



## Memorandum

**Date:** September 9, 2011

**To:** John Kovash, Mayor  
Members, West Linn City Council

**From:** Chris Jordan, City Manager 

**Subject:** Miscellaneous Items

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### **Revised September 12 Agenda**

The agenda for the September 12 Council meeting has been revised to reflect the Council's guidance to remove the Marylhurst Heights Park Playground contract award from the consent agenda to the Business part of the meeting. Also included in the Council's packet are the Minutes from the Parks and Recreation Advisory Board meeting when the art selection policy was discussed, and a version of the proposed art selection policy highlighting the changes from the first proposed policy.

### **Discussion of Public Education Government Television Agreement – Next Steps**

On August 2 the City Council held a joint meeting with the Oregon City Commission to discuss the future of Public Education and Government (PEG) Television services, currently provided by Willamette Falls Television (WFTV) under an Intergovernmental Agreement between the two cities. At that meeting, the Council heard from the chair of the Clackamas Cable Access Board (which manages WFTV) and from staff of the Metropolitan Area Communications Commission (MACC) which provides PEG services as well as cable franchise management services to the cities of Washington County and Lake Oswego.

At the conclusion of the meeting it was determined that each public body would discuss the situation and determine its desired direction.

It was our plan to hold the West Linn Council discussion this week so that staff could be provided with direction. Given Councilor Jones' excused absence from this past work session, we decided to hold the discussion on September 19. However, if the Council wishes to request admission to MACC, we need to have the Council approve a resolution so requesting by late September or early October.

Therefore, staff is preparing a resolution for inclusion in the September 26 agenda packet that would allow the Council to consider asking for inclusion in MACC. If the direction provided on September 19 is to maintain the status quo, then this resolution will be pulled from the September 26 agenda.

Attachment



CITY OF  
**West Linn**

22500 Salamo Road  
West Linn, Oregon 97068  
<http://westlinnoregon.gov>

## **Revised**

# **CITY COUNCIL MEETING**

Monday, September 12, 2011

6:00 p.m. – Work Session – Rosemont Room

6:30 p.m. – Meeting - Council Chambers

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1. Call to Order & Pledge of Allegiance
2. Approval of Agenda
3. Proclamations, Recognitions, and Presentations
4. Consent Agenda
  1. Agenda Bill 2011-09-12-01 Council Meeting Minutes
    - July 11, August 2, and August 8, 2011 Draft Minutes
  2. Agenda Bill 2011-09-12-02 Juvenile Diversion Intergovernmental Agreement
5. Community Comments
6. Report from the City Manager
7. Business from the City Council
8. Business Meeting
  3. Agenda Bill 2011-09-12-03 Marylhurst Heights Park Playground Contract
  4. Agenda Bill 2011-09-12-04 Ordinance 1603 Amendment to Park Rules
  5. Agenda Bill 2011-09-12-05 Chaves Consulting Standard Services Contract
  6. Agenda Bill 2011-09-12-06 Percentage for the Arts Policy
9. Adjourn

**Meeting Notes:**

*The Council Chambers is equipped with an induction loop and a limited number of neck loops for the hearing impaired. Please let the City know if you require any special assistance under the Americans with Disabilities Act, please call City Hall 48 hours prior to the meeting date, 503-657-0331.*

*Community Comments provide an opportunity for statements from citizens regarding issues related to City government, properly the subject of Council/Commission consideration and not issues on the agenda. Persons wishing to speak shall be allowed to do so only after completing forms provided in the foyer in advance of Community Comments. All remarks should be addressed to the governing body. The City Council/Planning Commission will not engage in discussion with those making comments. The time limit for each participant is three (3) minutes or will be set by the Mayor or Chair.*

*Consent Agenda items are routine and will not be allotted individual hearing time. The items may be passed in one blanket motion. Any member may remove an item for discussion or questions by requesting such action prior to consideration.*

*Persons wishing to speak on agenda items shall be allowed to do so only after completing the forms provided in the foyer and returning them to the Clerk prior to the item being called for discussion. A separate slip must be turned in for each item. The time limit for each participant is three (3) minutes, unless the Mayor decides prior to the item to allocate more or less time.*

*When needed, the Council will meet in Executive Session pursuant to ORS 192.660.*



**AGENDA BILL 2011-09-12-03 (Revised)**

**Subject:** Contract to Purchase Playground Equipment for Marylhurst Heights Park

**For Council:** September 12, 2011

**Land Use Case Number:** N/A

**Public Hearing**

**Required:**

**Optional:** X

**City Manager's Initials:**   CJ  

**Attachments:**

None

**Initiated by:**

- Parks and Recreation

**Budget Impact:**

- \$92,627

**Sustainability Considerations:**

- Equipment is manufactured out of recycled and other sustainable materials and practices.

**Policy Question(s) for Council Consideration:**

- Is this purchase in keeping with City policies and the approved Marylhurst Heights Park Plan?

**Summary:**

- Staff and a group of interested Park neighbors have reviewed proposals for the new playground at Marylhurst Heights Park. All of the proposers work through either the State of Oregon Contract or another cooperative purchasing allowed for in the City's Local Public Contracting Rules.

**Recommended Motion:**

Staff recommends the following motion "I move that acting as the Local Contract Review Board, the City Council authorize the City Manager to enter into a contract with Northwest Playground Equipment Inc. for the purchase of playground equipment for Marylhurst Heights Park through the State of Oregon Cooperative Purchase Contract."

**City of West Linn Public Art Program**  
**Process and Guidelines Policy**  
*Proposed to the City Council 2011*

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**Purpose**

The following process and guidelines for the Percent for Art Program are to:

- Provide for the appointment of representatives to art selection committees.
- Provide for a method or methods of selecting and contracting with artists for the design, execution and placement of Public Art.
- Determine the dedication and disbursement process for the Public Art Trust Fund.
- Clarify the responsibility for maintenance of public art, including any extraordinary operations or maintenance costs associated with public art, prior to selection.
- Facilitate the preservation of art objects, ethnic and cultural arts and crafts, and artifacts.
- Provide a process to de-accession art.
- Set forth any other matter appropriate to the administration of this Percent for Art Program.

**Process**

**Small Capital Projects**

For City capital projects that are art eligible (Municipal Code Section **2.210**) and cost less than \$1,000,000, the West Linn Parks and Recreation Advisory Board shall have oversight for art selection, although selection process management may be delegated to an independent agency skilled in public art practice. Art opportunities for Small Capital Projects are encouraged to include, but are not limited to, West Linn artists and/or collaboration with West Linn schools and students. All selected art must conform to the guidelines set forth in the Art Guidelines section. All selected art must be durable, meet accepted safety standards, and be relatively maintenance-free.

**Large Capital Projects**

For all other art eligible City capital projects exceeding \$1,000,000 in cost, the process for selecting public art is outlined below.

**City Council**

The City Council will provide oversight of this policy and award the contracts for art that is within the Council's public contracting authority.

For art eligible City capital projects totaling \$1million or more, the Council will delegate the appointment of an art selection committee to the City Manager.

**City Manager**

The City Manager will appoint a selection committee ("the committee") on a project specific basis, to perform the selection and placement of the Public Art for that project. The Committee shall provide periodic project updates to the City Manager.

At a minimum, the Committee will be comprised of the following:

- One arts professional (specifically excluding dealers, agents or representatives of artists applying for selection);
- Three members of the community at large;
- One member from the affected neighborhood association if applicable;
- Two representatives of the participating department or program most closely aligned with the project under consideration;
- The project Architect or Architect's designee.

The City Manager may designate an independent agency skilled in public art practice to manage the artist selection process and to steer the Selection Committee's work.

### **Selection Committee**

Guided by best-practices in the public art field, and in compliance with the federal Visual Artists Rights Act (1990), the role of the Committee is as follows:

- Develop project goals, challenges, criteria, and application guidelines in preparation for creating a Public Art Request for Qualifications..
- Review, evaluate, and discuss credentials, concepts, images and supporting materials submitted by responding Artists/Artist teams.
- Via majority vote, identify up to 3 finalists for interview and recommend the commission award to City Manager.
- If further investigation of finalist(s) is desired, draft list of information and/or additional materials required.
- Conclude investigation as rapidly as possible, convene for further discussion, and via majority vote, recommend that the City Council award the commission.
- If the committee cannot reach an agreement, the matter will be referred to the City Council
- The Committee retains the right to make no selection if, in its opinion, there is insufficient merit among the submissions. If this occurs, the City Manager will determine whether to abandon the project, begin a new selection process or take an alternative course of action.

### **Selection of Artists**

Artistic integrity is primary. Artists will be chosen on the basis of their qualifications as demonstrated by past work, past experience with public art, and successful completion of previous projects similar in scope and demand. Selected artwork will be original work completed by the submitting artist.

Specifically excluded are works completed by students under the supervision of art instructors, or completed to satisfy course requirements.

### **Selection Methods**

Artworks may be acquired by purchase, commission, donation, loan, or by contract with the artist as part of a design team. Artwork may also be selected for purchase on its own merit, independent of the artist. Types of selection are as follows:

- *Direct Selection* - Artist(s) chosen directly by Selection Committee
- *Limited Competition* - A small number of artists are invited by Selection Committee to submit proposals.
- *Open Competition* - All artists are welcome to apply, subject to limitations established by the Selection Committee.
- *Invitation* - Based on reputation and experience, an artist is invited by the Selection Committee and paid to develop a proposal.
- *Donation* - Triggered by a citizen offer to contribute artwork to the Public Art Program, the Selection Committee will review the work in terms of whether it satisfies stated "Criteria of Artwork" elements, and whether a suitable and appropriate site exists to exhibit the artwork.

## Guidelines

### Criteria of Artwork

The objective of the Public Art Program is to develop a worthwhile, and varied collection of artworks that enhances enlivens and enriches the City while reflecting the values of the community. Highest quality and aesthetic experience is the primary criterion for selection of public art in West Linn. In the context of these objectives, the following guidelines apply.

- *Media* - All visual art forms and materials will be considered.
- *Style* - Artwork reflecting any school, movement, method or style will be considered.
- *Range* - Artwork may be functional or non-functional; conceptual or tangible; folk art, craft or fine art.
- *Character* - Artworks must be appropriate in scale, media, and style and content to the project and environment to which they will relate.
- *Permanence* - Consideration should be given to structural and surface integrity, and should not require excessive maintenance and repair costs.
- *Design Elements* - In addition to meeting aesthetic requirements, public art may also be asked to serve as a means of defining architectural space, e.g. establish focal points, clarify identity, indicate boundaries, modify and/or enhance specific spaces.
- *Public Safety* - Artworks and art places must be free of unsafe conditions, and take into account other safety related factors.
- *Liability* - Bearing on public liability.
- *Diversity* - The Public Art Program should strive for diversity, reflecting the social, ethnic, and cultural fabric of the City.

### Artist Responsibilities

- Submit complete proposals as defined in project prospectus, and if selected for a commissioned artwork, be willing to sign and abide by the terms stated within a Personal Services contract with the City of West Linn.
- Execute and complete the work in a timely and professional manner.
- Maintain an effective working relationship with the project team and staff.

- Advise the committee immediately of any significant changes to the scope, material or design of the work after contract is signed (all changes must be reviewed and approved prior to completion, in accordance with the City's Local Contract Review Board Rules).
- Be responsible for all design and execution of the work, including site preparation and installation, unless otherwise stipulated in the contract.
- Ensure that it is substantially the same work whose image was reviewed by the committee.
- Provide transfer of title to the City of West Linn, a third-party substantiation of stated value.
- Release to the City of West Linn all rights to reproduction, access, and resale, with the understanding that the artist continues to hold copyright to the work.

### City of West Linn Responsibilities

- The participating department will be responsible for coordination, selection and purchase of artwork for the public art program, using the procedures established and described in this policy.
- Exert reasonable efforts to ensure that any commissioned and/or purchased artwork is available for public viewing and, when available for public viewing, is displayed in an appropriate and respectful manner.
- Exert reasonable efforts to protect the artwork from theft, vandalism or other damages.
- Maintain insurance policies providing coverage for theft, vandalism or other damages to the artwork.
- Coordinate publicity and media attention for artwork.
- Prepare and monitor all tracking documents, including artist records, art inventories, etc.
- Coordinate all physical and logistical components of art installation.
- Coordinate preparation of any necessary signage, including identification labels and/or plaques.
- Assign a project number for each project to assist in accurate project accounting
- Participate in development of possible public art sites
- Draft and distribute artist prospectus, stating project goals and site plan
- Convene the committee and coordinate its work
- Prepare and monitor all tracking documents, including artist records, art inventories and contacts
- Coordinate all physical and logistical components of art installation
- Coordinate preparation of any necessary signage, including identification labels and/or plaques
- Serve as information conduit and link between artists and project managers as necessary to ensure a trouble-free project flow.
- Serve as resource, guide and counsel to the City Council and City Manager regarding planning and other issues related to the public art program
- Projects will be sited in or near the funding facility under the direction of the participating department. Selection of an alternative site requires Council approval
- Is responsible for the proper cleaning, maintenance and protection of the work after its installation, following written instructions provided by the Artist at the time of delivery of the work.

### Deaccessioning

Based on criteria developed by the Committee and City Council, artworks may be released from future City ownership and offered for sale, following procedures stated in *Ownership / Copyright / Reproduction / Resiting / Resale*, pages xx-xx in this document..

Proceeds from sales of deaccessioned artwork may be used to fund additional purchases or commissions conforming to the *Criteria and Selection Methods* described above.

**CITY OF WEST LINN**  
**Parks and Recreation Advisory Board Minutes**  
**Thursday, September 14, 2009**  
**DRAFT**

**CALL TO ORDER/ROLL CALL**

**Members Present:** Chair Parris Chargois, Roger Shepherd, Todd Jones, Don Kingsborough, John Linman, and Jan Warner

**Staff Present:** Ken Worcester & Ken Warner

**Guests Present:** None

Meeting called to order at 7:05 pm

**Agenda – John Linman moved to accept the Agenda with the modification noted below. Todd Jones seconded. The motion passed unanimously.**

**1. Agenda.**

Tonight's agenda was modified to include:

#7 Projects for students – Todd Jones

#8 Articles in media – Parris Chargois

**2. Community Comments. None**

**3. Adoption of minutes – No minutes tonight.**

**4. Trails Master Plan**

MIG proposal to go to before City Council on September 28, 2009 for contract award.

All proposals briefly discussed. MIG stood out due to interactive online database, familiarity with West Linn, Great proposal, team members and the ability to be credible on key issues. Kickoff should show success's of trails, reach out through events, show myths of trails up front. MIG assist with media savvy approach.

**5. 1% for Arts**

Approximately \$7,000 total (\$3500 at each Hammerle & Willamette) might have been available due to restroom and spray park projects. Can be utilized together or separate at the parks. Parks Board would like to streamline process so as much goes to art as possible.

Todd moved that City Council authorize Parks and Recreation Advisory Board to oversee implementation of ordinance for 1% for arts at completed park projects. John seconded. The motion passed unanimously.

**6. Upcoming Events/other projects**

a. Aquatic Center – District & City appraisal close in value

b. Rosemont Trail – Design Contract signed

c. Oak Savannah – City Council Agenda September 28, 2009

d. Solar Highway – moving forward

e. Midhill & Robinwood Parks – Restrooms and spray parks in design phase – similar to Hammerle & Willamette but smaller.

**7. Student Projects -Todd**

a. Flower bed recognition plaques

b. Sustainable link from City web page

**8. Articles in Newspapers - Parris**

a. Can we create an ongoing system to get Parks topics in newspapers

b. Board will come up with topics and gauge interest to author articles

**Meeting adjourned at 9:10 pm**