



City of Tualatin

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Approved By Tualatin City Council
Date 03/10/2008
Recording Secretary *g Kirby*

TUALATIN CITY COUNCIL WORK SESSION MINUTES OF FEBRUARY 25, 2008

PRESENT: Mayor Lou Ogden, Councilors Chris Barhyte, Monique Beikman, Bob Boryska, Jay Harris, Donna Maddux, and Ed Truax; Sherilyn Lombos, City Manager; Brenda Braden, City Attorney; Mike McKillip, City Engineer; Doug Rux, Community Development Director; Kent Barker, Chief of Police; Don Hudson, Finance Director; Dan Boss, Operations Director; Eric Underwood, Development Coordinator; Carina Christensen, Assistant to the City Manager; Nancy McDonald, Human Resources Director; Paul Hennon, Community Services Director; Ginny Kirby, Recording Secretary

ABSENT: [* denotes excused]

*[Unless otherwise noted, **MOTION CARRIED** indicates all in favor.]*

A. CALL TO ORDER

Mayor Ogden called the meeting to order at 5:03 p.m.
Councilor Beikman arrived at 5:09 pm.
Councilor Boryska arrived at 5:12 pm.
Councilor Maddux arrived at 5:13 pm.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

Council-Appointed Advisory Committee Structure

Ms. Carina Christensen, Assistant to the City Manager, presented her memo to Council. Currently there are 7 advisory committees: Budget Committee, Core Area Parking District Board, Tualatin Arts Advisory Committee, Tualatin Planning Advisory Committee, Tualatin Parks Advisory Committee, Tualatin Library Advisory Committee, and the Urban Renewal Advisory Committee. Also, there is the Architectural Review Board, which is not strictly an advisory committee, it has the authority to make decisions that are binding unless a decision is appealed to Council.

The current appointment process begins when an open seat becomes available, the City staff coordinator places a recruitment notice in the newsletter, interested individuals obtain an application, completes it and turns back to the staff coordinator. The staff coordinator schedules a meeting with the Citizen Involvement Committee (CIC), which consists of three Councilors. The CIC interviews each candidate and then makes a recommendation to the Council for appointment.

Terms for advisory committee members can vary depending on the committee, but the majority of the committees have a 3-year requirements with a limit of two consecutive terms. Ms. Christensen noted that, at times, terms limits are overlooked when there isn't sufficient interest from potential new members.

Ms. Christensen looked at small cities in Oregon, Washington, and North Carolina to research their process for selecting members for advisory committees. She noted they all said they have issues getting enough interested people to sit on some committees. Residency and "why do you wish to serve on this committee" are the two basic questions on an application. It was noted that some cities have joint meetings with Council, some offer training, and another has members sign an ethics memo.

Mayor Ogden asked what Councilors thought could be improved upon with the current process; why are we asking these questions. Councilor Harris said he, and Councilors Barhyte and Boryska have had concerns that there can sometimes be a large disconnect between what Council is looking for, the direction of the advisory committee, and staff. Councilor Boryska did make note of the issue of not always having enough people applying to serve on advisory committees; but overall he feels the process seems to work well.

Ms. Lombos said she feels, at times, a committee may feel it has a stronger role in the process than they actually do; not that there is an issue of disconnect from staff or Council.

Councilor Truax said over the years the process seems to have worked fairly well. He did feel that there should be a liaison that sits on "key" committees. It was stated that when Council charges staff with a project and the issue goes to the appropriate advisory committee, the committee may give input back to staff before it comes back before Council.

Councilor Maddux said a possibility might be that when a councilor sits on a committee and the committee has an issue of understanding, the councilor can direct, or redirect, and clarify what Council is looking for from the committee. It would be a good idea to possibly have the key person come before Council as well.

It was suggested that people interested in serving on a committee should have to attend at least one of the committee's meetings to see the process and types of issues before the committee prior to being selected. Councilor Harris suggested that possibly some type of "team building" with the committees might be possible.

Mayor Ogden asked Council why they wanted these committees, what was the purpose Council stated the following reasons:

- be an expert
- do research
- offer guidance
- a "touch point" for the citizens; offer understanding of what the people want

Mayor Ogden noted that advisory committees serve the purpose of public involvement. Councilor Truax said the issues that Council give to the committees – possibly the committees could sometimes come before Council with their findings, not just having staff bring the information back to Council. It was suggested that when Council doesn't agree with an advisory committee recommendation, instead of just deciding they don't agree with that and make a decision that differs, maybe Council could cycle the differing decision back to the committee and offer reasons why they differ. Discussion followed. Councilor Beikman said she felt that some members of advisory committees feel they are not valued; especially when there is a difference of opinions, their opinions are not valued.

Ms. Lombos summarized what Council expressed:

- Not hearing that the system is broken
- Council liaison on key committees (regular attendee)
- Require that potential new members should first attend a meeting of the committee
- Modify current application

It was noted that TPAC, TPARK, TLAC, and URAC do not have sitting Council liaisons.

A "committee recognition" vehicle was discussed briefly. It was suggested to do some type of event where all committees come and share experiences.

The reappointment process was discussed. The question was asked whether a member whose term expired wanted to serve another term should be required to complete a new application. Council agreed that reapplication should be required.

Rental Housing Standards

Brenda Braden, City Attorney, noted she was before Council last August regarding this subject. At that time the main issue was overcrowding in some rental properties and Council had suggested going with Salem's standards.

In Tualatin, there are approximately 6,000 rental properties, including approximately 5,300 multifamily and an estimated 700 single family residences. Some of the issues to be addressed are trash, safe porches/decks, windows that open/close, and foundations in good repair. If there is a maintenance ordinance in place, this can assist in keeping properties up to standard.

Ms. Braden reviewed the processes of some local jurisdictions. Gresham just raised their fees and put them on a sliding scale, depending on number of units. Their program is housed in Development Services and they plan on inspecting one-third of the properties this year, selected on a random basis. If an inspection fails, the City requires the problems be fixed, and if no compliance, then they will fine the property.

Salem's process is to inspect a property once every five years. New properties are inspected for the first time five years after being open. They regulate properties of three or more units. A property is charged an annual fee, which is on a sliding scale. These fees fund the City's inspection program.

Corvallis requires an annual license fee for all rental properties, except for manufactured dwellings. The current fee is \$8/unit; with some low income housing exemptions. This program is complaint-driven. All complainants must first contact their landlord with their concerns, in writing.

Councilor Maddux noted she was in favor of a program, similar to Corvallis, but not such a large program that staffing would be a problem. A concern was expressed as to how you regulate number of occupants in a unit. If a complaint regarding the number of occupants exceeding the allowed limit was received, the City would write that up as a complaint and an inspection could be done. Discussion followed. It was noted that many tenants are not aware of the processes available to them to remedy issues. Possibly some type of outreach could be done by the City; handouts to be distributed to tenants by landlords. Council expressed the opinion that any rental unit, whether single family, manufactured dwellings, or multi-family, should be included.

November 2008 Bond Measure Update

Paul Hennon, Community Services Director, said that the Ad Hoc Committee's next meeting is scheduled for March 6, 2008, the third meeting will be in April 10th; and the fourth meeting is set for May 15th.

Community Center. Mr. Hennon noted that what is listed in the Feasibility Study includes everything that was discussed previously by Council, the "diamond building" would be a 70,000-75,000 square foot facility. Mr. Hennon reviewed the current list of items which include: Senior Center area (including commercial kitchen, senior lounge/reception/office space, multipurpose classrooms/dining area); "moderate" aquatics (leisure pool with exercise lanes, spa/hot tub, wet playground); gym with 2 courts, cardio/weight room, teen area, children's area, multipurpose crafts room, and aerobics/dance studio. It was noted this list is the premium facility including all elements. Discussion followed regarding elements and general costs and how the design will be pared down to fit in the most desired elements at a cost that is affordable.

The current plan assumes a site of approximately 8 to 10 acres with an estimated 250 parking spaces.

Sports Fields. Mr. Hennon said they met with the school superintendent and the school sites the district is good with going on are: Tualatin (new) Elementary, with a slight spilling onto the property to the north (if needed); Tualatin High School; also upgrading Ibach Park – synthetic on the soccer field.

A dog park was not initially in the bond measure. Mr. Hennon said he will bring information back regarding layout and cost estimate, for siting in the Community Park, and ask if funding should be done now or put in the bond measure.

Trails: Mr. Hennon said the issue now is what could we build today if we had funding. He said after discussions with the consultant, the 108th connection would not be feasible at this time.

Park Improvements: These include some minor improvements and renovations which include parking lot improvements and playground resurfacing. Item 6 on the list should be Stoneridge, not Lafky. Plantings are included. Councilor Harris asked if it would be possible to include the addition of another small piece of playground equipment; Mr. Hennon said yes.

Park Maintenance Fee: Mr. Hennon said it would be similar to West Linn does; fee assessed to residential properties vs. all properties (commercial/industrial). Residential includes rental properties. This fee is to cover only new costs incurred (operations and maintenance of facilities) for "Bond Measure" facilities, not existing. Discussion followed.

108th Avenue

Councilor Maddux stated that stop signs and crosswalks are good; however, the proposed crosswalk just south of 108th/Willow – there does not appear to be enough space for safe location of a crosswalk, that location should be removed.

A question was raised as to who was included on the mailing list for the letter to the neighborhood; Mr. McKillip said it was sent to the same list as previously used.

C. CITIZEN COMMENTS

Not applicable.

D. CONSENT AGENDA

The Consent Agenda was reviewed by the Council. Page 9a (page 3 of 3 of the staff report), Item D.3. was distributed, it was originally missing from staff report in the packet. Ms. Lombos stated that item D.1 needs to be removed from the agenda.

E. PUBLIC HEARINGS - Legislative or Other

Not applicable.

F. PUBLIC HEARINGS - Quasi-Judicial

Not applicable.

G. GENERAL BUSINESS

None.

H. ITEMS REMOVED FROM CONSENT AGENDA

Not applicable.

I. COMMUNICATIONS FROM COUNCILORS

Councilor Truax said he wanted the discussion regarding street tree cutting to come back to Council.

Councilor Beikman said Tualatin Tomorrow would be presenting their budget soon and wanted Council to know it would be in the ballpark of \$36,000.

It was noted that Mayor Ogden and Councilor Beikman will not be at the March 10, 2008 Council meeting as they will be attending an out of town meeting.

J. EXECUTIVE SESSION

None.

K. ADJOURNMENT

Meeting adjourned at 6:59 p.m.

Sherilyn Lombos, City Manager

Recording Secretary

A handwritten signature in blue ink, appearing to read "Ginny Kirby", is written over a horizontal line.



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ABSENT: [* denotes excused]

[Unless otherwise noted, MOTION CARRIED indicates all in favor.]

A. CALL TO ORDER

Mayor Ogden called the meeting to order at 7:05 p.m.
Councilor Beikman lead the pledge of allegiance.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. Swearing-in of Police Officers – *Chris Ernst, Chet Lemon, Mike Pratt, and Adam Schwartz*
Chief Barker introduced and swore in four new officers: Chris Ernst, Chet Lemon, Mike Pratt, and Adam Schwartz.
2. New Employee Introduction – *Denice Ambrosio, Engineering & Building Department*
City Engineer Mike McKillip introduced Denice Ambrosio. Denice is a new Permit Technician in the Engineering & Building Department.
3. Vision Action Network (VAN) Presentation – *Sia Lindstrom and Walt Peck*
Mr. Peck is the Chair of VAN. He explained that VAN charts collaborative issues and gave a brief history. It began in Eastern Oregon in very rural area; when dealing with a “community” of 500,000 (Washington County) it is quite a different story with the large population.

Mr. Peck introduced Sia Lindstrom, Executive Director of VAN. Ms. Lindstrom noted that VAN was created in 2002 and is an independent non-profit organization. She gave a PowerPoint presentation that covered issue areas, goals, initiatives, and project areas.

Ms. Lindstrom then reviewed some initiatives. She noted they held an environmental sustainability meeting approximately one year ago and has included a Collaborative Initiatives list in the handout packet she and Mr. Peck distributed this evening.

Approximately 60% of VAN's funding comes from Washington County. Mr. Peck said the mission of VAN is to be the "big spoon" stirring the pot of Washington County.

Mayor Ogden how the southeast portion of the County, specifically Tualatin, is involved with VAN, are there specific organizations or agencies. Ms. Lindstrom noted two of the largest are Meridian Park Hospital and Tigard-Tualatin School District.

C. CITIZEN COMMENTS

Joy Basse, SW Tualatin Road. Ms. Basse was before Council with the annual and final report for the Rainbow Valley Resource Den. A copy of a letter from Mike Shiffer, Co-Director of the School House Pantry and the final copy of The Rainbow Valley Press was distributed. The Food Pantry will carry on with the Resource Den program in its new location. Ms. Basse wanted to thank the community for their support. Mayor Ogden thanked Ms. Basse for all her work.

D. CONSENT AGENDA

MOTION by Councilor Harris, SECONDED by Councilor Beikman to adopt the Consent Agenda as read and amended:

1. Approval of Minutes for the Meeting of January 28 2008. *[item removed at work session]*
2. Approval of 2008 Liquor License Renewals
3. Resolution No. 4756-08 Amending the City of Tualatin Fee Schedule and Rescinding Resolution No. 4675-07
4. Resolution No. 4757-08 Accepting Deeds of Dedication and Easements Associated with the SW Herman Road Improvement Project
5. Resolution No. 4758-08 Accepting Public Improvements Constructed in Association with the Russell Construction Warehouse
6. Resolution No. 4759-08 Authorizing Acquisition of an Easement for the Killarney Lane Sewer and Water Project
7. Change Order No. 2 to the Contract Documents for Construction of the Library/City Offices Expansion and Remodel Project
8. 2007 Annual Report of the Tualatin Library Advisory Committee

MOTION CARRIED.

[Councilor Barhyte left at 7:30 p.m.]

E. PUBLIC HEARINGS - Legislative or Other

1. Hearing Measure 37 Claim, Zian Limited Partnership Located at 19150 and 19190 SW 90th and 8505 – 8845 SW Tualatin-Sherwood Road (M37-06-01)
[continued from October 8, 2007]

Mayor Ogden opened the public hearing.

Per applicant and staff the request is to continue for six months - to August 25, 2008.

COUNCIL DISCUSSION

Councilor Harris asked when Council can ask for withdrawal; not continuance. Brenda Braden, City Attorney, said that they were requested to withdraw, but they didn't want to at this time.

Mayor Ogden closed the public hearing.

MOTION by Councilor Boryska; SECONDED by Councilor Beikman to adopt staff's recommendation of not putting on hold indefinitely and continue the public hearing to August 25, 2008.

MOTION CARRIED.

2. Proposed Renaming of a Portion of SW Boones Ferry Road to SW McEwan Road

Mayor Ogden opened the public hearing.

Mike McKillip, City Engineer, explained this is a public hearing as required by the Oregon Revised Statutes regarding changing of road names. He noted we have been in contact with Washington and Clackamas Counties 9-1-1 and all businesses in the area.

Staff's recommendation is to change the name of this portion of SW Boones Ferry Road to SW McEwan Road.

Mayor Ogden closed the public hearing.

MOTION by Councilor Harris; SECONDED by Councilor Boryska to approve the proposed renaming of a portion of SW Boones Ferry Road to SW McEwan Road.

MOTION CARRIED

F. PUBLIC HEARINGS - Quasi-Judicial

None.

G. GENERAL BUSINESS

1. Resolution No. - - - Approving a Clackamas County Order to Initiate the Formation of the Clackamas County Library Service District

Paul Hennon introduced Gary Barth, Deputy Director, Business and Community Services, and Doris Grolbert, Library Director.

Mr. Barth said they are going to all cities in Clackamas County with this type of resolution as they define the boundaries. He briefly explained funding history, and noted that the General Fund supplies the funding at this time. He said Clackamas County is getting out of the "retail" library business.

Steps being taken towards formation of the Library Service District include going to all cities with the resolution and then gearing up for the November election. If the Library District passes, the "glide path" money will go into a fund and capital improvement money will come out of that pot to the City.

Mayor Ogden asked about monies coming from unincorporated areas to cities; but Tualatin isn't shown in the staff report maps as receiving any funds. Ms. Grolbert explained that original "lines" were established by libraries in Clackamas County. If Tualatin feels it should receive some population served, they would have to approach neighboring cities and say they feel they need population served to be recognized. Mr. Barr noted when decisions were made, they did not cross county lines, they stayed within Clackamas County. Discussion followed methodology.

Councilor Truax noted he was not happy with this. Councilor Beikman asked Mr. Hennon what he thought of this. He noted that from a cash standpoint, it would be positive. More discussion followed. Councilor Harris asked about the time line. Mr. Barr said there was still some time; Ms. Grolbert noted they hoped to have all resolutions in from cities by the end of March.

Mayor Ogden asked if any other cities were in the same predicament as Tualatin (two counties). Ms. Grolbert noted that Lake Oswego has citizens that live in Multnomah County and use the Lake Oswego library.

Ms. Lombos wanted to reiterate that tonight's resolution is regarding the formation of the district and mentions that the IGA will be agreed to at a later date. Councilor Boryska wanted to say that he was disappointed in the decision

MOTION by Councilor Harris; SECONDED by Councilor Maddux to table the resolution until the March 10, 2008 meeting.

MOTION CARRIED.

After a brief discussion, Council had questions they would like answered for the March 10 Council meeting:

- What would happen if we annexed property in this district, yet Tualatin was NOT in the district.
- Would Wilsonville discuss a boundary with Tualatin.
- Would our “neighbors” be flexible with boundaries.

Councilor Maddux asked if there were any County-wide bond measures to fund libraries in neighboring counties; staff will research this.

2. Update on Water Issues Impacting Tualatin

Mike McKillip, City Engineer, said he was here tonight to give Council a brief update on water issues. In May 2006, Tualatin and all buyers of wholesale water from Portland entered 25-year agreement. At that time two other options were available: Trask-Tualatin and the Willamette River.

Mr. McKillip said that at this time, Sherwood is going to connect to the Willamette River Water treatment plant in Wilsonville. Tigard is still in the process of studying two options and will make a decision by July 2008. Tigard is also in discussions with Lake Oswego about using some of Lake Oswego’s unused water rights to the Clackamas River.

Tualatin Valley Water District (TVWD) has decided to pursue the Trask-Tualatin as a main water source supply for the next 40 to 50 years; they will retain ownership in Willamette River Water Treatment plant. Also, TVWD will maintain a portion of their supply from Portland.

The Willamette River Water Consortium (WRWC) is holder of water rights that TVWD originally obtained on the Willamette River.

Mr. McKillip went on to say that Tualatin will continue to purchase all water from Portland, and continue to purchase “interruptible water” from Portland for Sherwood. We are proceeding with the Aquifer Storage & Recovery (ASR) project on 108th; planning to go to bid sometime in March. In summer 2009, if all goes well, Tualatin should be able to draw some water out and alleviate some summer peak demand issues. He clarified that the difference between a 10-year and 20-year agreement is the interest rate on the return on investment in the rate calculation.

Mr. McKillip said he has met with other water managers in the area. They were told since a couple of other water purchasers are not purchasing all the water they are supposed to, there will be a rate increase of up to 16% next year. Councilor Truax said that before the City goes forward for a 20-year agreement, we should get a better understanding of the rate increase and how increases could happen in the future.

Councilor Harris said he felt we were providing our citizens with some of the best water around and that we are doing a good job. He asked if there is a winter water rate from Portland. Mr. McKillip noted there is a winter interruptible water rate. It was asked if the City has more than one ASR well. Mr. McKillip said we have the one on 108th/Marilyn, and another potential site would be on Norwood Road. He explained that you can only withdraw approximately 90% of the water you inject into an ASR well.

Mayor Ogden asked if Tigard's lines were carrying Trask-Tualatin water, how far away would Tigard's lines be from Tualatin's nearest lines. Mr. McKillip said Tigard's closest lines were probably in the vicinity of SW Gaarde Street. Then you'd have to go to Springhill Plant (in Cornelius) to upsize lines. If Tigard upsizes lines and receives Trask-Tualatin water, would it be infeasible for Tualatin to upsize and tie-in. Mr. McKillip reiterated that even if you were to tie-in, there isn't any amount of water for Tualatin, the project is already over-allocated.

Kathy Newcomb, SW Cheyenne Way, Tualatin. She said she was very appreciative of all of the good ideas brought up regarding water and it is very helpful for citizens. She noted that the Sherwood well information is very comforting. She noted that Salem only has one source of water. She feels that the City would be wise to pursue the use of ASR wells.

Ms. Newcomb noted she didn't feel the citizens would be in favor of selling/leasing surplus water in the future. She noted their group (Citizens for Safe Water) has always been in favor of purchasing any extra water Portland has available to sell. She stated there is more than 60M gallons available from the Washington County Supply Line, in the 60" pipe line. Ms. Newcomb thanked Council and staff for all their good work.

H. ITEMS REMOVED FROM CONSENT AGENDA

No items were requested for removal from the Consent Agenda.

I. COMMUNICATIONS FROM COUNCILORS

None.

J. EXECUTIVE SESSION

Not applicable.

K. ADJOURNMENT

The meeting adjourned at 9:10 p.m.

Sherilyn Lombos, City Manager

Recording Secretary

A handwritten signature in blue ink, appearing to read "Ginny Kirby", is written over a horizontal line. The signature is fluid and cursive.