIED 6-0.

7. PUBLIC HEARING AND RESOLUTION NO. 2012-32 DESIGNATING COMMUNITY ENHANCEMENT PROGRAM (CEP) PROJECTS (EXHIBIT A) FOR FISCAL YEAR 2012-13

Staff Report:

Downey presented the above-proposed resolution designating the Fiscal Year 2012-13 Community Enhancement Program (CEP) projects (Exhibit A) and allocating funding levels based on individual Council allocations proposed at the Council meeting of May 14, 2012. Downey reported the City received 24 applications totaling \$129,350 and Council allocated \$57,000 in CEP funds. In conclusion, Downey affirmed that Metro received a Public Hearing Notice as required.

Before proceeding with Public Hearing and Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2012-32.

Sykes read Resolution No. 2012-32 by title.

MOTION: Councilor Miller moved, seconded by Councilor Lowe, to approve Resolution No. 2012-32 Designating Community Enhancement Program (CEP) Projects (Exhibit A) for Fiscal Year 2012-13.

Public Hearing Opened:

Mayor Truax opened the Public Hearing.

FOREST GROVE CITY COUNCIL REGULAR MEETING
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Written Testimony Received:

No written testimony was received prior to the published deadline of May 29, 2012, 7:00 p.m.

Proponents:

No one testified and no written comments were received.

Opponents:

No one testified and no written comments were received.

Others:

No one testified and no written comments were received.

Public Hearing Closed:

Mayor Truax closed the Public Hearing.

Council Discussion:

BeLusko advised this is the third year Council has used the process of assigning individual funding allocations, noting the process is not perfect but it does seem to work best for citizens.

Council President Johnston advised the funding allocation is one of the hardest processes, noting there is not sufficient funding to fund projects completely, but the process does allow allocating partial fund for all projects.

Mayor Truax pointed out there are some applicants who request more funding than what is truly needed, noting this year is the largest gap between funds available and number of applications received, indicating there is an economic need in the community.

Hearing no further discussion from the Council, Mayor Truax asked for a roll call vote on the above motion.

ROLL CALL VOTE: AYES: Councilors BeLusko, Jr., Johnston, Lowe, Miller, Thompson, and Mayor Truax. NOES: None. ABSENT: Councilor Uhing. MOTION CARRIED 6-0.

8. PUBLIC HEARING AND RESOLUTION NO. 2012-33 SETTING FEES

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COMMUNITY AUDITORIUM
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**AND CHARGES, EFFECTIVE JULY 1, 2012, AND REPEALING
RESOLUTION NO. 2011-52**

Staff Report:

Downey and Cole presented the above-proposed resolution increasing fees and charges by three percent (3%), rounded to the nearest increment, effective July 1, 2012. Downey outlined the significant changes to the fee schedule as noted in the staff report and proposed resolution, noting $\frac{3}{4}$ inch and 1-inch water meter drop-in fees are proposed to change to a fixed actual cost-of-service amount of \$275.00, which will eliminate extra billing work for staff. In addition, Downey reported the Street Tree Fund is accumulating a fund balance, noting staff will review this fund to determine if a fee increase is needed.

Before proceeding with Public Hearing and Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2012-33.

Sykes read Resolution No. 2012-33 by title.

MOTION: Councilor Lowe moved, seconded by Councilor Miller, to approve Resolution No. 2012-33 Setting Fees and Charges, Effective July 1, 2012, and Repealing Resolution No. 2011-52.

Public Hearing Opened:

Mayor Truax opened the Public Hearing.

Written Testimony Received:

No written testimony was received prior to the published deadline of May 29, 2012, 7:00 p.m.

Proponents:

No one testified and no written comments were received.

Opponents:

No one testified and no written comments were received.

Others:

No one testified and no written comments were received.

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COMMUNITY AUDITORIUM
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Public Hearing Closed:

Mayor Truax closed the Public Hearing.

Council Discussion:

Hearing no discussion from the Council, Mayor Truax asked for a roll call vote on the above motion.

ROLL CALL VOTE: AYES: Councilors BeLusko, Jr., Johnston, Lowe, Miller, Thompson, and Mayor Truax. NOES: None. ABSENT: Councilor Uhing. MOTION CARRIED 6-0.

9. **PUBLIC HEARING AND RESOLUTION NO. 2012-34 FIXING WATER RATES FOR THE CITY OF FOREST GROVE, EFFECTIVE JULY 1, 2012, AND REPEALING RESOLUTION NO. 2011-57**

Staff Report:

Cole, Foster, and Downey presented the above-proposed resolution increasing water rates for all customer classes by eight percent (8%) effective July 1, 2012. Cole reported in 2011 the City engaged the services of FCS Group to perform a cost-of-service analysis on the City's water utility to ensure that rates were recovering adequate revenue in an equitable manner, noting the rate analysis demonstrated that water utility needs system-wide average rate increases of approximately eight (8%) percent per year for the next several years in order to afford on-going operations and required investments in maintaining the water capital infrastructure. In addition, Cole indicated the analysis suggested that a charge for compound meters and fire service be added in order to recover the cost to provide these services. In conclusion, Cole outlined the significant changes to the water rates as noted in the staff report and proposed resolution (Exhibit A), noting for the average residential user, the proposed water rate increase would be approximately \$2.11 per month.

Before proceeding with Public Hearing and Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2012-34.

Sykes read Resolution No. 2012-34 by title.

MOTION: Councilor Miller moved, seconded by Councilor Lowe, to

FOREST GROVE CITY COUNCIL REGULAR MEETING
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COMMUNITY AUDITORIUM
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approve Resolution No. 2012-34 Fixing Water Rates for the City of Forest Grove, Effective July 1, 2012, and Repealing Resolution No. 2011-57.

Public Hearing Opened:

Mayor Truax opened the Public Hearing.

Written Testimony Received:

No written testimony was received prior to the published deadline of May 29, 2012, 7:00 p.m.

Proponents:

No one testified and no written comments were received.

Opponents:

No one testified and no written comments were received.

Others:

No one testified and no written comments were received.

Public Hearing Closed:

Mayor Truax closed the Public Hearing.

Council Discussion:

In response to Council President Johnston's inquiry pertaining to outside of the City users, Cole explained the water service outside of the City is billed at current rate, plus 100 percent. In response to Johnston's inquiry pertaining to Scoggins Dam raise, Cole explained the systemic retrofit is not within the City's 10-year horizon, noting funding for this project is also contingent on the federal government.

In response to Thompson's inquiry pertaining to the rate comparisons, Cole referenced the comparison charts attached to the staff report, noting Forest Grove's base rate is \$18.25. Foster also referenced the rate study and explained the City's base rate and City's 10-year plan, noting if rate increases do not occur, the City will have a funding deficit.

Low commented on regional providers, operating costs, capital improvements projects and noted many agencies are discussing a rate

FOREST GROVE CITY COUNCIL REGULAR MEETING
May 29, 2012 – 7:00 P.M.
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study similar to the study already conducted by the City. Lowe also commended staff for their abilities and aggressiveness when it came to planning activities among the joint water regional partners.

Mayor Truax commented there are citizens who are now benefitting by judicial actions taken five, 10 and 15 years ago by previous Councils, noting he hopes current and future citizens will benefit wisely by the actions taken by this current Council.

Hearing no further discussion from the Council, Mayor Truax asked for a roll call vote on the above motion.

ROLL CALL VOTE: AYES: Councilors BeLusko, Jr., Johnston, Lowe, Miller, Thompson, and Mayor Truax. NOES: None. ABSENT: Councilor Uhing. MOTION CARRIED 6-0.

10. CITY MANAGER'S REPORT:

City Manager Sykes reported on upcoming events as noted in the Council calendar and reported on other various upcoming local meetings and events. Sykes reported the second Budget Committee Meeting is scheduled for Wednesday, May 30, 2012, at 7:00 p.m. Sykes commended and thanked everyone for their support and hard work on the City's Five Year Public Safety/Community Services Levy, noting the levy, Ballot Measure 34-196, successfully passed at the May 15, 2012, Primary Election. Sykes welcomed new Interim Police Chief Steele who was present in the audience. In addition, Sykes distributed a copy of his written report, which outlined various meetings he attended and provided updates on various City department-related activities, projects, and other upcoming city/community-wide events.

11. COUNCIL COMMUNICATIONS:

BeLusko commended Michele Reeves, Downtown Revitalization consultant, noting Reeves's presentation provided very valuable information. In response to BeLusko's inquiry pertaining to Prime Time reconstruction project, Sykes provided a project status update, noting he is overseeing the project very closely and the project is moving along well. In addition, BeLusko reported on matters of interest and upcoming meetings he was planning to attend.

Council President Johnston reported he was unable to attend the last

FOREST GROVE CITY COUNCIL REGULAR MEETING

May 29, 2012 – 7:00 P.M.

COMMUNITY AUDITORIUM

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Public Safety Advisory Commission meeting. In addition, Johnston reported on other matters of interest and upcoming meetings he was planning to attend.

Lowe reported on Fernhill Wetlands-related activities, noting Clean Water Services is working on a documentary about Fernhill Wetlands. In addition, Lowe reported on other matters of interest and upcoming meetings she was planning to attend.

Miller reported on Committee for Citizen Involvement-related meeting and activities. Miller commended Michele Reeves, Downtown Revitalization consultant, noting Reeves did an outstanding job on her presentation. In addition, Miller reported on upcoming community-related events and meetings she was planning to attend.

Thompson reported on Community Forestry Commission-related meeting and activities. In addition, Thompson reported on other matters of interest and upcoming meetings he was planning to attend.

Uhing was absent.

Mayor Truax reported on various local, regional, Metro, and Washington County meetings he attended and reported on various upcoming meetings and community-related events he was planning to attend. Mayor Truax provided updates on the Urban Growth Boundary decision meeting, Greater Portland, Sustainability meeting, and other meetings of interest. Mayor Truax thanked Chamber Director Teri Koerner for coordinating the welcome reception that was held for new Executive Director, Carolyn McCormick, on Wednesday, May 16, 2012. In addition, Mayor Truax highlighted various upcoming Council Calendar events and other community-related matters of interest. In conclusion, Mayor Truax highlighted the various Memorial Day events he attended and commended Fire and Police staff for conducting an outstanding ceremony by the City's Flag Pole.

FOREST GROVE CITY COUNCIL REGULAR MEETING
May 29, 2012 – 7:00 P.M.
COMMUNITY AUDITORIUM
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12. ADJOURNMENT:

Mayor Truax adjourned the meeting at 8:34 p.m.

Respectfully submitted,

Anna D. Ruggles, CMC, City Recorder

APPROVED

COMMUNITY FORESTRY COMMISSION
 COMMUNITY AUDITORIUM CONFERENCE ROOM
 1915 MAIN STREET
 APRIL 18, 2012 – 5:30 PM

1. **ROLL CALL: 5:32 PM**

Members present: Mindy Laird-Garcia, Mark Nakajima, David Hunter, Lance Schamberger, Ron Thompson (Council Liaison), Jen Warren

Staff: Dan Riordan

Guest Present:

The meeting was called to order at 5:32 PM. A quorum was present. Mindy Laird-Garcia, Chair, presided.

2. **APPROVAL OF MINUTES:**

The March 21, 2012 minutes were reviewed and approved. David Hunter offered a motion, seconded by Mark Nakajima to approve the minutes. The motion passed unanimously.

3. **CITIZEN COMMUNICATIONS:** None.

4. **OLD BUSINESS**

a. Jen updated the CFC on the recent Arbor Day at the Forestry Center. Over 1600 trees were planted at the Jordan Creek area.

b. Tree Ordinance Discussion – The CFC recommended several change to the current code and forwarded the recommendations to City staff for review and drafting.

c. **Neighborwoods Project** Mindy brought up the need to spend these funds before the current grant expiration. Dale moved and David seconded that we prepay EF Nursery for the trees we intend to plant this fall. Motion carried

5. **NEW BUSINESS**

a. **Levy Information** – Mayor Pete Truax presented a 27 minute brief on the upcoming City levy and asked for support from the CFC members.

b. Ron Thompson reported on the Community Enhancement Program and that the current decision making process looks favorable for the CFC in the funds the CFC applied for.

c. **Conflict of Interest** – Mindy reported that one of the City Council members had expressed an interest in making sure that no CFC members were working for the City under contract. The general consensus was negative to this desire as 2 members of the CFC have worked for or currently under contract to the City for services, and that there were clear recusal policies be followed when required.

d. **Farmers Market** – Mindy updated the CFC on the Farmers Market and CFC participation and would set up a schedule for members to staff the CFC booth.

e. **Sweatshirt Update** – Mindy brought up the sweatshirt issue and asked for a decision on the coloring of the gold color. Consensus was to make the color “ Viking Gold.”

6. **PROJECT REPORTS**

a. Oak Wood Project (Dale) – No report – still pending on some shop work. Dale is going to research the possibility of putting on a tree and shrub sale next year as a possible fundraiser for the CFC.

b. Commemorative Tree Project (Mark) - Project holding until summer break for time to work on it.

c. Revisions to City Tree List (David/Lance) – The Commission reviewed and endorsed the revised recommended street list that Dan handed out.

d. Tree Tour Brochure/WCVA Grant Update (Mindy) – Mindy advised that the Tree Tour brochure was going to Forest Grove Business Solutions for printing and should be ready at the next meeting.

7. **OTHER BUSINESS**

a. Mindy discussed the **Thatcher Woods Management Plan** and that they need some time to complete this plan with some outside input required. David will assist in this project.

b. Dale will make the recommended changes to the pollarding letter and present to the CFC for their approval.

c. Ron Thompson will be having lunch with the State Forester in regards to distribution of timber tax receipts.

d. Jen advised of some changes to the state forestry e newsletter.

8. **ADJOURNMENT:**

Dale will offered a motion seconded by David Hunter to adjourn the meeting at 7:00 pm. The motion passed unanimously.

Respectfully submitted,

Dale Wiley
CFC Secretary

**COMMUNITY FORESTRY COMMISSION
COMMUNITY AUDITORIUM CONFERENCE ROOM
1915 MAIN STREET
APRIL 18 – 5:30 PM**

1. ROLL CALL: 5:32 PM

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Staff: Dan Riordan

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8. **ADJOURNMENT:**

Dale will offered a motion seconded by David Hunter to adjourn the meeting at 7:00 pm. The motion passed unanimously.

Respectfully submitted,

Dale Wiley
CFC Secretary

Note: CFC will not be meeting during July and August.

APPROVED



Members Present: George Cushing, Neil Poulsen, Holly Tsur, Larry Wade (one vacancy)
Members Excused: Ernest Walston
Members Absent: Kevin Kamberg
Staff Present: James Reitz
Council Liaison: Elena Uhing
Citizens Present: 03 (Peter Truax, Martha Khoury and Kelly Masek)

1. **Call to Order:** Poulsen opened the meeting at 6:06 p.m. **The minutes of the March 27, 2012 meeting were approved as submitted.**
2. **Citizen Communication:** None.
3. **City Levy:** Mayor Truax spoke briefly about the City's upcoming public safety levy and responded to questions.

4. **Action Items / Discussion:**

A. **Renovation Grant Requests:**

- **Fortner House at 2328 8th Avenue (Washington County Tax Lot 1S3 6BD-200). Applicants: Martha and Nader Khoury. File Number: HLR-12-00248.** Martha Khoury said that she was preparing to paint both the main house because of need and the newer addition because when it was completed it only received a light top coat. She said the colors will be similar to the existing. She did express concern about the need for two bids on simple projects especially for painting projects with a relatively low grant value. Tsur advised there were many reasons for that, not the least of which would be that different standards for different projects could invite allegations of favoritism. But even more importantly Tsur stressed that by getting two or more bids an applicant can better understand the whole process and be more certain to get a job that meets the applicant's expectations.
- **Loynes House at 1517 Ash Street (Washington County Tax Lot 1S3 6BD-12400). Applicant: Linda McIntosh. File Number: HLR-12-00263.** The applicant was unable to attend the meeting; Kelly Masek was in attendance to respond to questions. She said that they were getting ready to paint the south side of the home and the east porch. She noted that due to cost they would be painting the home in stages.

Deliberation: The discussion was brief, as both projects complied with the approval criteria. **Tsur/Wade to approve the Fortner house grant. Motion carried unanimously.**

Wade/Poulsen to approve the Loynes house grant. Motion carried unanimously.

Tsur noted that she had specifically mentioned the SHPO Grants at the CEP presentation but noted that those funds may not be used to replace CEP funding. At present about \$3,900 in renovation grant money is still available. Reitz said he had not received a call back from the Theater-in-the-Grove applicants on their proposed ticket booth project. Tsur said she would design a postcard for mailing to qualified owners advising them that grant money was still available. Reitz will try to get them mailed out as soon as possible.

B. SHPO Grant – Work Program:

- Design and print brochures for Painter's Woods and Walker-Naylor districts: Reitz said that Amy Rogers is continuing to prepare the overall layout. She is using existing photos as placeholders with the expectation that better photos will be supplied. Poulsen said he had had some good weather days and expected to complete the new photos soon. Wade commented that he had sent some historic photos primarily from working with the library. He noted that there were some great photos from the Walker-Naylor area and adjacent downtown, the university, the train station and Indian School, but he had more difficulty with Painter's Woods, as that area was more rural. Reitz said he had sent letters to owners of those homes to be featured in the brochures requesting that they review the information for accuracy. Poulsen mentioned that the Marble house was possibly called more properly the Barnes house, based on his conversation with the homeowner; Reitz said he would investigate that further.
- Purchase and install Painter's Woods and Walker-Naylor street sign toppers: Reitz noted again that the toppers need to be ordered soon. Poulsen presented a couple vector graphics for review. The Board examined them and suggested the Macrum House vector be simplified somewhat. With that change, **Cushing / Wade to proceed with working with the sign vendor on preparing the toppers. Motion carried unanimously.**

C. Spring Issue Newsletter: Wade said he planned to have the issue completed by the end of May. Articles will include a recap of the Preservation Fair and the Eric Stewart award. It was noted that some comments from past grant recipients might be good, as well as general comments about painting.

D. Preservation Fair: More than a dozen exhibitors have confirmed their participation. Tsur said that she could get cardstock and if Poulsen could provide a relevant photo, she would make thank-you cards.

5. Eric Stewart Award: Ismoon Hunter-Morton and her team were suggested as worthy recipients this year, for their outstanding work cataloging and preserving the Eric Stewart Collection. **Cushing / Tsur to make the award to Ismoon Hunter-Morton and her team. Motion carried unanimously.** Reitz will coordinate with the city recorder to get this onto the May 14 City Council agenda.

6. Old Business / New Business

- Council Liaison Report: Uhing reported on recent Council activities.
- Downtown Study: Tsur encouraged everyone to attend the next two meetings, on May 22nd and July 24th. The Board may need to adjust its meeting schedule to allow members to attend, as both meetings fall on regular HLB meeting dates.

7. Adjournment: The April 24, 2012 meeting adjourned at 8:30 p.m.

These minutes respectfully submitted by George Cushing, Secretary

APPROVED

RECREATION COMMISSION
MINUTES

Thursday, April 19, 2012
7:00 a.m. – Community Auditorium Conference Room

- 1) **ROLL CALL:**
 - a) **Commissioners** – Ralph Brown, Quinn Johnson, Anna Lund, Brian Seitz, Susan Taylor, Glenn VanBlarcom and Paul Waterstreet. Absent: Mike Olson
 - b) **Staff** – Tom Gamble and Steve Huffman
 - c) **Council Liaison** – Victoria Lowe
 - d) **Student Advisor** – Jonathan Faris

- 2) **CITIZEN COMMUNICATIONS:**

- 3) **APPROVAL OF MINUTES:** The minutes of the March 22, 2012 meeting were approved.

- 4) **ADDITION/DELETIONS:** None

- 5) **OLD BUSINESS:**
 - a) **Continuation of Goal Setting Discussion Priorities**
 - 1) **More staff** – The current levy is “hold the line” on staffing, so the only question is how to leverage different staff members to accomplish what needs to be done.
 - 2) **Continue trail work and work on the trail master plan.** – The City will continue its’ partnerships on trail expansion and green spaces.
 - 3) **Fernhill Wetlands liaison.** – Still working on this.
 - 4) **Form a recreational district.** – This idea can be explored. There is a “Special Districts of Oregon” process that would need to be followed.
 - 1) The district could include Banks, Cornelius, Forest Grove and Gaston.
 - 2) Each city could want their share of services located within their city, not just having to drive to Forest Grove for everything.
 - 3) Service standards would have to be met.
 - 4) We would have to create a new governmental agency.
 - 5) We could combine with the Arts Commission on some of this.
 - 6) Is it a bigger fight to form a special district or to talk to the population of Forest Grove about improving the programs we have?
 - 5) **Open gyms** – The Forest Grove recreation organization (fgrec.org) runs the co-ed softball league. Tom will talk to them and see if they would be interested in running a winter basketball or volleyball league.
 - 6) **“Green” parks** – Continue working on guidelines for the parks. Apply for grants for low maintenance amenities.

- 7) **Work with Pacific and the school district to offer more opportunities.**
 - The summer program offered by the school district in conjunction with the YMCA and was sponsored through a grant that has gone away.

6) **NEW BUSINESS:**

a) **Budget Discussion/Schedule**

- i) The staff work is done on the budget. Now it goes to the city manager and the city finance director.
- ii) The budget for the Aquatic Center and Parks is much the same.
- iii) Items in the decision package include:
 - 1) Replacing the shower valves. They are currently plastic and are being phased out. We've had them since the renovation 12 years ago and parts are hard to find.
 - 2) Purchase two new properties for parks.
 - 3) Red Cross has changed their "Service Provider" agreement approach. They wanted to start charging a \$5.00 fee for every child in lessons. Quite a bit of dissent, so they have lowered the fee to \$1.00 per child. We are going to raise our lesson fees to reflect this.
 - 4) The meetings on the General Fund budget will be held on May 23, May 30 and June 6.
 - 5) The Parks Department does receive money from Light and Power for their assistance in tree trimming.
 - 6) Our parks rental fees are up over the past few years, from about \$8,000 to over \$35,000.

b) **Volunteer Recognition Picnic**

- i) Ralph and Glenn are working on this.
- ii) Commission members will email their available dates in June and July to Tom and then we can select one that hopefully works for everyone.

7) **COMMISSIONER'S REPORTS:** None

8) **STAFF REPORTS:** None

9) **ANNOUNCEMENT OF NEXT MEETING:** The next meeting will be Thursday, May 17, 2012.

10) **ADJOURNMENT:** The meeting was adjourned at 8:15 a.m.

Memorandum

To: Mayor Peter Truax and City Councilors

From: Anna D. Ruggles, CMC, City Recorder

Subject: Accept Resignation on Library Commission

Date: June 11, 2012

Carla Ingrando, Library Commission, Term Expiring December 31, 2013, has informed staff of her desire to resign from the Library Commission as per her attached resignation letter.

STAFF RECOMMENDATION: Staff recommends Council accept the above resignation and deem the seat vacant.

Carla M. Ingrando
3025 22nd Avenue
Forest Grove, OR 97116

May 21, 2012

The City of Forest Grove
Attn: Mayor and City Councilors
1924 Council Street
Forest Grove, OR 97116

Dear Mayor Truax and City Councilors:

It is with much regret that I submit my resignation from the Forest Grove Library Commission. I have accepted a new position as Program Officer with the Michigan Humanities Council, and I will be relocating to Lansing, Michigan on June 2, 2012. I am honored by the trust that you placed in me in appointing me as a Library Commissioner, and I am very sorry that I cannot continue to serve.

I look forward to keeping up with all the many wonderful things that are happening in Forest Grove.

Sincerely,

A handwritten signature in black ink, appearing to read "Carla M. Ingrando". The signature is fluid and cursive, with a long horizontal stroke at the end.

Carla M. Ingrando



Monthly Building Activity Report

May-12

2011-2012

Category	Period: May-11		Period: May-12	
	# of Permits	Value	# of Permits	Value
Man. Home Setup				
Sing-Family New	7	\$1,725,114	9	\$2,221,407
SFR Addition & Alt/Repair	4	\$41,750	4	\$19,338
Mult. Fam. New/At				
Group Care Facility				
Commercial New	2	\$55,892		
Commerical Addition				
Commercial Alt/Repair	3	\$258,300	6	\$218,000
Industrial New				
Industrial Addition				
Industrial Alt/Repair				
Gov/Pub/Inst (new/add)			2	\$15,195
Signs				
Grading				
Demolitions				
Total	16	\$2,081,056	21	\$2,473,941

Fiscal Year-to-Date

2010-2011		2011-2012	
Permits	Value	Permits	Value
194	\$23,219,292	231	\$60,537,472



35

FOR CITY USE ONLY
 (Please return to City Recorder)
 The City of Forest Grove
 Recommends that license be

Granted Denied

\$100.00 Original App Fee: Paid: _____
 \$ 75.00 Change App Fee:
 \$ 35.00 Renewal or Temp App Fee
 \$ 20.25 Special Event

Acct No. J00-21-10-450050 Receipt#: _____

FOREST GROVE POLICE DEPARTMENT
LIQUOR LICENSE TEMPORARY USE RECOMMENDATION

NAME OF APPLICANT/BUSINESS: Tabbs Sports Bar & Grill (Concours d'Elegance)
APPLICANT/BUSINESS ADDRESS: 148 N. 20th Avenue – Cornelius
EVENT DATE/LOCATION: July 15, 2012, 2043 College Way
CITY BUSINESS LICENSE: Exemption (Rotary-related event)

TYPE OF LICENSE REQUESTED:
Application is being made for

<p>ACTION:</p> <input type="checkbox"/> Change in Application <input type="checkbox"/> Renewal <input type="checkbox"/> Renewal <input type="checkbox"/> Special Event <input checked="" type="checkbox"/> Temporary <input type="checkbox"/> Other: _____	<input checked="" type="checkbox"/> FULL ON-PREMISES SALES: F-COM licenses are required to have dining seating. Allows the sale and service of distilled spirits, malt beverages, and wine for consumption on the licensed premises. Also allows licensees who are pre-approved to cater events off the licensed premises. <input type="checkbox"/> BREWERY – PUBLIC HOUSE This license allows the holder to manufacture malt beverages and sell to patrons and wholesalers and allows the holder to sell malt beverages, wine and cider for consumption at the business and "to go".	<input type="checkbox"/> LIMITED ON-PREMISES SALES: Allows the sale of malt beverages, wine and cider for consumption on the licensed premises and the sale of kegs of malt beverages for off premises consumption. Also allows licensees who are pre-approved to cater events off the licensed premises. <input type="checkbox"/> OFF-PREMISES SALES: Allows the sale of malt beverages, wine and cider in factory sealed containers for consumption off the licensed premises and allows approved licensees to offer sample tasting of malt beverages, wine and cider.
<input type="checkbox"/> Business <input type="checkbox"/> Change in Ownership <input type="checkbox"/> Greater Privilege <input type="checkbox"/> Additional Privilege <input type="checkbox"/> Other _____	<input type="checkbox"/> F – CAT Caterer <input type="checkbox"/> F – COM Commercial Establishment <input type="checkbox"/> F – PC Passenger Carrier <input type="checkbox"/> F – CLU Private Club <input type="checkbox"/> F – SEW or SEG Special Event <input type="checkbox"/> F – PL Other Public Location	<input type="checkbox"/> Brewery Public House <input type="checkbox"/> Fuel Pumps <input type="checkbox"/> Grower <input type="checkbox"/> Warehouse <input type="checkbox"/> Winery/Grower <input type="checkbox"/> Other: _____

APPLICABLE CRIMINAL/DRIVING RECORD:

NONE SUPPORTING DOCUMENTATION ATTACHED

RECOMMENDED ACTION:

FORWARD WITH APPROVAL REJECT APPLICATION (Memorandum Required)

Bill Steele - CAPTAIN
Bill Steele, Interim Chief of Police
 - or Designee

6/5/12
Date



OREGON LIQUOR CONTROL COMMISSION

APPLICATION FOR TEMPORARY USE OF AN ANNUAL LICENSE

- o FULL ON-PREMISES SALES LICENSE TEMPORARY USE APPLICATION
Allows an Oregon Full On-Premises Sales Licensee to sell wine, cider, malt beverages, and distilled spirits for drinking on the special event licensed premises. There is no license fee.
- o LIMITED ON-PREMISES SALES LICENSE TEMPORARY USE APPLICATION
Allows an Oregon Limited On-Premises Sales Licensee to sell wine, cider, and malt beverages for drinking on the special event licensed premises. There is no license fee.

Process Time: OLCC needs your completed application to us in sufficient time to approve it. Sufficient time is typically 1 to 3 weeks before the first event date listed in #9 below (some events may need extra processing time).

License Days: In #9 below, you can apply for a maximum of 7 license days per application form. A license day is from 7:00 am to 2:30 am on the succeeding calendar day.

1. My annual license is a: FULL ON-PREMISES LIMITED ON-PREMISES
2. Licensee Name (please print): Tabb's Sports Bar & Grill
3. Trade Name of Business: Tabb's Sports Bar & Grill 4. Fax: _____
5. Street Address of Annual Business: 148 N. 20th Ave 6. City/ZIP: Gronelius, OR 97113
7. Contact Person: Ron Tabb 8. Contact Phone: 503-708-1836
9. Date(s) of event: 7/15/2012 10. Start/End hours of alcohol service: _____ to _____

LICENSED AREA BOUNDARIES: ORS 471.159 prohibits the OLCC from licensing an area that does not have defined boundaries. OLCC may require the licensed area to be enclosed and may require you to submit a drawing showing the licensed area and how the boundaries of the licensed area will be identified.

11. Address of Special Event Licensed Area: 2043 COULEE WAY FOREST GROVE
(Street) (City)

12. Identify the licensed area (for example: entire premises; a room within the premises; an area in a park; etc.):

13. List the primary activities within the licensed area (like: dinner, auction; beer festival; wine festival; food fair; art show; music; patron dancing; sports event; etc.). If entertainment will be offered in the areas where alcohol will be sold or consumed, please describe the entertainment, the times it will be offered, and list the targeted age of attendees:

14. Will minors and alcohol be allowed together in the same area? Yes No

15. What is the expected attendance per day in the licensed area (where alcohol will be sold or consumed)? 5000

PLAN TO MANAGE THE SPECIAL EVENT LICENSED AREA: If your answer to #15 is 501 or more, in addition to your answers to questions 16, 17, and 18, you will need to complete the OLCC's Plan to Manage Special Events form (available on www.oregon.gov/OLCC), unless the OLCC exempts you from this requirement.

16. Describe your plan to prevent problems and violations.

17. Describe your plan to prevent minors from gaining access to alcoholic beverages and from gaining access to any portion of the licensed premises prohibited to minors.

Wristbands

18. Describe your plan to manage alcohol consumption by adults.

Security

MANAGER AND SERVICE PERMITS: You must name a manager or managers who will be at the special event.

19. List name(s) of on-site manager(s): Ron Tabb / Tracy Tabb 20. Contact Phone: 503-708-1836

21. Service permit number of manager(s): 265143 272441

LIQUOR LIABILITY INSURANCE: I certify that I have obtained at least \$300,000 of liquor liability insurance coverage for this event as required by ORS 471.168.

22. Insurance Company: Liberty Northwest 23. Policy #: 54742223 24. Expiration Date: 5-1-2013

25. Name of insurance agent: Lynn Lindenkugel 26. Agent's phone number: 503-671-9946

FOOD SERVICE: See the attached sheet for an explanation of this requirement.

27. If you will NOT provide distilled spirits, name at least two different substantial food items that you will provide:

① _____ ② _____

28. If you are a Full On-Premises Sales Licensee and will provide distilled spirits, name at least five different substantial food items that you will provide:

① _____ ② _____ ③ _____ ④ _____ ⑤ _____

29. Licensee Name (please print): Ron Tabb

30. LICENSEE SIGNATURE: Ron Tabb 31. Date: 6/1/12

GOVERNMENT RECOMMENDATION: Once you've completed this form to this point, you must obtain a recommendation from the local city or county named in #32 below before submitting this application to the OLCC.

32. Name the city if the event address is within a city's limits or name the county if the event address is outside the city's limits: West Gresham

CITY OR COUNTY USE ONLY

The city/county named in #32 above recommends:

Grant Acknowledge Deny (attach written explanation of deny recommendation)

City/County Signature: _____ Date: _____

FORM TO OLCC: This license is valid only when signed by an OLCC representative. Submit this form to the OLCC office regulating the county in which your special event will happen.

OLCC USE ONLY

License is: Approved Denied

Restrictions:

OLCC Signature: _____ Date: _____

Memorandum

TO: MAYOR TRUAX AND CITY COUNCILORS
FROM: ANNA D. RUGGLES, CITY RECORDER
DATE: JUNE 11, 2012
SUBJECT: ABSTRACT OF VOTES REPORT FOR MAY 15, 2012, PRIMARY ELECTION

Background:

In accordance with ORS 255.295, attached is the Abstract of Votes for Forest Grove Measure 34-196 Five Year Levy for Public Safety/Community Services relating to the Primary Election held May 15, 2012. The attached summary report shows the official results as follows:

<u>City of Forest Grove Measure 34-196</u>	
Yes Votes:	2,191 60.73%
No Votes:	1,417 39.27%
Total	3,608

Ballot Measure passed by 774 votes

Eligible Voters:	9,397
Percentage Returned:	38%

Staff Recommendation: If Council concurs with the final results, the City Recorder will endorse the Abstract of Votes and return the form to Washington County Elections Division as directed.



WASHINGTON COUNTY OREGON

June 4, 2012

Administrative Office/City Recorder
City of Forest Grove
PO Box 326
Forest Grove OR 97116

Enclosed you will find a copy of the Abstract of Votes for City of Forest Grove relating to the Primary Election held on May 15, 2012. In accordance with ORS 255.295, please canvass the votes and notify the Washington County Elections Division within thirty (30) days of receipt by signing and returning the bottom portion of this letter to:

Washington County Elections Division
3700 SW Murray Blvd. Suite 101
Beaverton OR 97005

Sincerely,

Mickie Kawai
Elections Manager

MK/tk



I have canvassed the votes for City of Forest Grove, relating to the Primary Election on May 15, 2012. By signing this canvass letter, I concur with the final results.

AUTHORIZING SIGNATURE

DATE

34-196 CITY OF FOREST GROVE

VOTES PERCENT

VOTES PERCENT

Vote For 1

01 = Yes

02 = No

2,191 60.73

1,417 39.27

03 = OVER VOTES

04 = UNDER VOTES

0

386

	01	02	03	04
--	----	----	----	----

0339 339	320	185	0	75
0340 340	603	403	0	106
0458 458	649	467	0	82
0459 459	619	362	0	123





June 11, 2012

**REPORT AND RESOLUTION AUTHORIZING EXTENDING BUSINESS
INCENTIVE PROGRAM FOR TWELVE MONTHS TO JUNE 30, 2013,
AND REESTABLISHING THE PROGRAM REQUIREMENTS**

PROJECT TEAM: Jeffrey King, Economic Development Coordinator
Michael Sykes, City Manager

ISSUE STATEMENT: The deep recession and weak recovery has resulted in significant job loss and failed businesses in Oregon, Forest Grove and throughout most of the United States. In Forest Grove, as in other communities across Oregon, the recession resulted in an increase of vacant industrial, commercial and storefront space. Reductions in vacant space have been slow. In response, the City of Forest Grove enacted a Business Incentive Program to attract users to empty commercial and industrial space. The program reduced or eliminated the business license fee, building and sign permits and site plan review. The program commenced on April 1, 2011. The program is due to expire on June 30, 2012. Because the post-recession recovery has been slow and uneven, unlike previous post-war recessions, staff is proposed that the Business Incentive Program be extended twelve months to June 30, 2013.

DISCUSSION: The post-recession recovery has been sluggish and uneven. Neither Oregon nor Forest Grove are even close to recovering all of the jobs lost from the recession. Unemployment remains high at 8.6% in Oregon as of March of 2012 and 8.0% for the Portland-Vancouver-Hillsboro MSA region. Vacant buildings rates remain inflated. When staff first presented its analysis in March of 2011, Forest Grove had 16 industrial buildings accounting for 631,530 square feet (sf) of vacant space (3 buildings account for over half of that number). As of today that number has come down little to 14 buildings and 625,400 sf. For commercial space, Forest Grove had 16 commercial/retail spaces totaling 53,640 sf vacant in early 2011. That has come down slightly to 50,000 sf.

States and communities remain highly competitive in an effort to create more business activity that will add jobs and fill vacant space. Gresham, Troutdale, Beaverton and soon Hillsboro, have enacted incentives to fill available space.

The Business Incentive Program has been in place beginning April 1, 2011. Since that time, six businesses have used the program and occupied previously vacant space in Forest Grove. They include:

- MGM Laserworks -1834 Pacific Ave. Downtown small business provides retail products and laser imaging
- Periscope Books and Tutoring-1920 Pacific Ave. Live-work. Runs a used bookstore and tutoring services. 2 employees and independent contractors.
- CranePoint Industrial LLC -3831 24th Ave. Purchased vacant 15,324 sf industrial building for nail gun/nail products. 10+ jobs.
- Greenfield Studios LLC Boot Camp and Personal Training. 2835 19th Ave. Leased space in part of former furniture store.
- 3 Layer Quilt Shop. 2013 Main Street. Next to Paterson's Furniture. Relocating quilt shop from Gaston to larger space in Forest Grove.
- Esoteric Stuff. 1930 Pacific Ave. Former Drew and Buehler location. Sells unique arts and gifts from East Asia and Africa. Products are quality merchandise. Formal opening in 4-6 weeks.

The program cost to the City for these six companies has been less than \$2,000 in fees foregone.

The elements of the program would remain the same during the extension period. A summary of the program is as follows:

Incentives:

- Waiver of business license fee. Fee savings of up to \$275
- Fee waiver of Building Permit, including 12% state surcharge, Fire and Life Safety and Structural fees up to \$5,000.
- Fee waiver of Site Plan Review fees up to \$2,000.
- Waiver of Sign Permit fees up to \$1,000 if the applicant meets certain design standards.
- Water System Development Fee can be paid over a period up to 5 years; an interest rate would be charged and a lien placed on the property.

Eligibility:

- Receive a permanent Certificate of Occupancy for a commercial/industrial tenant between April 1, 2011, and June 30, 2013.
- Occupy a vacant building or space.
- Be new to the City **OR** the business currently exists within the City and is:
 - expanding into adjacent commercial/industrial space; or
 - opening a new additional satellite location; or
 - relocating from a former location and will increase square footage by at least 10%

- Sign an agreement with the City covering terms, obligations and timelines.

Not Eligible: The following do not qualify for incentives:

- Expands by new construction either as a new building or new addition.
- Government office or agency;
- Relocates or expands but occupies less than 10 percent additional square footage at the new or expanded location.
- Applies for permits limited to the repair and/or maintenance of structures at the business's existing location without expanding.
- Fails to begin construction within 30 days of issuance of a commercial/industrial tenant improvement building permit or fails to obtain a permanent Certificate of Occupancy within 180 days of issuance of permit and before June 30, 2013.

While businesses occupying a vacant space of any size are eligible, this proposal is of value to the entire business community including large and medium sized businesses. It could be packaged with other incentives such as enterprise zones, energy conservation funding and state programs. It would also provide an opportunity to provide a sustained message that Forest Grove continues to provide a supportive environment for business and values new jobs.

In summary, the keys reasons for requesting a 12-month extension are:

- The market has not recovered. The post recession recovery has been slow and uneven. Businesses still need help if they are going to step up investment.
- Between April 1, 2011, and June 3, 2012, the cost to the program for bringing in six businesses through the program has been less than \$2,000.
- The program, in conjunction with other local efforts, sends a strong message that Forest Grove is supportive of job creation and new investment in our community.

This proposal for a 12-month extension has been reviewed and approved unanimously by the Forest Grove Economic Development Commission at their May meeting.

The program would expire automatically on June 30, 2013, with no further action from Council required.

FISCAL IMPACT: During the initial analysis for this program when it was first proposed in the winter of 2011, staff estimated the "cost" to the City in foregone fees could be up to \$10,000. In actual practice, between April 1, 2011, and June 1, 2012, six new companies used the program and located in previously vacant space. The total amount in revenue foregone was less than \$2,000, mostly was as a result of business license fees waived for the first year. This number is also

in line with previous research which showed that if the program had been in place for the prior three years beginning in 2008, the average cost would have been \$1,112 a year.

The maximum incentive a business can receive under this program is \$8,275. However based on our research it is unlikely that an individual business will actually get that close to \$8,275. This is based on several reasons. 1) Creating additional vacant space through new construction is ineligible, 2) to receive the maximum fee waiver of \$5,000 from the building permit incentive element, a business would have to spend \$370,000 in tenant improvements, 3) actual experience, and 4) This is a targeted incentive with a limited extension duration. Only projects between July 1, 2012, and June 30, 2013, are eligible and only those businesses occupying vacant space.

In being careful not to underestimate and allow for possible variation or a unique project, staff estimates a total "cost" of fees foregone to be up to \$8,000 range. However these are fees are from businesses that may not locate or expand in Forest Grove without incentive. and other recruiting activities. The 12% surcharge on building permits fees would still need to be paid to the state by the City. Based on the above projections we estimate this hard cost at \$600-\$1,000.

STAFF RECOMMENDATION: Staff is recommending that the City Council approve the attached resolution extending the Business Incentive Program for twelve months to encourage the occupancy of vacant commercial and industrial space.



RESOLUTION NO. 2012- 35

RESOLUTION AUTHORIZING EXTENDING BUSINESS INCENTIVE PROGRAM FOR TWELVE MONTHS TO JUNE 30, 2013, AND REESTABLISHING THE PROGRAM REQUIREMENTS

WHEREAS, the United States, Oregon and Forest Grove economies continue to experience a slow and uneven recovery from a deep and protracted recession; and

WHEREAS, commercial and industrial areas of Forest Grove have been plagued by higher vacancy rates as a result of the recession; and

WHEREAS, a high level of commercial and industrial vacancies detracts from the economic activity of surrounding businesses and threatens even further decline; and

WHEREAS, the establishment and expansion of businesses in Forest Grove will bring new customers and activity that benefits also benefits existing businesses but the current economic conditions are making it difficult, especially for entrepreneurs, to bring their business ideas to market; and

WHEREAS, the City Council adopted the Business Incentive Program on March 25, 2011, pursuant to Resolution No. 2011-23, in order to support existing business expansion and to encourage new business development through targeted economic development tools which strengthen and diversify our local economy; and

WHEREAS, the City Council finds that this incentive program has been effective as several businesses have used the program and vacant space has been occupied as a result of the program; and

WHEREAS, the Council finds that by extending the program for twelve (12) months, the program will encourage additional economic activity and help businesses during this slow and uneven post recession recovery.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF FOREST GROVE AS FOLLOWS:

The City Council hereby authorizes extending the Business Incentive Program and reestablishing the program requirements for twelve (12) months and defined as follows:

Section 1. To qualify for the Business Incentive Program for Vacant Space, a business must:

- Occupy commercial or industrial space that that received approval of final building inspection(s) on or before March 1, 2011
- Occupy a building or space that is vacant
- Be a business a that is new to the City or be an existing Forest Grove business that is:

- a. Expanding into adjacent existing commercial or industrial space,
 - b. Opening a new satellite locations,
 - c. Relocating within Forest Grove and increase occupied square footage by 10%.
- Receive a permanent Certificate of Occupancy for a commercial or industrial tenant between April 1, 2011 and June 30, 2013
 - Sign an agreement with the City with the City covering terms, obligations and timelines.

Section 2. Notwithstanding Section 1, a business does not qualify for the Business Incentive Program if the business:

- Relocates or expands but occupies less than ten percent additional square footage at the new or expanded locations; or
- Expands existing commercial or industrial space by constructing a new building or an addition that adds additional floor area; or
- Converts occupied or vacant residential space to commercial or industrial space; or
- Is a government office or agency; or
- Does not commence tenant improvement construction within thirty days of issuance of tenant improvement building permit, fails to vigorously and continuously perform the construction improvement work, or fails to obtain a permanent certificate of occupancy within 180 days of issuance of the tenant improvement building permit.

Section 3. The fees, and charges for a qualifying business as stated in Section 1 of this resolution that are subject to waivers under this Business Incentive Program shall be as described in Attachment A.

Section 4. The financing plans for a qualifying business as stated in Section 1 of this resolution under this Business Incentive Program shall be described in Attachment B.

Section 5. This Program shall be extended for twelve (12) months and automatically sunset on June 30, 2013, unless extended by resolution of the City Council.

Section 6. This resolution will take effect immediately upon enactment by the City Council.

PRESENTED AND PASSED this 11th day of June, 2012.

Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 11th day of June, 2012.

Peter B. Truax, Mayor

ATTACHMENT A

BUSINESS INCENTIVE PROGRAM AFFECTED FEES AND CHARGES

A. Fees and charges that are subject to waivers under the Business Incentive Program are:

- Waiver of Business License Fee including first time application fee if applicable
- Waiver of Building Permit, Fire and Life Safety, and Structural fees including state 12% surcharge, up to \$5,000*
- Waiver of Site Plan Review Fees up to \$2,000
- Waiver of Sign Permit fees up to \$1,000 if the applicants meets certain design requirements

*payment of 12% state building permit surcharge paid by General Fund

ATTACHMENT B

BUSINESS INCENTIVE PROGRAM WATER SYSTEM DEVELOPMENT CHARGES PAYMENT PLAN

A qualified business may make installment payments up to five years for the collection of Water System Development Charges pursuant to Forest Grove Code, Chapter 3, Section 3.808.

- The Water System Development Charges Installment Payment Plan Financing Option Program is for non-residential projects that meet eligibility requirements as defined in Section 1 of this resolution.
- Certain eligible projects in commercial, town center or industrial zones may qualify to enter into an installment payment agreement to finance the SDC.
- A maximum of five years will be allowed for repayment.
- The term of financing plan will be set at time of repayment agreement.
- An interest rate will be charged using the current prime interest rate plus 2 percent (2%).
- The obligation to pay the SDC pursuant to a financing installment payment agreement shall be secured by a lien against the property upon which the improvement will be located. The lien shall be entered into the City's lien docket as provided in Forest Grove Code Section 2.300, and may be collected in the same manner as allowed by law for collection of assessment liens.
- The City Manager has final approval over projects to be financed under this program.



MEMORANDUM

TO: Mayor Truax and City Councilors

FROM: Robert Foster, Director of Public Works
Nick Kelsay, Project Engineer
Michael Sykes, City Manager

SUBJECT: ODOT/CITY IGA for Safe Routes to School Program Funding

DATE: June 11, 2012

BACKGROUND:

In 2011 the City submitted an application to the Oregon Department of Transportation (ODOT) for Safe Routes to School Program funding. The project submitted by the City was the Harvey Clarke Elementary School Sidewalk Project. This project would install sidewalks in areas where there currently are none along 'B' Street from 23rd Avenue to Primrose Lane.

FISCAL IMPACT:

The estimated project cost is \$400,000, of which \$350,000 would come from Safe Routes to School Program funds. The City's \$50,000 match for the project cost has been allocated in the Fiscal Year 2012-2013 budget.

STAFF RECOMMENDATION:

Staff is recommending the City Council approve the attached resolution authorizing the Mayor and City Manager to endorse the IGA between the City and ODOT for disbursement of funds for the City's Safe Routes to School Program Project.



RESOLUTION NO. 2012-36

RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO ENDORSE THE LOCAL AGENCY AGREEMENT BETWEEN THE CITY OF FOREST GROVE AND OREGON DEPARTMENT OF TRANSPORTATION SAFE ROUTES TO SCHOOL PROGRAM GRANT FUNDING FOR HARVEY CLARKE ELEMENTARY SCHOOL SIDEWALK PROJECT

WHEREAS, The Oregon Department of Transportation (ODOT) accepted the City's grant application submitted into 2011, for the Safe Routes to School Funding Program; and

WHEREAS, The Safe Routes to School Funding Program Project for Harvey Clarke Sidewalks has been identified as a priority in Forest Grove by City Council and the School District as it reduces conflict between pedestrians and automobiles; and

WHEREAS, City desires to enter into the Local Agency Agreement (Exhibit A) with ODOT for the purpose of receiving the Safe Routes to School Program grant funding.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF FOREST GROVE AS FOLLOWS:

Section 1. The City Council of the City of Forest Grove hereby approves the Local Agency Agreement between the City of Forest Grove and Oregon Department of Transportation as stated in the Agreement and subject to the conditions of this Agreement (attached as Exhibit A).

Section 2. The Mayor and City Manager are hereby authorized to endorse the Agreement (attached as Exhibit A) on behalf of the City of Forest Grove.

Section 3. That the City of Forest Grove is prepared to contribute funding as specified in the Agreement.

Section 4. This resolution is effective immediately upon its enactment by the City Council.

PRESENTED AND PASSED this 11th day of June, 2012.

Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 11th day of June 2012.

Peter B. Truax, Mayor

**LOCAL AGENCY AGREEMENT
SAFE ROUTES TO SCHOOL PROGRAM
INFRASTRUCTURE PROJECT
B Street: 23rd Ave. – Primrose Ln. (Forest Grove)
City of Forest Grove**

THIS AGREEMENT is made and entered into by and between the STATE OF OREGON, acting by and through its Department of Transportation, hereinafter referred to as "State;" and the City of Forest Grove, acting by and through its elected officials, hereinafter referred to as "Agency," both herein referred to individually or collectively as "Party" or "Parties."

RECITALS

1. By the authority granted in Oregon Revised Statute (ORS) 190.110, 366.572 and 366.576, State may enter into cooperative agreements with counties, cities and units of local governments for the performance of work on certain types of improvement projects with the allocation of costs on terms and conditions mutually agreeable to the contracting parties.
2. The Safe Routes to Schools (SRTS) Program is a federal-aid program of the Federal Highway Administration (FHWA) through funding from the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users Act (SAFETEA-LU). State's SRTS program is administered by State's Transportation Safety Division. The "Infrastructure" portion of the program is managed by the Highway Division, Local Government Section.
3. Under ORS 184.740 and 184.741, Oregon Administrative Rule (OAR) 737-025-0030 and 737-025-0040, State may award SRTS funds to school districts, qualifying schools, units of state and local government or private, non-profit organizations in partnership with any of the above to perform education, engineering or enforcement projects or activities that directly benefit a qualifying school.
4. In accordance with ORS 811.106, a flashing light used as a traffic control device to indicate that children may be within a school zone may be operated only at times when children are scheduled to arrive at or leave the school.
5. B Street, 23rd Avenue to Primrose Lane is a part of the city street system under the jurisdiction and control of Agency.

NOW THEREFORE, the premises being in general as stated in the foregoing Recitals, it is agreed by and between the Parties hereto as follows:

TERMS OF AGREEMENT

1. Under such authority, Agency and State agree to construct pedestrian safety improvements in the vicinity of Harvey Clarke Elementary School hereinafter referred to as "Project." Agency applied for this Project in January 2011 and was approved funds from the Safe Routes to School program in August 2011. The application for the Project is incorporated by reference. The location of the Project is approximately as shown on the sketch map attached hereto, marked "Exhibit A," and by this reference made a part hereof.
2. The Project shall be conducted as a part of the SRTS Program under Title 23, United States Code. The total Project cost is estimated at \$400,000, which is subject to change. The SRTS Funds are estimated at \$350,000 with Agency providing any funds in excess of the available SRTS funds and any non-participating costs. The scope, schedule, progress report requirements and Project Change Request process are described in Exhibit B, attached hereto and by this reference made a part hereof. Agency agrees to the conditions set forth in Exhibit B.
3. Agency must obtain approval from State's SRTS Program Manager for any additional SRTS Funds beyond the amount in Paragraph No. 2 above. State's SRTS Program Manager may, depending upon funding availability and other considerations, approve additional SRTS funds up to a total of \$385,000 (10 percent over) the \$350,000 estimated SRTS funding (up to a maximum of \$500,000). For additional SRTS funds above \$385,000 (10 percent over) State's SRTS Program Manager must consult with State's Safe Routes Advisory Committee and an amendment to this Agreement must be executed reflecting any approved increase in funds.
4. The SRTS funding for the Project is contingent upon approval by the Federal Highway Administration (FHWA). Any work performed prior to acceptance by FHWA will be considered nonparticipating and paid for at Agency expense.
5. State considers Agency a subrecipient of the federal funds it receives as reimbursement under this Agreement. The Catalog of Federal Domestic Assistance (CFDA) number and title for this Project is 20.205, Highway Planning and Construction.
6. The term of this Agreement shall begin on the date all required signatures are obtained and shall terminate upon completion of the Project and final payment or ten (10) calendar years following the date all required signatures are obtained, whichever is sooner.
7. This Agreement may be terminated by mutual written consent of both Parties.
8. State may terminate this Agreement effective upon delivery of written notice to Agency, or at such later date as may be established by State, under any of the following conditions:

Agency/State
Agreement No. 28,167

- a. If Agency fails to provide services called for by this Agreement within the time specified herein or any extension thereof.
 - b. If Agency fails to perform any of the other provisions of this Agreement, or so fails to pursue the work as to endanger performance of this Agreement in accordance with its terms and after receipt of written notice from State fails to correct such failures within ten (10) days or such longer period as State may authorize.
 - c. If Agency fails to provide payment of its share of the cost of the Project.
 - d. If State fails to receive funding, appropriations, limitations or other expenditure authority sufficient to allow State, in the exercise of its reasonable administrative discretion, to continue to make payments for performance of this Agreement.
 - e. If federal or state laws, regulations or guidelines are modified or interpreted in such a way that either the work under this Agreement is prohibited or if State is prohibited from paying for such work from the planned funding source.
9. Any termination of this Agreement shall not prejudice any rights or obligations accrued to the Parties prior to termination.
10. The Special and Standard Provisions attached hereto, marked Attachments 1 and 2, respectively, are by this reference made a part hereof. The Standard Provisions apply to all federal-aid projects and may be modified only by the Special Provisions. The Parties hereto mutually agree to the terms and conditions set forth in Attachments 1 and 2. In the event of a conflict, this Agreement shall control over the attachments, and Attachment 1 shall control over Attachment 2.
11. Agency, as a recipient of federal funds, pursuant to this Agreement with the State, shall assume sole liability for Agency's breach of any federal statutes, rules, program requirements and grant provisions applicable to the federal funds and shall, upon Agency's breach of any such conditions that requires the State to return funds to the Federal Highway Administration, hold harmless and indemnify the State for an amount equal to the funds received under this Agreement; or if legal limitations apply to the indemnification ability of Agency, the indemnification amount shall be the maximum amount of funds available for expenditure, including any available contingency funds or other available non-appropriated funds, up to the amount received under this Agreement.
12. Agency agrees to comply with the conditions imposed by ORS 184.740 and 184.741, and administrative rules under OAR Chapter 737, Division 25.
13. State and Agency hereto agree that if any term or provision of this Agreement is declared by a court of competent jurisdiction to be invalid, unenforceable, illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be

affected, and the rights and obligations of the Parties shall be construed and enforced as if the Agreement did not contain the particular term or provision held to be invalid.

14. Agency certifies and represents that the individual(s) signing this Agreement has been authorized to enter into and execute this Agreement on behalf of Agency, under the direction or approval of its governing body, commission, board, officers, members or representatives, and to legally bind Agency.
15. State's Safe Routes to School Program Manager is David Galati, Active Transportation Section, 555 13th Street NE, Suite 2, Salem, OR 97301, (503) 986-3441, david.a.galati@odot.state.or.us, or assigned designee upon individual's absence. State shall notify the other Party in writing of any contact information changes during the term of this Agreement.
16. Agency's Project Manager as identified in this Agreement is Nick Kelsay, Project Engineer, City of Forest Grove, Engineering Department, PO Box 326, Forest Grove, OR 97116, (503) 992-3230, nkelsay@forestgrove-or.gov, or assigned designee upon individual's absence. Agency shall notify the other Party in writing of any contact information changes during the term of this Agreement. Agency shall notify the other Party in writing of any contact information changes during the term of this Agreement.
17. This Agreement may be executed in several counterparts (facsimile or otherwise) all of which when taken together shall constitute one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart. Each copy of this Agreement so executed shall constitute an original.
18. This Agreement, Project application, and documents provided by Agency to State prior to the execution of the Agreement, and attached exhibits constitute the entire agreement between the Parties on the subject matter hereof. In the event of conflict, the body of this Agreement and the attached Exhibits will control over Project application and documents provided by Agency to State. There are no understandings, agreements or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification or change of terms of this Agreement shall bind either party unless in writing and signed by both Parties and all necessary approvals have been obtained. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of State to enforce any provision of this Agreement shall not constitute a waiver by State of that or any other provision.

THE PARTIES, by execution of this Agreement, hereby acknowledge that their signing representatives have read this Agreement, understand it, and agree to be bound by its terms and conditions.

This Project is in the 2010-2013 Statewide Transportation Improvement Program, (Key #16063) that was approved by the Oregon Transportation Commission on December 16, 2010 (or subsequently approved by amendment to the STIP).

CITY OF FOREST GROVE, by and through its elected officials

By _____
Mayor

Date _____

By _____
City Manager

Date _____

APPROVED AS TO LEGAL SUFFICIENCY

By _____
City Attorney

Date _____

Agency Contact:

Nick Kelsay, Project Engineer
City of Forest Grove, Engineering Department
PO Box 326
Forest Grove, OR 97116
(503) 992-3230
nkelsay@forestgrove-or.gov

State Contact:

Michele Thom, Local Agency Liaison
ODOT – Region 1
123 NW Flanders St.
Portland, OR 97209
(503) 731-8279
michele.r.thom@odot.state.or.us

STATE OF OREGON, by and through its Department of Transportation

By _____
Region 1 Manager

Date _____

APPROVAL RECOMMENDED

By _____
Safe Routes to School Program Manager,
Active Transportation Section

Date _____

APPROVED AS TO LEGAL SUFFICIENCY

By _____
Assistant Attorney General

Date _____

EXHIBIT A – Project Location Map



No Sidewalks



EXHIBIT B

Project Cost Estimate, Progress Reports and Project Change Request Process

Agreement No. 28167

Key Number: 16063

Project Name: B Street: 23rd Ave. – Primrose Ln.

1. Project Description

Construct approximately 3,200 Lineal Feet (LF) of sidewalks, three (3) crosswalks and curbs with planter strips, along segments of B Street between 23rd Avenue and Primrose Lane.

2. This Project is subject to progress reporting and project change process as stated in paragraphs No. 3 through No. 6 below.

3. **Monthly Progress Reports (MPR)**– Agency shall submit monthly progress reports using MPR Form 734-2862, attached by reference and made a part of this Agreement. The Monthly Progress Report is due by the 5th day of each month, starting the first month after execution of this Agreement, and continuing through the first month after State issues Project Acceptance (Second Note) for the Project's construction contract.

The fillable MPR form and instructions are available at the following address:
<http://www.oregon.gov/ODOT/HWY/LGS/online.shtml>

4. **Project Milestones**–The Parties agree that the dates shown in Table 1 constitute the intended schedule for advancing and completing the Project. Project Milestones may only be changed through amendment of this Agreement, after obtaining an approved Project Change Request.

Table 1: Project Milestones

	Milestone Description	Completion Date
1	Obligation (Federal Authorization) of Safe Routes to School funds for the Preliminary Engineering phase of Project	7/1/2012
2	Obligation (Federal Authorization) of Safe Routes to School funds for the Construction phase of Project	9/30/2013
3	Project Completion based on State issuing Project Acceptance or "Second Note"	7/1/2014

EXHIBIT B

5. **Project Change Request (PCR) Process**—Agency must obtain approval from State’s Contact and State’s Safe Routes to School Program Manager for changes to the Project’s scope, schedule or budget as specified in paragraphs (a) and (b), below. Agency shall be fully responsible for all costs that occur outside the established Project scope, schedule or budget and prior to an approved PCR.
 - a. **Scope**—A PCR is required for any significant change or reduction in the scope of work described in the Project Description (Paragraph 1 of this Exhibit).
 - b. **Schedule**—A PCR is required if Agency or State’s Contact anticipate that any Project Milestone will be delayed by more than ninety (90) days and also for any change in schedule that will require amendment of the Statewide Transportation Improvement Program (STIP).
6. **PCR Form**—Agency must submit all change requests using PCR Form 734-2863, attached by reference and made a part of this Agreement. The PCR Form is due no later than thirty (30) days after the need for change becomes known to Agency. The PCR shall explain what change is being requested, the reasons for the change and any efforts to mitigate the change. A Project Change Request may be rejected at the discretion of State’s Safe Routes to School Program Manager.

The fillable PCR form and its instructions are available at the following web site:
<http://www.oregon.gov/ODOT/HWY/LGS/online.shtml>

7. **Consequence for Non-Performance**—If Agency fails to fulfill its obligations in paragraphs No. 3 through No. 6 above, or does not assist in advancing the Project or perform tasks that the Agency is responsible for under the Project Milestones, State’s course of action through the duration of Agency’s default shall be (1) restricting Agency consideration for future funds awarded through State’s Active Transportation Section, then (2) withdrawing unused Project funds and then (3) terminating this Agreement as stated in paragraphs #8a and 8b of this Agreement.

ATTACHMENT NO. 1 to Agreement No. 28167
SPECIAL PROVISIONS

1. Agency (if qualified through State's "Local Agency Certification" program) or its consultant, shall conduct the necessary preliminary engineering and design work required to produce final plans, specifications and cost estimates; purchase all necessary right of way; obtain all required permits; arrange for all utility relocations or reconstruction; perform all construction engineering, including all required materials testing and quality documentation; and prepare necessary documentation to allow State to make all contractor payments.
2. Agency guarantees the availability of Agency funding in an amount required to fully fund Agency's share of the Project. Prior to award of the contract, Agency shall provide State its share of the Project cost upon receipt of request from State. The Project cost is defined as the Engineer's estimate plus 10 percent.
3. State may make available Region 1's On-Call Preliminary Engineering (PE), Design and Construction Engineering Services consultant for Local Agency Projects upon written request. If Agency chooses to use said services, Agency agrees to manage the work done by the Consultant and reimburse State for payment of any Consultant costs that are not eligible as federal participating costs or that are not included as part of the total cost of the Project.
4. Indemnification language in Attachment No. 2 Federal Standard Provisions, Paragraphs 46 and 47; and Paragraph 4 in regards to tort claims, shall be replaced with the following language:
 - a. If any third party makes any claim or brings any action, suit or proceeding alleging a tort as now or hereafter defined in ORS 30.260 ("Third Party Claim") against State or Agency with respect to which the other Party may have liability, the notified Party must promptly notify the other Party in writing of the Third Party Claim and deliver to the other Party a copy of the claim, process, and all legal pleadings with respect to the Third Party Claim. Each Party is entitled to participate in the defense of a Third Party Claim, and to defend a Third Party Claim with counsel of its own choosing. Receipt by a Party of the notice and copies required in this paragraph and meaningful opportunity for the Party to participate in the investigation, defense and settlement of the Third Party Claim with counsel of its own choosing are conditions precedent to that Party's liability with respect to the Third Party Claim.
 - b. With respect to a Third Party Claim for which State is jointly liable with Agency (or would be if joined in the Third Party Claim), State shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by Agency in such proportion as is appropriate to reflect the relative fault of State on the one hand and of Agency on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as

well as any other relevant equitable considerations. The relative fault of State on the one hand and of Agency on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. State's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law, including the Oregon Tort Claims Act, ORS 30.260 to 30.300, if State had sole liability in the proceeding.

- c. With respect to a Third Party Claim for which Agency is jointly liable with State (or would be if joined in the Third Party Claim), Agency shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by State in such proportion as is appropriate to reflect the relative fault of Agency on the one hand and of State on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of Agency on the one hand and of State on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. Agency's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law, including the Oregon Tort Claims Act, ORS 30.260 to 30.300, if it had sole liability in the proceeding.
 - d. The Parties shall attempt in good faith to resolve any dispute arising out of this Agreement. In addition, the Parties may agree to utilize a jointly selected mediator or arbitrator (for non-binding arbitration) to resolve the dispute short of litigation.
5. Agency shall, at its own expense, maintain and operate the Project upon completion and throughout the useful life of the Project at a minimum level that is consistent with normal depreciation and/or service demand. State and Agency agree that the useful life of this Project is defined as twenty (20) years. State may conduct periodic inspections during the life of the Project to verify that Project is properly maintained and continues to serve the purpose for which federal funds were provided. Maintenance and power responsibilities shall survive any termination of this Agreement.
 6. If Agency fails to meet the requirements of this Agreement or the underlying federal regulations, State may withhold the Agency's proportional share of Highway Fund distribution necessary to reimburse State for costs incurred by such Agency breach. Agency will be ineligible to receive or apply for any Title 23, United States Code funds until State receives full reimbursement of the costs incurred.
 7. Maintenance responsibilities will survive any termination of this Agreement.

ATTACHMENT NO. 2

FEDERAL STANDARD PROVISIONS

JOINT OBLIGATIONS PROJECT ADMINISTRATION

1. State (ODOT) is acting to fulfill its responsibility to the Federal Highway Administration (FHWA) by the administration of this Project, and Agency (i.e. county, city, unit of local government, or other state agency) hereby agrees that State shall have full authority to carry out this administration. If requested by Agency or if deemed necessary by State in order to meet its obligations to FHWA, State will further act for Agency in other matters pertaining to the Project. Agency shall, if necessary, appoint and direct the activities of a Citizen's Advisory Committee and/or Technical Advisory Committee, conduct a hearing and recommend the preferred alternative. State and Agency shall each assign a liaison person to coordinate activities and assure that the interests of both parties are considered during all phases of the Project.
2. Any project that uses federal funds in project development is subject to plans, specifications and estimates (PS&E) review and approval by FHWA or State acting on behalf of FHWA prior to advertisement for bid proposals, regardless of the source of funding for construction.

PRELIMINARY & CONSTRUCTION ENGINEERING

3. State, Agency, or others may perform preliminary and construction engineering. If Agency or others perform the engineering, State will monitor the work for conformance with FHWA rules and regulations. In the event that Agency elects to engage the services of a personal services consultant to perform any work covered by this Agreement, Agency and Consultant shall enter into a State reviewed and approved personal services contract process and resulting contract document. State must concur in the contract prior to beginning any work. State's personal services contracting process and resulting contract document will follow Title 23 Code of Federal Regulations (CFR) 172, Title 49 CFR 18, ORS 279A.055, the current State Administrative Rules and State Personal Services Contracting Procedures as approved by the FHWA. Such personal services contract(s) shall contain a description of the work to be performed, a project schedule, and the method of payment. Subcontracts shall contain all required provisions of Agency as outlined in the Agreement. No reimbursement shall be made using federal-aid funds for any costs incurred by Agency or its consultant prior to receiving authorization from State to proceed. Any amendments to such contract(s) also require State's approval.
4. On all construction projects where State is the signatory party to the contract, and where Agency is doing the construction engineering and project management, Agency, subject to any limitations imposed by state law and the Oregon Constitution, agrees to accept all responsibility, defend lawsuits, indemnify and hold State harmless, for all tort claims, contract claims, or any other lawsuit arising out of the contractor's work or Agency's supervision of the project.

REQUIRED STATEMENT FOR UNITED STATES DEPARTMENT OF TRANSPORTATION (USDOT) FINANCIAL ASSISTANCE AGREEMENT

5. If as a condition of assistance, Agency has submitted and the United States Department of Transportation (USDOT) has approved a Disadvantaged Business Enterprise Affirmative Action Program which Agency agrees to carry out, this affirmative action program is incorporated into the financial assistance agreement by reference. That program shall be treated as a legal obligation and failure to carry out its terms shall be treated as a violation of the financial assistance agreement. Upon notification from USDOT to Agency of its failure to carry out the approved program, USDOT shall impose such sanctions as noted in Title 49, CFR, Part 26, which sanctions may include termination of the agreement or other measures that may affect the ability of Agency to obtain future USDOT financial assistance.
6. **Disadvantaged Business Enterprises (DBE) Obligations.** State and its contractor agree to ensure that DBE as defined in Title 49, CFR, Part 26, have the opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with federal funds. In this regard, Agency shall take all necessary and reasonable steps in accordance with Title 49, CFR, Part 26, to ensure that DBE have the opportunity to compete for and perform contracts. Neither State nor Agency and its contractors shall discriminate on the basis of race, color, national origin or sex in the award and performance of federally-assisted contracts. Agency shall carry out applicable requirements of Title 49, CFR, Part 26, in the award and administration of such contracts. Failure by Agency to carry out these requirements is a material breach of this Agreement, which may result in the termination of this contract or such other remedy as State deems appropriate.
7. The DBE Policy Statement and Obligations shall be included in all subcontracts entered into under this Agreement.
8. Agency agrees to comply with all applicable civil rights laws, rules and regulations, including Title V and Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (ADA), and Titles VI and VII of the Civil Rights Act of 1964.
9. The parties hereto agree and understand that they will comply with all applicable federal, state, and local laws, regulations, executive orders and ordinances applicable to the work including, but not limited to, the provisions of ORS 279C.505, 279C.515, 279C.520, 279C.530 and 279B.270, incorporated herein by reference and made a part hereof; Title 23 CFR Parts 1.11, 140, 710, and 771; Title 49 CFR Parts 18, 24 and 26; 2 CFR 225, and OMB CIRCULAR NO. A-133, Title 23, USC, Federal-Aid Highway Act; Title 41, Chapter 1, USC 51-58, Anti-Kickback Act; Title 42 USC; Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970, as amended and provisions of Federal-Aid Policy Guide (FAPG).

STATE OBLIGATIONS

PROJECT FUNDING REQUEST

10. State shall submit a Project funding request to FHWA with a request for approval of federal-aid participation in all engineering, right-of-way acquisition, eligible utility relocations and/or construction work for the Project. **No work shall proceed on any activity in which federal-aid participation is desired until such approval has been obtained.** The program

shall include services to be provided by State, Agency, or others. State shall notify Agency in writing when authorization to proceed has been received from FHWA. Major responsibility for the various phases of the Project will be as outlined in the Special Provisions. All work and records of such work shall be in conformance with FHWA rules and regulations.

FINANCE

11. State shall, in the first instance, pay all reimbursable costs of the Project, submit all claims for federal-aid participation to FHWA in the normal manner and compile accurate cost accounting records. Agency may request a statement of costs to date at any time by submitting a written request. When the actual total cost of the Project has been computed, State shall furnish Agency with an itemized statement of final costs. Agency shall pay an amount which, when added to said advance deposit and federal reimbursement payment, will equal 100 percent of the final total actual cost. Any portion of deposits made in excess of the final total costs of Project, minus federal reimbursement, shall be released to Agency. The actual cost of services provided by State will be charged to the Project expenditure account(s) and will be included in the total cost of the Project.
12. If federal funds are used, State will specify the Catalog of Federal Domestic Assistance (CFDA) number in the Agreement. State will also determine and clearly state in the Agreement if recipient is a subrecipient or vendor, using criteria in Circular A-133.

PROJECT ACTIVITIES

13. State shall, if the preliminary engineering work is performed by Agency or others, review and process or approve all environmental statements, preliminary and final plans, specifications and cost estimates. State shall, if they prepare these documents, offer Agency the opportunity to review and approve the documents prior to advertising for bids.
14. The party responsible for performing preliminary engineering for the Project shall, as part of its preliminary engineering costs, obtain all Project related permits necessary for the construction of said Project. Said permits shall include, but are not limited to, access, utility, environmental, construction, and approach permits. All pre-construction permits will be obtained prior to advertisement for construction.
15. State shall prepare contract and bidding documents, advertise for bid proposals, and award all contracts.
16. Upon State's award of a construction contract, State shall perform independent assurance testing in accordance with State and FHWA Standards, process and pay all contractor progress estimates, check final quantities and costs, and oversee and provide intermittent inspection services during the construction phase of the Project.
17. State shall, as a Project expense, assign a liaison person to provide Project monitoring as needed throughout all phases of Project activities (preliminary engineering, right-of-way acquisition, and construction). The liaison shall process reimbursement for federal participation costs.

RIGHT OF WAY

18. State is responsible for proper acquisition of the necessary right of way and easements for construction and maintenance of the Project. Agency may perform acquisition of the necessary right of way and easements for construction and maintenance of the Project, provided Agency (or Agency's consultant) are qualified to do such work as required by the State's Right of Way Manual and have obtained prior approval from State's Region Right of Way office to do such work.
19. Regardless of who acquires or performs any of the right of way activities, a right of way services agreement shall be created by State's Region Right of Way office setting forth the responsibilities and activities to be accomplished by each party. State shall always be responsible for requesting project funding, coordinating certification of the right of way, and providing oversight and monitoring. Funding authorization requests for federal right of way funds must be sent through the State's Region Right of Way offices on all projects. All projects must have right of way certification coordinated through State's Region Right of Way offices (even for projects where no federal funds were used for right of way, but federal funds were used elsewhere on the Project). Agency should contact the State's Region Right of Way office for additional information or clarification.
20. State shall review all right of way activities engaged in by Agency to assure compliance with applicable laws and regulations. Agency agrees that right of way activities shall be in accord with the Uniform Relocation Assistance & Real Property Acquisition Policies Act of 1970, as amended, ORS Chapter 35, FHWA Federal-Aid Policy Guide, State's Right of Way Manual and the Code of Federal Regulations, Title 23, Part 710 and Title 49, Part 24.
21. If any real property purchased with federal-aid participation is no longer needed for the originally authorized purpose, the disposition of such property shall be subject to applicable rules and regulations, which are in effect at the time of disposition. Reimbursement to State and FHWA of the required proportionate shares of the fair market value may be required.
22. Agency insures that all Project right of way monumentation will be conducted in conformance with ORS 209.155.
23. State and Agency grants each other authority to enter onto the other's right of way for the performance of the Project.

AGENCY OBLIGATIONS

FINANCE

24. Federal funds shall be applied toward Project costs at the current federal-aid matching ratio, unless otherwise agreed and allowable by law. Agency shall be responsible for the entire match amount, unless otherwise agreed to and specified in the intergovernmental agreement.
25. Agency's estimated share and advance deposit.
 - a) Agency shall, prior to commencement of the preliminary engineering and/or right of way acquisition phases, deposit with State its estimated share of each phase. Exception may be made in the case of projects where Agency has

written approval from State to use in-kind contributions rather than cash to satisfy all or part of the matching funds requirement.

- b) Agency's construction phase deposit shall be 110 percent of Agency's share of the engineer's estimate and shall be received prior to award of the construction contract. Any additional balance of the deposit, based on the actual bid must be received within forty-five (45) days of receipt of written notification by State of the final amount due, unless the contract is canceled. Any unnecessary balance of a cash deposit, based on the actual bid, will be refunded within forty-five (45) days of receipt by State of the Project sponsor's written request.
 - c) Pursuant to ORS 366.425, the advance deposit may be in the form of 1) money deposited in the State Treasury (an option where a deposit is made in the Local Government Investment Pool, and an Irrevocable Limited Power of Attorney is sent to the Highway Finance Office), or 2) an Irrevocable Letter of Credit issued by a local bank in the name of State, or 3) cash.
 - d) Agency may satisfy all or part of any matching funds requirements by use of in-kind contributions rather than cash when prior written approval has been given by State.
26. If the estimated cost exceeds the total matched federal funds available, Agency shall deposit its share of the required matching funds, plus 100 percent of all costs in excess of the total matched federal funds. Agency shall also pay 100 percent of the cost of any item in which FHWA will not participate. If Agency has not repaid any non-participating cost, future allocations of federal funds, or allocations of State Highway Trust Funds, to that Agency may be withheld to pay the non-participating costs. If State approves processes, procedures, or contract administration outside the Local Agency Guidelines that result in items being declared non-participating, those items will not result in the withholding of Agency's future allocations of federal funds or the future allocations of State Highway Trust Funds.
27. Costs incurred by State and Agency for services performed in connection with any phase of the Project shall be charged to the Project, unless otherwise mutually agreed upon.
28. If Agency makes a written request for the cancellation of a federal-aid project; Agency shall bear 100 percent of all costs as of the date of cancellation. If State was the sole cause of the cancellation, State shall bear 100 percent of all costs incurred. If it is determined that the cancellation was caused by third parties or circumstances beyond the control of State or Agency, Agency shall bear all development costs, whether incurred by State or Agency, either directly or through contract services, and State shall bear any State administrative costs incurred. After settlement of payments, State shall deliver surveys, maps, field notes, and all other data to Agency.
29. Agency shall follow requirements of the Single Audit Act. The requirements stated in the Single Audit Act must be followed by those local governments and non-profit organizations receiving \$500,000 or more in federal funds. The Single Audit Act of 1984, PL 98-502 as amended by PL 104-156, described in "OMB CIRCULAR NO. A-133", requires local governments and non-profit organizations to obtain an audit that includes internal controls and compliance with federal laws and regulations of all federally-funded programs in which

- the local agency participates. The cost of this audit can be partially prorated to the federal program.
30. Agency shall make additional deposits, as needed, upon request from State. Requests for additional deposits shall be accompanied by an itemized statement of expenditures and an estimated cost to complete the Project.
 31. Agency shall present invoices for 100 percent of actual costs incurred by Agency on behalf of the Project directly to State's Liaison Person for review and approval. Such invoices shall identify the Project and Agreement number, and shall itemize and explain all expenses for which reimbursement is claimed. Billings shall be presented for periods of not less than one-month duration, based on actual expenses to date. All billings received from Agency must be approved by State's Liaison Person prior to payment. Agency's actual costs eligible for federal-aid or State participation shall be those allowable under the provisions of Title 23 CFR Parts 1.11, 140 and 710, Final billings shall be submitted to State for processing within three (3) months from the end of each funding phase as follows: 1) award date of a construction contract for preliminary engineering (PE) 2) last payment for right of way acquisition and 3) third notification for construction. Partial billing (progress payment) shall be submitted to State within three (3) months from date that costs are incurred. Final billings submitted after the three months shall not be eligible for reimbursement.
 32. The cost records and accounts pertaining to work covered by this Agreement are to be kept available for inspection by representatives of State and FHWA for a period of six (6) years following the date of final voucher to FHWA. Copies of such records and accounts shall be made available upon request. For real property and equipment, the retention period starts from the date of disposition (Title 49 CFR 18.42).
 33. State shall request reimbursement, and Agency agrees to reimburse State, for federal-aid funds distributed to Agency if any of the following events occur:
 - a) Right of way acquisition or actual construction of the facility for which preliminary engineering is undertaken is not started by the close of the tenth fiscal year following the fiscal year in which the federal-aid funds were authorized;
 - b) Right of way acquisition is undertaken utilizing federal-aid funds and actual construction is not started by the close of the twentieth fiscal year following the fiscal year in which the federal-aid funds were authorized for right of way acquisition.
 - c) Construction proceeds after the Project is determined to be ineligible for federal-aid funding (e.g., no environmental approval, lacking permits, or other reasons).
 34. Agency shall maintain all Project documentation in keeping with State and FHWA standards and specifications. This shall include, but is not limited to, daily work records, quantity documentation, material invoices and quality documentation, certificates of origin, process control records, test results, and inspection records to ensure that projects are completed in conformance with approved plans and specifications.

RAILROADS

35. Agency shall follow State established policy and procedures when impacts occur on railroad property. The policy and procedures are available through State's appropriate Region contact or State's Railroad Liaison. Only those costs allowable under Title 23 CFR Part 646, subpart B and Title 23 CFR Part 140, subpart I, shall be included in the total Project costs; all other costs associated with railroad work will be at the sole expense of Agency, or others. Agency may request State, in writing, to provide railroad coordination and negotiations. However, State is under no obligation to agree to perform said duties.

UTILITIES

36. Agency shall follow State established Statutes, Policies and Procedures when impacts occur to privately or publicly-owned utilities. Only those utility relocations, which are eligible for federal-aid participation under, the FAPG, Title 23 CFR 645A, Subpart A and B, shall be included in the total Project costs; all other utility relocations shall be at the sole expense of Agency, or others. State will arrange for utility relocations/adjustments in areas lying within jurisdiction of State, if State is performing the preliminary engineering. Agency may request State in writing to arrange for utility relocations/adjustments lying within Agency jurisdiction, acting on behalf of Agency. This request must be submitted no later than twenty-one (21) weeks prior to bid let date. However, State is under no obligation to agree to perform said duties.
37. The State utility relocation policy, procedures and forms are available through the appropriate State's Region Utility Specialist or State Utility Liaison. Agency shall provide copies of all signed utility notifications, agreements and Utility Certification to the State Utility Liaison.

STANDARDS

38. Agency agrees that design standards for all projects on the National Highway System (NHS) and the Oregon State Highway System shall be in compliance to standards specified in the current "State Highway Design Manual" and related references. Construction plans shall be in conformance with standard practices of State for plans prepared by its own staff. All specifications for the Project shall be in substantial compliance with the most current "Oregon Standard Specifications for Highway Construction".
39. Agency agrees that minimum design standards for non-NHS projects shall be recommended AASHTO Standards and in accordance with the current "Oregon Bicycle and Pedestrian Plan", unless otherwise requested by Agency and approved by State.
40. Agency agrees and will verify that the installation of traffic control devices shall meet the warrants prescribed in the "Manual on Uniform Traffic Control Devices and Oregon Supplements".
41. All plans and specifications shall be developed in general conformance with the current "Contract Plans Development Guide" and the current "Oregon Standard Specifications for Highway Construction" and/or guidelines provided.

42. The standard unit of measurement for all aspects of the Project shall be English Units. All Project documents and products shall be in English. This includes, but is not limited to, right of way, environmental documents, plans and specifications, and utilities.

GRADE CHANGE LIABILITY

43. Agency, if a County, acknowledges the effect and scope of ORS 105.755 and agrees that all acts necessary to complete construction of the Project which may alter or change the grade of existing county roads are being accomplished at the direct request of the County.
44. Agency, if a City, hereby accepts responsibility for all claims for damages from grade changes. Approval of plans by State shall not subject State to liability under ORS 105.760 for change of grade.
45. Agency, if a City, by execution of Agreement, gives its consent as required by ORS 373.030(2) to any and all changes of grade within the City limits, and gives its consent as required by ORS 373.050(1) to any and all closure of streets intersecting the highway, if any there be in connection with or arising out of the project covered by the Agreement.

CONTRACTOR CLAIMS

46. Agency shall, to the extent permitted by state law, indemnify, hold harmless and provide legal defense for State against all claims brought by the contractor, or others resulting from Agency's failure to comply with the terms of this Agreement.
47. Notwithstanding the foregoing defense obligations under Paragraph 46, neither Agency nor any attorney engaged by Agency shall defend any claim in the name of the State of Oregon or any agency of the State of Oregon, nor purport to act as legal representative of the State of Oregon or any of its agencies, without the prior written consent of the Oregon Attorney General. The State of Oregon may, at anytime at its election assume its own defense and settlement in the event that it determines that Agency is prohibited from defending the State of Oregon, or that Agency is not adequately defending the State of Oregon's interests, or that an important governmental principle is at issue or that it is in the best interests of the State of Oregon to do so. The State of Oregon reserves all rights to pursue any claims it may have against Agency if the State of Oregon elects to assume its own defense.

MAINTENANCE RESPONSIBILITIES

48. Agency shall, upon completion of construction, thereafter maintain and operate the Project at its own cost and expense, and in a manner satisfactory to State and FHWA.

WORKERS' COMPENSATION COVERAGE

49. All employers, including Agency, that employ subject workers who work under this Agreement in the State of Oregon shall comply with ORS 656.017 and provide the required Workers' Compensation coverage unless such employers are exempt under ORS 656.126. Employers Liability Insurance with coverage limits of not less than \$500,000 must be included. Agency shall ensure that each of its contractors complies with these requirements.

LOBBYING RESTRICTIONS

50. Agency certifies by signing the Agreement that:

- a) No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
- b) If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, and contracts and subcontracts under grants, subgrants, loans, and cooperative agreements) which exceed \$100,000, and that all such subrecipients shall certify and disclose accordingly.
- d) This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Title 31, USC Section 1352.
- e) Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Paragraphs 36, 37, and 48 are not applicable to any local agency on state highway projects.

Memorandum

To: City Council
From: Jon Holan, Community Development Director
Michael Sykes, City Manager
Date: June 11, 2012
Re: TGM Grant Application

Request: Staff is requesting the City Council take action on the attached Resolution in support of pursuing a Transportation and Growth Management (TGM) Grant application from ODOT. The application is for \$90,000 to support a planning effort for the Westside of the community.

Background: As the community is experiencing an increase in building permit applications for single family residential permits, there will be requests for land use applications as buildable lots are currently being absorbed. Staff anticipates that the greatest potential location for new land use applications would be the area west of Thatcher Road due to the large amount of vacant and underdeveloped land. In addition, sewer has been extended west of Thatcher Road (for Thatcher Park), making this area more feasible to develop. However, there is no circulation system planned for the area and there are potentially significant geo-tech constraints (due to potential land slides, slope, soil conditions and high ground water) that need to be considered.

Beside the above situation, Urban Reserves have been adopted in the Purdin Road area and David Hill. The City did pursue a potential expansion of the UGB this past year for a portion of the Purdin Road area. While not successful, we hope to pursue such an expansion for the next go-round of UGB expansion considerations in 2014. To do so, the City must comply with Title 11 – Planning for New Urban Areas, of Metro’s Functional Plan and adopt a concept plan for the area.

The problem is that there has been little planning work done for the area within the current UGB and due to its proximity, it must be developed in concert with how the Urban Reserve areas, particularly the Purdin Road area, is planned. To address this deficiency, staff would develop an Area Plan for the area within the current UGB and a concept plan for at least the Purdin Road area. To assist staff in this effort, we are pursuing a TGM grant for \$90,000. It is intended to provide geo-tech and transportation assistance. Staff would conduct the planning work after periodic review is completed in December.

The TGM grant application requests a resolution from the legislative body in support of the grant application to demonstrate local commitment. The application is due Friday, June 15th and staff is currently working on the application for submission. Thus, the version attached to resolution is subject to revision but provides the Council an understanding of the project. Because this is the only Council meeting prior to the submission date, it is the reason we are asking for Council support at this time. It is for the above reasons staff is submitting the attached resolution.

Staff Recommendation: Staff requests that the City Council adopt the attached resolution in support to the TGM application for completing a planning effort for the Westside of the community.



RESOLUTION NO. 2012-37

**RESOLUTION AUTHORIZING THE CITY OF FOREST GROVE
TO APPLY FOR A TRANSPORTATION GROWTH MANAGEMENT (TGM) GRANT
FOR THE WEST SIDE CONCEPT PLAN**

WHEREAS, The Oregon Department of Transportation and Department of Land Conservation and Development are accepting applications for the 2012 Transportation Growth Management grant; and

WHEREAS, the grant could be used to update the Transportation System Plan to address new needs, maintain consistency with the regional transportation plan, and plan for areas within the urban reserve; and

WHEREAS, Forest Grove is experiencing an increase in building permit applications for single-family residential permits, and there will be requests for land use applications as buildable lots are being absorbed; and

WHEREAS, the greatest potential for new land use applications would be the area west of Thatcher Road due to the large amount of vacant and underdeveloped land located there; and

WHEREAS, little planning work has been completed within the current UGB; and

WHEREAS, Urban Reserve areas have been adopted in the Purdin Road and David Hill areas. To permit the City to pursue UGB expansions in 2014, the City must comply with Metro Functional Plan Title 11 – *Planning for New Urban Areas* by first adopting a concept plan for the area; and

WHEREAS, the Urban Reserve areas are adjacent to the planning area within the current UGB and it is good planning practice to include all related areas as part of the project; and

WHEREAS, The City of Forest Grove hereby certifies that the matching share for this application will be readily available at time of project.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF FOREST GROVE
AS FOLLOWS:**

Section 1. That the City Council is in support of the project and the City of Forest Grove be authorized to apply for the TGM Grant to prepare a concept plan for the area within the current UGB west of Thatcher Road and the two urban reserve areas.

Section 2. The City Manager is hereby authorized to submit the application (Exhibit A) on behalf of the City of Forest Grove and to make any technical changes to the application materials, as necessary, after adoption of this resolution.

Section 3. That the City of Forest Grove be prepared to contribute funding as specified in the application for any awarded funds.

Section 4. This resolution is effective immediately upon its enactment by the City Council.

PRESENTED AND PASSED this 11th day of June, 2012.

Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 11th day of June, 2012.

Peter B. Truax, Mayor



TRANSPORTATION GROWTH MANAGEMENT (TGM) 2012 GRANT APPLICATION FORM

Please read the Application Packet carefully before completing this application.

Sample applications and application tips are available on the TGM Grants and Incentives page on the Web: egov.oregon.gov/LCD/TGM/grants.shtml.

Complete this application (please limit to 8 pages), print it out, sign, and then submit by postal mail.

The answer fields below will expand as you type.

ORGANIZATION NAME City of Forest Grove		503 992-3224
CONTACT PERSON NAME AND TITLE Jon Holan, Community Development Director		CONTACT PERSON E-MAIL jholan@forestgrove-or.gov
PROJECT TITLE WEST SIDE CONCEPT PLAN		

Section 1: Project description and background

1. Provide a brief statement of project purpose and transportation relationships and benefits. If applying for a TSP update, state whether TGM has performed a TSP Assessment and if so, when, what were the key recommendations, and how do they relate to your proposed project:

The City does not have and needs to develop a circulation plan as well as examine the planned land uses within the current UGB for the area north of Gales Creek Road and west of Thatcher Road. The City also does not have a circulation plan for the adjacent urban reserve areas. The study would include a transportation analysis for any revision to the TSP and an analysis of geologic constraints and view corridors.

2. List the key project objectives and expected outcomes and relate them to TGM objectives:

[Note: A project narrowly focused on achieving only one or a few TGM objectives in a substantial way will score higher than one that partially or indirectly addresses many.]

The project will result in a coordinated development plan that will provide a framework for a balanced, multi-modal transportation system in an area constrained by steep topography and multiple small landholdings. The piecemeal development pattern that would result without this plan would complicate or even negate the City's ability to ensure logical street, path and public utility connectivity.

A coordinated development plan would aid the city in meeting its target for greenhouse gas reductions by limiting out-of-direction travel, as well as provide a development pattern for both residential and industrial development that could be served by transit.

3. List the final products that will be prepared for adoption and which government agencies (e.g., city, county, state agency, transit district, etc.) will need to take action in order for each final product to be adopted:

- A local street plan within the current UGB to provide a well-connected street network while accounting for environmental constraints. In addition to local streets, the plan will consider bicycle / pedestrian accessways and other options to reduce out-of-direction travel for alternative modes of travel. This plan

will be integrated into the City's Comprehensive Plan by a set of amendments to be developed with this project.

- A collector / arterial street plan within the urban reserve areas to provide future connectivity from the area west of Thatcher Road to Highway 47 and Purdin Road.
- Development Code amendments to allow clustered housing to achieve planned densities given environmental constraints, and to offer a range of housing types. This may be mandated through an alternative minimum lot size for constrained parcels, or provided through regulatory allowance and incentive, such as allowing small lots and cul-de-sacs on constrained properties in lieu of more expensive connectivity requirements.
- TSP amendments to adopt a new streets plan

4. Address the timeliness award criteria in terms of project readiness and urgency. Identify ongoing initiatives or actions to be completed that may affect the project timeline:

Single-family housing continued to be constructed in Forest Grove even during the recent recession, largely in the R-7 and R-10 zones. Housing starts during the recession averaged 70% of what they were pre-recession, and have continued to climb since. As a result, the inventory of improved lots is decreasing at an accelerated rate. As most of the city's undeveloped R-7 and R-10 designated land is located within the study area, completion of this plan is necessary in order to be prepared for the inevitable series of subdivision applications to come.

NOTES –

Efficiency of R-7 and R-10 zoning
Industrial component

5. Provide additional background and context for the project that will help us understand your project:

NOTES -

- Good planning practice to plan for area west of Thatcher Road in conjunction with urban reserve areas (need to ensure that transportation routes and utilities will “mesh”)
- URA is adjacent and integral to area to be developed within UGB
- EOA – FG needs at least one large lot (>50 acre) parcel
- One URA was already considered by Metro for inclusion into UGB – City needs to plan for re-consideration in 2014
- Geological constraints – special foundation designs in DHE homes due to ancient landslides, “slick” soils, shallow groundwater
- Slopes and street grades
- Separated bike and pedestrian facilities (Washington County bike plan standards)

Section 2: Project specifics

1. Will a consultant be used on the project?

If yes, describe the expected roles of consultant and local staff:

Yes. The consultant would be used to prepare technical reports on the area's geological constraints and transportation. The transportation analysis would include a TPR analysis, traffic modeling, and recommendations for TPR amendments. Staff responsibilities would include an analysis of public utility extensions and land use planning.

2. Outline the major project tasks, expected timeline, and general methods. Include a discussion of data and analysis needs and an overview of the expected public involvement process (e.g., technical and citizen committees, workshops, surveys, project Web page). Describe how coordination with other planning efforts will be handled. If TGM funds are proposed to leverage another outside source of funding for the project, you must identify discrete tasks that TGM will fund that will be completed within the TGM timetable:

Task 1: Organize Public Involvement and Interagency Coordination Program

Objectives:

- Identify all direct stakeholders which may provide information on localized and property-specific issues.
- Establish a Citizen Advisory Committee (CAC) including direct stakeholders and members representing general City interests to balance local and community-wide concerns.
- Identify affected City departments and external agencies for membership on a Technical Advisory Committee (TAC) to provide for review and comment in the development of plans and ordinances. This group shall include, at a minimum, members of the City Fire Department, Engineering/Public Works Department, and the Planning Department.
- Establish a schedule of target dates for meetings that are necessary to carry out subsequent tasks.

Task 2: Identify Existing Conditions, Plans and Policies, and Stakeholder Concerns

Objectives:

- Identify existing regulatory requirements for connectivity, and for development within the study area, including planned density at build-out.
- Identify physical features that constrain the development of property and the provision of streets.
- Inform the public and direct stakeholders about the project and its purpose, and identify property owner intentions and concerns regarding future development.

Methodology

1. Identify regulatory requirements regarding local street and bike/pedestrian connectivity in the TPR, Title 6 of the UGMFP, and the Regional Transportation Plan Functional Plan (RTPFP), including definitions of adequacy and conditions for allowing exceptions; LCDC Goal 7 *Natural Hazards*; Goal 9 *Economy*; Goal 10 *Housing*; and Goal 12 *Transportation*.
2. Identify and summarize development code requirements regarding street connectivity, lot dimensions and building placement in the study area.
3. Provide a mapped description and text summary of existing Comprehensive Plan designations, zoning, parcel boundaries, existing access to parcels, and parcel ownership, including information needed to contact owners by mail and telephone.
4. Determine the net development potential for each parcel in the study area, and for the total study area, assuming no physical constraints.
5. Identify physical constraints to development of parcels and construction of street connections between parcels. Constraints include steep slopes, wetlands and streams, wildlife habitat, and existing

residential development and subdivisions where engineering feasibility or regulatory issues constrain or prohibit the development of residential units or streets.

6. Prepare and distribute an informational brochure to all property owners in the study area, describing the project and its purpose. The brochure shall describe all efforts within the project to involve stakeholders and the public, including the personal interviews described in this task, and shall give recipients an opportunity to submit their comments and concerns.

8-7. Document the preliminary intentions, preferences and concerns of property owners regarding development and street connectivity in the study area.

Task 3: Connectivity Opportunities/Development Constraints

Objectives:

- Identify physical constraints to providing connectivity and developing property in accordance with state and regional requirements and the local Comprehensive Plan.
- Identify impacts that the constraints impose upon development potential.
- Provide information gathered in Tasks 2 and 3 to stakeholders and the public, and elicit their comments and concerns.

Methodology

1. Identify connectivity opportunities where a local street or alternative mode paths are feasible (all locations where connectivity is not constrained).
2. Based on parcel dimensions, identify the number and general location of street or pathway connections to adjacent parcels to provide adequate circulation and connectivity according to regulatory standards (Title 6 of UGMFP and standards of general practice to minimize out-of-direction travel).
3. Identify all parcels on which development at planned densities is constrained, either by factors identified in Task 2, or by access difficulties identified above. For these parcels, estimate the number of net units per parcel based on existing Comprehensive Plan and zoning requirements.
4. Conduct a TAC meeting to present information gathered in Tasks 2 and 3 and gather comments.
5. Conduct a CAC meeting to present information gathered in Tasks 2 and 3, and document comments and concerns from stakeholders and the public for use in subsequent tasks.

Task 4: Alternatives Development

Objectives:

- Develop options for providing connectivity and clustering development, and identify the cost and feasibility implications for development.
- Identify potential methods for incorporating connectivity and clustering regulations into the City's land use ordinances. This is to ensure that connectivity and clustering provisions are integrated into City plans, codes and procedures to provide a smooth development review process.

Methodology

1. Develop two to four alternative plans for providing a connected network of local streets in the study area, considering alternative mode paths in addition to roadways, and the issues and concerns of property owners. At least one alternative must specify which corridors are to contain future rights-of-way, and at least one alternative must specify the number and general locations of connections to adjoining parcels to ensure adequate connectivity.
2. Identify two-to-four alternatives for clustering development to allow build-out at planned densities on parcels with environmental or access constraints.
3. Provide general (planning level) cost estimates to build connectivity options, and general market feasibility assessments.
4. Describe regulatory options for implementing connectivity and land use options, considering the City's draft plan and code framework, and the review and approval process.

Task 5: Evaluation and Selection of Alternatives and Implementation Methods

Objective:

- Evaluate options for connectivity, land use and methods of implementation.
- Select a recommended option for connectivity, land use and implementation.

Methodology

1. Evaluate connectivity and land use options against project objectives and community concerns.
2. Test connectivity, land use, and implementation options using three hypothetical development scenarios of parcels within the study area. The tests must describe the steps required to review and approve a subdivision plan under each implementation option developed in Task 4, noting the requirements and impacts the options would place upon the developer, adjacent property owners, and City staff, as well as describing the resulting development in terms of internal and external connectivity, and building style and location. Evaluate each option as to its administrative requirements and feasibility, and ability to ensure adequate connectivity upon build-out of the study area, and shall then select a preferred option for connectivity, clustering and implementation.
3. Present the options, evaluations and implementation test results to the TAC for review and comment, documenting and responding to comments.
4. Present the options, evaluations and implementation test results to the CAC for review and comment, documenting and responding to comments.

Task 6: Develop Plan and TSP Code Amendments

Objective:

- Develop plan and code language and other materials as needed to implement the preferred option for connectivity and clustering.
- Ensure that final products are integrated into the City's existing code and processes, for instance so that submittal requirements and review schedules and procedures for subdivision street connectivity are coordinated with other requirements and procedures for subdivision permitting, to ensure a smooth development review process.

3. In addition to data and analysis that will be gathered or performed as part of the project, list any, such as mapping, wetland inventory, traffic counts, or buildable lands inventory, that must be completed *before* the project can begin. Include who will be responsible for completing them, and an estimate for when they will be completed:

NOTES – wetland, buildable lands – Done
Mapping and GIS to be done in-house

4. Provide an estimated budget breakdown for the major tasks. If a consultant will be used, separate the costs for local staff and consultant:

NOTES -

Transportation – analysis, roads, slope constraints, modeling, preliminary cost estimates, financing of roads, TPR and identification of TSP changes

Geological analysis – technical review of constraints, identify landslides and any other constraints in study area, proposed mitigation measures

Budget breakdown:

TASK	LOCAL COSTS	CONSULTANT COSTS
1.	\$	\$

2.	\$	\$
3.	\$	\$
4.	\$	\$
5.	\$	\$
6.	\$	\$
7.	\$	\$
8.	\$	\$
9.	\$	\$
10.	\$	\$
11.	\$	\$
12.	\$	\$
13.	\$	\$
14.	\$	\$
15.	\$	\$
Totals:		

5. Describe the experience and capability of the proposed project manager to manage the project.

6. Project Area
 8.5-by-11-inch map of the project area Map attached
 Description:

7. Submit letters or resolutions of support for the project from local officials that clearly indicate an understanding of the intended project outcomes and support of the project objectives. Submit letters of support from other interested parties if they are relevant to adopting and/or implementing the proposed plan.

To demonstrate basic grant eligibility, you must, at a minimum, submit a letter of support from the mayor or city manager if grantee is to be a city or county commission chair or county executive if a county. However, your score will be higher on Grant Award Criterion #5 if you submit a detailed resolution of support from the local elected body(s) who will adopt the proposed plan.

Note: these may be submitted separately from the application. Letters and resolutions of support may be submitted through June 29, 2012. Those submitted after June 15, 2012 must be submitted electronically to cindy.l.lesmeister@odot.state.or.us.

List letters and resolutions attached and expected:

SOURCE	ATTACHED	EXPECTED
1.	<input type="checkbox"/>	<input type="checkbox"/>
2.	<input type="checkbox"/>	<input type="checkbox"/>
3.	<input type="checkbox"/>	<input type="checkbox"/>
4.	<input type="checkbox"/>	<input type="checkbox"/>
5.	<input type="checkbox"/>	<input type="checkbox"/>
6.	<input type="checkbox"/>	<input type="checkbox"/>
7.	<input type="checkbox"/>	<input type="checkbox"/>
8.	<input type="checkbox"/>	<input type="checkbox"/>