



FINAL AGENDA

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

REGULAR MEETING
DECEMBER 12, 2005
6:30 P.M.

CALL TO ORDER:

ROLL CALL:

PRESENTATIONS:

05223 Stream Enhancement Project Update

VISITOR COMMENT PERIOD:

COUNCIL ITEMS:

STAFF ITEMS:

CONSENT AGENDA:

Minutes of the Regular Meeting of December 5, 2005.

05224 Reclassification of Position and Transfer Resolution (Resolution No. 3843)

05225 Boards and Commissions Appointments

05226 Transfer of Road Jurisdiction from Washington County to the City of Beaverton (Resolution No. 3844)

05227 Authorization to Enter into an Intergovernmental Agreement with Metro to Develop the Westgate Property - Tax Lots 1S116AA06800 and 1S109DD00400

Contract Review Board:

05228 Purchase of Software License Renewals and New Licenses From the State of Oregon Price Agreement

05229 A Resolution Amending the Beaverton Purchasing Code (Resolution No. 3845)

WORK SESSION:

05222 Design Review Text Implementation Update
(Rescheduled from December 5, 2005 meeting)

EXECUTIVE SESSION:

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

ADJOURNMENT

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

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Stream Enhancement Project Update

FOR AGENDA OF: 12-12-05 **BILL NO:** 05223

Mayor's Approval: *L. DeLoach*

DEPARTMENT OF ORIGIN: Operations *[Signature]*

DATE SUBMITTED: 12-02-05

CLEARANCES: City Attorney *[Signature]*

PROCEEDING: PRESENTATION

EXHIBITS:

BUDGET IMPACT

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED None	BUDGETED None	REQUIRED None

HISTORICAL PERSPECTIVE:

Operations staff has engaged in a series of projects in several locations along Beaverton Creek in partnership with Clean Water Services and most recently with SOLV. These projects are intended to remove unwanted vegetation, restore streambanks, remove barriers to fish and wildlife migration and to return the streams to a more natural and healthy condition. These projects support both State Planning Goal 5 and the Clean Water Services Healthy Stream Plan.

INFORMATION FOR CONSIDERATION:

Two years ago, staff identified Beaverton Creek in the section stretching from S.W. 114th to S.W. Cedar Hills Blvd. as an area that could be substantially improved through a series of actions by the City and the adjacent property owners. As a result of the efforts of City Staff and a recent SOLV Project, more than 5,000 native plants, shrubs and trees have been installed in the area of Beaverton Creek extending from the Beaverton Transit Center to Cedar Hills Blvd. Private detention facilities serving properties near the creek have been cleared of unwanted vegetation and trash with the assistance of the property owners which has improved the drainage of stormwater from those properties and also improved water quality. Staff has now completed similar efforts in other locations in the City and has initiated planning efforts with partners including THPRD and SOLV to complete other projects along several creeks and streams throughout the City.

RECOMMENDED ACTION:

Listen to the presentation.

DRAFT

BEAVERTON CITY COUNCIL
REGULAR MEETING
DECEMBER 5, 2005

CALL TO ORDER:

The Regular Meeting of the Beaverton City Council was called to order by Mayor Rob Drake in the Forrest C. Soth Council Chamber, 4755 SW Griffith Drive, Beaverton, Oregon, on Monday, December 5, 2005, at 6:35 p.m.

ROLL CALL:

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

PRESENTATIONS:

05217 Presentation from the 2005-2006 Mayor's Youth Advisory Board

Mayor Drake said the Mayors Youth Advisory Board (MYAB) was established six years ago. He said the MYAB currently had 26 members from most of the area high schools and it was an outstanding group. He introduced the MYAB Coordinator Amy Powers. The Board Members introduced themselves: Jessica Curtis, Co-Chair; Stephanie Herr, Co-Chair; Joel Bush, Vice Chair; Junghwa Kim; Tia Secasiu; Abi Sundaram; Lulu Xiao; Megan McIntire; Halah Ilias; Mi Zheng; Sumaiya Ahmed; Sean O'Brien; Saumya Kini; Mike Turnell; Madisen Vogel; Brian Powell; Minda Jerde.

Coordinator Amy Powers said she was excited to be working with the MYAB this year. She said she has worked in social services with youth for five years. She said she was born and raised in Beaverton, and graduated from West View High School and Portland State University.

Co-Chair Jessica Curtis presented a brief overview of the MYAB. She said the purpose of the MYAB was to get youth involved in their community.

Vice Chair Joel Bush reviewed the MYAB's projects, which included the Whirlpool Newsletter, the 101 Things To Do In Beaverton pamphlet, fund raising projects and voter registration drives. He said this year the Board also gave presentations at the League of Oregon Cities conference and participated in the youth sessions at the National League of Cities conference.

Co-Chair Stephanie Herr said she was on the Events Committee which plans community service events. She said this upcoming year they were planning the Youth Summit, a senior dance at the Elsie Stuhr Center, voter registration drives and the Battle of the Bands.

Halah Ilias said she was on the Publications Committee which produces the Whirlpool and the 101 Things To Do In Beaverton pamphlet. She said the Whirlpool was a newsletter where youth voice their thoughts on local and national issues and interests. She said the 101 Things To Do In Beaverton brochure provides information on activities available for youth.

Mi Zheng said she was on the Community Service/Fund Raising Committee. She said the Board adopted a family to help this holiday season, and throughout the year they were working on their hurricane relief project and assisting Vose Elementary School by raising funds to purchase books. She said over the winter break they would be working as gift wrappers at Barnes and Noble to raise money for these projects.

Coun. Stanton asked about the Whirlpool publication.

Ilias said the Whirlpool was available in hard copy and on the Website. She said they were also available at the high schools and community libraries. She said last year they published two editions during the school year.

Mayor Drake thanked Coun. Doyle for being the Council liaison to the Committee. He said he was a faithful attendee and supporter.

Coun. Bode asked what motivated the youth to join the Board.

Herr said she thought the MYAB was a good opportunity to become involved in politics and meet other youth throughout the community.

Abi Sundaram said she thought it was a good opportunity to become involved in the community and give youth a voice in the community.

Coun. Doyle said he enjoyed the meetings; there was real talent in the group for the members were bright and articulate.

Coun. Stanton asked if Jesuit and Aloha High Schools were represented on the Board.

Curtis said Jesuit was represented but not Aloha. She said the information provided by MYAB, such as the Whirlpool publication was provided to Aloha High School.

Mayor Drake said they had difficulty recruiting from Aloha High School.

Coun. Ruby said there was value in representation from all the schools and he was glad this program was filling the role of getting youth involved in their government and community.

Herr said she loved to debate and serving on the Board provides a great opportunity to exchange ideas and different points of view with other youth in the area.

Curtis thanked the Council for its support of the MYAB.

05218 Proposed 2006 Metro Nature in Neighborhoods Bond Measure

Planning Services Division Manager Hal Bergsma introduced Associate Planner Leigh Crabtree and said they were the lead staff on natural resource issues for the City. He said they were also technical advisors to the Tualatin Basin Natural Resources Coordinating Committee (TBNRCC) and served on the Tualatin Basin Goal 5 Steering Committee which also advises the TBNRCC.

Bergsma said this presentation would cover Metro's proposed 2006 bond measure and a new grant program that Metro would be implementing this year. He said in 1995 voters approved Metro's \$135 million bond measure for the acquisition of open spaces, parks and streams. He said the funds from the 1995 bond measure were running out and Metro was considering a new 2006 bond measure, covering different target areas including the Rock Creek Watershed, Fanno Creek Greenway and the Westside Powerline Trail. He said the proposed measure included a contingent that would provide at least \$25 million to fund local projects in 25 cities, two counties and two park districts. He said the measure also included a Nature in the Neighborhood capital fund that would be a competitive program to fund projects to improve natural areas and restoration projects. He said the actual amount of the bond was yet to be decided along with the allocations for the various projects.

Bergsma said one of the main questions being considered was how funds should be distributed in the areas where the Tualatin Hills Park and Recreation District (THPRD) overlaps with the City of Beaverton and unincorporated urban Washington County. He distributed copies of a memo from Keith Hobson, Assistant General Manager at THPRD, where Hobson suggests the allocation be based on population, similar as to what was done in 1995. He said THPRD's share would be based on its population outside the City and Washington County's share would be based on its population in the urban unincorporated area outside of the City and outside of THPRD. He said the funds for areas like Bull Mountain and Cooper Mountain would go directly to the County. He said this was the option currently being pursued as it made the most sense.

Bergsma said the next question under consideration was what the role of the Tualatin Basin Natural Resources Coordinating Committee (TBNRCC) would be in the distribution of these funds. He said three options were presented to the TBNRCC. The first was that the funds go directly to the TBNRCC, which is a separate government entity, under an intergovernmental agreement between the involved parties. The funds would be administered by the County, but the Coordinating Committee would determine which projects would be funded. The second option was that the funds would go to each eligible jurisdiction; the projects would have to be approved by the TBNRCC before funds could be spent. He said the third option was that the funds would go to each eligible jurisdiction but projects would be reviewed by the TBNRCC for consistency with the Tualatin Basin Goal 5 Program. He briefly reviewed the Tualatin Basin Goal 5 Program.

Bergsma reviewed Metro's Nature in Neighborhoods Grant Program. He said there would be three grant levels for this program; \$1,000 to \$5,000; \$5,000 to \$25,000; and \$25,000 and above. He said this grant program was intended for projects to improve

watersheds and streams in neighborhoods. He said \$500,000 was available for grants and the program was moving rapidly with applications due to Metro on January 12, 2006. He said local governments and non-profit agencies could apply for these grants. He said Clean Water Services (CWS) was taking a lead in Washington County in suggesting projects. He said CWS also suggested that all the projects from local jurisdictions and non-profits in Washington County be combined in one application, for about one-third of the \$500,000. He said CWS believes that would make the application more competitive, it would be consistent with the Healthy Streams Plan and the Tualatin Basin Program, and the grant would be administered and coordinated by CWS. He said the City was considering this; however, the City has its own projects and if they do not get support for these projects in the CWS process, then the City will probably submit its own application separately.

Bergsma reviewed the four City projects proposed under this grant program. He said the first project was Golden Pond (near 153rd Avenue), a drainage detention area that needs site cleaning and improvements. The second project is Bearded Road Estates (north of Beard Road between 149th Avenue and Turquoise Court) which is a City tract that has become an illegal dump site. He said the City wants to clean the site and make improvements so it is less of a target for dumping. He said the third project is at 11th Street and Highway 217, at the end of a cul-de-sac; the drainage ditch has filled with silt over the years and during heavy rains the drainage pipe backs up into the cul-de-sac. He said the City wants to install a stormwater quality basin in the cul-de-sac and has been talking to the State about this project. The fourth project was Camille Park (south of Heather Lane at 104th/105th Avenues) and it would focus on the drainage in the northern part of the park. He said the site needs to be improved to allow on-site water drainage into the creek; widening the creek basin and native plantings would be included in the project.

Bergsma said there were two questions associated with the bond measure. First, in Washington County how funds should be distributed in areas where THPRD overlaps with the City and County. He said based on the memorandum from Mr. Hobson (THPRD in the record) it is recommended that this be handled the same way it was handled in 1995. He said the second question was should the Tualatin Basin Natural Resources Coordinating Committee (TBNRCC) have a role in coordinating fund allocations with the County; if so, what should that role be. He said the general position is that the TBNRCC should be involved but only as a reviewing agency. He said the feeling of the agencies was that the funds should go directly to each eligible jurisdiction; before funds are spent, the project has to be reviewed by the TBNRCC to see if there are opportunities for sharing services or coordinating projects. He said the TBNRCC would have no veto power or approval authority. He said he felt that was the most feasible approach.

Mayor Drake said there were three projects that the City and THPRD developed together through the last bond measure: Moshofsky Woods Park near Stonegate; Lowami Hart Woods Park near Hart Road; and Cooper Mountain, just outside the City.

Bergsma confirmed that was correct. He said in the past the City received the funds, and then passed the money through to THPRD for projects that were most beneficial to the City. He said he thought it would be handled the same way in the future.

Coun. Doyle said it made sense to him that the TBNRCC act as a reviewing body only. He said he could support that. He said he could not support having funds channeled through the TBNRCC.

Bergsma said this allows the TBNRCC to review each project in light of the whole Tualatin Basin Program, to make sure the projects fit within that larger context.

Coun. Bode asked if the proposed project would be submitted individually or as a pool of projects.

Bergsma said Clean Water Services (CWS) was trying to submit a pool of projects in a single application, under the CWS umbrella. He said CWS would screen the projects suggested by individual jurisdictions and local non-profits, to try to put a package together. He said it may occur that some projects that the City supports are screened out in this process. He said in that case, the City can apply individually for those projects. He said based on discussions between CWS and Metro staff, they seem to think that a single application that includes all the projects would be viewed favorably.

Coun. Doyle asked Mayor Drake if Council action was needed on this item showing support for the staff position regarding distribution of funds and the role of the TBNRCC, as presented by Bergsma.

Mayor Drake said he felt the Council's discussion provided sufficient support for staff's position. He said the City respected the TBNRCC process as it has worked very effectively. He said in the end, the citizens of Beaverton would be allocating funds to the bond measure through their property tax payments and the City's needs exceed the funds available. He said coordinating is needed and the City needs to be mindful of how the funds are used.

Coun. Doyle said he concurred and the process worked well on the first bond measure. He said the citizens in the region can be happy with what was accomplished under that first bond. He said staying with the same methodology made a great deal of sense and he supported that position.

Coun. Bode asked if the projects had been prioritized and if there has been vandalism in the Beard Road Estates site, where the illegal dumping had occurred.

Bergsma indicated the projects were not yet prioritized. He said he did not know if there was any vandalism; Operations Department staff would be more familiar with the situation.

Coun. Stanton asked if the funds for the Nature of Neighborhoods Grant Program were currently available, as they were requesting applications be submitted in January, 2006.

Bergs said these funds were now available; these funds came from solid waste fees. He said this is the first year this grant program has been offered

Coun. Stanton said the Issue Paper from the TBNRCC changed what she had been thinking regarding the Nature in Neighborhoods Grant Program. She asked if the TBNRCC would come up with its recommendations at its meeting of December 12,

2005. She asked how the Council could respond to the question regarding the TBNRCC's role if it did not know what the TBNRCC's recommendation would be.

Bergsma said based on past discussions, he was sure the TBNRCC recommendation would be to support the role of the reviewer. He said members of the TBNRCC were outspoken in their support of the reviewer role.

Coun. Stanton asked if the four proposed projects fall within the CWS Healthy Streams Plan.

Bergsma said probably not as most of the Healthy Streams projects were outside of the City. He said the grant program was trying to cover sites that were not in the Healthy Streams Plan. He said the CWS staff recognizes the political side of this issue and was working to ensure each jurisdiction would get funding.

Coun. Stanton asked that this be brought back to Council if the TBNRCC makes a recommendation for anything other than the role of reviewer. She referred to the bond measure's Local Natural Area Legacy Fund and asked if the distribution formulas would be determined at the discretion of each county or per capita (Exhibit A, page 6). She said the critical issue was that the 32.43% for Washington County would be distributed based on assessed valuation. She asked if that meant within the County it is supposed to be per capita.

Bergsma said assessed value was still a possibility and the numbers have not been run yet to determine what each jurisdiction would receive based on per capita vs. assessed value.

Coun. Stanton referred to the August 17, 2005 letter from Jim Desmond representing Metro (in the record) that said "and some other critical elements of the bond package." She asked what the other critical elements were.

Bergs said his assumption was that they were discussing what the target areas were for regional parks. He said he assumed the work of the blue ribbon committee was not yet completed. He said the blue ribbon committee will review the proposals and develop a final set of proposed target areas.

Coun. Stanton said one of the reasons MSTIP did well in Washington County was because every project was identified. She asked if the City would get a list of specific target areas that would be dealt with.

Bergsma said in 1995 they had 14 target areas, including Rock Creek and Cooper Mountain. He said there was some debate about which properties should be acquired in each of those areas but they were consistent in focusing on the target areas. He said one had to keep in mind they were trying to deal only with willing sellers, so the first-priority property might not always be available. He said generally they were consistent with what they said they were going to do. He said he was assuming the "other critical elements" mentioned in the letter referred to further defining the target areas.

Coun. Stanton referred to the regional portion of bond funding and asked what the phrase "provide for the public's future use and enjoyment of these areas" meant.

Bergsma replied the key word in that phrase was "future." He said once the bond funds were received, they would focus on acquisition. He said they still have to make improvements in some of those areas which will take a while yet. He said until they find a source of funding for maintenance, they may not be readily available for public use. He said there were still some issues that have to be worked out, including funding for operation and maintenance.

Coun. Stanton asked what "in perpetuity" meant. She asked if that meant the Nature In Neighborhoods Grant Program capital fund only; so it could not ever revert to the local jurisdiction.

Bergsma said he thought that was the nature of all the sites they acquire. He said whether or not it could ever revert to a local jurisdiction was a legal question he could not answer.

Coun. Stanton said the Local Natural Areas Legacy Fund Guidelines allows for a mechanism to sell the property.

Bergsma said he thought they were anticipating that one agency would acquire the property through bond revenues and then turn it over to another agency, such as the City acquiring the property and turning it over to the THPRD.

Coun. Stanton said with the Local Natural Areas Legacy Fund the City could acquire property and instead of turning it over to the THPRD, it could sell it to someone else as long as the profits are used to buy additional property. She said this could not be done under the Nature in Neighborhoods capital fund. She said she was surprised they would have such a mechanism in one fund and not the other.

Bergsma reminded her that these guidelines were still in draft form. He said that might be looked at, but he thought it would be politically impossible to sell land that was acquired for open space purposes for development.

Coun. Stanton asked if all the funds were a one-to-one match.

Bergsma replied the one-to-one match pertained only to the first two levels of the grant program; for the third level it is a one-to-two match.

Coun. Stanton stated the Nature in Neighborhoods capital fund was a one-to-one match.

Coun. Stanton said the Local Natural Area Legacy Fund referred to Metro providing a letter to all the jurisdictions with a distribution formula by November 30th, if Metro had not received a letter from the jurisdictions by then. She asked if Metro had received letters from the jurisdictions.

Bergsma said Metro has given the jurisdictions in Washington County more time to come up with a distribution formula.

VISITOR COMMENT PERIOD:

Henry Kane, Beaverton, said he submitted a letter regarding Highway 217. He said he would submit an amendment to the letter that would state that Metro, the Oregon Department of Transportation and the Joint Policy Advisory Committee should designate Highway 217 as a regional priority for funding. He asked that the City prepare a resolution supporting his position.

COUNCIL ITEMS:

Mayor Drake said the City's Holiday Open House would be held December 13, 2005, from 5:00 p.m. to 7:00 p.m., at City Hall.

STAFF ITEMS:

There were none.

CONSENT AGENDA:

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

Minutes of Regular Meeting of November 14 and Special Meeting of November 17, 2005.

05219 Liquor License: New Outlet - Chix 'A' Bob; Greater Privilege - King's Restaurant

05220 Authorize Intergovernmental Agreement with Washington County Cooperative Library Services

Contract Review Board:

05221 Bid Award - ASR (Aquifer Storage & Recovery) No. 4 Potable Water Pump Station

Question called on the motion. Couns. Bode, Doyle, Ruby and Stanton voting AYE, the MOTION CARRIED unanimously. (4:0) Coun. Stanton said she would not be voting on the November 17, 2005 minutes as she did not attend that meeting.

WORK SESSION:

05222 Design Review Text Implementation Update

Mayor Drake noted this item was pulled and rescheduled to the meeting of December 12, 2005, when Coun. Arnold will be in attendance.

ORDINANCES:

Second Reading:

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

05214 An Ordinance Amending the Beaverton Code by Adding New Provisions in Chapter Two Relating to the Inventory of Prisoner Personal Property (Ordinance No. 4377)

Coun. Doyle MOVED, SECONDED by Coun. Ruby, that the ordinance embodied in Agenda Bill 05214, now pass. Roll call vote. Couns. Bode, Doyle, Ruby and Stanton voting AYE, the MOTION CARRIED unanimously. (4:0)

RECESS:

Mayor Drake called for a brief recess at 7:50 p.m.

RECONVENED:

Mayor Drake reconvened the meeting at 8:00 p.m.

EXECUTIVE SESSION:

Coun. Ruby MOVED, SECONDED by Coun. Doyle, that Council move into executive session in accordance with ORS 192.660(2)(h) to discuss the legal rights and duties of the governing body with regard to litigation or litigation likely to be filed. Couns. Bode, Doyle, Ruby and Stanton voting AYE, the MOTION CARRIED unanimously. (4:0)

The executive session convened at 8:00 p.m.

The executive session adjourned at 8:20 p.m.

The regular meeting reconvened at 8:20 p.m.

ADJOURNMENT

There being no further business to come before the Council at this time, the meeting was adjourned at 8:20 p.m.

Sue Nelson, City Recorder

APPROVAL:

Approved this day of , 2005.

Rob Drake, Mayor

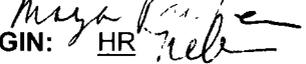
AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Reclassification of Position and Transfer Resolution

FOR AGENDA OF: 12-12-05 **BILL NO:** 05224

Mayor's Approval: 

DEPARTMENT OF ORIGIN: HR 

DATE SUBMITTED: 12/06/05

CLEARANCES: Finance
Police



PROCEEDING: Consent Agenda

EXHIBITS: Transfer Resolution
Spreadsheet of Cost

BUDGET IMPACT

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$2,136	BUDGETED \$0*	REQUIRED \$2,136*

*The \$2,136 additional appropriation is available from the General Fund's Contingency Account and will be established through the attached Transfer Resolution.

Historical Perspective

In September of 2004, the BPD reorganized the Police Records and Property and Evidence section. The objective was to provide additional supervision, leadership and more depth of managerial, supervisory, and leadership skills and accountability. A vacant represented Senior Police Records Specialist position was reclassified to a newly defined Police Records Supervisor classification, and a candidate came on board in February. The commitment by the Police leadership was to evaluate the changes and eventually have two leads again in addition to the supervisor and the manager. This provides enough supervisory and leadership coverage for the four-shift, 24x7 operation.

Information for Consideration

The Division currently has one Senior Police Records Specialist (Lead, level 6), 14 Records Specialists (level 4), and two Property Control Specialists (level 6P). After working with the reorganization for a year now and evaluating the need to effectively distribute supervision and leadership over the shifts and functions, the reclassification of a Record Specialist position will accomplish this. It will provide growth and promotional opportunity to the Records Specialist staff. The promotional opportunity will be done by a competitive, internal posting process. The additional cost of this reclassification is \$2,136, including salary and fringes.

Attached is a Transfer Resolution that appropriates the \$2,136 in additional funding and transfers the estimated remaining appropriation from one of the existing Records Specialist positions to fund the second Senior Records Specialist position. The additional \$2,136 is available from the General Fund's Contingency Account

RECOMMENDED ACTION:

Council approve the reclassification and approve the attached Transfer Resolution that establishes the budgetary appropriation for the additional Senior Records Specialist position.

RESOLUTION NO. 3843

A RESOLUTION APPROVING TRANSFER OF APPROPRIATION WITHIN THE GENERAL FUND OF THE CITY DURING THE FY 2005-06 BUDGET YEAR AND APPROVING THE APPROPRIATIONS FOR THE FUND

WHEREAS, the City Council reviews and approves the annual budget; and,

WHEREAS, during the year the Council must authorize the transfers of appropriations from one category of a fund to another fund or from categories within a fund; and,

WHEREAS, an additional appropriation of \$2,136 and a transfer appropriation of \$19,176 is needed in the Personal Services Category of the General Fund to establish a second Senior Police Records Specialist position, and the expenditure appropriation is available in the Contingency Category of the fund; now therefore,

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

Section 1. The Finance Director is hereby authorized and instructed to transfer the following appropriations:

- \$2,136 out of the Contingency Category of the General Fund into the Category as indicated below:

Personal Services Sr. Police Records Specialist	001-13-0003-481	\$20,800
Personal Services Fringe Benefits	001-13-0003-481	\$ 512
Personal Services Police Records Specialist	001-13-0003-481	<\$19,176>
Contingency	001-13-0003-991	<\$ 2,136>

Adopted by the Council this _____ day of _____, 2005.

Approved by the Mayor this _____ day of _____, 2005

Ayes: _____

Nays: _____

ATTEST:

APPROVED:

Sue Nelson, City Recorder

Rob Drake, Mayor

Police Support Specialist Reclassified to Sr. Police Support Specialist Position effective January 1, 2006

FY 05-06

Police Support Specialist - Step 7 (Budgeted Amt for January 1, 2006 - June 30, 2006)				Sr. Police Support Specialist - Step 6 (Funds needed for January 1, 2006 - June 30, 2006)				FY 05-06 Proposed Differenc		
Step	Salary	Fringes	Total	Step	Salary	Fringes	Total	Salary	Fringes	Total
7	19,176	14,458 *	33,634	6	20,800	14,970 *	35,770	(1,624)	(512)	(2,136)

* Fringes based on family rate

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Boards and Commissions Appointments

FOR AGENDA OF: 12-12-05 **BILL NO:** 05225

Mayor's Approval: 

DEPARTMENT OF ORIGIN: Mayor's
Office/Neighborhood Program

DATE SUBMITTED: 12-05-05

CLEARANCES:

PROCEEDING: CONSENT AGENDA

EXHIBITS: Applications for new appointments

BUDGET IMPACT

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

Opportunities to volunteer on the City of Beaverton's Boards and Commissions were advertised through city-wide postcards, the *Your City*, local media, and the City's website. Citizens were encouraged to apply and interested individuals forwarded their applications to the Neighborhood Program. A total of 87 applications were received. Several applicants were interviewed by Mayor Rob Drake and staff liaisons. Mayor Rob Drake is forwarding the following recommendations for terms commencing January 1, 2006.

INFORMATION FOR CONSIDERATION:

Arts Commission

	<u>Term Expires</u>
David (Tony) Benitz (new appointment)	12/31/07
Jordan Delapoer (new appointment)	12/31/06
Bruce Flath (new appointment as alternate)	12/31/06
Anne Turnbaugh Lockwood (new appointment)	12/31/07
Andrew Loomis (new appointment)	12/31/08
Eva Nunez (new appointment)	12/31/08
Linda Aleskus (reappointment)	12/31/08
Nanci Moyo (reappointment)	12/31/07
Michelle Sterkowicz (reappointment)	12/31/07
Ano Anahid Youssefian (reappointment)	12/31/08

Bicycle Advisory Committee

William Cortez (new appointment)	12/31/06
Richard Hoge (new appointment)	12/31/06
Ernie Conway (reappointment)	12/31/06
Bryan Thompson (reappointment)	12/31/08

Board of Construction Appeals

Paul Kimberling (new appointment to permanent plumbing position)	12/31/08
John G. Spezza (new appointment to alternate HVAC position)	12/31/08
David Gessert (appointment from alternate to permanent fire position)	12/31/08
Patricia Kepler (reappointment to alternate representing disabled community)	12/31/08
John Marquart (reappointment to alternate public position)	12/31/08
Kenneth Phillips (reappointment to HVAC position)	12/31/08

Board of Design Review

Jeanne Leeson (new appointment)	12/31/06
Jennifer Nye (new appointment to architect position)	12/31/08
Darla King (new appointment)	12/31/07
Walt Steiger (new appointment)	12/31/06

Budget Committee

Jose Galindez (reappointment)	12/31/08
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Citizens' with Disabilities Advisory Committee

Alan Ruger (new appointment)	12/31/08
Cheryle Brown (new appointment)	12/31/08
Jamie Cloghessy (new appointment)	12/31/08
Sue Taylor (new appointment)	12/31/08
Donna Newton (reappointment)	12/31/08
Robert Lidfors (reappointment)	12/31/08

Committee for Citizen Involvement

Marc San Soucie (new appointment)	12/31/08
Eric Schmidt (reappointment)	12/31/08

Human Rights Advisory Commission

Susi Brothers (reappointment)	12/31/08
Esther Griffin (reappointment)	12/31/08
Marlin Hofer (reappointment)	12/31/08

Planning Commission

Melissa Bobadilla (new appointment)	12/31/07
Richard Stephens (new appointment)	12/31/08
Jack Platten (new appointment as alternate)	12/31/06
Eric Johansen (reappointment)	12/31/08

Senior Citizens Advisory Committee

Kent Ahlschlager (new appointment)	12/31/08
Stephen Elzinga (new appointment)	12/31/07
Jolene Guptill (new appointment)	12/31/07
Helen Popa (new appointment)	12/31/08
Ann Stephani (new appointment)	12/31/08
Carole Weber (new appointment)	12/31/07

Traffic Commission

Maurice Troute (new appointment)	12/31/08
Thomas Wesolowski (new appointment as alternate)	12/31/06
Kimberly Overhage (reappointment)	12/31/08
Bob Sadler (appointment from alternate to permanent)	12/31/08

RECOMMENDED ACTION:

Confirm recommended appointments to the Boards and Commissions.

Community Database
Web Application Request Detail Listing
Application # 7

Status:

Choice #1:

Choice #2:

First Name: **Last:** **Customer #:**

Street: **Home Phone:**

City: **Work Phone:** **Extension:**

State: **Zip:** **E-Mail:**

City Resident: **How Long:** years **Employer:**

Keep Name on List (if not appointed) **Position:**

Heard How?

Background:

Skills:

Motivation:

Goals:

1

Community Database
Web Application Request Detail Listing
Application # 68

Status: Processed

Choice #1: Planning Commission

Choice #2: Beaverton Arts Commission

First Name: Jordan

Last: Delapoer

Customer #:

Street:

Home Phone:

City:

Work Phone:

Extension:

State:

Zip:

E-Mail:

City Resident:

How Long: 3 months

Employer:

Keep Name on List (if not appointed)

Position:

Heard How? Mailer card

Background: I graduated from Linfield college in 2004 with a double major in Mass Communication and Political Science and a minor in Spanish. I am currently working in advertising and am seeking a means by which to get politically involved. I was an award winning Political Science honor student, and while advertising is highly fulfilling, I have a strong desire to get involved in politics and public service.

Skills: Professional:

- Gerber Legendary Blades - Advertising Account Manager
- Brooks Sports, Inc. - Advertising Account Manager

Education:

- Political Science Honor Student
- Political Science student of the year
- Phi Sigma Alpha Political Science Honor Society

Involvement:

- Student Body President
- College Budget Committee Member
- Student Budget Committee Chairperson
- Study Abroad Scholarship Chairperson
- New Leaf Network Political Action Committee Member

Motivation: I've lived in Beaverton with my new wife for just a few short months and have quickly grown to love the Beaverton Community. My father is the Albany City Attorney, so I have been exposed to city governance all my life and have always had an interest in becoming involved. Now, with my Political Science background, I feel there is no better time to begin getting involved in my community and building my political service resume. I hope this position is the first step in a long climb toward additional responsibilities within city involvement and governance.

Goals: While Beaverton is taking major steps (Cedar Hills Crossing in particular) toward competing on a commercial/economic level with Portland and the Tanasbourne area, the city is at a distinct disadvantage, having developed much of its land years ago. Beaverton has a lot of unknown and untapped charm and I don't want to see its commercial potential being drained by the Streets of Tanasbourne and other such new developments. I think Beaverton is on the right track, and I'd like to have an influence in commercial and all land development, with the goal of seeing the city thrive in all ways possible.

Community Database
Web Application Request Detail Listing
Application # 76

Status:

Choice #1:

Choice #2:

First Name:

Last:

Customer #:

Street:

Home Phone:

City:

Work Phone:

Extension:

State:

Zip:

E-Mail:

City Resident: How Long:

Employer:

Keep Name on List (if not appointed)

Position:

Heard How?

Background:

Skills:

Motivation:

Goals:

Community Database
Web Application Request Detail Listing
Application # 15

Status: **Processed**

Choice #1: Library Advisory Board

Choice #2: Beaverton Arts Commission

First Name: Anne

Last: Turnbaugh Lockwood

Customer #: _____

Street: _____

Home Phone: _____

City: _____

Work Phone: _____

Extension: _____

State: _____

Zip: _____

E-Mail: _____

City Resident: How Long: March 2005

Employer: _____

Keep Name on List (if not appointed)

Position: _____

Heard How? in the mail

Background: I have a Ph.D. in Educational Psychology from the University of Illinois at Urbana-Champaign and have worked connecting research to practice and policy for nearly 20 years. I served on the Library Board in Champaign, Illinois in the 1980s, and can offer that experience. I have worked at the University of Wisconsin-Madison (both the community and University have exceptionally fine libraries) and in Washington, DC. at the American Association of School Administrators. My entire family is passionate about public libraries. My earliest memories are of the public library, and I believe that along with public education, a public library, to paraphrase Horace Mann, is "the last great hope of a democracy." The Beaverton Library is outstanding. I have been using it a great deal and have been impressed with it. I would like nothing more than to be involved with it in an advisory capacity. As a footnote, my brother, Roy Turnbaugh, is retiring after 20 years as Oregon State Archivist and leaving his position on the Salem Library Board, so our love of books and libraries does run in the family!

Skills: Ph.D.
Fulbright Scholar
Broad content knowledge of research and policy
Organizational knowledge
Previous library board experience of a very fine library in a university town
Passionate commitment to public libraries
Voracious reader on all topics

Motivation: Please see above

Goals: To publicize even further the existing library and arts structure so that it can become accessible to all citizens; so that no one feels intimidated; so that everyone is welcomed; so that reading is a pleasure; so that coming to the library is an event that children and adults anticipate as a high point of their week (if not more frequently). If you can read, you can do anything.

Community Database
Web Application Request Detail Listing
Application # 21

Status:	Processed		
Choice #1:	Beaverton Arts Commission		
Choice #2:	Library Advisory Board		
First Name:	Andrew	Last:	Loomis
Customer #:			
Street:			
Home Phone:			
City:		Work Phone:	
State:		Extension:	
Zip:		E-Mail:	
City Resident:	<input checked="" type="checkbox"/>	How Long:	Since June of 2003
	<input checked="" type="checkbox"/>	Employer:	
		Position:	
Keep Name on List (if not appointed)			
Heard How?	Postal Notice / City Newsletter		
Background:	I moved to the Metro area in '96 and worked in the Art Foundaries in Sandy, Boring and Troutdale. After my daughter was born, I moved my family to Beaverton and began working in Human Resources. During my time in this area I have pursued a side career as an artist, exhibiting paintings and prints in Oregon, Washington and Idaho. Locally, I have participated in the Beaverton Last Tuesdays, Artists Against Hunger and other exhibition events.		
Skills:	I have a BFA in Printing and Painting from Wash. State University. I have taught children's drawing classes; regularly volunteer in the Art Literacy program at my daughters elementary school; and am a Artist Member of the Beaverton Arts Commission.		
Motivation:	I believe it is important to participate in the community. I also believe in the arts and I want to set an example for my young children. It is important to me that they understand that if I believe in something, I have a responsibility to do more than talk; I need to act and participate. I am not a political artist, but it is important to me that the arts are supported in my community. I want to do what I can to help see that happen.		
Goals:	Beaverton has a good school system and is an inviting community. Efforts are made to include citizens in the arts and provide opportunities for artists. I would like to see that continue. I would like to see more local opportunities for local artists as have been promoted by the current Beaverton Arts Commission. I would also like to see more professional Arts opportunities encouraged in the city. Portland dominates the state as a cultural center but, Beaverton, with its powerful residents, has an opportunity to make a name for itself as an equally important cultural center. I would like to see Beaverton grow to be recognized as a place for Artists, Musicians, writers and performers to live work and display their art. I would further like to see those that appreciate the arts to recognize Beaverton as a cultural center and destination. And, finally, I would like to see Beaverton recognized as an arts educational hotbed; a place where young and old have opportunities to see art in the community, meet artists and develop their own talents alongside professional artists.		

Rec'd
9/28/05



Boards and Commissions Application



non-resident
w/in WBNAE

Questions about whether the information you submit is private: please read the City of Beaverton Web Site Privacy Policy.

Further questions: send an email to citymail@ci.beaverton.or.us.

The City of Beaverton seeks applications for City Boards and Commissions

The deadline for applications is 4:30 p.m. on Friday, October 14, 2005

Important Note: We recommend you prepare your entries offline on your word processor as text only, then copy and paste in the text areas provided in the form. Formatting, highlighting, tables, etc are lost when pasted into the format of the text areas.

All fields are required (except where indicated "if applicable")

Board/Commission Applying for:

First Choice: Library Advisory Board

Second Choice: Beaverton Arts Commission

First Name: Eva

Last Name: Nunez

Address:

City:

Zip Code:

*Home phone: (format: 999-999-9999)

Email:

Complete the following if applicable:

Employer:	
Position:	
*Business Phone:	(format: 999-999-9999)
Ext	

How did you hear of the opening?

Postal Patron Local

6

EVA NUNEZ

Are you a City resident? (see residency requirement at bottom of form)

- Yes
- No

If yes, how long have you lived in the City?

This is my fourth year

May we keep your name on a list if not appointed at this time?

- Yes
- No

Briefly describe your background and experience:

I do not have experience in City Boards & Comissions but my international work as a professor & an academic has given me experience in administration and in dealing with the public. My international background -I lived in Ireland (2 y.)and in England (3 y.)- has given me various perspectives of urban planning & development.

List any special training, skills or experience you may have that are pertinent to the Board/Commission to which you are applying:

I am fluent in Spanish and Portuguese.
Computer programs. Administrative skills.
Ph.D.
Ballet.

Discuss your motivation for serving on this Board/Commission:

This is my forth year living in Beaverton and would like to serve as a volunteer in either the Library Board or Art Commission in order to feel part of the Beaverton Community.
I would like to help as much as I can to the wealth of our city.

State your goals for the City:

A good, well kept library.
Develop Arts in our Community.
Increase diversity participation in Beaverton Arts and in the Library.
A nicer and cleaner environment.
To better our community.

* The Charter for the City of Beaverton, Chapter V, Section 19, C.2., provides that: "Unless waived by a majority vote of the entire council, a member of any committee, board or commission shall be a resident of the City."

For additional information, please call the Neighborhood program at (503) 526-2543.

[Back to Boards and Commissions Page](#)

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Community Database
Web Application Request Detail Listing
Application # 70

Status:	Processed		
Choice #1:	Bicycle Advisory Committee		
Choice #2:	Sister Cities Foundation		
First Name:	William	Last:	Cortez
Customer #:			
Street:			
Home Phone:			
City:		Work Phone:	Extension:
State:		E-Mail:	
Zip:			
City Resident:	<input checked="" type="checkbox"/>	How Long:	3 - 4 years
	<input checked="" type="checkbox"/>	Keep Name on List (if not appointed)	
Employer:			
Position:			
Heard How?	through the mail		
Background:	I have never served on a board/commission for the city of Beaverton or for any other city.		
Skills:	I am an avid biker (both mountain & road). I commute at least 3 times a week. I started a mountain bike club at the high school in an effort to get more kids to look at alternative forms of transportation (i.e. better for the environment), exercise and to increase awareness for the sport.		
Motivation:	I would like to take a more active role in my community. I would like to increase awareness for bicycle laws, safety and the rights of bicyclists. I would like to see that any future planning for the city of Beaverton take into account the option of a clean and reliable mode of getting to and from point A to point B.		
Goals:	I love the city of Beaverton and would like to make it one of the best and safest places for riders of all ages and abilities to ride.		

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Community Database
Web Application Request Detail Listing
Application # 1

Status: **Processed**

Choice #1: Bicycle Advisory Committee

Choice #2: Traffic Commission

First Name: Richard

Last: Hoge

Customer #: _____

Street: _____

Home Phone: _____

City: _____

Work Phone: _____

Extension: _____

State: _____

Zip: _____

E-Mail: _____

City Resident:

How Long: 3 Years

Employer: _____

Keep Name on List (if not appointed)

Position: _____

Heard How? Community Newsletter / Word of Mouth

Background: I have lived in Oregon for the last 4 years, 3 of those in Beaverton. _____, where I have been working for 6 months. Prior to that, I worked for an international engineering company, travelling to Asia and Europe. Overall, I have 10 years of professional engineering experience, across design, customer support and sales.

Skills: I am a regular bicycle commuter in Washington County, including Beaverton. As an engineer, I think I will be able to add creative problem solving skills and have the ability to analyze technical and other data. I have also been trained in public speaking and negotiations. I also believe that I have a good knowledge of the cycling road rules for Oregon and Beaverton.

Motivation: I am interested in making Beaverton a better and safer city in which to ride a bicycle. As a regular bicycle rider, I see some of the places Beaverton has done a good job on this, and know if places where Beaverton has room for improvement.

Goals: Above all, I want to maintain Beaverton as a quality city to live in.

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BOARDS AND COMMISSIONS APPLICATION RECEIVED

OCT 13 2005

DATE: OCT 14 05

HUMAN RESOURCES

Board/Commission applying for:	
1 st Choice	BOARD of Construction Appeals
2 nd Choice	Planning Commission

Name <u>PAUL KIMBERLING</u>	Employer <u>Retired</u>	Position
Address		City
Home Phone		Business Phone
Email Address		

How did you hear of the opening? <u>MAILING</u>	
Are you a City resident?* If yes, how long have you lived in the City? <u>11 YEARS</u>	May we keep your name on a list if not appointed at this time? <u>YES</u>

Briefly describe your background and experience:

HAVE WORKED IN CONST INDUSTRY FOR 43 YEARS
SERVED A STEAMFITTER APP
TAUGHT SCHOOL TO STEAMFITTERS
PAST BUSINESS MGR OF LOCAL #290 PLUMB & STEAM FITTERS
WORK LAST 10 YEARS FOR HOFFMAN CONST

*The Charter for the City of Beaverton, Chapter V, Section 19, C.2., provides that:
 "Unless waived by a majority vote of the entire council, a member of any committee, board or commission shall be a resident of the City"

PAUL KIMBERLING

List any special training, skills or experience you may have that are pertinent to the Board/Commission to which you are applying:

College training in Const Industry
Have been a supervisor on many of the largest Const
Projects in the Area Like Intel US Nat Bank Tower

Discuss your motivation for serving on this Board/Commission:

I would like to give back to my community and be
able to donate time to help it expand

State your goals for the City:

I would like to see and be a part of helping
this city to expand for the betterment of its citizens

For additional information, please call the Neighborhood Program at 503-526-2543.

Return application to: Neighborhood Program, City of Beaverton
P.O. Box 4755
Beaverton, OR 97076-4755

Fax: (503) 526-3730

LL

Community Database
Web Application Request Detail Listing
Application # 32

Status: Processed

Choice #1: Planning Commission

Choice #2: Board of Construction Appeals

First Name: John Last: Spezza Customer #: _____

Street: _____ Home Phone: _____

City: _____ Work Phone: _____ Extension: _____

State: _____ Zip: _____ E-Mail: _____

City Resident: How Long: Off and on since 1957. The latest lengt Employer: _____

Keep Name on List (if not appointed) Position: _____

Heard How? Post car. mailed to my home.

Background: I graduated from BHS in 1965. 4 years in college and graduated 1972. Worked in my father's business and became owner/pres. in 1976. The company I run has 40 employees and is located in Portland, by the Lloyd Center. I have two children, one lives in Beaverton with his family and the other lives in Chicago.

Skills: In the contracting business I have developed many skills that I could transfer to working on a board or committee. Business plans, mission statements, job discriptions, P&L statements, Conflict resolution, Hiring and firing, Sales and marketing...

Motivation: At this stage in my life I find that I have some time that I would like spent helping others. I still work full time however I have the ability to adjust my schedule.

Goals: If I can really assist in helping to direct the city in it's many endeavors, I would gladly give my time. Goals: better schools, better roads, help for seniors, police and fire...

12

Interview. 11/18/05
8am

CO10/CBNAE
OCT 03 2005



BOARDS AND COMMISSIONS APPLICATION

DATE: Sept 29, 05

Board/Commission applying for:
1 st Choice <i>Design Review Board</i>
2 nd Choice

Name <i>Jeanne Leeson</i>	Employer	Position <i>writer-editor</i>
Address	City	Zip
Home Phone	Business Phone	
Email Address		
How did you hear of the opening?		
Are you a City resident?* If yes, how long have you lived in the City? <i>4 years</i>	May we keep your name on a list if not appointed at this time? <i>yes</i>	
Briefly describe your background and experience: <i>Resume enclosed</i>		

*The Charter for the City of Beaverton, Chapter V, Section 19, C.2., provides that:
"Unless waived by a majority vote of the entire council, a member of any committee,
board or commission shall be a resident of the City"

Jeanne Leeson
Editor-Writer

BS University of Minnesota - Major Dietetics, minor Chemistry
MS Pacific University - Education

Currently writing for :

Scribe (publication of Medical Society of Metropolitan Portland)
Oncology Times
Minneapolis Star Journal
Valley Times
Lifestyles

Taught 7th and 8th grades in Salt Lake City, Utah ; Helena, Montana and Portland for 21 years.

Have been published in:

The Oregonian (covered Beaverton government for the Oregonian for 29 years)
The Christian Science Monitor
Better Homes and Gardens
Willamette Week
Northwest Magazine
Country Journal
Argus
Valley Times
Lifestyles
Scribe

Community:

Washington County Fair Board -served for 12 years, chairman two years
Washington County Public Affairs Forum- member 25 years - still member
Washington County Budget Committee- served 6 years
Women in Communications- member 12 years
Oregon Press Women- member - currently member
Washington County Park Advisory Committee 15 years
Washington County Fair Boosters
Clean Water Services Advisory Board 3 years, currently serving

Community Database
Web Application Request Detail Listing
Application # 71

Status:

Choice #1:

Choice #2:

First Name: **Last:** **Customer #:**

Street: **Home Phone:**

City: **Work Phone:** **Extension:**

State: **Zip:** **E-Mail:**

City Resident: **How Long:** **Employer:**

Keep Name on List (if not appointed) **Position:**

Heard How?

Background:

Skills:

Motivation:

Goals:

X

Interview : 11/3/05, 2pm

COB - CBNAC

OCT 14 2005

10/31/05 -
left v'mail

11/3/05 - left
msg w/
person (w)



BOARDS AND COMMISSIONS APPLICATION

DATE: 10-1-05

Board/Commission applying for:	
1 st Choice	Planning Commission
2 nd Choice	Board of Design Review

Name	Employer	Position
DARLAA KING		owner
Address	City	Zip

Home Phone	Business Phone
Email Address	

How did you hear of the opening?
Mr. Drake / Central Beaverton NAC.

Are you a City resident?* If yes, how long have you lived in the City?	May we keep your name on a list if not appointed at this time?
<u>yes, 30 yrs</u>	<u>yes</u>

Briefly describe your background and experience:

Beaverton High graduate
 D.C.C. Business law, Government, ph
 Beauty school
 lobbyist for Errol Hassel school - short time
 organized and restored two older buildings to
 reveal a successful business
 raising 3 girls
 Serving as vice chair, soon to be chair in Jan
 Beaverton Central NAC.

*The Charter for the City of Beaverton, Chapter V, Section 19, C.2., provides that:
 "Unless waived by a majority vote of the entire council, a member of any committee,
 board or commission shall be a resident of the City"

DARLA KING

List any special training, skills or experience you may have that are pertinent to the Board/Commission to which you are applying:

Experience is my training -
Building many houses
Two Beauty Salons in 20 yrs. Built or
renovated from the ground up. Working in
the family Construction business since
High school. Currently running my business on
1st Bear. and my U-haul business in hillsboro
Currently working w/city of hillsboro Roy Gibson on a road.

Discuss your motivation for serving on this Board/Commission:

Myself, I'm very determined and don't leave
stones unturned. An accomplishment such as
serving city of Beaverton is what I aspire.
The self pride I feel when I'm volunteering
for the city or schools is very valuable.
Serving my community is a necessity
in building the future for the generations
to come.

State your goals for the City:

Naturally to restore, beautify and Improve
our city. To promote a safe, Clean, and
very livable environment, that flows with
change effectively. Bringing people back to
the city of beaverton, which is beneficial
to the future of Beaverton and its
Families.

For additional information, please call the Neighborhood Program at 526-2543.

Return application to: Neighborhood Program, City of Beaverton
P.O. Box 4755
Beaverton, OR 97076-4755
Fax: (503) 526-2572

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X

Interview 11/18, 10:30 am

10/31/05 - left msg
w/ person to call
me

10/31/05 - confirmed
11/18, 10:30 am

Steiger BDR application
From: Sue Nelson on behalf of Mailbox Citymail
Sent: Friday, November 05, 2004 10:50 AM
To: Megan Callahan
Subject: FW: Boards and Commissions Application

-----Original Message-----

From: bcaplication@ci.beaverton.or.us [mailto:bcaplication@ci.beaverton.or.us]
Sent: Friday, November 05, 2004 10:47 AM
To: Mailbox Citymail
Subject: Boards and Commissions Application

Boards and Commissions Application

Board/Commission Applying for:
First Choice: Board of Design Review
Second Choice: Board of Construction Appeals

Name: Walter Steiger
Employer:
Position:

Address:
City:
Zip Code:

Home Phone:
Business Phone:
Email Address:

How did you hear of the opening? I don't know if there are openings

Are you a City resident? yes

If yes, how long have you lived in the City? 30 years + or -

May we keep your name on a list if not appointed at this time? yes

Briefly describe your background and experience: 32 years as an architect in private and government work. The last 20 years in the North Pacific Division of the Corps of Engineers in Portland where my work was primarily review of designs by in-house and contract architect-engineer firms.

List any special training, skills or experience you may have that are pertinent to the Board/Commission to which you are applying: See Above

Discuss your motivation for serving on this Board/Commission: I am retired and have time to spare. I think my experience might be of some use in this application.

State your goals for the City: I hadn't really thought of my goals for the city but I guess I could say that I would hope the city's involvement in decisions concerning architectural design and construction would be prompt and rational.

Community Database
Web Application Request Detail Listing
Application # 6

Status: Processed

Choice #1: Citizens with Disabilities Advisory Committee

Choice #2: Citizens with Disabilities Advisory Committee

First Name: Alan **Last:** Ruger **Customer #:** _____

Street: _____ **Home Phone:** _____

City: _____ **Work Phone:** _____ **Extension:** _____

State: _____ **Zip:** _____ **E-Mail:** _____

City Resident: **How Long:** 17 years **Employer:** _____

Keep Name on List (if not appointed) **Position:** _____

Heard How? Web

Background: I have worked for the Federal government for 27 years. I have degrees in Business Administration, Fishery Biology, and Environmental Biology. I worked for an Indian Tribe for 8 years as their Executive Director of natural resources. I worked directly with the US Congress and received a special appropriation. These were some of the most satisfying years of my career.

Skills: I am functionally deaf. I speech read, and would be considered late deafened by the Deaf community. I am currently taking American Sign Language Classes.

Motivation: My motivation is to bring awareness and understanding to government of the issues facing the spectrum of hard-of-hearing, deaf and culturally Deaf individuals. There is a continuum of issues. The culturally Deaf are not disabled, but rather use a language that separates them from many in the hearing community. The hard of hearing have different issues, often being oral, but losing the ability to participate in the hearing world. I see myself in the middle, while I focus to be able to communicate better in the Deaf community through American Sign Language.

Goals: The City of Beaverton is a vital community serving the government functions of all its residents; the poor, the Deaf, the hard-of-hearing, the elderly, young, ethnic minority, and ethnic majority. Quite a challenge.

Community Database
Web Application Request Detail Listing
Application # 28

Status:

Choice #1:

Choice #2:

First Name: **Last:** **Customer #:**

Street: **Home Phone:**

City: **Work Phone:** **Extension:**

State: **Zip:** **E-Mail:**

City Resident: **How Long:** **Employer:**

Keep Name on List (if not appointed) **Position:**

Heard How?

Background:

Skills:

Motivation:

Goals:

20



BOARDS AND COMMISSION APPLICATION

DATE: 10/11/05

Board /Commission applying for: <u>CDAC (DISABILITY ADVISORY)</u>
1st Choice
2nd Choice

Name <u>JAMESINE J. CLOGHESY</u>	Employer <u>100% DISABLED</u>	Position <u>Do Not Work</u>
Address	City	Zip
Home Phone	Business Phone	
E-mail Address		
How did you hear of the opening? <u>YOUR CITY City of Beaverton Newsletter</u>		
Are you a City resident?* If yes, how long have you lived in the City? <u>Yes 3 1/2 YRS.</u>	May we keep your name on a list if not appointed at this time? <u>YES</u>	
Briefly describe your background and experience: <u>I have a strong Corporate background, having been a WRITER, INSTRUCTOR, TECHNICAL WRITER, CORPORATE PROJECT COORDINATOR, ADULT LEARNING SPECIALIST. I have also owned a small business and am a professional ARTIST and MUSICIAN.</u> <u>I have a specialization IN WORKING WITH Volunteer Populations (Undergrad Mgt Degree, George Fox College)</u> <u>I am a Master's Candidate in CONFLICT Resolution at PSU.</u>		

* The charter for the City of Beaverton, Chapter V, Section 19, C.2., provides that:
"Unless waived by a majority vote of the entire council, a member of any committee, board or commission shall be a resident of the City."

List any special training, skills or experience you may have that are pertinent to the Board/Commission to which you are applying:

- I am a COMMUNICATION Expert, having taught Communication Adult Ed classes for Clatsop County 5 County Consortium.
- Nearly completed Master of CONFLICT Resolution with expertise in facilitation, Communication, Cross Cultural Communication Issues and Difficulties.
- I used to translate legislation into plain language that the average person could understand.
- I HAVE done, and continue to do a great deal of Volunteer work.

Discuss your motivation for serving on this Board/Commission:

I became disabled late in life and have a special understanding of disability issues because I have a recent knowledge of the misapprehensions and issues that the non-disabled community might have toward the DISABLED. I AM ARTICULATE and well educated with a strong professional background that ~~gives me~~ makes me a valuable resource in speaking for the needs of the Disabled Community.

I Also like working in the Municipal setting.

State your goals for the City:

I think Beaverton is a great city with lots of potential. I would like to be part of a commission that helps steer the City toward being friendly TO DISABLED CITIZENS. We have a lot to OFFER!

Thanks for Reading.

Jami Cloyhessy

For additional information, please call the Neighborhood Program at 503-526-2543.

Return application to: Neighborhood Program, City of Beaverton

P.O. Box 4755

Beaverton, OR 97076-4755

Fax: (503) 526-3730

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You may also apply on our website at www.beavertonoregon.gov

Community Database
Web Application Request Detail Listing
Application # 60

Status: Processed

Choice #1: Citizens with Disabilities Advisory Committee

Choice #2: Human Rights Advisory Commission

First Name: Sue **Last:** Taylor **Customer #:** _____

Street: _____ **Home Phone:** _____

City: _____ **Work Phone:** _____ **Extension:** _____

State: _____ **Zip:** _____ **E-Mail:** _____

City Resident: **How Long:** 20+ years **Employer:** _____

Keep Name on List (if not appointed) **Position:** _____

Heard How? city news letter

Background: Strong communication and writing skills. Long history of involvement with mental health issues.

Skills: I'm good at research, identifying problems and coming up with creative solutions.

Motivation: I believe I have more knowledge then many. I have been looking for a way to share this with my city.

Goals: To be fantastic!

Community Database
Web Application Request Detail Listing
Application # 69

Status: **Processed**

Choice #1: **Beaverton Committee for Citizen Involvement**

Choice #2: **Budget Committee**

First Name: **Marc**

Last: **San Soucie**

Customer #: _____

Street: _____

Home Phone: _____

City: _____

Work Phone: _____

Extension: _____

State: _____

Zip: _____

E-Mail: _____

City Resident: How Long: **In Washington County (Bethany) from**

Employer: _____

Keep Name on List (if not appointed)

Position: _____

Heard How? **I did not hear of an opening, but while attending the Neighborhood Programs Learning Series event on City Finance, the Finance Director encouraged me to look into volunteering for a commission.**

Background: **My profession is computer software engineering, and since 1995 I have been in positions of management. Since 2001 I have been Vice President of Engineering for a small software company based here in Beaverton, Prior to that I worked for a Portland-based startup company, and from 1990 through 2000 I worked for GemStone Systems, a Beaverton-based software company. I lived in the Bethany area of Washington County from 1990 through May 2005, when I moved to Beaverton, where I now reside.**

In the early 1990s I decided to contribute time and energy to volunteer positions at Washington County, and did so for several years. In 1995 my career required more of my time, so I set aside my public involvement work and concentrated on business. At this point in my career I find that I once again have time to contribute to my community, and I hope to offer my attention and energy to the city of Beaverton in a volunteer capacity.

Skills: **In the early 1990s I was very active in a number of Washington County public involvement opportunities. My primary interests were fostering citizen involvement and contributing a citizen perspective to county transportation planning. I participated in the following County committees and activities:**

- * Committee for Citizen Involvement co-chair most of 1994, first half of 1995, with Judy Skinner: Promoted many opportunities for citizens to productively contribute to County plans and policies.
- * Capital Projects Committee (transportation project ranking), Vice-chair, then Chair, 1994-1995. The committee worked with Washington County planning staff to develop criteria for ranking transportation projects. The final results were used as a basis for selecting projects for MSTIP-3 and various Metro-led funding initiatives.
- * CPO-7 vice-chair for most of 1994
- * Community Development Code Task Force, 1993-1994. Offered ideas and opinions on development code modification proposals.
- * Task Force to select public involvement consultant, Dec 1993. Worked with county commissioners and staff to select a consultant via RFP, to help guide programs to enhance citizen involvement in County work.
- * District 2 Bicycle/Pedestrian Advisory Committee, 1993-1994. Contributed time, organizational skills, and writing to an effort to catalog pedestrian and bicycle needs in District 2.

Motivation: **I believe strongly that the most valuable offering a citizen can make to their community is to contribute as a volunteer. Beaverton is a well-run city, but there is no end to the surprising and valuable contributions individual citizens can make by offering their ideas, opinions, and perspective to city discussions and deliberations. I would like to help enhance this kind of interaction between Beaverton and its residents.**

I believe I can contribute a great deal of ideas, energy, and experience to helping Beaverton more fully and productively involve its citizens in the process of formulating goals, procedures, policy, and programs to make the city the best it can be.

Goals: **Beaverton is a growing city with a very bright future. Beaverton is destined to be far more than a suburb of a larger city it can be an example of a small town becoming a magnet for good business, good culture, good lifestyle, and plain good living. Beaverton is reaching a critical mass in size and activity that affords the city the resources and opportunity to demonstrate how growth can be sensible, humane, productive, and enjoyable all at once. I look forward to helping to make this happen.**

Community Database
Web Application Request Detail Listing
Application # 66

Status: **Processed**

Choice #1: **Planning Commission**

Choice #2: **Budget Committee**

First Name: **Melissa**

Last: **Bobadilla**

Customer #: _____

Street: _____

Home Phone: _____

City: _____

Work Phone: _____

Extension: **N/A**

State: _____ Zip: _____

E-Mail: _____

City Resident: How Long: **3 years 3 months**

Employer: _____

Keep Name on List (if not appointed)

Position: _____

Heard How? **Beaverton City Newsletter**

Background: I have legal experience in the various legal fields, including tax law, labor and employment law, and I am familiar with land use. I have over nine years of customer service experience, which involve marketing services to the public and working in the financing industry. I have held numerous leadership positions, including being a former instructor and personal banker.

Skills: While working in the legal field, I have had the opportunity to work on a wide variety of legal issues, including settlement conferences, settlement negotiations, and preparing for trial. I enjoy working on a variety of issues and believe that working for the City of Beaverton on the Planning Commission or Budget Committee would be a challenging and rewarding experience.

Motivation: First and foremost, being part of the Planning Commission or Budget Committee would provide me with the opportunity to use my professional skills in the city I live and call home. Second, I believe that those of us that hold special skills, it is our obligation to use them in the community we live. Unfortunately, less and less professionals, especially those with legal experience, are becoming less and less involved in public service work. It is our responsibility to give back to the community and be involved in the city that we live and call home. This will only make the city a better place to live and create better schools.

Goals:

1. For the city of Beaverton to be considered one of the best cities of the Portland-metro area that people want to live in. Beaverton does have a good reputation and is known for its great growth over the past few years but it is still not favored as other surrounding cities. We need to make Beaverton competitive so that people will want to consider Beaverton as one of the first places to relocate.
2. Encouraging more business to invest in down-town Beaverton and/or relocate to Beaverton. This is essential for Beaverton to continue growing and continue being a prosperous city. This will help bring in the necessary revenue that will help the city's services grow at the same time the city is growing, such as incorporating necessary streets and maintaining Beaverton a clean city. This in return will fund great schools all throughout Beaverton. We need to create incentives for the businesses that are already thinking of relocating, such as those from down-town Portland, to move to Beaverton.
3. Beaverton to have the best zoning regulations even though they are not the most friendly. This will encourage good construction and great housing communities that will not only be beautiful when they are constructed but will continue to be many years later. Many new community developments that have were created in Oregon fifteen, twenty years ago are no longer as beautiful and prosperous as they were when they were first build. We need to make sure that this does not happen to Beaverton.
4. Have a balance city budget and fund the most important projects/agencies appropriately funded in order for them to run smoothly. Such as schools being funded to the levels needed so that the children will receive the best education. This is essential because we need to strive to motivate the children to want to continue living in Beaverton once they graduate from highschool/college. They will be running this city in the years to come and it is our responsibility as citizens of this city to fully prepare them.

Community Database
Web Application Request Detail Listing
Application # 4

Status: Processed

Choice #1: Planning Commission

Choice #2: Beaverton Arts Commission

First Name: Richard **Last:** Stephens

Customer #:

Street:

Home Phone:

City:

Work Phone:

Extension:

State:

Zip:

E-Mail:

City Resident: **How Long:** Recent Move (occupancy 7/24/05)

Employer:

Keep Name on List (if not appointed)

Position:

Heard How? City Website

Background: Airport Land Use Commissioner, County of Riverside 2001-2005.
 Planning Commissioner, City of Riverside CA 1999-2005.
 Vice President, International Society of City and Regional Planners 2002-2005.
 Planning Commissioner, City of Hemet CA 1990-1991.
 Adjunct Professor, Urban & Regional Planning, Cal Poly Pomona CA 1990-2005.
 Planning Director, AEI-CASC Consulting, Colton CA 1997-2005.

Skills: Initiated annual "Planning Commissioners Forum" (regional symposium) 1995--.
 Provided international presentations on environmental decision-making.
 Taught courses on environmental & urban planning for over 15 years.
 Registered Environmental Assessor (CA license).
 Masters Degree in Urban and Regional Planning, Cal Poly Pomona.
 Provided Planning Commission training.
 Authored the "Plannerese Dictionary" humorous compilation of planning terms.

Motivation: Desire to provide community service and participate in extraordinary "place-making."

Goals: Assist with Planning Commission recommendations by providing experience and different perspectives for innovative planning.

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Community Database
Web Application Request Detail Listing
Application # 31

Status: Processed

Choice #1: Planning Commission

Choice #2: Traffic Commission

First Name: Jack

Last: Platten

Customer #: _____

Street: _____

Home Phone: _____

City: _____

Work Phone: _____

Extension: _____

State: _____

Zip: _____

E-Mail: _____

City Resident: How Long: since its annexation, three years or so

Employer: _____

Keep Name on List (if not appointed)

Position: _____

Heard How? Mailer

Background: I am an attorney, practicing in Oregon since 1966. I have a considerable experience in business startups and financing. I worked for the Oregon Corporation Division in the early 70's.

Skills: In addition to my general legal training, I have considerable experience with real estate syndication, sale, and some (not too recent) experience in development. I have 35 hours (out of 82) of graduate credit toward an MBA degree from PSU

Motivation: I am semi-retired, and would like to use my experience and training to give something to the community.

Goals: I would like to see it develop in a logical fashion, to provide decent, affordable housing for its residents, and opportunities for local employment so that residents need not commute in order to make a living.

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Community Database
Web Application Request Detail Listing
Application # 36

Status:

Choice #1:

Choice #2:

First Name: **Last:** **Customer #:**

Street: _____ **Home Phone:** _____

City: _____ **Work Phone:** _____ **Extension:** _____

State: _____ **Zip:** _____ **E-Mail:** _____

City Resident: **How Long:** **Employer:** _____

Keep Name on List (if not appointed) **Position:** _____

Heard How?

Background:

Skills:

Motivation:

Goals:

Community Database
Web Application Request Detail Listing
Application # 77

Status:

Choice #1:

Choice #2:

First Name: **Last:** **Customer #:**

Street:

City: **Home Phone:**

State: **Zip:** **Work Phone:** **Extension:**

E-Mail:

City Resident: **How Long:** **Employer:**

Keep Name on List (if not appointed) **Position:**

Heard How?

Background:

Skills:

Motivation:

Goals:

Community Database
Web Application Request Detail Listing
Application # 73

Status:

Choice #1:

Choice #2:

First Name: **Last:** **Customer #:**

Street: **Home Phone:**

City: **Work Phone:** **Extension:**

State: **Zip:** **E-Mail:**

City Resident: **How Long:** **Employer:**

Keep Name on List (if not appointed) **Position:**

Heard How?

Background:

Skills:

Motivation:

Goals:



BOARDS AND COMMISSIONS RECEIVED APPLICATION

OCT 03 2005

DATE: Oct. 3, 2005

...N RESOURCES

Board/Commission applying for:
1 st Choice <i>Senior Citizens Advisory Committee</i>
2 nd Choice

Name <i>Helen Popa</i>	Employer <i>Retired</i>	Position
Address	City	Zip
Home Phone	Business Phone	
Email Address		
How did you hear of the opening? <i>"Your City" magazine</i>		
Are you a City resident?* If yes, how long have you lived in the City? <i>yes - 28 yrs</i>	May we keep your name on a list if not appointed at this time? <i>yes</i>	
Briefly describe your background and experience: <i>A former school teacher in Okla. and a substitute teacher in the Beaverton School Dist. I have worked many years with the Beaverton "Friends of the Library". I have also served on the Library Advisory Board. I enjoy community work and I believe in "giving back", to being involved in my community.</i>		

*The Charter for the City of Beaverton, Chapter V, Section 19, C.2., provides that:
"Unless waived by a majority vote of the entire council, a member of any committee, board or commission shall be a resident of the City"

HELEN POPA

List any special training, skills or experience you may have that are pertinent to the Board/Commission to which you are applying:

Discuss your motivation for serving on this Board/Commission:

State your goals for the City:

For additional information, please call the Neighborhood Program at 503-526-2543.

Return application to: Neighborhood Program, City of Beaverton
P.O. Box 4755
Beaverton, OR 97076-4755
Fax: (503) 526-3730



BOARDS AND COMMISSIONS APPLICATION

DATE: 9/27/05

Board/Commission applying for:	
1 st Choice	Senior Citizens Advisory Council
2 nd Choice	

Name	Ann Stephani	Employer	-	Position	-
Address		City	Zip		
Home Phone		Business Phone			
Email Address					

How did you hear of the opening? Card in the mail from City Hall	
Are you a City resident? If yes, how long have you lived in the City? Yes; 4 years	May we keep your name on a list if not appointed at this time? NO

Briefly describe your background and experience:

I have studied gerontology as a graduate student of social work and have worked in senior services (administration) for a number of years. This includes serving as a volunteer of boards of directors and advisory councils for non-profit agencies helping older people (adult day care, Alzheimer's services, fostergrandparents, caregiver's agency etc.)

*The Charter for the City of Beaverton, Chapter V, Section 19, C.2., provides that:
 "Unless waived by a majority vote of the entire council, a member of any committee, board or commission shall be a resident of the City"

ANN STEPHANI

List any special training, skills or experience you may have that are pertinent to the Board/Commission to which you are applying:

as noted on earlier page.

Discuss your motivation for serving on this Board/Commission:

I have many elderly neighbors who are "aging in place" and am interested in knowing how the City of Beaverton can help them, along with other seniors in the community.

State your goals for the City:

to be aware of the needs of its citizens, including seniors, and make in a thoughtful, plentiful manner to help community members thrive and contribute to the greater good.

For additional information, please call the Neighborhood Program at 526-2543.

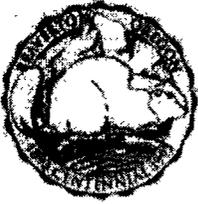
Return application to: Neighborhood Program, City of Beaverton

P.O. Box 4755

Beaverton, OR 97076-4755

Fax: (503) 526-2572

OCT 13 2005
COB- VNAC



BOARDS AND COMMISSIONS APPLICATION

DATE: 10/11/05

Board/Commission applying for:	
1 st Choice	SENIOR CITIZENS ADVISORY COMMITTEE
2 nd Choice	COMMITTEE FOR CITIZEN INVOLVEMENT

OR B.A.C.

Name CAROLE WEBER	Employer RETIRED	Position	
Address		City	Zip
Home Phone		Business Phone	
Email Address			
How did you hear of the opening? VALLEY TIMES INFO			
Are you a City resident?* If yes, how long have you lived in the City? YES - 1976 MOST ALL YEARS SINCE		May we keep your name on a list if not appointed at this time? YES	
Briefly describe your background and experience: 17 YEARS EMPLOYED BY CITY OF PORTLAND IN WATER BUREAU; TRAFFIC SAFETY COMMISSION, AND COUNCIL DIVISION IN AUDITOR'S OFFICE (CITY CODE DISTRIBUTION). SERVED ON ^{BEAVERTON} COMM. FOR CIT. INV. DURING EARLY 80'S. VOLUNTEERED AT WASH. CO. VISITOR'S ASSN FOR 7 1/2 YRS (1997 - 2004). AT PRESENT, I VOLUNTEER IN VARIOUS CAPACITIES FOR B.A.C. WHEN THE NEED ARISES			

*The Charter for the City of Beaverton, Chapter V, Section 19, C.2., provides that:
"Unless waived by a majority vote of the entire council, a member of any committee, board or commission shall be a resident of the City"

CAROLE WEBER

List any special training, skills or experience you may have that are pertinent to the Board/Commission to which you are applying:

GENERAL SKILLS SUCH AS RECEPTIONIST, ANSWER PHONES, SLIDE PROJECTOR OPERATION, EDITING FOR SPELLING, PROPER ENGLISH, ETC (THE BAC SHOWCASE PAMPHLET); ABILITY TO COMPOSE LETTERS, LISTS, ETC. KNOWLEDGE OF BEAVERTON AREA.

Discuss your motivation for serving on this Board/Commission:

I LIKE TO VOLUNTEER IN VARIOUS POSITIONS WHERE HELP IS NEEDED AND BE USEFUL TO MY COMMUNITY. I'VE ALWAYS BEEN VERY INTERESTED IN WHAT GOES ON IN THE AREA AND READ WHAT NEWS IS AVAILABLE ON A DAILY BASIS (PLUS TV ESP. C-SPAN,

State your goals for the City:

CH. 2 & 8 NEWS, & COMMUNITY ACCESS TV STATIONS)
THAT OUR CITY BE A FRIENDLY, LIVABLE, AND REASONABLY ECONOMICAL PLACE TO BE FOR EVERYONE, WITH EXCELLENT SCHOOLS, BUSINESS RESOURCES, AND CULTURAL ACTIVITIES. THE PARK BY THE LIBRARY & FARMER'S MARKET ARE HUGE SUCCESSSES!

For additional information, please call the Neighborhood Program at 526-2543.

Return application to: Neighborhood Program, City of Beaverton
P.O. Box 4755
Beaverton, OR 97076-4755
Fax: (503) 526-2572

Community Database
Web Application Request Detail Listing
 Application # 27

Status:

Choice #1:

Choice #2:

First Name:

Last:

Customer #:

Street:

Home Phone:

City:

Work Phone:

Extension:

State:

Zip:

E-Mail:

City Resident:

How Long:

Employer:

Keep Name on List (if not appointed)

Position:

Heard How?

Background: I have been an Oregon resident and resident of Washington County since 1980. I attended and graduated from the Beaverton School District in 1985. I attended Western Oregon State College in Monmouth Oregon. I have been in sales and sales management for 15 plus years. I am a father of 3 children, an 11 year old son and twin 14 month old girls.

Skills: I have served on several Corporate committees responsible for everything from marketing to Performance management. I chaired a Corporate Committee tasked with designing and implementing sales training curriculum for Metrocall Wireless' national direct sales force reporting directly to the COO and the VP of Sales.

Motivation: Honestly my primary motivation is my frustration with the way traffic has impacted Beaverton over the last several years. With the recent MASSIVE increase in development in Washington County and Beaverton, traffic has become a real problem. I am concerned that it is starting to effect the livability of our city. I am also concerned that the current board lacks focus on the larger issues that impact traffic. Instead spending meeting time to discussing how a dip in the road has ruined a commissioners motor mounts (Aug 2005 meeting minutes). While I am sure the commissioners have personal opinions and concerns about traffic and road conditions, it is highly inappropriate to use an official position to resolve personal concerns. No other citizens of Beaverton have that opportunity.

Goals: To provide the residence of this city with a voice for their traffic concerns. In addition to help maintain and improve the livability of Beaverton while helping to curb the evolution of our neighborhoods into "Traffic Avoidance Routes". I love this City and wish to do my part to help maintain it's unique appeal.

Community Database
Web Application Request Detail Listing
Application # 35

Status: Processed

Choice #1: Traffic Commission

Choice #2: Budget Committee

First Name: Thomas **Last:** Wesolowski **Customer #:** _____

Street: _____ **Home Phone:** _____

City: _____ **Work Phone:** _____ **Extension:** _____

State: _____ **Zip:** _____ **E-Mail:** _____

City Resident: **How Long:** 5 yrs **Employer:** _____

Keep Name on List (if not appointed) **Position:** _____

Heard How? Post Card

Background: 35 years of management experience in Finance, Accounting, and Operations. MBA/BBA with emphasis in Economics, Finance and General Management

Skills: I have over 15 years in the automotive business and 20 years in financial services and banking. I have done planning and budgeting for many corporations in many different industries.

Motivation: I am interested in continuing to make Beaverton specifically, and Oregon in general a great place to live. To do so, we need the right resources and proper planning to make the city as livable as possible. Livability includes mobility and public services, so these two commissions/committees are key ingredients to the livability of our city.

Goals: I think my motivation says it all. My goals for Beaverton would be to make the city a great place to live, within reasonable budget constraints. We have an obligation to get the maximum value for the tax dollars that our residents entrust us with, and to make it a place that is easy to get around in.

AGENDA BILL

12-07-05P03:44 RCM

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Transfer of Road Jurisdiction from Washington County to the City of Beaverton

FOR AGENDA OF: 12-12-05 **BILL NO:** 05226

Mayor's Approval: *[Signature]*

DEPARTMENT OF ORIGIN: Operations *[Signature]*

DATE SUBMITTED: 12-08-05

CLEARANCES: City Attorney *[Signature]*
Engineering *[Signature]*
Comm. Dev. *[Signature]*
Finance *[Signature]*

PROCEEDING: Consent Agenda

EXHIBITS: Resolution
Exhibit A (Legal Description)
Exhibit B, (Vicinity Map)

BUDGET IMPACT

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

This action is to authorize the transfer of jurisdiction and maintenance of portions of SW Heather Lane, SW 100th Terrace, Cynthia Street and Bonnie Brae as described by Exhibit A and shown on Exhibit B. These roadways were annexed to the City of Beaverton as part of the South Beaverton Islands Annexation (ANX 2005-0001) that was approved by City Council on March 28, 2005 (Ordinance 4342) and became effective on April 28, 2005.

INFORMATION FOR CONSIDERATION:

The Operations Department has inspected the roads as described in Exhibit A and finds them acceptable. Operations staff has requested Washington County to transfer jurisdiction of the roads to the City of Beaverton. If Council approves the recommended action, then Council's resolution will be forwarded to the County as a formal request. Separate action of the Board of County Commission to accept the City's request will accomplish the road transfer. Please note that this annexation was not contested in court or appealed to LUBA.

RECOMMENDED ACTION:

Approve the attached resolution to initiate the transfer of jurisdiction from Washington County to the City of Beaverton of the roads listed and described on Exhibit A.

RESOLUTION NO. 4844

**A RESOLUTION INITIATING ACTION TO
TRANSFER JURISDICTION OF CERTAIN COUNTY ROADS
WITHIN THE CITY TO THE CITY.**

WHEREAS, ORS 373.270(6) provides a mechanism for a city to transfer jurisdiction of county roads located within a city to a city; and

WHEREAS, the City of Beaverton has determined it necessary, expedient and for the best interest of the city to acquire jurisdiction over certain county roads or part thereof to the same extent as it has over other public streets and alleys of the city; now, therefore,

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

The Council hereby initiates the transfer of jurisdiction over those Washington County roads described and depicted in Exhibits "A" and "B", which are attached hereto and incorporated.

ADOPTED by the Council this ____ day of _____, _____.

APPROVED by the Mayor this ____ day of _____, _____.

AYES: _____

NAYS: _____

ATTEST:

APPROVED:

SUE NELSON, CITY RECORDER

ROB DRAKE, MAYOR

EXHIBIT "A"

SW BONNIE BRAE DRIVE

ALL OF SW BONNIE BRAE DRIVE

SW HEATHER LANE

FROM SW SCHOLLS FERRY ROAD TO SW 101ST AVENUE

SEE EXHIBIT "B"

All of County Road No. 1914 and all that portion of County Road No. 2417 lying between County Road No. 1914 (said portion also being known as SW Bonnie Brae Drive). Said roads being situated in the Southwest one-quarter of Section 23, T1S, R1W, W.M.

SW CYNTHIA STREET

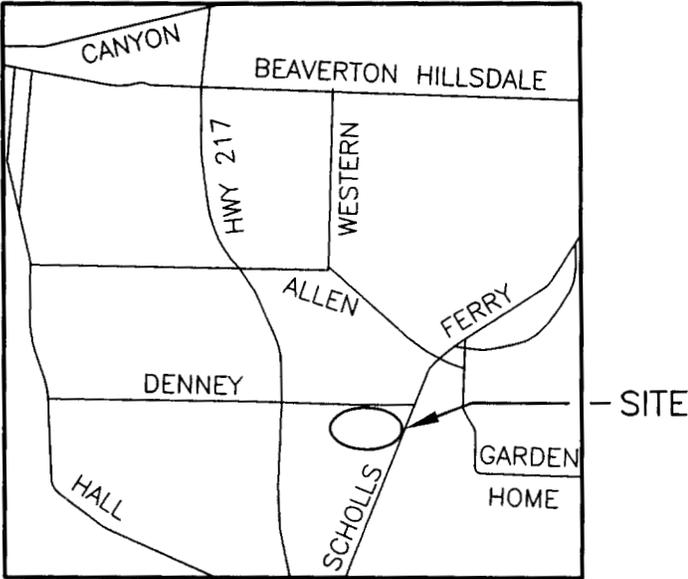
FROM ±205 FEET WEST OF SW 100TH TERRACE TO SW SCHOLLS FERRY ROAD

SW 100TH TERRACE

FROM SW CYNTHIA STREET TO SW DENNEY ROAD

SEE EXHIBIT "B"

All of County Road Nos. 2566, 2709, 2808, and that portion of County Road No. 2630 dedicated and shown on the plat of Logan Square. Said roads being situated in the Southwest one-quarter of Section 23, T1S, R1W, W.M.



VICINITY MAP

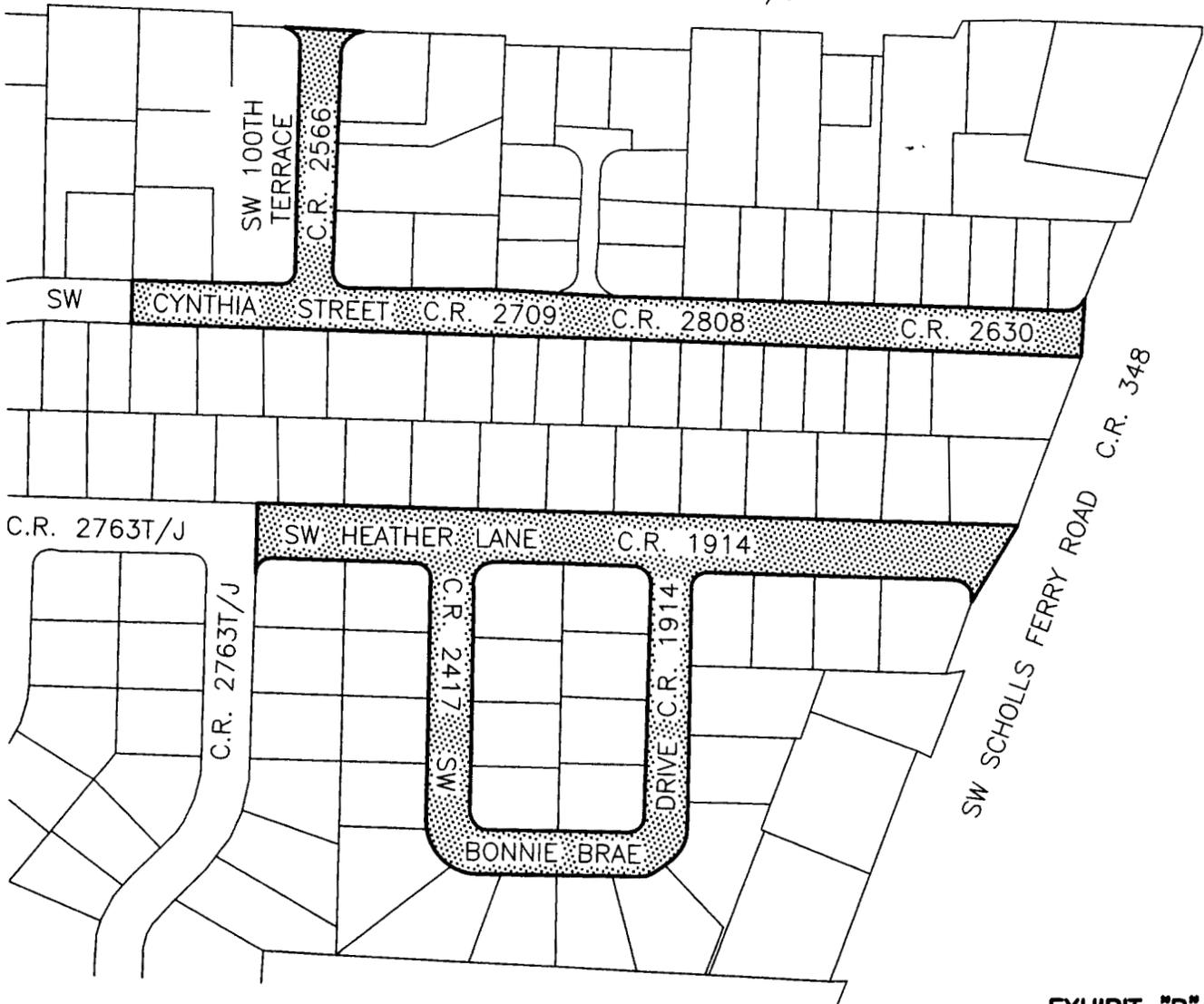
PROPOSED TRANSFER

SW HEATHER LANE
 SW 100th TERRACE
 SW CYNTHIA STREET
 SW BONNIE BRAE DRIVE



NOT TO SCALE

SW DENNEY ROAD C.R. 3175T/J



AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Authorization to Enter into an Intergovernmental Agreement with Metro to Develop the Westgate Property - Tax Lots 1S116AA06800 and 1S109DD00400

FOR AGENDA OF: 12/12/05 **BILL NO:** 05227

Mayor's Approval: *Linda G. Lillard*

DEPARTMENT OF ORIGIN: Mayor *L*

DATE SUBMITTED: 12/2/05

CLEARANCES: Finance *AO*
City Attorney *AA*
Mayor's *L*

PROCEEDING: Consent Agenda

EXHIBITS: Metro/City of Beaverton IGA

BUDGET IMPACT

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

As outlined in the City's Economic Development Strategic Plan, the City is charged with supporting business development through an effective transportation system, targeted land (re)development, and adequate infrastructure.

INFORMATION FOR CONSIDERATION:

The City has coordinated with Metro to identify appropriate sites capable of supporting significant redevelopment within downtown Beaverton. An opportunity was presented to the City and Metro when the Westgate property was offered for sale.

On November 7, 2005, Council gave authorization to fund escrow for the purchase of the Westgate site and adopted a Specific Purpose Grant Budget Adjustment and Transfer Resolution that provided the \$4,900,000 appropriation for the purchase. The purchase price consisted of \$2,000,000 in grant funding from Metro, \$565,000 in grant funding from ODOT for the purchase of right of way for the Rose Biggi extension from the Light Rail line to Crescent Street, and \$2,335,000 from the General Fund's Contingency Account.

The City and Metro will co-own the property, solicit developer(s), and then enter into a joint Development and Disposition Agreement (DDA) with the developer(s) to develop the site. The site will then be sold to developer(s) and the sales proceeds will be distributed per the IGA to Metro and City.

RECOMMENDED ACTION:

Authorize the Mayor to enter into an Intergovernmental Agreement with Metro for development of Tax Lots 1S116AA06800 and 1S109DD00400.

INTERGOVERNMENTAL AGREEMENT BEAVERTON ROUND – WESTGATE PROPERTY

THIS INTERGOVERNMENTAL AGREEMENT (“Agreement”) is entered into by and between Metro, a municipal corporation established pursuant to Oregon law and the Metro Charter (“Metro”) and the City of Beaverton (the “City”), a municipal corporation (collectively, “the Parties”). This Agreement is effective as of the last date of execution set forth below (the “Effective Date”).

RECITALS

A. WHEREAS, Metro Council Resolution No. 98-2619 (“For the Purpose of Authorizing Start-Up Activities for the Transit-Oriented Development Implementation Program at Metro”) adopted on April 9, 1998, as amended by Metro Council Resolution No. 04-3479 (“For the Purpose of Amending the Transit-Oriented Development Program to Expand the TOD Program Area and Initiate an Urban Centers Program”) adopted on July 15, 2004, authorizes the Metro acquisition and “Joint Development” of real property satisfying certain criteria and identified as “Opportunity Sites.” Metro’s Transit-Oriented Development/Urban Centers Program (“TOD” or “TOD Program”) utilizes joint development tools such as land acquisition and development agreements to encourage the development of projects located in close proximity to rail transit stations, “Frequent Bus Stops” and in Urban Centers throughout the region.

B. WHEREAS, on July 12, 2004, the Beaverton Downtown Regional Center Development Strategy was formally presented to a joint meeting of the Beaverton City Council and Metro Council. The action plan recommended by this strategy included identifying potential catalyst project sites, determining a marketable development program for each site, reducing minimum parking requirements, streamlining the entitlement process associated with each site and considering direct project subsidies to achieve urban scale development.

C. WHEREAS, Metro’s TOD Program subsequently authored and Beaverton co-sponsored a Metropolitan Transportation Improvements Program (MTIP) funding proposal to allocate funds toward the acquisition of the Westgate Property, located at 3950 SW Cedar Hills Boulevard, Beaverton, Oregon, and legally described and depicted in the attached Exhibit A (the “Westgate Property”), and on March 24, 2005, the Metro Council adopted Resolution No. 05-3529A allocating \$2.0 million to fund the acquisition and development of the Westgate Property as a high quality showcase TOD Program Transit-Oriented Development catalyst project within the Beaverton Regional Center.

D. WHEREAS, on November 7, 2005, the Beaverton City Council appropriated funds for purchase of the Westgate Property.

E. WHEREAS, Metro and the City now wish to enter into this Agreement to provide for the contribution of \$2.0 million in MTIP funding toward the acquisition, disposition and development of the Westgate Property as a high quality showcase TOD Program Transit-Oriented Development catalyst project.

F. WHEREAS, on December 12, 2005, the Beaverton City Council authorized the Mayor to enter into this Agreement with Metro.

G. WHEREAS, on __tbd_____, 2005, the Metro Council approved Resolution No. _____, authorizing Metro's Chief Operating Officer to enter into this Agreement with the City.

NOW, THEREFORE, in reliance on the above recitals and in consideration of the mutual covenants and agreements set forth herein, and for other valuable consideration, the receipt and adequacy of which are hereby acknowledged, the Parties covenant and agree as follows:

1. General Objective. To provide for the acquisition, joint ownership, disposition and development of the Westgate Property as high quality showcase TOD Program Transit-Oriented Development catalyst project, in accord with Metro TOD Program criteria and the Minimum Development Program Criteria set forth below (hereafter, the "Project").

2. Property Acquisition

2.1 The City shall negotiate the acquisition of the Westgate Property, perform commercially reasonable due-diligence, close escrow and acquire the Westgate Property with City funds (" City Closing").

2.2 Upon review and approval by Metro of the results of the City's due diligence, satisfactory completion of any additional due-diligence Metro may elect to perform at its sole discretion, and upon receipt of the above set forth \$2,000,000 MTIP allocation from Tri-met, Metro shall pay TWO MILLION DOLLARS (\$2,000,000.00) into an escrow account opened by Metro for purposes of the closing the acquisition of Metro's interest in the Westgate Property, in consideration for a pro-rata share of title commensurate with Metro's contribution and the development of the Westgate Property in accord with TOD criteria and the Minimum Development Program Criteria set forth below. Metro's pro-rata share of title shall be determined based on City's MAI appraised value (per appraisal report by R.P. Herman & Associates dated 8/15/05) of the Westgate Property, as reviewed by Metro's review appraiser for compliance with USPAP and generally accepted appraisal principles. Metro shall receive its undivided pro-rata share of title as a tenant in common with the City of Beaverton by Statutory Warranty Deed, subject only to those exceptions set forth on Ticor Title Insurance Company's Preliminary Title Report, dated September 12, 2005, order # 854871, and numbered and 8-14 (the "Metro Closing").

2.3 Metro agrees to dedicate with City as co-tenant in common to the public for use as right-of-way, that portion of the Westgate Property shown on Exhibit C prior to City's notice to the road contractor to proceed.

3. Pre-Solicitation Preparation – Entitlements. Prior to the Metro Closing, the City agrees to prepare an amendment of the City's zoning and development ordinance (ZDO) altering the ZDO such that a development project satisfying the following Minimum Development Program Criteria set forth below may proceed on the Westgate Property as of right. Promptly after the Metro Closing, and prior to formal action on a DDA for the Westgate Property, the City shall submit said amendment to the City of Beaverton Planning Commission and Beaverton City Council, and shall support and recommend said amendment, exerting its best efforts to obtain the adoption of said ordinance.

4. Minimum Development Program Criteria.

- 4.1 3 or more buildings ranging of no less than 5-10 stories.
- 4.2 A transit-supportive site layout and mix of retail, office and residential uses.
- 4.3 30,000 square feet of ground floor retail space.
- 4.4 90 housing units.
- 4.5 220,000 square feet of office space in two buildings with structured parking.
- 4.6 A floor area ratio (FAR) near 2:1, structured parking to be included in FAR calculations.
- 4.7 Reduced parking ratios for residential, commercial, and office uses will be recommended for site development based on the results of the Beaverton/Hillsboro Parking Solutions Strategy to be undertaken by the City of Beaverton in 2006.
- 4.8 All building space conditioning will be provided by the City's Central Plant and associated distribution system will be extended to property lines.

5. Selection of Development Team. The City and Metro agree to establish a Project Management Committee to manage, craft and implement a mutually acceptable developer solicitation and selection process to promptly select a development team for the Project in accord with all applicable provisions of ORS Chapter 279, the Beaverton City Code and the Metro TOD Workplan as follows:

5.1 The Project Management Committee shall be composed of the following:

- Andy Cotugno, Metro Planning Director (or designee)
- Phil Whitmore, Metro TOD Program Manager
- Linda Adlard, City of Beaverton Chief of Staff (or designee)
- Lonnie Dicus, City of Beaverton Business Services & Plant Manager

5.2 The City shall lead the preparation of a Request for Proposals (RFP) for developer based on the Minimum Development Program Criteria established by this Agreement and

other criteria mutually agreed upon in writing by Metro and the City, and shall issue said RFP to known potential proposers.

5.3 Notwithstanding the above, upon mutual agreement, the City and Metro may entertain unsolicited proposals and may accept an unsolicited proposal if said proposal satisfies the Minimum Development Program Criteria.

5.4 The City and Metro shall jointly evaluate the qualifications of all developers responding to the RFP and select the developer by mutual agreement.

5.5 The City shall bear the cost of conducting developer solicitation and selection. Metro shall bear its own costs of participating in the selection process if any.

6. Disposition and Development Agreement. The City, Metro and the selected developer (“Developer”) shall be parties to the Disposition and Development Agreement (“DDA”). The City and Metro shall jointly negotiate the terms of the DDA with Developer, which shall be mutually acceptable to Metro and the City, shall comply in all respects with the terms of this Agreement and the Minimum Development Program Criteria. Neither party shall be obligated to offer development incentives equal to incentives offered by the other.

7. Conceptual Design. The DDA shall provide for a design charette to be conducted by Developer, providing three different conceptual designs or design variations for the Project. The City, Metro, and other select stakeholders mutually agreed upon by the City and Metro, will be invited to provide input and feedback. At the close of the conceptual design phase of the Project set forth herein, the City and Metro will mutually agree upon and select a design alternative. The selected design alternative shall include a site plan, development program, exterior materials and exterior architectural details (“Conceptual Design”). Any selected design shall be subject to City’s discretionary land use approvals.

8. Value Engineering. Value Engineering is an organized approach to the identification and elimination of project costs that provide neither use, nor life, nor quality, nor appearance, nor customer features. The City and Metro agree that the DDA shall require the selected developer to integrate value engineering early in the development process so that the conceptual design approved by the Project Management Committee is financially realistic. The DDA shall provide that, in the event that additional cost cutting is necessary (for example, after construction bids have been received), the parties shall mutually agree on any specific cost cutting proposals that affect the Conceptual Design.

9. Land Disposition. In accord with the terms of this Agreement and upon satisfaction of all relevant preconditions to be set forth in the DDA, including but not limited to those set forth below, the City and Metro shall convey the Westgate Property to the Developer by Bargain and Sale Deed. The proceeds of the Land Disposition, if any,

shall be allocated pro-rata between the City and Metro in accord with common ownership share.

9.1 Preconditions to Land Disposition:

9.1.1 Final review and approval by the City and Metro of the architectural site plans for consistency with the Conceptual Design and the Value Engineering process, if any.

9.1.2 Final review and approval by the City and Metro of the building elevation details for consistency with the Conceptual Design and the results of the Value Engineering process, if any.

9.1.3 The Developer shall have secured adequate construction financing and equity investment capital, necessary to complete the Project. The adequacy or inadequacy of the construction financing and equity investment capital shall be subject to the mutual determination of the City and Metro.

9.1.4 The Developer shall be subject to no litigation or action privately, or by regulation or government order commenced, pending, or threatened in writing that adversely affects Developer's ability to construct the Project, including a petition in bankruptcy. This requirement may be waived by mutual agreement of Metro and the City.

10. Property Management. Upon acquisition of the Westgate Property by Metro and the City, the City shall manage the Westgate Property until it is conveyed to a developer pursuant hereto and in accord with the DDA. The City shall manage and maintain security of the Westgate Property. Funding for the management and maintenance of the Westgate Property and the payment of taxes or assessments applying to the Westgate Property, if any, shall be provided from the City's own resources.

11. General Provisions

11.1 General Indemnification. Each party, to the maximum extent permitted by law and subject to the Oregon Tort Claims Act, ORS Chapter 30, shall defend, indemnify and hold harmless the other party, its officers, employees, and agents from and against any and all liabilities, damages, claims, demands, judgments, losses, costs, expenses, fines, suits, and actions, whether arising in tort, contract, or by operation of any statute, including but not limited to attorneys' fees and expenses at trial and on appeal, relating to or resulting from the management, maintenance or operation of the Westgate Property. The indemnity obligations under this clause shall survive any expiration or termination of this Agreement.

11.2 Environmental Indemnity. The City, to the maximum extent permitted by law and subject to the Oregon Tort Claims Act, ORS Chapter 30, hereby covenants to indemnify and defend (with legal counsel reasonably acceptable to Metro) Metro and hold Metro, its officers and employees, successors and assigns, harmless from and against all claims, demands, causes of action, or any other action or proceeding,

meritorious or not, and all liabilities, losses, damages, costs and expenses relating to or arising, not caused or contributed to by an act or omission of Metro, its employees, agents, or contractors, in whole or in part, directly or indirectly, from: (a) the past, present or future Environmental Condition of the Westgate Property; (b) past, present or future Adverse Environmental Activity occurring on or related to the Westgate Property; (c) any and all Government Action related to the Westgate Property or past, present or future activities thereon; (d) the past, present or future Environmental Condition of real property surrounding the Westgate Property, relating to or resulting from the Environmental Condition of the Westgate Property or Adverse Environmental Activity on the Westgate Property; and (e) City or City's agents failure to comply with any and all future Environmental Requirements relating to the Westgate Property.

11.2.1 For purposes of this Section, "Environmental Condition" shall be interpreted to include, but not be limited to, the release of or contamination by any Hazardous Substance(s), pollutant or contaminant, as those terms are defined in CERCLA, TOSCA, ORS Chapters 465 and 466, and all other applicable federal and state environmental statutes, rules and regulations now or hereafter in effect, but shall not include conditions directly resulting from the acts of Metro, its officers and employees, agents and contractors.

11.2.2 For purposes of this Section, "Government Action" shall be interpreted to include any investigation, inquiry, order, hearing, action or other proceeding by or before any governmental agency which results directly or indirectly from the Environmental Condition of the Westgate Property or Environmental Activity related on or related to the Westgate Property.

11.2.3 For purposes of this Section, "Adverse Environmental Activity" shall be interpreted to include any past or current, actual, proposed or threatened surface or subsurface, storage, holding, existing, release, emission, discharge, generation, processing, abatement, removal, remediation, disposition, handling or transportation of any Hazardous Substance(s), pollutant or contaminant (as though they are defined in CERCLA, TOSCA, ORS Chapters 465 and 466, and other applicable federal and state environmental statutes, rules and regulations hereinafter in effect), from, under, into or on, the Westgate Property, or otherwise relating to the Westgate Property or the use of the Westgate Property or neighboring properties, or any other activity or occurrence, cause or causes that would cause any such event to exist, but shall not include activity by Metro, or on behalf of Metro by its officers and employees, agents and contractors.

11.2.4 For purposes of this Section, "Environmental Requirements" shall be interpreted to include past, present and future state and federal local laws and ordinances, including CERCLA, TOSCA, and ORS Chapters 465 and 466, as amended from time to time, including any administrative court order, judgment or decree arising there from.

11.2.5 The City and Metro hereby agree that the Environmental Indemnity contained herein shall survive the sale of the Westgate Property to a third party. Metro may, at its

option, tender any defense of any claim, action or suit covered under this Environmental Indemnity to the City.

11.3 Liens. Each party shall pay as due all claims for work done on and for services rendered or material furnished to the Westgate Property at that party's order or request, and shall keep the Westgate Property free from any liens. If either party fails to pay any claims or to discharge any lien resulting from work done on and for services rendered or material furnished to the Westgate Property at that party's order or request, the other party may do so and collect the cost from the other party. Such action by a party shall not constitute a waiver of any right or remedy that the party may have on account of the other's default. A party may withhold payment of any claim in connection with a good faith dispute over the obligation to pay, as long as the other's property interests are not jeopardized. If a lien is filed as a result of nonpayment, the responsible party shall, within 10 days after knowledge of the filing, secure the discharge of the lien, or deposit cash with the other, or provide sufficient surety bond or other surety satisfactory to the other party in an amount sufficient to discharge the lien plus any costs or attorney fees.

11.4 Signs. The City may provide on-site signage informing the public that the City is managing the site, but said signage shall state that funding for the acquisition came from Metro's Transit-Oriented Development/Urban Centers Program. The City shall also document in any publication, media presentation or other presentations on the Westgate Property that funding was provided by Metro's Transit-Oriented Development/Urban Centers Program.

11.5 Term. The term of this Agreement shall be three (3) years from the Effective Date of this Agreement, renewable by mutual written agreement for additional three (3) year periods. The indemnities set forth herein shall survive and shall not be affected by the expiration or termination of this Agreement.

11.6 Joint Termination for Convenience. Metro and the City may jointly terminate all or part of this Agreement based upon a determination that such action is in the public interest. Termination under this provision shall be effective upon 10 days' written notice of termination issued by Metro, subject to the mutual written agreement of the Parties.

11.7 Default. Either party to this Agreement may declare a default before the date of expiration, if that party determines, in its sole discretion, that the other party has failed to comply with the terms and conditions of this Agreement and is therefore in violation of its terms. The party wishing to declare default shall promptly notify the defaulting party in writing of that determination and document said default with reasonable particularity. Thereafter, the defaulting party shall have 30 days to cure the default. If the default is of such a nature that it cannot be completely remedied within the 30-day period, this provision shall be deemed complied with if the defaulting party begins correction of the default within the 30-day period and thereafter proceeds with reasonable diligence and in good faith to cure the default as soon as practicable.

11.8 Metro Remedies. In the event of a default by the City that is not cured as set forth above, Metro may terminate this Agreement by notice in writing as set forth below, and except as otherwise set forth herein, Metro's exclusive remedy shall be the prompt repayment by the City of Metro's contribution to the acquisition of the Westgate Property, in the amount of TWO MILLION DOLLARS (\$2,000,000.00).

11.9 City Remedies. In the event of a default by Metro that is not cured as set forth above, the City's sole remedy shall be to enforce the specific performance of this Agreement. In no event shall Metro be liable to the City for any special, punitive, exemplary, consequential, incidental or indirect losses or damages under or in respect of this Agreement or for any failure of performance related hereto, howsoever caused.

11.10 Laws of Oregon – ORS 279. This Agreement shall be governed by the laws of the State of Oregon, and the Parties agree to submit to the jurisdiction of the courts of the State of Oregon. All applicable provisions of ORS Chapter 279, and all other terms and conditions necessary to be inserted into public contracts in the State of Oregon, are hereby incorporated as if such provisions were a part of this Agreement. The City and Metro hereby acknowledge that uncertainty exists as to the applicability of prevailing wage rate laws, including ORS 279C.800-870 and related regulations, to this Agreement, and the DDA and Project contemplated by this Agreement. The City agrees to obtain the compliance of Developer with said laws when applicable, and agrees to indemnify Metro in accord with Section 11.1 for Developer's failure to so comply.

11.11 Assignment. No party may sell its undivided interest in the Westgate Property, or assign any of its rights or responsibilities under this Agreement without prior written consent from the other party, except the Parties may subcontract for performance of any of their responsibilities under this Agreement.

11.12 Notices. All notices or other communications required or permitted under this Agreement shall be in writing, and shall be personally delivered (including by means of professional messenger service) or sent by fax and regular mail.

To Metro: Metro
Phil Whitmore, TOD Program Manager
600 N.E. Grand Avenue
Portland, OR 97232-2736

To City: City of Beaverton
P.O. Box 4755
Beaverton, OR 97076-4755
Attn: Linda Adlard

11.13 Severability. If any covenant or provision in this Agreement shall be adjudged void, such adjudication shall not affect the validity, obligation, or performance of any other covenant or provision which in itself is valid, if such remainder would then

continue to conform to the terms and requirements of applicable law and the intent of this Agreement.

11.14 No Third Party Beneficiary. Except as set forth herein, the Agreement is between Metro and the City and creates no third party beneficiaries. Nothing in this Agreement gives or shall be construed to give or provide any benefit, direct, indirect or otherwise to any third parties unless such third party is expressly described as an intended beneficiary under this Agreement. Metro and the City are the only parties to this Agreement and as such are the only parties entitled to enforce its terms.

11.15 Entire Agreement. This Agreement as supplemented by the DDA, constitutes the entire agreement between the Parties and supersedes any prior or contemporaneous oral or written communications, agreements or representations relating to this Westgate Property. No course of dealing between the parties and no usage of trade shall be relevant to supplement any term used in 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. The failure of a party to enforce any provision of this Agreement shall not constitute a waiver by any party of that or any other provision.

IN WITNESS WHEREOF, the Parties hereto have set their hands on the day and year set forth below.

CITY OF BEAVERTON

METRO

By: _____
Rob Drake

By: _____
Michael J. Jordan

Title: Mayor

Title: Chief Operating Officer

Date: _____

Date: _____

Approved as to form:

By: _____
Beaverton City Attorney

By: _____
Metro Attorney

Exhibits:

Exhibit A – Legal Description of the Westgate Property

Exhibit B – Schedule of Performances

Exhibit C - Boundaries of Rose Biggi Street Right-of-Way

EXHIBIT A

Legal Description of Westgate Property

Part of Lots 12, 13 and 14, STEEL'S ADDITION TO BEAVERTON, in the City of Beaverton, County of Washington and State of Oregon:

Beginning at an iron rod set at the intersection of the Northerly projection of the East line of Mill Street (when a 20 foot wide street) with the North right-of-way line of the Oregon Electric Railroad in Section 16, Township 1 South, Range 1 West of the Willamette Meridian, (said iron rod shown on Survey 9945, Records of Washington County Surveyor); thence running North 06° 56' East on the Northerly projection of East line of Mill Street 517.44 feet to an iron rod at the Southeast corner of that tract of land described in Deed to John S. Biggi, et al, recorded September 27, 1972 in Book 889 page 591, Washington County Deed Records; thence South 82° 45' 45" West 639.12 feet along the South line of said Biggi tract to an iron rod on the East right-of-way line of Cedar Street; thence South 00° 03' 15" East 125.00 feet to an iron rod on the North right-of-way of the Oregon Electric Railroad; thence South 61° 40' East on said right-of-way 669.42 feet to the place of beginning.

EXCEPTING THEREFROM that portion deeded to Tri-County Metropolitan Transportation District of Oregon by Deed recorded August 22, 1994 as Fee No. 94077226, Records of Washington County, Oregon.

EXHIBIT B

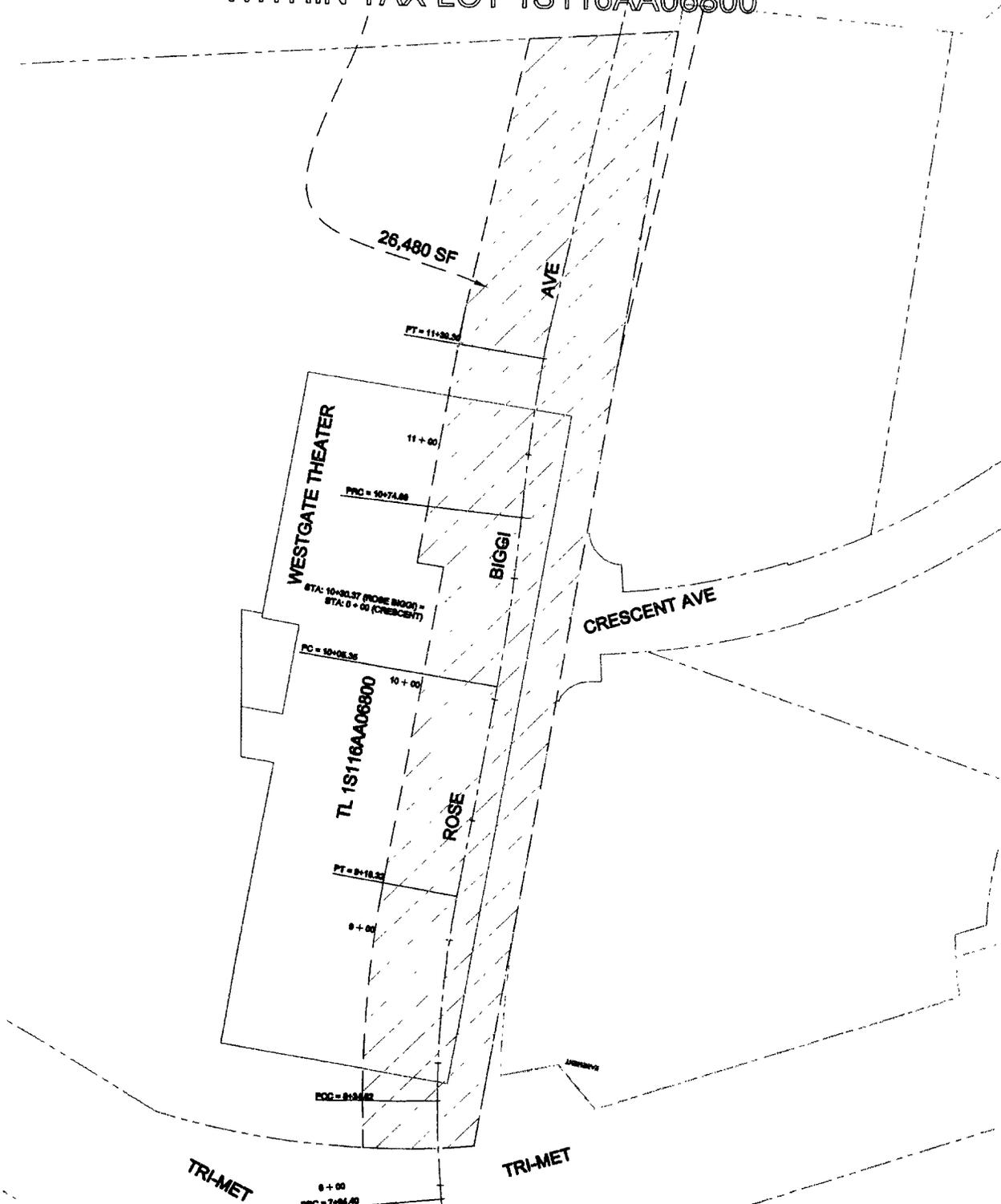
Schedule of Performances

- Metro and City to enter into Intergovernmental Agreement December 2005
- Metro to provide \$2.0 million in acquisition funding and take title in pro rata share March – June 2006
- City to amend zoning to provide entitlements June - September 2006
- Developer Solicitation and Selection July – October 2006
- DDA Negotiated and Executed November 2006
- Complete Design Phase, Design Selection December 2006 – February 2007
- Engineering and Design January 2007 – June 2007
- Land Disposition July 2007

EXHIBIT C

Boundaries of Rose Biggi Street Right-of-Way

ROSE BIGGI AVE REQUIRED RIGHT OF WAY
WITHIN TAX LOT 1S116AA06800



AGENDA BILL

B averton City Council
Beaverton, Oregon

SUBJECT: Purchase of Software License
Renewals and New Licenses
From the State of Oregon Price
Agreement

FOR AGENDA OF: 12-12-05 **BILL NO:** 05228

Mayor's Approval: *[Signature]*
DEPARTMENT OF ORIGIN: Finance *[Signature]*

DATE SUBMITTED: 12-05-05

CLEARANCES: Inf. Systems *[Signature]*
Purchasing *[Signature]*
City Attorney *[Signature]*

PROCEEDING: Consent Agenda
(Contract Review Board)

EXHIBITS:

BUDGET IMPACT

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$53,006	BUDGETED \$58,334*	REQUIRED \$-0-

*Account Number 603-30-0713-318 Information Systems Fund Software Purchases Account. The \$58,334 Amount Budgeted represents the remaining appropriation in this account.

HISTORICAL PERSPECTIVE:

The FY 2005-06 Budget includes appropriations to renew the City's site licenses for the suite of software operating systems and application programs. The software suite includes SQL Server (database), Windows Server, Server Client, XP Thin Client and PC Workstations, Software Management System, and Microsoft Office Professional suite of programs. Under the suite programs, the City will be entitled without cost to any new software version releases during the terms of the agreements.

This software purchase renews licenses for 349 Thin Client and PC workstations under the Enterprise Full Desktop software licenses for the Microsoft Office Professional suite of programs.

INFORMATION FOR CONSIDERATION:

The software purchases are available from the Oregon State Price Agreement 0121 with ASAP, Incorporated, of Buffalo Grove, Illinois. Oregon state law provides an exemption from competitive bidding requirements if the purchase is made from an existing bid award through the State of Oregon price agreements. The Price Agreement is valid until August 5, 2006. The cost for this software license renewal is \$53,006.

RECOMMENDED ACTION:

Council, acting as Contract Review Board, authorize the Finance Department to issue a purchase order to ASAP, Incorporated, for the renewal and purchase of new software licenses in the amount of \$53,006 from the State of Oregon State Price Agreement Number 0121, and authorize the purchase of additional software licenses through ASAP, Incorporated, as may be required by the City throughout the duration of Price Agreement 0121.

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: A Resolution Amending the Beaverton
Purchasing Code

FOR AGENDA OF: 12-12-05 **BILL NO:** 05229

Mayor's Approval: *[Signature]*

DEPARTMENT OF ORIGIN: Finance *[Signature]*

DATE SUBMITTED: 11-28-05

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

PROCEEDING: Consent Agenda

EXHIBITS: Resolution
Comparative text showing pro-
posed insertions and deletions to
Beaverton Purchasing Code
Chapters 47, 49 and 50

BUDGET IMPACT

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

The City of Beaverton has adopted its own rules of procedure for public contracts and compiled them in the Beaverton Purchasing Code. As a consequence of this, the city must review all newly enacted state laws and administrative rules after each legislative session to determine if any changes must be made to the city's purchasing code. The city's purchasing code must be in accord with the provisions of the Oregon Public Contracting Code.

INFORMATION FOR CONSIDERATION:

During the 2005 legislative session, three bills became laws affecting the city's rules of procedure for public contracts. These three bills are Senate Bill 1006, House Bill 2259 and House Bill 2214. The bills affect four different sections of the city's purchasing code.

Senate Bill 1006 affects the process the city must use to determine if a bidder is a responsible bidder. This in turn requires the city to amend section 49-0390 of its purchasing code.

House Bill 2259 clarifies that certain low-dollar amount procurements of goods and services may be made in "any manner deemed practical or convenient..., including by direct selection or award." This eliminates the need to solicit three competitive quotes before procuring relatively inexpensive goods or services. The money saved by finding the lowest cost is often less than the money spent acquiring the three quotes. This clarification is reflected in section 50-0020 of the city's purchasing code.

House Bill 2214 affects two different sections of the city's purchasing code. These are section 47-0610 and section 49-0290. The first section concerns how the city provides bidders and proposers notice of the city's intent to award a contract. The second section concerns the form of bid or proposal security that the city will accept, and when that security will be returned to the bidder or proposer.

In the process of analyzing the affect these three enacted bills have on the city's purchasing code, the city identified ten relatively minor changes that should be made to enhance the clarity of the city's purchasing code. Eight of these changes reflect the consistent use of the terms "greater than" and "less than or equal to" to establish dollar limits to the exemptions set forth in chapter 50 of the code.

The remaining two changes affect sections 49-0400 and 49-0450. The proposed amendment to section 49-0400 codifies the city practice of requiring the successful offeror to promptly execute a formal contract and deliver any required performance of payment bonds to the city. The proposed amendment to section 49-0450 clarifies an existing rule regarding when the city must provide written notice of its intent to award a contract and when the city's award of a contract becomes final.

RECOMMENDED ACTION:

Council approve resolution.

RESOLUTION NO. 3845

A RESOLUTION AMENDING THE BEAVERTON PURCHASING CODE

WHEREAS, pursuant to ORS 279A.050(1), the City of Beaverton must exercise all its rights, powers and authority in accordance with the provisions of the Oregon Public Contracting Code; and

WHEREAS, pursuant to ORS 279A.065(5) the City may adopt its own rules of procedure for public contracts, thereby prescribing the rules of procedure it will use for public contracts; and,

WHEREAS, under authority of ORS 279A.065(5), the City previously has adopted its own rules of procedure for public contracts, which are compiled in the Beaverton Purchasing Code and therein has stated that the model rules of the Attorney General do not apply to the City; and

WHEREAS, the City of Beaverton has completed its review of recently-enacted legislation affecting public contracting in the state of Oregon and has determined that the City must modify some of its rules of procedure in order to fully comply with new and amended provisions of the Oregon Public Contracting Code; and

WHEREAS, in the process of conducting its review of recently-enacted legislation affecting public contracting in the state of Oregon, the City determined that other changes should be made to the Beaverton Purchasing Code to enhance the code's clarity and consistency; now, therefore,

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

Section 1. Existing Beaverton Purchasing Code section 47-0610 is hereby struck in its entirety and replaced with the following:

47-0610 Notice of Intent to Award

A. Notice of Intent to Award.

Unless otherwise provided in the Solicitation Document, the City shall provide Written notice to all bidders and proposers of the City's intent to award the Contract at least 7 Days before the Award of a Contract, unless City determines that circumstances require prompt execution of the Contract, in which case City may provide a shorter notice period. City shall document the specific reasons for the shorter notice period in the Procurement file. The referral of a recommendation to the Contract Review Board to Award a Contract is sufficient notice of the City's intent to award the Contract. This subsection does not apply to a contract excepted or exempted from competitive solicitation.

B. Finality.

City's Award shall not be final until the later of the following:

1. The expiration of the protest period provided pursuant to BPC 47-0740; or

2. City provides written responses to all timely-filed protests denying the protests and affirming the Award.

Section 2. Existing Beaverton Purchasing Code section 49-0290 is hereby struck in its entirety and replaced with the following:

49-0290 Bid or Proposal Security

A. Security Amount.

If the City requires Bid or Proposal security, it shall be not more than 10% or less than 5% of the Offeror's Bid or Proposal, consisting of the base Bid or Proposal together with all additive alternates. The City shall not use Bid or Proposal security to discourage competition. The City shall clearly state any Bid or Proposal security requirements in its Solicitation Document. The Offeror shall forfeit Bid or Proposal security after Award if the Offeror fails to execute the Contract and promptly return it with any required Performance Bond and Payment Bond and, in the case of Proposal security, with any required proof of insurance. See ORS 279C.365(4) and ORS 279C.385.

B. Requirement for Bid Security (Optional for Proposals).

Unless the City has otherwise exempted a Solicitation or class of Solicitations from Bid security pursuant to ORS 279C.390, the City shall require Bid security for its Solicitation of Bids for Public Improvements. The City may require Bid security even if it has exempted a class of Solicitations from Bid security. The City may require Proposal security in RFP's when Award of a Public Improvement Contract may be made without negotiation following receipt of a Firm Offer as described in BPC 49-0280(A)(2). See ORS 279C.400(5).

C. Form of Bid or Proposal Security.

The City may accept only the following forms of Bid or Proposal security; which shall be submitted with or posted for all bids or proposals as security unless the contract for which a bid is submitted has been exempted from this requirement.

1. A surety bond from a surety company authorized to do business in the State of Oregon;
2. An irrevocable letter of credit issued by an insured institution as defined in ORS 706.008; or
3. A cashier's check or Offeror's certified check.

D. Return of Security.

The City shall return or release the Bid or Proposal security of all unsuccessful Offerors after a Contract has been fully executed and all required bonds and proof of insurance have been provided, or after all Offers have been rejected. The City may return the Bid or Proposal security of unsuccessful Offerors prior to Award if the return does not prejudice Contract Award and the security of at least the Bidders with the three lowest Bids, or the Proposers with the three highest scoring Proposals, is retained pending execution of a Contract.

Section 3. Existing Beaverton Purchasing Code section 49-0390 is hereby struck in its entirety and replaced with the following:

49-0390 Offer Evaluation and Award; Determination of Responsibility

A. General.

If Awarded, the City shall Award the Contract to the Responsible Bidder submitting the lowest, Responsive Bid or the Responsible Proposer or Proposers submitting the best, Responsive Proposal or Proposals, provided that such Person is not listed by the Construction Contractors Board as disqualified to hold a Public Improvement Contract. See ORS 279C.375(2)(a). The City may Award by item, groups of items or the entire Offer provided such Award is consistent with the Solicitation Document and in the public interest.

B. Determination of Responsibility.

Offerors are required to demonstrate their ability to perform satisfactorily under a Contract. Before Awarding a Contract, the City shall have information that indicates that the Offeror meets the standards of responsibility set forth in ORS 279C.375(2). To be a Responsible Offeror, the City shall do all of the following:

1. Check the list created by the Construction Contractors Board under ORS 701.227 for Offeror's who are not qualified to hold a public improvement contract.
2. Determine whether the Offeror has met the standards of responsibility. In making the determination, the City shall consider whether an Offeror:
 - a. Has available the appropriate financial, material, equipment, facility and personnel resources and expertise, or ability to obtain the resources and expertise, necessary to demonstrate the capability of the Offeror to meet all contractual responsibilities;
 - b. Has a satisfactory record of contract performance. The City should carefully scrutinize an Offeror's record of contract performance if the Offeror is or recently has been materially deficient in contract performance. In reviewing the Offeror's performance, the City should determine whether the Offeror's deficient performance was expressly excused under the terms of contract, or whether the Offeror took appropriate corrective action. The City may review the Offeror's performance on both private and Public Contracts in determining the Offeror's record of contract performance. The City shall make its basis for determining an Offeror not responsible under this paragraph part of the Solicitation file;
 - c. Has a satisfactory record of integrity. An Offeror may lack integrity if the City determines the Offeror demonstrates a lack of business ethics such as violation of state safety and environmental laws or false certifications made to the City or other Contracting Agency. The City may find an Offeror not Responsible based on the lack of integrity of any Person having influence or control over the Offeror (such as a key employee of the Offeror that has the authority to significantly influence the Offeror's performance of the Contract or a parent company, predecessor or successor Person). The standards for Conduct Disqualification under BPC 49-0370 may be used to determine an Offeror's integrity. The City shall make its basis for determining that an Offeror is not Responsible under this paragraph part of the Solicitation file;
 - d. Is qualified legally to contract with the City; and
 - e. Has supplied all necessary information in connection with the inquiry concerning responsibility. If the Offeror fails to promptly supply information requested by the City concerning responsibility, the City shall base the determination of responsibility upon any available information, or may find the Offeror not Responsible.
3. Document the City's compliance with the requirements of paragraphs (a) and (b) of this subsection in substantially the following form:

RESPONSIBILITY DETERMINATION FORM

Project Name: _____
Bid Number: _____
Business Entity Name: _____
CCB License Number: _____
Form Submitted By (City): _____
Form Submitted By (City Representative's Name): _____
Title: _____
Date: _____

- The City must submit this form with attachments, if any, to the Construction Contractors Board within 30 days after the date of contract award. The City has (check all of the following):
- Checked the list created by the Construction Contractors Board under ORS 701.227 for bidders who are not qualified to hold a public improvement contract.
 - Determined whether the bidder has met the standards of responsibility. In so doing, the City has considered whether the bidder:
 - Has available the appropriate financial, material, equipment, facility and personnel resources and expertise, or the ability to obtain the resources and expertise, necessary to meet all contractual responsibilities.
 - Has a satisfactory record of performance.
 - Has a satisfactory record of integrity.
 - Is qualified legally to contract with the City.
 - Has supplied all necessary information in connection with the inquiry concerning responsibility.
 - Determined the bidder to be (check one of the following):
 - Responsible under ORS 279C.375 (2)(a) and (b).
 - Not responsible under ORS 279C.375 (2)(a) and (b).
- (Attach documentation if the City finds the bidder not to be responsible.)

4. Submit the form described in paragraph 3 of this subsection, with any attachments, to the Construction Contractors Board within 30 days after the date the City awards the contract.

C. City Evaluation.

The City shall evaluate an Offer only as set forth in the Solicitation Document and in accordance with applicable law. The City shall not evaluate an Offer using any other requirement or criterion.

D. Offeror Submissions.

1. The City may require an Offeror to submit Product Samples, descriptive literature, technical data, or other material and may also require any of the following prior to Award:
 - a. Demonstration, inspection or testing of a product prior to Award for characteristics such as compatibility, quality or workmanship;
 - b. Examination of such elements as appearance or finish; or
 - c. Other examinations to determine whether the product conforms to Specifications.
2. The City shall evaluate product acceptability only in accordance with the criteria disclosed in the Solicitation Document to determine that a product is acceptable. The City shall reject an Offer providing any product that does not meet the Solicitation Document requirements. The City's rejection of an Offer because it offers nonconforming Work or materials is not Disqualification and is not appealable under ORS 279C.445.

E. Evaluation of Bids.

The City shall use only objective criteria to evaluate Bids as set forth in the ITB. The City shall evaluate Bids to determine which Responsible Offeror offers the lowest Responsive Bid.

1. Nonresident Bidders. In determining the lowest Responsive Bid, the City shall, in accordance with BPC 46-0310, add a percentage increase to the Bid of a nonresident Bidder equal to the percentage, if any, of the preference given to that Bidder in the state in which the Bidder resides.
2. Clarifications. In evaluating Bids, the City may seek information from a Bidder only to clarify the Bidder's Bid. Such clarification shall not vary, contradict or supplement the Bid. A Bidder must submit Written and Signed clarifications and such clarifications shall become part of the Bidder's Bid.

3. Negotiation Prohibited. The City shall not negotiate scope of Work or other terms or conditions under an Invitation to Bid process prior to Award.

F. Evaluation of Proposals.

See BPC 49-0600(incorporating by reference OAR 137-049-0650 regarding rules applicable to Requests for Proposals).

Section 4. Existing Beaverton Purchasing Code section 49-0400 is hereby struck in its entirety and replaced with the following:

49-0400 Documentation of Award; Availability of Award Decisions

A. Basis of Award.

After Award, the City shall make a record showing the basis for determining the successful Offeror part of the City's Solicitation file.

B. Contents of Award Record for Bids.

The City's record shall include:

1. All submitted Bids;
2. Completed Bid tabulation sheet; and
3. Written justification for any rejection of lower Bids.

C. Contents of Award Record for Proposals.

Where the use of Requests for Proposals is authorized as set forth in BPC 49-0600(incorporating by reference OAR 137-049-0650), the City's record shall include:

1. All submitted Proposals.
2. The completed evaluation of the Proposals;
3. Written justification for any rejection of higher scoring Proposals or for failing to meet mandatory requirements of the Request for Proposal; and
4. If the City permitted negotiations in accordance with BPC 49-0600(incorporating by reference OAR 137-049-0650), the City's completed evaluation of the initial Proposals and the City's completed evaluation of final Proposals.

D. Contract Document.

The successful Offeror shall promptly execute a formal contract; and execute and deliver to the City any required performance bond and a payment bond. The City shall deliver a fully executed copy of the final contract to the successful Offeror.

E. Bid Tabulations and Award Summaries.

Upon request of any Person the City shall provide tabulations of Awarded Bids or evaluation summaries of Proposals for a nominal charge which may be payable in advance. Requests must contain the Solicitation Document number and, if requested, be accompanied by a self-addressed, stamped envelope. The City may also provide tabulations of Bids and Proposals Awarded on designated Web sites or on the City's Electronic Procurement System.

F. Availability of Solicitation Files.

The City shall make completed Solicitation files available for public review at City Hall.

G. Copies from Solicitation Files.

Any Person may obtain copies of material from Solicitation files upon payment of a reasonable copying charge.

Section 5. Existing Beaverton Purchasing Code section 49-0450 is hereby struck in its entirety and replaced with the following:

49-0450 Protest of Contractor Selection, Contract Award

A. Purpose.

An adversely affected or aggrieved Offeror must exhaust all avenues of administrative review and relief before seeking judicial review of the City's Contractor selection or Contract Award decision.

B. Notice of Competitive Range.

Unless otherwise provided in the RFP, when the competitive proposal process is authorized under BPC 49-0600(incorporating by reference OAR 137-049-0650), the City shall provide Written notice to all Proposers of the City's determination of the Proposers included in the Competitive Range. The City notice of the Proposers included in the Competitive Range shall not be final until the later of the following:

1. 10 Days after the date of the notice, unless otherwise provided therein; or
2. Until the City provides a Written response to all timely-filed protests that denies the protest and affirms the notice of the Proposers included in the Competitive Range.

C. Notice of Intent to Award.

1. Unless otherwise provided in the Solicitation Document, the City shall provide Written notice to all bidders and proposers of the City's intent to award the Contract at least 7 Days before the Award of a Contract, unless City determines that circumstances require prompt execution of the Contract, in which case City may provide a shorter notice period. City shall document the specific reasons for the shorter notice period in the Procurement file. The referral of a recommendation to the Contract Review Board to Award a Contract is sufficient notice of the City's intent to award the Contract. This subsection does not apply to a contract excepted or exempted from competitive solicitation.
2. Finality.
City's Award shall not be final until the later of the following:
 - a. The expiration of the protest period provided in this rule; or
 - b. City provides Written responses to all timely-filed protests denying the protests and affirming the Award.

D. Right to Protest Award.

1. An adversely affected or aggrieved Offeror may submit to the City a Written protest of the City's intent to Award within seven Days after issuance of the notice of intent to Award the Contract, unless a different protest period is provided under the Solicitation Document.
2. The Offeror's protest must be in Writing and must specify the grounds upon which the protest is based.

3. An Offeror is adversely affected or aggrieved only if the Offeror is eligible for Award of the Contract as the Responsible Bidder submitting the lowest Responsive Bid or the Responsible Proposer submitting the best Responsive Proposal and is next in line for Award, i.e., the protesting Offeror must claim that all lower Bidders or higher-scored Proposers are ineligible for Award:
 - a. Because their Offers were nonresponsive; or
 - b. The City committed a substantial violation of a provision in the Solicitation Document or of an applicable Procurement statute or administrative rule, and the protesting Offeror was unfairly evaluated and would have, but for such substantial violation, been the Responsible Bidder offering the lowest Bid or the Responsible Proposer offering the highest-ranked Proposal.
4. The City shall not consider a protest submitted after the time period established in this rule or such different period as may be provided in the Solicitation Document. A Proposer may not protest the City's decision not to increase the size of the Competitive Range above the size of the Competitive Range set forth in the RFP.

E. Right to Protest Competitive Range.

1. An adversely affected or aggrieved Proposer may submit to the City a Written protest of the City decision to exclude the Proposer from the Competitive Range within seven Days after issuance of the notice of the Competitive Range, unless a different protest period is provided under the Solicitation Document. (See procedural requirements for the use of RFP's at BPC 49-0600(incorporating by reference OAR 137-049-0650).
2. The Proposer's protest shall be in Writing and must specify the grounds upon which the protest is based.
3. A Proposer is adversely affected only if the Proposer is responsible and submitted a Responsive Proposal and is eligible for inclusion in the Competitive Range, i.e., the protesting Proposer must claim it is eligible for inclusion in the Competitive Range if all ineligible higher-scoring Proposers are removed from consideration, and that those ineligible Proposers are ineligible for inclusion in the Competitive Range because:
 - a. Their Proposals were not responsive; or
 - b. The City committed a substantial violation of a provision in the RFP or of an applicable Procurement statute or administrative rule, and the protesting Proposer was unfairly evaluated and would have, but for such substantial violation, been included in the Competitive Range.
4. The City shall not consider a protest submitted after the time period established in this rule or such different period as may be provided in the Solicitation Document. A Proposer may not protest the City's decision not to increase the size of the Competitive Range above the size of the Competitive Range set forth in the RFP.

F. Authority to Resolve Protests.

The Mayor or the Mayor's designee may settle or resolve a Written protest submitted in accordance with the requirements of this rule.

G. Decision.

If a protest is not settled, the head of the City, or such Person's designee, shall promptly issue a Written decision on the protest. Judicial review of this decision will be available if provided by statute.

H. Award.

The successful Offeror shall promptly execute the Contract after the Award is final. The City shall execute the Contract only after it has obtained all applicable required documents and approvals.

Section 6. Existing Beaverton Purchasing Code section 50-0020 is hereby struck in its entirety and replaced with the following:

50-0020 Small Procurements

A. Generally.

For Procurements of Goods or Services less than or equal to \$5,000, the City shall, where practical, obtain three informally solicited competitive verbal quotes, Bids or Proposals. The City shall keep a record of the source and amount of the quotes, Bids or Proposals received. If three informally solicited competitive verbal quotes, Bids or Proposals are not available, fewer quotes, Bids or Proposals will suffice, provided a record is made of the effort to obtain the quotes, Bids or Proposals. Any procurement under this rule less than or equal to \$500 may be awarded by direct selection or award.

B. Amendments.

The City may amend a Public Contract Awarded as a small Procurement in accordance with BPC 50-0035.

Section 7. Existing Beaverton Purchasing Code section 50-0045 is hereby struck in its entirety and replaced with the following:

50-0045 Equipment Repair and Overhaul

A. Authorization.

The City may enter into a Public Contract for equipment repair or overhaul without formal competitive procurement if the cost of equipment repair or overhaul is expected not to exceed \$50,000, subject to the following conditions:

1. Service or parts required are unknown and the cost cannot be determined without extensive preliminary dismantling or testing; or
2. Service or parts required are for sophisticated equipment for which specially trained personnel are required and such personnel are available from only one source; and
3. In either instance, the City documents in its procurement file the reasons why Competitive Bids or Proposals were deemed to be impractical under this section.

When the cost of equipment repair or overhaul is expected to exceed \$50,000, the City shall obtain Contract Review Board authorization before proceeding with the purchase of the needed repair or overhaul.

B. Notification.

If repairs or overhauls are commenced under a belief that the cost will not exceed \$50,000, but in fact the actual cost is greater than \$50,000, the City shall submit a copy of the Written documentation required in subsection A of this section to the Contract Review Board within 60 days following the repair or overhaul, unless the Contract Review Board grants a reasonable extension of time for reasons related to the repair or overhaul.

Section 8. Existing Beaverton Purchasing Code section 50-0055 is hereby struck in its entirety and replaced with the following:

50-0055 Purchases Under Federal Contracts

A. Authorization.

When the price of Goods or Services has been established by a Contract with an agency of the federal government pursuant to a federal Contract award, the City may purchase Goods or Services in accordance with the federal Contract without further formal competitive procurement.

B. Limitations.

In exercising this authority under this exemption, the City shall:

1. Obtain and document permission from the appropriate federal agency granting permission to the City to purchase under the federal Contract;
2. Document the cost savings to be gained for the City from the anticipated purchase from the federal Contract;
3. Forego Contracting pursuant to this exemption absent a demonstrable cost savings; and
4. Obtain Contract Review Board approval before proceeding with the purchase under this provision if the cost of purchase is expected to be greater than \$50,000.

Section 9. Existing Beaverton Purchasing Code section 50-0080 is hereby struck in its entirety and replaced with the following:

50-0080 Requirements Contracts

A. Authorization.

The City may enter into a Requirements Contract whereby the City agrees for a period not to exceed five years to purchase Goods or Services for an anticipated need from one or more Contractors at a predetermined price. The predetermined price may be market price at the time the anticipated need actually arises. The City may then purchase the Goods and Services from a Contractor awarded the Requirements Contract without further formal competitive procurement.

B. Limitations.

A Requirements Contract may be established for the purposes of minimizing paperwork, achieving continuity of product, securing a source of supply, reducing inventory, combining City requirements for volume discounts, standardization among agencies, or reducing lead-time for ordering. The term of a Requirements Contract, including renewals, shall not exceed five years, unless specifically permitted by the Contract Review Board.

C. Procedures.

If the City intends to let a Contract under this section, (so as to be able to make multiple purchases of a good or service over a period of time) the City shall state the duration of the Contract in the solicitation file and Solicitation Document if any. If the anticipated total purchase amount over the life of a Contract let pursuant to this section is valued at greater than \$50,000, notice of such fact shall be stated in the published advertisement for Bids or Proposals. Such documentation and/or publication shall be sufficient notice as to subsequent purchases.

Section 10. Existing Beaverton Purchasing Code section 50-0085 is hereby struck in its entirety and replaced with the following:

50-0085 Purchase of Used Personal Property

A. Authorization.

The City may purchase used property or equipment without formal competitive procurement if the Finance Director makes a Written determination that the purchase:

1. Will result in cost savings to the City; and
2. Will not diminish competition or encourage favoritism.

B. Solicitation Methods.

For purchase of used personal property or equipment less than or equal to \$5,000, the City shall, where practical, obtain three informally solicited competitive verbal quotes, Bids or Proposals. The City shall keep a record of the source and amount of the quotes, Bids or Proposals received. If three quotes, Bids or Proposals are not readily available, fewer quotes, Bids or Proposals will suffice, provided a record is made of the effort to obtain three quotes, Bids or Proposals.

For purchases of used personal property or equipment costing greater than \$5,000, the City shall, where practical, obtain three informally solicited competitive Written quotes, Bids or Proposals. The City shall keep a Written record of the source and amount of the quotes, Bids or Proposals received. If three Written quotes, Bids or Proposals are not available, fewer quotes, Bids or Proposals will suffice, provided a Written record is made of the effort to obtain the quotes, Bids or Proposals.

Prior to purchase of used personal property or equipment valued greater than \$50,000, the Finance Director shall obtain the contract review board's approval of the expenditure

C. Definition.

As used in this section, the term "used personal property or equipment" means property or equipment that has been placed in its intended use by a previous owner or user for a period of time recognized in the relevant trade or industry as qualifying the personal property or equipment as used at the time of the City's purchase. Used personal property or equipment generally does not include property or equipment if the City was the previous user, whether under a lease, as part of a demonstration, trial or pilot project, or similar arrangement.

Section 11. Existing Beaverton Purchasing Code section 50-0095 is hereby struck in its entirety and replaced with the following:

50-0095 Insurance Contracts

Contracts for insurance where either the annual or aggregate premium is greater than \$50,000 must be let by formal competitive procurement or by one of the following two procedures:

1. The City may appoint a licensed insurance agent as its "Agent of Record." The Agent of Record shall serve as the City's representative in the insurance market.
 - a. The services the Agent of Record shall provide the City include, but are not limited to, insurance Contract review, loss control, loss forecasting, business needs assessments and securing competitive Proposals from insurance carriers for all the City's coverages for which the Agent of Record is given responsibility.
 - b. Prior to the selection of an Agent of Record, the City shall make a reasonable effort to inform known insurance agents in Oregon. These efforts shall include advertisement in a publication

of general circulation. The advertisement shall include a general description of the nature of the insurance that the City will require.

- c. In selecting its Agent of Record, the City shall select an agent it determines most likely to perform the most cost-effective services; price alone need not be the only criterion considered in selecting the Agent of Record. The agent may be compensated through commissions paid by insurance companies on the City's account.
 - d. An appointment as the City's Agent of Record shall not exceed a period of five years, but the same agent may be selected in subsequent periods.
2. The City may solicit Bids or Proposals from licensed insurance agents for the purpose of acquiring specific insurance Contracts.
- a. The City shall make reasonable efforts to inform known insurance agents in the competitive market area that the City is considering such selection. These efforts shall include advertisement in a publication of general circulation.
 - b. In selecting an insurance Contract, the City shall select the insurance Contract most likely to provide the City the most cost-effective coverage; premium cost alone need not be the only criterion considered in selecting a specific insurance Contract. Other factors that may be considered in selecting an insurance Contract include, but are not limited to coverage, financial stability of the insurer, and loss control services to be provided.

Section 12. Existing Beaverton Purchasing Code section 50-0110 is hereby struck in its entirety and replaced with the following:

50-0110 Other Agency Contracts

A Contract for the purchase of Goods or Services, other than public improvements or personal services, from an Entity that is selling substantially identical Goods or Services under Contract with another public agency (the "Originating Agency") is exempt from formal competitive procurement if:

1. The Originating Agency selected the Contractor through a competitive process that complied with this Code;
2. The City's Contract is executed no later than one year after the award date of the Contract with the Originating Agency; and
3. The City's Contract contains the same Contract conditions as the Originating Agency's Contract and the Originating Agency's Contract permits the City to purchase Goods or Services at the same unit prices or rates offered to the Originating Agency. For purposes of this subsection, the City's Contract contains the same Contract Conditions as the Originating Agency's Contract notwithstanding that the City's Contract contains price adjustments for minor modifications to customize the Goods or Services to the City's specifications and other minor specification modifications to conform timing and place of performance to City's requirements. A specification modification will be considered minor if it does not change the brand, model, primary purpose or function of the Goods or Services and does not result in a unit price or rate adjustment of more than five percent of the unit prices or rates set forth in the originating agency's Contract.

The City shall obtain Contract Review Board approval before proceeding with the purchase under this section if the cost of purchase is expected to be greater than \$50,000.

Section 13. Existing Beaverton Purchasing Code section 50-0115 is hereby struck in its entirety and replaced with the following:

50-0115 Brand Names or Products, "or Equal" and Single Seller

A. Authorization.

Solicitation Specifications for Public Contracts for Goods or Services shall not expressly or implicitly require any product of any particular manufacturer or seller except as expressly authorized in subsections B and C of this section.

B. "Or Equal" Suffix.

A brand name or equal specification may be used when the use of a brand name or equal specification is advantageous to the City, because the brand name describes the standard of quality, performance, functionality and other characteristics of the product needed by the City.

The City is entitled to determine upon any reasonable basis what constitutes a product that is equal or superior to the product specified, and any such determination is final. Nothing in this subsection may be construed as prohibiting the City from specifying one or more comparable products as examples of the quality, performance, functionality or other characteristics of the product needed by the City.

C. Brand Names.

A brand name specification may be prepared and used only if the City determines for a solicitation or a class of solicitations that only the identified brand name specification will meet the needs of the City based on one or more of the following written determinations:

1. That use of a brand name specification is unlikely to encourage favoritism in the awarding of public Contracts or substantially diminish competition for public Contracts;
2. That use of a brand name specification would result in substantial cost savings to the City;
3. That there is only one manufacturer or seller of the product of the quality, performance or functionality required; or
4. That efficient utilization of existing goods requires the acquisition of compatible Goods or Services.

The Contract Review Board must approve a Specification of a brand name, make or product without an "or equal" or equivalent suffix if the Finance Director determines that the Contract that is expected to result from a Solicitation will likely be valued greater than \$50,000.

The Finance Director must approve a Specification of a brand name, make or product without an "or equal" or equivalent suffix if the Finance Director determines that the Contract that is expected to result from a Solicitation will likely be valued less than or equal to \$50,000.

D. Protest and Judicial Review.

The City's use of a brand name specification may be subject to review only as provided in BPC 50-0115 (C).

E. Single Manufacturer; Multiple Sellers.

The City may specify a particular good or service available from only one manufacturer, but through multiple sellers.

Section 14. Existing Beaverton Purchasing Code section 50-0145 is hereby struck in its entirety and replaced with the following:

50-0145 Appointment of Professional Consultants

A. Authorization.

The City may screen and select professional consultants, including architects, engineers, planners, land surveyors and related engineering professionals (hereinafter "Consultants") without formal competitive procurement as provided by this section.

B. Screening and Selection of Consultants for Retainer.

The City shall screen and select Consultants to be placed on retainer as follows:

1. The City shall furnish public notice of a solicitation under this section in accordance with section BPC 47-0300.
2. The City may hold a pre-proposal conference with prospective Proposers prior to closing in accordance with section BPC 47-0420.
3. An RFP under this section shall conform to section BPC 47-0260 and, in addition, shall identify any terms and conditions in the Solicitation Document that are subject to negotiation. The Solicitation Documents may permit Proposers to propose alternative terms and conditions in lieu of the terms and conditions the City has identified as authorized for negotiation. In all cases, the City may negotiate the terms and conditions of a personal services contract in order to provide the City with optimal value and risk protection.
4. An evaluation committee shall evaluate Proposals consistent with the process described in the RFP and applicable law. The Proposal evaluation committee shall consist of any number of City employees and, if desired, members of the community, all with experience relevant to the RFP. Evaluators shall be selected on the basis of their ability to provide an objective, relevant and impartial evaluation of the Proposals. If there is a conflict of interest, the evaluator shall declare this in Writing and shall be excluded from participating in the evaluation.
5. The Proposal evaluation committee may evaluate the qualifications of all Proposers without benefit of an interview, or may interview all Proposers prior to evaluation, or may evaluate all Proposers and select one or more Proposers for interview and subsequent re-evaluation. In all instances, the Proposal Evaluation Committee's evaluation of Proposals shall be with regard to the evaluation criteria set out in the RFP. The interview of a Proposer may be conducted through any appropriate medium.

Prior to award, the City may require a Proposer to submit Product Samples, Descriptive Literature, technical data, or other material. Also prior to award, the City may require demonstration, inspection or testing of a product or service.

6. In evaluating Proposals, the City may seek clarification from a Proposer. Such clarification shall not vary, contradict or supplement the Proposal. A Proposer must submit Written and Signed clarifications and such clarifications shall become part of the Proposer's Proposal.
7. If an initial evaluation of Proposals reveals no likely satisfactory Proposer, the Solicitation may be cancelled or reduced in scope at any time the City determines it is in the public interest to do so.
8. The City shall evaluate all Proposals in accordance with the evaluation criteria set forth in the Request for Proposals. Evaluation criteria may include, but are not limited to, the following:
 - a. Availability and capability to perform the work;

- b. Experience of key staff on comparable projects, or in performing comparable services;
 - c. Design talent and technical competence, including an indication of the planning process expected to be used in the work;
 - d. Demonstrated ability to successfully complete similar projects or perform similar services on time and within budget;
 - e. References from past clients, public and private;
 - f. Past record of performance on contracts with governmental agencies and private owners with respect to such factors as cost control, quality of work, ability to meet schedules and contract administration;
 - g. Performance history in meeting deadlines, submitting accurate estimates, producing quality work, and meeting financial obligations;
 - h. Status and quality of any required licensing or certification;
 - i. Familiarity with the City, including knowledge of local infrastructure and/or City design and construction specifications or techniques;
 - j. Knowledge and understanding of the required services as shown through the proposed approach to staffing and scheduling needs;
 - k. Fees or costs and any cost management techniques proposed for use;
 - l. Results from oral interviews, if conducted;
 - m. Availability of any specific required resources or equipment;
 - n. Geographic proximity to the project or the area where the services will be performed;
 - o. Identity of proposed subcontractors and their qualifications;
 - p. Ability to communicate effectively; and
 - q. Any other identified criteria deemed relevant to the provision of services.
9. If no evaluation criteria are set forth in a Request for Proposal, all the evaluation criteria listed above (except criterion) shall be considered equally in evaluating submitted Proposals. After evaluation of all Proposals, the City will rank the Proposers. Before ranking Proposers, the City may establish a minimum level of qualification. The level of minimum qualification may be adjusted if the City's evaluation of Proposals establishes a natural break in the scores of Proposers indicating a number of Proposers are closely competitive and more likely than not minimally qualified.
10. If the City establishes a minimum level of qualification, then upon concluding the evaluation of Proposals, the City shall provide Written notice to all Proposers identifying those Proposers at or above the minimum level of qualification.
11. A Proposer found to rank below the minimum level of qualification may protest the City's evaluation and determination of the ranking in accordance with BPC 47-0720 Protests and Judicial Review of Multi-Tiered and Multistep Solicitations. This initial protest period forecloses the right of Proposers who are found below the minimum level of qualification to protest final selection for a specific project.

12. After the protest period expires, or after the City has provided a final response to any protest, whichever date is later, the City shall invite each selected consultant to enter into a retainer agreement. The retainer agreement may have up to a three-year term and must be a form of agreement approved by the City Attorney.

C. Maintenance of Roster.

The Purchasing Agent or designee shall maintain and publish a current roster of all Consultants chosen for retainer agreements by the City. The Contract Administrator shall maintain a record of the Consultants hired to work on a specific project.

D. Screening and Selection of Consultant for a Specific Project.

The procedures the City shall follow when contracting for professional consulting services with regard to a specific project will depend upon a combination of factors including the total anticipated fee and the Contract Administrator's evaluation of which Consultant will likely provide the best value to the City in the context of a specific project.

1. For professional service contracts involving an anticipated professional fee, including all consultant fees, reimbursable expenses, anticipated amendments and supplements, valued at under \$250,000, the Contract Administrator shall select from the Consultants on retainer to the City the Consultant who the Contract Administrator considers the most qualified to provide the best value to the City on a specific project.
 - a. The Contract Administrator's selection shall be made upon the evaluation of the following equally-weighted criteria:
 - Consultant's cost as shown by fee schedule;
 - Consultant's technical competencies relevant to the specific project;
 - Consultant's availability to perform desired services in a timely manner; and
 - Consultant's familiarity with the specific project, if such familiarity is likely to result in a significant saving of time or money to the City.
 - b. Upon Written justification approved by a Department Head, the Contract Administrator may select from those Consultants on retainer to the City a particular Consultant to work on a specific project valued at under \$250,000. For purposes of this section, "good cause" includes a Consultant's specialized knowledge about a specific project or expertise regarding a needed professional service.
 - c. A Consultant on retainer who is not selected to perform work for the City on a specific project may protest the selection of a Consultant in accordance with BPC 47-0740 Protests and Judicial Review of Contract Award.
2. For professional service contracts involving an anticipated professional fee, including all consultant fees, reimbursable expenses, anticipated amendments and supplements, valued at \$250,000 or more, but under \$350,000, the Contract Administrator shall first select from the Consultants on retainer to the City a minimum of two Consultants who the Contract Administrator considers most qualified to provide the best value to the City on a specific project.
 - a. The Contract Administrator's selection of these consultants shall be made upon the Contract Administrator's evaluation of the following equally-weighted criteria:
 - Consultant's cost as shown by fee schedule;
 - Consultant's technical competencies relevant to the specific project;
 - Consultant's availability to perform desired services in a timely manner; and

- Consultant's familiarity with the specific project, if such familiarity is likely to result in a significant saving of time or money to the City.
- b. The Contract Administrator shall next prepare an RFP for personal services to notify each of the selected Consultants of the proposed work for the specific project. The RFP shall conform to the standards set forth in BPC 47-0260 and shall include Consultant's retainer agreement and a supplemental contract.
 - c. The City need not furnish public notice of the solicitation under this subsection D(2). Except as provided by this subsection D(2), the procedure for screening and selecting Consultants with regard to a specific project shall conform with the provisions of chapter 47.
 - d. Upon Written justification approved by a Department Head, the Contract Administrator may select from those Consultants on retainer to the City a particular Consultant to work on a specific project valued at \$250,000 or more, but under \$350,000. For purposes of this section, "good cause" includes a Consultant's specialized knowledge about a specific project or expertise regarding a needed professional service.
3. For professional service contracts with an anticipated professional fee, including all consultant fees, reimbursable expenses, anticipated amendments and supplements, valued at \$350,000 or more, the City shall procure personal services through formal competitive procurement, unless otherwise permitted by state law or this Code.

E. Negotiation of Supplemental Contract.

The Contract Administrator shall negotiate the supplemental terms and conditions of the retainer agreement with the selected Consultant. If a mutually satisfactory supplemental contract cannot be agreed to, the Contract Administrator may select another Consultant to work on the project using any method permitted by this Code. In those instances where more than one Responsive Proposal has been received by the City for a specific project, the Contract Administrator may select the Consultant submitting the next best Responsive Proposal if a mutually satisfactory supplemental contract cannot first be agreed to with the Consultant submitting the best Responsive Proposal.

F. Exemption Nonexclusive.

Nothing in this section prevents the City from selecting a Consultant through formal competitive procurement or as permitted by section 50-0140.

G. Contract Review Board Approval.

Before the City executes a Personal Services Contract valued greater than \$50,000, the Contract Review Board shall approve the Contract.

Adopted by the City Council this ___ day of December 2005.
 Approved by the Mayor this ___ day of December 2005.

Ayes: ___

Nays: _____

Attest:

Approved:

 SUE NELSON, City Recorder

 ROB DRAKE, Mayor

Beaverton Purchasing Code
Changes to Chapter 47
(Inserted text underlined; deleted text struck through.)

47-0610 Notice of Intent to Award

A. Notice of Intent to Award.

Unless otherwise provided in the Solicitation Document, the City shall provide Written notice to all bidders and proposers of the City's intent to award the Contract pursuant to ~~ORS 279B.135~~ at least ~~147~~ Days before the Award of a Contract, unless City determines that circumstances require prompt execution of the Contract, in which case City may provide a shorter notice period. City shall document the specific reasons for the shorter notice period in the Procurement file. The referral of a recommendation to the Contract Review Board to Award a Contract is sufficient notice of the City's intent to award the Contract. This subsection does not apply to a contract excepted or exempted from competitive solicitation.

B. Finality.

City's Award shall not be final until the later of the following:

1. The expiration of the protest period provided pursuant to BPC 47-0740; or
2. City provides Written responses to all timely-filed protests denying the protests and affirming the Award.

**Beaverton Purchasing Code
Changes to Chapter 49**

(Inserted text underlined; deleted text struck through.)

49-0290 Bid or Proposal Security

A. Security Amount.

If the City requires Bid or Proposal security, it shall be not more than 10% or less than 5% of the Offeror's Bid or Proposal, consisting of the base Bid or Proposal together with all additive alternates. The City shall not use Bid or Proposal security to discourage competition. The City shall clearly state any Bid or Proposal security requirements in its Solicitation Document. The Offeror shall forfeit Bid or Proposal security after Award if the Offeror fails to execute the Contract and promptly return it with any required Performance Bond and Payment Bond and, in the case of Proposal security, with any required proof of insurance. See ORS 279C.365(4) and ORS 279C.385.

B. Requirement for Bid Security (Optional for Proposals).

Unless the City has otherwise exempted a Solicitation or class of Solicitations from Bid security pursuant to ORS 279C.390, the City shall require Bid security for its Solicitation of Bids for Public Improvements. The City may require Bid security even if it has exempted a class of Solicitations from Bid security. The City may require Proposal security in RFP's when Award of a Public Improvement Contract may be made without negotiation following receipt of a Firm Offer as described in BPC 49-0280(A)(2). See ORS 279C.400(5).

C. Form of Bid or Proposal Security.

The City may accept only the following forms of Bid or Proposal security; which shall be submitted with or posted for all bids or proposals as security unless the contract for which a bid is submitted has been exempted from this requirement.

1. A surety bond from a surety company authorized to do business in the State of Oregon;
2. An irrevocable letter of credit issued by an insured institution as defined in ORS 706.008; or
3. A cashier's check or Offeror's certified check.

D. Return of Security.

The City shall return or release the Bid or Proposal security of all unsuccessful Offerors after a Contract has been fully executed and all required bonds and proof of insurance have been provided, or after all Offers have been rejected. The City may return the Bid or Proposal security of unsuccessful Offerors prior to Award if the return does not prejudice Contract Award and the security of at least the Bidders with the three lowest Bids, or the Proposers with the three highest scoring Proposals, is retained pending execution of a Contract.

A. General.

If Awarded, the City shall Award the Contract to the Responsible Bidder submitting the lowest, Responsive Bid or the Responsible Proposer or Proposers submitting the best, Responsive Proposal or Proposals, provided that such Person is not listed by the Construction Contractors Board as disqualified to hold a Public Improvement Contract. See ORS 279C.375(2)(a). The City may Award by item, groups of items or the entire Offer provided such Award is consistent with the Solicitation Document and in the public interest.

B. Determination of Responsibility.

Offerors are required to demonstrate their ability to perform satisfactorily under a Contract. Before Awarding a Contract, the City shall have information that indicates that the Offeror meets the standards of responsibility set forth in ORS 279C.375(2). To be a Responsible Offeror, the City ~~must determine that the offeror shall do all of the following:~~

1. Check the list created by the Construction Contractors Board under ORS 701.227 for Offeror's who are not qualified to hold a public improvement contract.
2. Determine whether the Offeror has met the standards of responsibility. In making the determination, the City shall consider whether a Offeror has;
 - ~~1a.~~ Has available the appropriate financial, material, equipment, facility and personnel resources and expertise, or ability to obtain the resources and expertise, necessary to demonstrate the capability of the Offeror to meet all contractual responsibilities;
 - ~~2b.~~ Has a satisfactory record of contract performance. The City should carefully scrutinize an Offeror's record of contract performance if the Offeror is or recently has been materially deficient in contract performance. In reviewing the Offeror's performance, the City should determine whether the Offeror's deficient performance was expressly excused under the terms of contract, or whether the Offeror took appropriate corrective action. The City may review the Offeror's performance on both private and Public Contracts in determining the Offeror's record of contract performance. The City shall make its basis for determining an Offeror not Responsible under this paragraph part of the Solicitation file;
 - ~~3c.~~ Has a satisfactory record of integrity. An Offeror may lack integrity if the City determines the Offeror demonstrates a lack of business ethics such as violation of state safety and environmental laws or false certifications made to the City or other Contracting Agency. The City may find an Offeror not Responsible based on the lack of integrity of any Person having influence or control over the Offeror (such as a key employee of the Offeror that has the authority to significantly influence the Offeror's performance of the Contract or a parent company, predecessor or successor Person). The standards for Conduct Disqualification under BPC 49-0370 may be used to determine an Offeror's integrity. The City shall make its basis for determining that an Offeror is not Responsible under this paragraph part of the Solicitation file;
 - ~~4d.~~ Is qualified legally to contract with the City; and
 - ~~5e.~~ Has supplied all necessary information in connection with the inquiry concerning responsibility. If the Offeror fails to promptly supply information requested by the City concerning responsibility, the City shall base the determination of responsibility upon any available information, or may find the Offeror not Responsible.
3. Document the City's compliance with the requirements of paragraphs (a) and (b) of this subsection in substantially the following form:

RESPONSIBILITY DETERMINATION FORM

Project Name: _____
Bid Number: _____
Business Entity Name: _____
CCB License Number: _____
Form Submitted By (City): _____
Form Submitted By (City Representative's Name): _____
Title: _____
Date: _____

The City must submit this form with attachments, if any, to the Construction Contractors Board within 30 days after the date of contract award. The City has (check all of the following):

- Checked the list created by the Construction Contractors Board under ORS 701.227 for bidders who are not qualified to hold a public improvement contract.
 - Determined whether the bidder has met the standards of responsibility. In so doing, the City has considered whether the bidder:
 - Has available the appropriate financial, material, equipment, facility and personnel resources and expertise, or the ability to obtain the resources and expertise, necessary to meet all contractual responsibilities.
 - Has a satisfactory record of performance.
 - Has a satisfactory record of integrity.
 - Is qualified legally to contract with the City.
 - Has supplied all necessary information in connection with the inquiry concerning responsibility.
 - Determined the bidder to be (check one of the following):
 - Responsible under ORS 279C.375 (2)(a) and (b).
 - Not responsible under ORS 279C.375 (2)(a) and (b).
- (Attach documentation if the City finds the bidder not to be responsible.)

4. Submit the form described in paragraph 3 of this subsection, with any attachments, to the Construction Contractors Board within 30 days after the date the City awards the contract.

C. City Evaluation.

The City shall evaluate an Offer only as set forth in the Solicitation Document and in accordance with applicable law. The City shall not evaluate an Offer using any other requirement or criterion.

D. Offeror Submissions.

1. The City may require an Offeror to submit Product Samples, descriptive literature, technical data, or other material and may also require any of the following prior to Award:
 - a. Demonstration, inspection or testing of a product prior to Award for characteristics such as compatibility, quality or workmanship;
 - b. Examination of such elements as appearance or finish; or
 - c. Other examinations to determine whether the product conforms to Specifications.
2. The City shall evaluate product acceptability only in accordance with the criteria disclosed in the Solicitation Document to determine that a product is acceptable. The City shall reject an Offer providing any product that does not meet the Solicitation Document requirements. The City's rejection of an Offer because it offers nonconforming Work or materials is not Disqualification and is not appealable under ORS 279C.445.

E. Evaluation of Bids.

The City shall use only objective criteria to evaluate Bids as set forth in the ITB. The City shall evaluate Bids to determine which Responsible Offeror offers the lowest Responsive Bid.

1. Nonresident Bidders. In determining the lowest Responsive Bid, the City shall, in accordance with BPC 46-0310, add a percentage increase to the Bid of a nonresident Bidder equal to the percentage, if any, of the preference given to that Bidder in the state in which the Bidder resides.
2. Clarifications. In evaluating Bids, the City may seek information from a Bidder only to clarify the Bidder's Bid. Such clarification shall not vary, contradict or supplement the Bid. A Bidder must submit Written and Signed clarifications and such clarifications shall become part of the Bidder's Bid.
3. Negotiation Prohibited. The City shall not negotiate scope of Work or other terms or conditions under an Invitation to Bid process prior to Award.

F. Evaluation of Proposals.

See BPC 49-0600(incorporating by reference OAR 137-049-0650 regarding rules applicable to Requests for Proposals).

49-0400 Documentation of Award; Availability of Award Decisions

A. Basis of Award.

After Award, the City shall make a record showing the basis for determining the successful Offeror part of the City's Solicitation file.

B. Contents of Award Record for Bids.

The City's record shall include:

1. All submitted Bids;
2. Completed Bid tabulation sheet; and
3. Written justification for any rejection of lower Bids.

C. Contents of Award Record for Proposals.

Where the use of Requests for Proposals is authorized as set forth in BPC 49-0600(incorporating by reference OAR 137-049-0650), the City's record shall include:

1. All submitted Proposals.
2. The completed evaluation of the Proposals;
3. Written justification for any rejection of higher scoring Proposals or for failing to meet mandatory requirements of the Request for Proposal; and
4. If the City permitted negotiations in accordance with BPC 49-0600(incorporating by reference OAR 137-049-0650), the City's completed evaluation of the initial Proposals and the City's completed evaluation of final Proposals.

D. Contract Document.

The successful Offeror shall promptly execute a formal contract and execute and deliver to the City any required performance bond and a payment bond. The City shall deliver a fully executed copy of the final Contract to the successful Offeror.

E. Bid Tabulations and Award Summaries.

Upon request of any Person the City shall provide tabulations of Awarded Bids or evaluation summaries of Proposals for a nominal charge which may be payable in advance. Requests must contain the Solicitation Document number and, if requested, be accompanied by a self-addressed, stamped envelope. The City may also provide tabulations of Bids and Proposals Awarded on designated Web sites or on the City's Electronic Procurement System.

F. Availability of Solicitation Files.

The City shall make completed Solicitation files available for public review at City Hall.

G. Copies from Solicitation Files.

Any Person may obtain copies of material from Solicitation files upon payment of a reasonable copying charge.

49-0450 Protest of Contractor Selection, Contract Award

A. Purpose.

An adversely affected or aggrieved Offeror must exhaust all avenues of administrative review and relief before seeking judicial review of the City's Contractor selection or Contract Award decision.

B. Notice of Competitive Range.

Unless otherwise provided in the RFP, when the competitive proposal process is authorized under BPC 49-0600 (incorporating by reference OAR 137-049-0650), the City shall provide Written notice to all Proposers of the City's determination of the Proposers included in the Competitive Range. The City notice of the Proposers included in the Competitive Range shall not be final until the later of the following:

1. 10 Days after the date of the notice, unless otherwise provided therein; or
2. Until the City provides a Written response to all timely-filed protests that denies the protest and affirms the notice of the Proposers included in the Competitive Range.

C. Notice of Intent to Award.

~~Unless otherwise provided in the Solicitation Document, the City shall provide Written notice to all Offerors of the City's intent to Award the Contract. The City's Award shall not be final until the later of the following:~~

- ~~1. Seven Days after the date of the notice, unless the Solicitation Document provided a different period for protest; or~~
- ~~2. The City provides a Written response to all timely-filed protests that denies the protest and affirms the Award.~~

1. Unless otherwise provided in the Solicitation Document, the City shall provide Written notice to all bidders and proposers of the City's intent to award the Contract at least 7 Days before the Award of a Contract, unless City determines that circumstances require prompt execution of the Contract, in which case City may provide a shorter notice period. City shall document the specific reasons for the shorter notice period in the Procurement file. The referral of a recommendation to the Contract Review Board to Award a Contract is sufficient notice of the City's intent to award the Contract. This subsection does not apply to a contract excepted or exempted from competitive solicitation.

2. Finality.

City's Award shall not be final until the later of the following:

- a. The expiration of the protest period provided in this rule; or
- b. City provides Written responses to all timely-filed protests denying the protests and affirming the Award.

D. Right to Protest Award.

1. An adversely affected or aggrieved Offeror may submit to the City a Written protest of the City's intent to Award within seven Days after issuance of the notice of intent to Award the Contract, unless a different protest period is provided under the Solicitation Document.
2. The Offeror's protest must be in Writing and must specify the grounds upon which the protest is based.

3. An Offeror is adversely affected or aggrieved only if the Offeror is eligible for Award of the Contract as the Responsible Bidder submitting the lowest Responsive Bid or the Responsible Proposer submitting the best Responsive Proposal and is next in line for Award, i.e., the protesting Offeror must claim that all lower Bidders or higher-scored Proposers are ineligible for Award:
 - a. Because their Offers were nonresponsive; or
 - b. The City committed a substantial violation of a provision in the Solicitation Document or of an applicable Procurement statute or administrative rule, and the protesting Offeror was unfairly evaluated and would have, but for such substantial violation, been the Responsible Bidder offering the lowest Bid or the Responsible Proposer offering the highest-ranked Proposal.
4. The City shall not consider a protest submitted after the time period established in this rule or such different period as may be provided in the Solicitation Document. A Proposer may not protest the City's decision not to increase the size of the Competitive Range above the size of the Competitive Range set forth in the RFP.

E. Right to Protest Competitive Range.

1. An adversely affected or aggrieved Proposer may submit to the City a Written protest of the City decision to exclude the Proposer from the Competitive Range within seven Days after issuance of the notice of the Competitive Range, unless a different protest period is provided under the Solicitation Document. (See procedural requirements for the use of RFP's at BPC 49-0600(incorporating by reference OAR 137-049-0650).
2. The Proposer's protest shall be in Writing and must specify the grounds upon which the protest is based.
3. A Proposer is adversely affected only if the Proposer is responsible and submitted a Responsive Proposal and is eligible for inclusion in the Competitive Range, i.e., the protesting Proposer must claim it is eligible for inclusion in the Competitive Range if all ineligible higher-scoring Proposers are removed from consideration, and that those ineligible Proposers are ineligible for inclusion in the Competitive Range because:
 - a. Their Proposals were not responsive; or
 - b. The City committed a substantial violation of a provision in the RFP or of an applicable Procurement statute or administrative rule, and the protesting Proposer was unfairly evaluated and would have, but for such substantial violation, been included in the Competitive Range.
4. The City shall not consider a protest submitted after the time period established in this rule or such different period as may be provided in the Solicitation Document. A Proposer may not protest the City's decision not to increase the size of the Competitive Range above the size of the Competitive Range set forth in the RFP.

F. Authority to Resolve Protests.

The Mayor or the Mayor's designee may settle or resolve a Written protest submitted in accordance with the requirements of this rule.

G. Decision.

If a protest is not settled, the head of the City, or such Person's designee, shall promptly issue a Written decision on the protest. Judicial review of this decision will be available if provided by statute.

H. Award.

The successful Offeror shall promptly execute the Contract after the Award is final. The City shall execute the Contract only after it has obtained all applicable required documents and approvals.

Beaverton Purchasing Code
Chapter 50 Amendments
(Inserted text underlined; deleted text struck through.)

50-0020 Small Procurements

A. Generally.

For Procurements of Goods or Services less than or equal to \$5,000, the City shall, where practical, obtain three informally solicited competitive verbal quotes, Bids or Proposals. The City shall keep a record of the source and amount of the quotes, Bids or Proposals received. If three informally solicited competitive verbal quotes, Bids or Proposals are not available, fewer quotes, Bids or Proposals will suffice, provided a record is made of the effort to obtain the quotes, Bids or Proposals. Any procurement under this rule less than or equal to \$500 may be awarded by direct selection or award.

B. Amendments.

The City may amend a Public Contract Awarded as a small Procurement in accordance with BPC 50-0035.
[OAR 137-047-0265]

50-0045 Equipment Repair and Overhaul

A. Authorization.

The City may enter into a Public Contract for equipment repair or overhaul without formal competitive procurement if the cost of equipment repair or overhaul is expected not to exceed \$50,000, subject to the following conditions:

1. Service or parts required are unknown and the cost cannot be determined without extensive preliminary dismantling or testing; or
2. Service or parts required are for sophisticated equipment for which specially trained personnel are required and such personnel are available from only one source; and
3. In either instance, the City documents in its procurement file the reasons why Competitive Bids or Proposals were deemed to be impractical under this section.

When the cost of equipment repair or overhaul is expected to exceed \$50,000, the City shall obtain Contract Review Board authorization before proceeding with the purchase of the needed repair or overhaul.

B. Notification.

If repairs or overhauls are commenced under a belief that the cost will not exceed \$50,000, but in fact the actual cost is ~~equal to or~~ greater than \$50,000, the City shall submit a copy of the Written documentation required in subsection A of this section to the Contract Review Board within 60 days following the repair or overhaul, unless the Contract Review Board grants a reasonable extension of time for reasons related to the repair or overhaul.

50-0055 Purchases Under Federal Contracts

A. Authorization.

When the price of Goods or Services has been established by a Contract with an agency of the federal government pursuant to a federal Contract award, the City may purchase Goods or Services in accordance with the federal Contract without further formal competitive procurement.

B. Limitations.

In exercising this authority under this exemption, the City shall:

1. Obtain and document permission from the appropriate federal agency granting permission to the City to purchase under the federal Contract;
2. Document the cost savings to be gained for the City from the anticipated purchase from the federal Contract;
3. Forego Contracting pursuant to this exemption absent a demonstrable cost savings; and
4. Obtain Contract Review Board approval before proceeding with the purchase under this provision if the cost of purchase is expected to be equal to or greater than \$50,000.

50-0080 Requirements Contracts

A. Authorization.

The City may enter into a Requirements Contract whereby the City agrees for a period not to exceed five years to purchase Goods or Services for an anticipated need from one or more Contractors at a predetermined price. The predetermined price may be market price at the time the anticipated need actually arises. The City may then purchase the Goods and Services from a Contractor awarded the Requirements Contract without further formal competitive procurement.

B. Limitations.

A Requirements Contract may be established for the purposes of minimizing paperwork, achieving continuity of product, securing a source of supply, reducing inventory, combining City requirements for volume discounts, standardization among agencies, or reducing lead-time for ordering. The term of a Requirements Contract, including renewals, shall not exceed five years, unless specifically permitted by the Contract Review Board.

C. Procedures.

If the City intends to let a Contract under this section, (so as to be able to make multiple purchases of a good or service over a period of time) the City shall state the duration of the Contract in the solicitation file and Solicitation Document if any. If the anticipated total purchase amount over the life of a Contract let pursuant to this section is valued at greater than \$50,000 ~~or more~~, notice of such fact shall be stated in the published advertisement for Bids or Proposals. Such documentation and/or publication shall be sufficient notice as to subsequent purchases.

50-0085 Purchase of Used Personal Property

A. Authorization.

The City may purchase used property or equipment without formal competitive procurement if the Finance Director makes a Written determination that the purchase:

1. Will result in cost savings to the City; and
2. Will not diminish competition or encourage favoritism.

B. Solicitation Methods.

For purchase of used personal property or equipment valued ~~under~~ less than or equal to \$5,000, the City shall, where practical, obtain three informally solicited competitive verbal quotes, Bids or Proposals. The City shall keep a record of the source and amount of the quotes, Bids or Proposals received. If three quotes, Bids or Proposals are not readily available, fewer quotes, Bids or Proposals will suffice, provided a record is made of the effort to obtain three quotes, Bids or Proposals.

For purchases of used personal property or equipment costing greater than \$5,000 ~~or greater~~, the City shall, where practical, obtain three informally solicited competitive Written quotes, Bids or Proposals. The City shall keep a Written record of the source and amount of the quotes, Bids or Proposals received. If three Written quotes, Bids or Proposals are not available, fewer quotes, Bids or Proposals will suffice, provided a Written record is made of the effort to obtain the quotes, Bids or Proposals.

Prior to purchase of used personal property or equipment valued ~~over~~ greater than \$50,000, the Finance Director shall obtain the contract review board's approval of the expenditure

C. Definition.

As used in this section, the term "used personal property or equipment" means property or equipment that has been placed in its intended use by a previous owner or user for a period of time recognized in the relevant trade or industry as qualifying the personal property or equipment as used at the time of the City's purchase. Used personal property or equipment generally does not include property or equipment if the City was the previous user, whether under a lease, as part of a demonstration, trial or pilot project, or similar arrangement.

50-0095 Insurance Contracts

Contracts for insurance where either the annual or aggregate premium ~~exceeds~~ is greater than \$50,000 must be let by formal competitive procurement or by one of the following two procedures:

1. The City may appoint a licensed insurance agent as its "Agent of Record." The Agent of Record shall serve as the City's representative in the insurance market.
 - a. The services the Agent of Record shall provide the City include, but are not limited to, insurance Contract review, loss control, loss forecasting, business needs assessments and securing competitive Proposals from insurance carriers for all the City's coverages for which the Agent of Record is given responsibility.
 - b. Prior to the selection of an Agent of Record, the City shall make a reasonable effort to inform known insurance agents in Oregon. These efforts shall include advertisement in a publication of general circulation. The advertisement shall include a general description of the nature of the insurance that the City will require.
 - c. In selecting its Agent of Record, the City shall select an agent it determines most likely to perform the most cost-effective services; price alone need not be the only criterion considered in selecting the Agent of Record. The agent may be compensated through commissions paid by insurance companies on the City's account.
 - d. An appointment as the City's Agent of Record shall not exceed a period of five years, but the same agent may be selected in subsequent periods.
2. The City may solicit Bids or Proposals from licensed insurance agents for the purpose of acquiring specific insurance Contracts.
 - a. The City shall make reasonable efforts to inform known insurance agents in the competitive market area that the City is considering such selection. These efforts shall include advertisement in a publication of general circulation.
 - b. In selecting an insurance Contract, the City shall select the insurance Contract most likely to provide the City the most cost-effective coverage; premium cost alone need not be the only criterion considered in selecting a specific insurance Contract. Other factors that may be considered in selecting an insurance Contract include, but are not limited to coverage, financial stability of the insurer, and loss control services to be provided.

50-0110 Other Agency Contracts

A Contract for the purchase of Goods or Services, other than public improvements or personal services, from an Entity that is selling substantially identical Goods or Services under Contract with another public agency (the “Originating Agency”) is exempt from formal competitive procurement if:

1. The Originating Agency selected the Contractor through a competitive process that complied with this Code;
2. The City’s Contract is executed no later than one year after the award date of the Contract with the Originating Agency; and
3. The City’s Contract contains the same Contract conditions as the Originating Agency’s Contract and the Originating Agency’s Contract permits the City to purchase Goods or Services at the same unit prices or rates offered to the Originating Agency. For purposes of this subsection, the City’s Contract contains the same Contract Conditions as the Originating Agency’s Contract notwithstanding that the City’s Contract contains price adjustments for minor modifications to customize the Goods or Services to the City’s specifications and other minor specification modifications to conform timing and place of performance to City’s requirements. A specification modification will be considered minor if it does not change the brand, model, primary purpose or function of the Goods or Services and does not result in a unit price or rate adjustment of more than five percent of the unit prices or rates set forth in the originating agency’s Contract.

The City shall obtain Contract Review Board approval before proceeding with the purchase under this section if the cost of purchase is expected to be ~~equal to~~ or greater than \$50,000.

50-0115 Brand Names or Products, "or Equal" and Single Seller

A. Authorization.

Solicitation Specifications for Public Contracts for Goods or Services shall not expressly or implicitly require any product of any particular manufacturer or seller except as expressly authorized in subsections B and C of this section.

B. "Or Equal" Suffix.

A brand name or equal specification may be used when the use of a brand name or equal specification is advantageous to the City, because the brand name describes the standard of quality, performance, functionality and other characteristics of the product needed by the City.

The City is entitled to determine upon any reasonable basis what constitutes a product that is equal or superior to the product specified, and any such determination is final.

Nothing in this subsection may be construed as prohibiting the City from specifying one or more comparable products as examples of the quality, performance, functionality or other characteristics of the product needed by the City.

C. Brand Names.

A brand name specification may be prepared and used only if the City determines for a solicitation or a class of solicitations that only the identified brand name specification will meet the needs of the City based on one or more of the following written determinations:

1. That use of a brand name specification is unlikely to encourage favoritism in the awarding of public Contracts or substantially diminish competition for public Contracts;
2. That use of a brand name specification would result in substantial cost savings to the City;
3. That there is only one manufacturer or seller of the product of the quality, performance or functionality required; or
4. That efficient utilization of existing goods requires the acquisition of compatible Goods or Services.

The Contract Review Board must approve a Specification of a brand name, make or product without an "or equal" or equivalent suffix if the Finance Director determines that the Contract that is expected to result from a Solicitation will likely be valued at greater than \$50,000 ~~or more~~.

The Finance Director must approve a Specification of a brand name, make or product without an "or equal" or equivalent suffix if the Finance Director determines that the Contract that is expected to result from a Solicitation will likely be valued under less than or equal to \$50,000.

D. Protest and Judicial Review.

The City's use of a brand name specification may be subject to review only as provided in BPC 50-0115 (C).

E. Single Manufacturer; Multiple Sellers.

The City may specify a particular good or service available from only one manufacturer, but through multiple sellers.

50-0145 Appointment of Professional Consultants

A. Authorization.

The City may screen and select professional consultants, including architects, engineers, planners, land surveyors and related engineering professionals (hereinafter "Consultants") without formal competitive procurement as provided by this section.

B. Screening and Selection of Consultants for Retainer.

The City shall screen and select Consultants to be placed on retainer as follows:

1. The City shall furnish public notice of a solicitation under this section in accordance with section BPC 47-0300.
2. The City may hold a pre-proposal conference with prospective Proposers prior to closing in accordance with section BPC 47-0420.
3. An RFP under this section shall conform to section BPC 47-0260 and, in addition, shall identify any terms and conditions in the Solicitation Document that are subject to negotiation. The Solicitation Documents may permit Proposers to propose alternative terms and conditions in lieu of the terms and conditions the City has identified as authorized for negotiation. In all cases, the City may negotiate the terms and conditions of a personal services contract in order to provide the City with optimal value and risk protection.
4. An evaluation committee shall evaluate Proposals consistent with the process described in the RFP and applicable law. The Proposal evaluation committee shall consist of any number of City employees and, if desired, members of the community, all with experience relevant to the RFP. Evaluators shall be selected on the basis of their ability to provide an objective, relevant and impartial evaluation of the Proposals. If there is a conflict of interest, the evaluator shall declare this in Writing and shall be excluded from participating in the evaluation.
5. The Proposal evaluation committee may evaluate the qualifications of all Proposers without benefit of an interview, or may interview all Proposers prior to evaluation, or may evaluate all Proposers and select one or more Proposers for interview and subsequent re-evaluation. In all instances, the Proposal Evaluation Committee's evaluation of Proposals shall be with regard to the evaluation criteria set out in the RFP. The interview of a Proposer may be conducted through any appropriate medium.

Prior to award, the City may require a Proposer to submit Product Samples, Descriptive Literature, technical data, or other material. Also prior to award, the City may require demonstration, inspection or testing of a product or service.

6. In evaluating Proposals, the City may seek clarification from a Proposer. Such clarification shall not vary, contradict or supplement the Proposal. A Proposer must submit Written and Signed clarifications and such clarifications shall become part of the Proposer's Proposal.
7. If an initial evaluation of Proposals reveals no likely satisfactory Proposer, the Solicitation may be cancelled or reduced in scope at any time the City determines it is in the public interest to do so.
8. The City shall evaluate all Proposals in accordance with the evaluation criteria set forth in the Request for Proposals. Evaluation criteria may include, but are not limited to, the following:
 - a. Availability and capability to perform the work;
 - b. Experience of key staff on comparable projects, or in performing comparable services;

- c. Design talent and technical competence, including an indication of the planning process expected to be used in the work;
 - d. Demonstrated ability to successfully complete similar projects or perform similar services on time and within budget;
 - e. References from past clients, public and private;
 - f. Past record of performance on contracts with governmental agencies and private owners with respect to such factors as cost control, quality of work, ability to meet schedules and contract administration;
 - g. Performance history in meeting deadlines, submitting accurate estimates, producing quality work, and meeting financial obligations;
 - h. Status and quality of any required licensing or certification;
 - i. Familiarity with the City, including knowledge of local infrastructure and/or City design and construction specifications or techniques;
 - j. Knowledge and understanding of the required services as shown through the proposed approach to staffing and scheduling needs;
 - k. Fees or costs and any cost management techniques proposed for use;
 - l. Results from oral interviews, if conducted;
 - m. Availability of any specific required resources or equipment;
 - n. Geographic proximity to the project or the area where the services will be performed;
 - o. Identity of proposed subcontractors and their qualifications;
 - p. Ability to communicate effectively; and
 - q. Any other identified criteria deemed relevant to the provision of services.
9. If no evaluation criteria are set forth in a Request for Proposal, all the evaluation criteria listed above (except criterion) shall be considered equally in evaluating submitted Proposals. After evaluation of all Proposals, the City will rank the Proposers. Before ranking Proposers, the City may establish a minimum level of qualification. The level of minimum qualification may be adjusted if the City's evaluation of Proposals establishes a natural break in the scores of Proposers indicating a number of Proposers are closely competitive and more likely than not minimally qualified.
10. If the City establishes a minimum level of qualification, then upon concluding the evaluation of Proposals, the City shall provide Written notice to all Proposers identifying those Proposers at or above the minimum level of qualification.

11. A Proposer found to rank below the minimum level of qualification may protest the City's evaluation and determination of the ranking in accordance with BPC 47-0720 Protests and Judicial Review of Multi-Tiered and Multistep Solicitations. This initial protest period forecloses the right of Proposers who are found below the minimum level of qualification to protest final selection for a specific project.
12. After the protest period expires, or after the City has provided a final response to any protest, whichever date is later, the City shall invite each selected consultant to enter into a retainer agreement. The retainer agreement may have up to a three-year term and must be a form of agreement approved by the City Attorney.

C. Maintenance of Roster.

The Purchasing Agent or designee shall maintain and publish a current roster of all Consultants chosen for retainer agreements by the City. The Contract Administrator shall maintain a record of the Consultants hired to work on a specific project.

D. Screening and Selection of Consultant for a Specific Project.

The procedures the City shall follow when contracting for professional consulting services with regard to a specific project will depend upon a combination of factors including the total anticipated fee and the Contract Administrator's evaluation of which Consultant will likely provide the best value to the City in the context of a specific project.

1. For professional service contracts involving an anticipated professional fee, including all consultant fees, reimbursable expenses, anticipated amendments and supplements, valued at under \$250,000, the Contract Administrator shall select from the Consultants on retainer to the City the Consultant who the Contract Administrator considers the most qualified to provide the best value to the City on a specific project.
 - a. The Contract Administrator's selection shall be made upon the evaluation of the following equally-weighted criteria:
 - Consultant's cost as shown by fee schedule;
 - Consultant's technical competencies relevant to the specific project;
 - Consultant's availability to perform desired services in a timely manner; and
 - Consultant's familiarity with the specific project, if such familiarity is likely to result in a significant saving of time or money to the City.
 - b. Upon Written justification approved by a Department Head, the Contract Administrator may select from those Consultants on retainer to the City a particular Consultant to work on a specific project valued at under \$250,000. For purposes of this section, "good cause" includes a Consultant's specialized knowledge about a specific project or expertise regarding a needed professional service.
 - c. A Consultant on retainer who is not selected to perform work for the City on a specific project may protest the selection of a Consultant in accordance with BPC 47-0740 Protests and Judicial Review of Contract Award.
2. For professional service contracts involving an anticipated professional fee, including all consultant fees, reimbursable expenses, anticipated amendments and supplements, valued at \$250,000 or more, but under \$350,000, the Contract Administrator shall first select from the Consultants on retainer to the City a minimum of two Consultants who the Contract Administrator considers most qualified to provide the best value to the City on a specific project.
 - a. The Contract Administrator's selection of these consultants shall be made upon the Contract Administrator's evaluation of the following equally-weighted criteria:

- Consultant's cost as shown by fee schedule;
 - Consultant's technical competencies relevant to the specific project;
 - Consultant's availability to perform desired services in a timely manner; and
 - Consultant's familiarity with the specific project, if such familiarity is likely to result in a significant saving of time or money to the City.
- b. The Contract Administrator shall next prepare an RFP for personal services to notify each of the selected Consultants of the proposed work for the specific project. The RFP shall conform to the standards set forth in BPC 47-0260 and shall include Consultant's retainer agreement and a supplemental contract.
 - c. The City need not furnish public notice of the solicitation under this subsection D(2). Except as provided by this subsection D(2), the procedure for screening and selecting Consultants with regard to a specific project shall conform with the provisions of chapter 47.
 - d. Upon Written justification approved by a Department Head, the Contract Administrator may select from those Consultants on retainer to the City a particular Consultant to work on a specific project valued at \$250,000 or more, but under \$350,000. For purposes of this section, "good cause" includes a Consultant's specialized knowledge about a specific project or expertise regarding a needed professional service.
3. For professional service contracts with an anticipated professional fee, including all consultant fees, reimbursable expenses, anticipated amendments and supplements, valued at \$350,000 or more, the City shall procure personal services through formal competitive procurement, unless otherwise permitted by state law or this Code.

E. Negotiation of Supplemental Contract.

The Contract Administrator shall negotiate the supplemental terms and conditions of the retainer agreement with the selected Consultant. If a mutually satisfactory supplemental contract cannot be agreed to, the Contract Administrator may select another Consultant to work on the project using any method permitted by this Code. In those instances where more than one Responsive Proposal has been received by the City for a specific project, the Contract Administrator may select the Consultant submitting the next best Responsive Proposal if a mutually satisfactory supplemental contract cannot first be agreed to with the Consultant submitting the best Responsive Proposal.

F. Exemption Nonexclusive.

Nothing in this section prevents the City from selecting a Consultant through formal competitive procurement or as permitted by section 50-0140.

G. Contract Review Board Approval.

Before the City executes a Personal Services Contract valued at ~~more~~ greater than \$50,000, the Contract Review Board shall approve the Contract.

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Design Review Text Implementation Update **FOR AGENDA OF:** ¹²⁻¹²⁻⁰⁵~~12-05-05~~ **BILL NO:** 05222

Mayor's Approval: *[Signature]*

DEPARTMENT OF ORIGIN: CDD *[Signature]*

DATE SUBMITTED: 11-28-05

CLEARANCES: City Attorney *[Signature]*
Dev. Serv. *[Signature]*

PROCEEDING: Work Session

EXHIBITS: Staff Memorandum dated 11/22/05
Exhibit A - DRCL Flow Chart
Exhibit B - DRCL Application Form

BUDGET IMPACT

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

On November 1, 2004, staff held a work session with the City Council to review proposed comprehensive revisions to the then existing Design Review text (TA 2003-0005). Staff promised to return to City Council in approximately one year's time to report on the implementation of the new Design Review text.

City Council's adoption of this comprehensive change to the Design Review standards was intended to achieve four major objectives.

1. Better customer service through more clear and objective design standards;
2. Increased certainty about requirements and responsibilities for applicants, decision-makers, community, and staff;
3. Maintain the community's aesthetic quality of life; and
4. Promotion of economic development through more efficient permitting procedures.

Staff find that the implementation of the new Design Review text is achieving each of these goals to some degree. Staff believe that more time is necessary to fully measure the impacts of the implementation of the new Design Review text. Staff propose to return to the City Council in another year's time to provide a more complete review of the new Design Review text.

INFORMATION FOR CONSIDERATION:

Attached staff memorandum.

RECOMMENDED ACTION:

Continue to monitor the process and schedule additional feedback interviews with staff and customers.



MEMORANDUM
City of Beaverton
Community Development Department

"make it happen"

To: Mayor Drake and City Council
From: Steven A. Sparks, AICP, Development Services Manager 
Date: November 22, 2005
Subject: *Design Review Implementation Update*

Background

The purpose of this work session is to provide a one year review of the successes and lessons learned in the implementation of the Design Review Code Update project (TA 2003-0005) which became effective January 1, 2005.

Implementation Success

One of the most significant successes as a result of the implementation of the new Design Review text is to simplify and shorten the land use application process.

There are numerous examples of how the new Design Review text has simplified the review process; however, it is probably the Design Review Compliance Letter (DRCL) that has met with the most resounding satisfaction by customers. The success of the DRCL comes in two forms. First, because of the change in thresholds contained in the new Design Review text, the DRCL encompasses a greater breath of development activity; therefore, many more types of relatively minor development activities can be processed with a ministerial process. Comparing the number of applications since the adoption of the new Design Review text with the previous fiscal year, there are approximately double the amount of DRCL's applications with a corresponding decrease in the number of Design Review 2 applications, with the total number of applications being approximately equal. Therefore, staff conclude that while development activity remains relatively constant, there is a shift from Design Review 2 applications to DRCL applications and the objective of simplifying process has been achieved in this case.

A second reason that the DRCL has such a high degree of customer satisfaction is the real reduction in processing time and application submittal complexity. DRCL's are often processed over the counter (Exhibit 1). In cases when an application can not be acted upon over the counter because technical issues must be reviewed, the average length of time to reach a decision is 14 days or less. In either case, the processing time has been significantly reduced from the previous 20 days.

Another simplification to the DRCL process has come from the staff development of a tear off application sheet that an applicant can review and simply check a box if their proposal meets the approval criteria (Exhibit 2) this contrasts with the old process which required applicants to write a unique narrative for each DRCL (aka Design Review 1) application. Staff have taken a deliberate approach to “let the plans talk” for demonstrating compliance with Design Standards. This approach does requires more staff time, but the scope of projects reviewed by the DRCL process does not make the additional workload unmanageable.

An example of a success with new Design Review 2 process is the Shops at Griffith Park which will be constructed this year adjacent to City Hall. This moderate sized but somewhat complex development was reviewed entirely under the new Design Review Code because it was less than 50,000 square feet and the proposed design was able to meet all of the design standards. Because the development was reviewed as a Design Review 2, rather than a Design Review 3 as required by the old Design Review code, no Neighborhood Review Meeting or Board of Design Review hearing were required. As a result the developer saved a minimum of five weeks. The developer and the City also both where able to enjoy greater certainty for both the process and the final product.

Moving the review of public transportation facilities from Design Review to its own unique application has been met with satisfaction from Oregon Department of Transportation, Washington County Land Use and Transportation, as well as the City Engineering staff. The recent review of the Oleson Road project demonstrates that efficient processing and meaningful public involvement are occurring through the new process.

Implementation - Lessons Learned

Several important lessons have been learned in the first year of implementing the new Design Review text.

The first lesson relates to communication between staff and applicants regarding the range of possibilities within the new Design Review text. Staff learned that in an eagerness to communicate a simpler process to applicants at pre-application conferences and at the planning counter, applicants were only hearing that their proposal can be processed as a Design Review 2 application when staff was communicating that a proposal could be processed as Design Review 2 only if it meets all of the design standards otherwise it would be processed as a Design Review 3 application. This experience has lead to some processing difficulties as applicants submitted Design Review 2 applications that did not meet all the design review standards. Applicants were understandable disappointed when informed that the application was incomplete and needed to be modified to meet the design review standards or resubmitted as a Design Review 3. This scenario has occurred

several times, which has lead staff to modify the information communicated at pre-application conferences. At the conferences, potential applicants are informed that a proposal is a Design Review 3 until sufficient detail is provided that demonstrates that all of the design standards are being met, and upon a determination that all of the design standards are being met staff will process the application as a Design Review 2. Staff also is offering a no-charge follow up pre-submittal meeting with applicants to review their proposals against all of the design standards to facilitate the smooth processing of all Design Review applications.

Another lesson learned is the need for greater flexibility when applying the new Design Review code to existing development, especially within the Regional Center-Old Town. One example in particular demonstrates this need. In the Regional Center-Old Town, a property owner proposed the modification of an existing structure including a small expansion of roughly 200 square feet. Based on literal reading of the code, a Design Review 3 would have been required to process the proposal. The Design Review 3 was required because the current thresholds for a DRCL did not address additions or expansions of existing development and because the proposed modification did not meet the design review standards thus the proposal could not be processed as a Design Review 2. Staff are currently processing a text amendment that provides an exemption to additions and modifications to existing development in the Regional Center-Old Town which is scheduled for hearing in January by the Planning Commission.

Staff does not have a significant amount of feedback or observation to relate to the Council regarding the processing of Design Review 3 applications. Since the adoption of the new Design Review text there have been 8 Design Review 3 applications. All of these applications have been elements of projects that did not meet a particular design standard. In all cases the Board of Design Review or the Planning Commission have approved the applications applying the design guidelines as opposed to the design standards used in the Design Review 2 process.

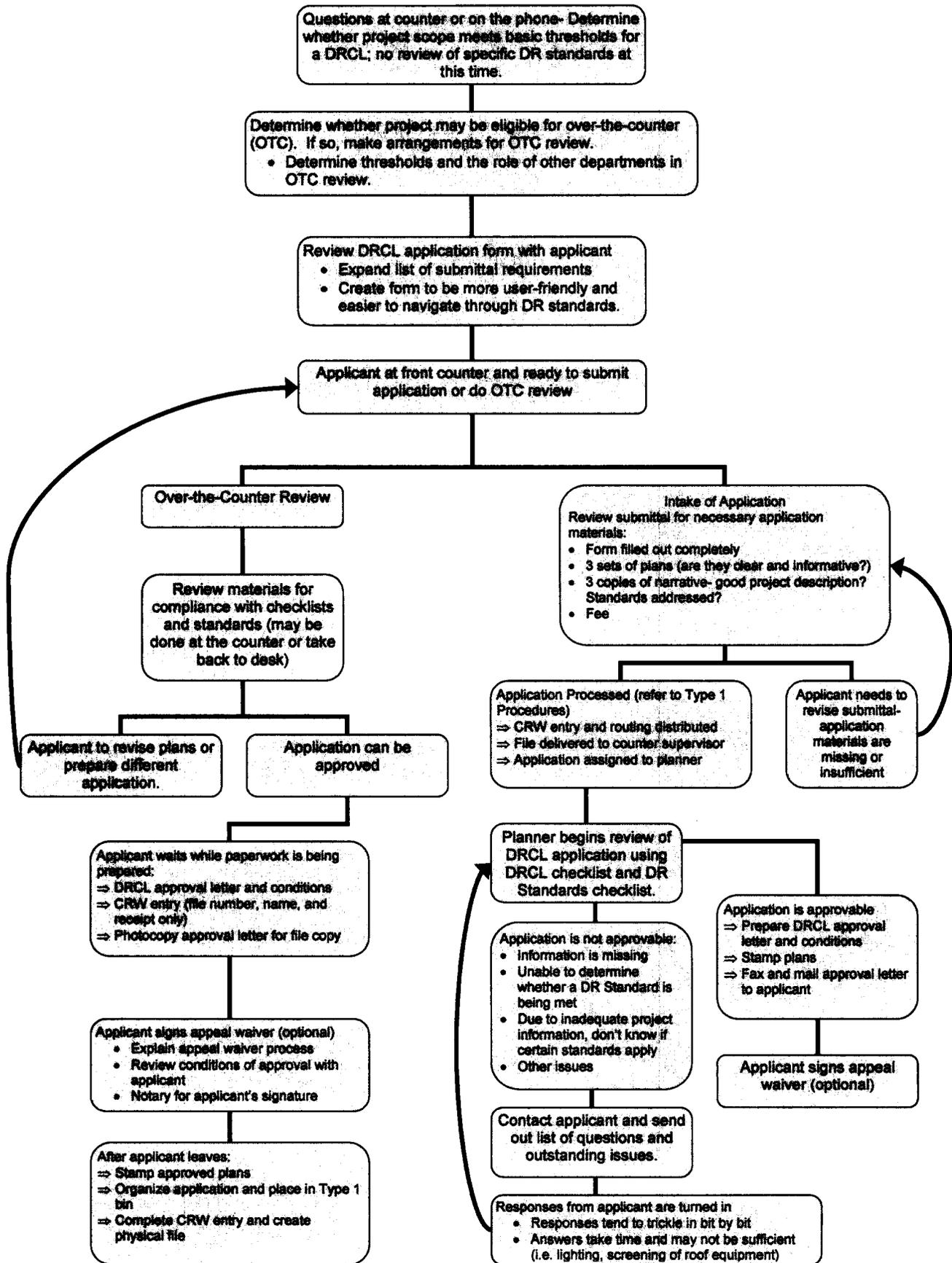
Conclusions:

Staff conclude that after one year of implementation the new Design Review text, the four original objectives are being achieved.

Staff also conclude that a learning curve continues for both staff and our customers in implementing the new Design Review text to varying situations. Staff have found that the new Design Review text is requiring more staff resources to communicate expectations and processes as well as more time to review applications because there are more clearly defined design expectations to consider.

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DESIGN REVIEW COMPLIANCE LETTER PROCESS



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CITY OF BEAVERTON
 Community Development Department
 Development Services Division
 4755 SW Griffith Drive
 PO Box 4755
 Beaverton, OR. 97076
 Tel: (503) 526-2420
 Fax: (503) 526-3720
www.beavertonoregon.gov

OFFICE USE ONLY	
DESIGN REVIEW COMPLIANCE LETTER	
FILE #:	_____
FILE NAME:	_____
FEE PAID:	CHECK/CASH: _____

A. PROPERTY OWNER(S): _____	E-MAIL: _____
ADDRESS: _____	PHONE: _____
_____	FAX: _____
B. APPLICANT: _____	E-MAIL: _____
ADDRESS: _____	PHONE: _____
_____	FAX: _____
C. SITE ADDRESS: _____	ZONING DISTRICT: _____
_____	MAP & TAX LOT #: _____

D. SUBMIT THREE (3) SETS OF PLANS, GRAPHICS, AND WRITTEN STATEMENT (AS APPLICABLE) WHICH CLEARLY SHOWS HOW THE PROPOSAL MEETS: THE USE AND SITE DEVELOPMENT STANDARDS OF CHAPTER 20 OF THE DEVELOPMENT CODE; AND THE STANDARDS OF CHAPTER 60 OF THE DEVELOPMENT CODE, AS APPLICABLE.

E. APPROVAL CRITERIA- PLEASE PLACE A CHECK MARK NEXT TO EACH APPROVAL CRITERION MET BY THIS PROPOSAL:

- 1. The proposal satisfies the threshold requirements for a Design Compliance Review Letter.
- 2. All City application fees related to the application under consideration by the decision making authority have been submitted.
- 3. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.
- 4. The proposal meets all applicable Site Development Requirements of Sections 20.05.50, 20.10.50, 20.15.50, and 20.20.50 of this Code unless the applicable provisions are subject to an Adjustment, Planned Unit Development, or Variance application which shall be already approved or considered concurrently with the subject proposal.
- 5. The proposal is consistent with all applicable provisions of Sections 60.05.15 through 60.05.30 (Design Standards).
- 6. If applicable, the proposed addition to an existing building, and only that portion of the building containing the proposed addition, complies with the applicable provisions of Sections 60.05.15 through 60.05.30 (Design Standards) as they apply to the following:
 - a. Building articulation and variety.
 - b. Roof forms.
 - c. Building materials.
 - d. Perimeter/foundation landscaping requirements.
 - e. Screening roof-mounted equipment requirements.
 - f. Screening loading areas, solid waste facilities and similar improvements.
 - g. Lighting requirements.
- 7. The proposal complies with all applicable provisions in Chapter 60 (Special Regulations).
- 8. The proposal does not modify any conditions of approval of a previously approved Type 2 or Type 3 application.
- 9. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

I, as property owner or authorized agent, hereby attest that the subject proposal meets each of the above approval criteria for a Type 1 Design Review Compliance Letter.

 Print Name

 Signature (Original Signature Required)

 Date

EXHIBIT 5/11/2005

B