



**TUALATIN CITY COUNCIL
AND
TUALATIN DEVELOPMENT COMMISSION**
Monday, March 10, 2008

City Council Chambers
18880 SW Martinazzi Avenue, Tualatin, Oregon

WORK SESSION begins at 6:15 p.m.

REGULAR MEETING begins at 7:00 p.m.

Mayor Lou Ogden

Council President Ed Truax
Councilor Chris Barhyte
Councilor Monique Beikman

Councilor Bob Boryska
Councilor Jay Harris
Councilor Donna Maddux

WELCOME! By your presence in the City Council Chambers, you are participating in the process of representative government. To encourage that participation, the City Council has specified a time for citizen comments on its agenda – Item C, following Presentations, at which time citizens may address the Council concerning any item not on the agenda, with each speaker limited to three minutes, unless the time limit is extended by the Mayor with the consent of the Council.

Copies of staff reports or other written documentation relating to each item of business referred to on this agenda are available for review on the world wide web at www.ci.tualatin.or.us, at the Library located at 8380 SW Nyberg Street, and are also on file in the Office of the City Manager for public inspection. Any person who has any question concerning any agenda item may call Administration at 503.691.3011 to make an inquiry concerning the nature of the item described on the agenda.

In compliance with the Americans With Disabilities Act, if you need special assistance to participate in this meeting, you should contact Administration at 503.691.3011 (voice) or 503.692.0574 (TDD). Notification thirty-six (36) hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.

Council meetings are televised “live” on the day of the meeting on Washington County Cable Access Channel 28. The replay schedule for Council meetings can be found at www.tvctv.org.

Your City government welcomes your interest and hopes you will attend the City of Tualatin City Council meetings often.

- SEE ATTACHED AGENDA -

PROCESS FOR LEGISLATIVE PUBLIC HEARINGS

A “legislative” public hearing is typically held on matters which affect the general welfare of the entire City rather than a specific piece of property.

1. The Mayor opens the public hearing and identifies the subject.
2. A staff member presents the staff report.
3. Public testimony is taken.
4. The Council then asks questions of staff, the applicant or any member of the public who testified.
5. When the Council has finished its questions, the Mayor closes the public hearing.
6. When the public hearing is closed, Council will then deliberate to a decision and a motion will be made to either approve, deny, or “continue” the public hearing.

PROCESS FOR QUASI-JUDICIAL PUBLIC HEARINGS

A “quasi-judicial” public hearing is typically held for annexations, planning district changes, variances, conditional use permits, comprehensive plan changes, and appeals from subdivisions, partitions and architectural review.

1. The Mayor opens the public hearing and identifies the case to be considered.
2. A staff member presents the staff report to the Council.
3. Public testimony is taken:
 - a) In support of the application
 - b) In opposition or neutral
4. The Council then asks questions of staff, the applicant or any member of the public who testified.
5. When the Council has finished its questions, the Mayor closes the public hearing.
6. When the public hearing is closed, Council will then deliberate to a decision and a motion will be made to either approve, approve with conditions or deny the application, or “continue” the public hearing.

TIME LIMITS

The purpose of time limits on public hearing testimony is to provide all interested persons with an adequate opportunity to present and respond to testimony. All persons providing testimony **shall be limited to 10 minutes**, subject to the right of the Mayor to amend or waive the time limits.

EXECUTIVE SESSION INFORMATION

Executive session is a portion of the Council meeting that is closed to the public to allow the Council to discuss certain confidential matters. No decisions are made in Executive Session. The City Council must return to the public session before taking final action.

The City Council may go into Executive Session under the following statutory provisions to consider or discuss: *ORS 192.660(2)(a)* the employment of personnel; *ORS 192.660(2)(b)* the dismissal or discipline of personnel; *ORS 192.660(2)(d)* labor relations; *ORS 192.660(2)(e)* real property transactions; *ORS 192.660(2)(f)* non-public information or records; *ORS 192.660(2)(g)* matters of commerce in which the Council is in competition with other governing bodies; *ORS 192.660(2)(h)* current and pending litigation issues; *ORS 192.660(2)(i)* employee performance; *ORS 192.660(2)(j)* investments; or *ORS 192.660(2)(m)* security issues. **All discussions within this session are confidential.** Therefore, nothing from this meeting may be disclosed by those present. News media representatives are allowed to attend this session (unless it involves labor relations), but shall not disclose any information discussed during this session.



A. CALL TO ORDER

Pledge of Allegiance

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. New Employee Introduction – *Colin Cortes, Community Development*
2. Proclamation Declaring March 24 – 30, 2008 “*National Community Development Week*” in the City of Tualatin
3. Tigard-Tualatin Family Resource Center Update – *Catherine West, Executive Director*
4. Tualatin Youth Advisory Council Update

C. CITIZEN COMMENTS

This section of the agenda allows citizens to address the Council regarding any issue not on the agenda. The duration for each individual speaking is limited to 3 minutes. Matters requiring further investigation or detailed answers will be referred to City staff for follow-up and report at a future meeting.

D. CONSENT AGENDA (Item Nos. 1 – 7)

Page #

The Consent Agenda will be enacted with one vote. The Mayor will first ask the staff, the public and the Councilors if there is anyone who wishes to remove any item from the Consent Agenda for discussion and consideration. The matters removed from the Consent Agenda will be considered individually at the end of this Agenda under “Items Removed from the Consent Agenda.” At that time, any member of the audience may comment on any item pulled from the Consent Agenda. The entire Consent Agenda, with the exception of items removed to be discussed under “Items Removed from the Consent Agenda,” is then voted upon by roll call under one motion.

1. Approval of Minutes for the Meeting of January 28, 2008, the Minutes of the Special 6
Work Session of February 6, 2008, the Minutes of the Meeting of February 11,
2008, and the Minutes of the Meeting of February 25, 2008
2. Approval of 2008 Liquor License Renewals – Late Submittals63
3. Resolution No. 4760-08 Regarding Membership in the City/County Insurance64
Services Trust
4. Resolution No. 4761-08 Quitclaim a Storm Drain and Access Easement for the.....66
Meridian Business Park Project
5. Resolution No. 4762-08 Authorizing A Temporary Construction Easement and71
a Permanent Easement for a Sanitary Sewer Pump
Station at Atfalati Park
6. 2007 Annual Report of the Tualatin Parks Advisory Committee83
7. Resolution No. 4763-08 Regarding Membership in the City/County Insurance 86a
Services Trust for Ki-a-Kuts Bicycle and Pedestrian
Bridge

E. PUBLIC HEARINGS – Legislative or Other

- 1. Hearing – RJ’s Wichita Pub Liquor License Renewal.....87

F. PUBLIC HEARINGS – Quasi-Judicial

None.

G. GENERAL BUSINESS (*Item Nos. 1 – 2*)

- 1. Ordinance No. 1253-08 Renaming a Portion of SW Boones Ferry Road to SW.....102
McEwan Road
- 2. I-5 / 99W Connector Update110

H. ITEMS REMOVED FROM CONSENT AGENDA

Items removed from the Consent Agenda will be discussed individually at this time. The Mayor may impose a time limit on speakers addressing these issues.

I. COMMUNICATIONS FROM COUNCILORS

J. EXECUTIVE SESSION

K. ADJOURNMENT

CITY COUNCIL MEETING SIGN-UP SHEET

PLEASE COMPLETE TO GIVE TESTIMONY

DATE: March 10, 2008

PLEASE LIMIT TESTIMONY TO THREE MINUTES

PLEASE PRINT CLEARLY				AGENDA ITEM(S)	PROPONENT (if applicable)	OPPONENT (if applicable)
NAME	ADDRESS	REPRESENTING (if applicable)				
RANDY KLEINSMITH	8125 SW WYBERG RD	RS'S WICHITA PWS				
MARK PADGETT	12974 SW PRINCETON LN TIGARD 97123	OPERATION OVERHUL				
Kathy Newcomb	17515 Cheyenne Way	self	—			

Proclamation

PROCLAMATION DECLARING THE WEEK OF MARCH 24 - 30, 2008 AS "NATIONAL COMMUNITY DEVELOPMENT WEEK"

WHEREAS the Community Development Block Grant Program (CDBG) has operated since 1974 to provide local governments with the resources to meet the needs of persons of low and moderate income; and

WHEREAS Community Development Block Grant funds are used by a vast number of cities, counties and neighborhood-based nonprofit organizations throughout the Nation to address pressing neighborhood and human services needs; and

WHEREAS the City of Tualatin, Oregon and other local governments have clearly demonstrated the capacity to administer and customize the CDBG program to identify and resolve pressing local problems, such as affordable housing, neighborhood and human service needs, flood relief, job creation and retention, and physical redevelopment; and

WHEREAS the week of March 24 – 30, 2008 has been reserved for recognition and appreciation of the *Community Development Block Grant Program*.

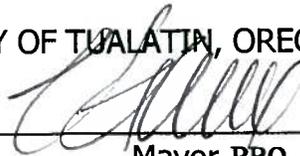
BE IT PROCLAIMED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, Oregon, that:

Section 1. The week of March 24 – 30, 2008 is hereby proclaimed "*National Community Development Week*" in Tualatin and the City Council urges all the citizens of our City to join in recognizing the Community Development Program and the importance it serves to our community.

INTRODUCED AND ADOPTED this 10th day of March, 2008.

CITY OF TUALATIN, OREGON

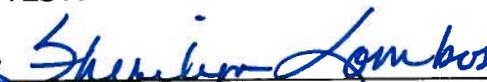
By



Mayor PRO Tem

ATTEST:

By



City Recorder



Approved By Tualatin City Council
Date 3/10/2008
Recording Secretary J. Kirby

STAFF REPORT CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

FROM: Sherilyn Lombos, City Manager 

DATE: March 10, 2008

SUBJECT: APPROVE MINUTES FOR THE MEETING OF JANUARY 28, 2008, SPECIAL WORK SESSION OF FEBRUARY 6, 2008, MEETING OF FEBRUARY 11, 2008, AND THE MEETING OF FEBRUARY 25, 2008

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve the minutes for the City Council Meeting on January 28, 2008, the special work session of February 6, 2008, the meeting of February 11, 2008 and the meeting of February 25, 2008.

RECOMMENDATION:

Staff respectfully recommends that the Council adopt the attached minutes.

FINANCIAL IMPLICATIONS:

There are no financial impacts associated with this item.

Attachments: Minutes



City of Tualatin

www.ci.tualatin.or.us

Approved By Tualatin City Council

Date 3/10/2008

Recording Secretary G. Kirby

TUALATIN CITY COUNCIL WORK SESSION MINUTES OF JANUARY 28, 2008

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

ABSENT: Lou Ogden*, Donna Maddux* [** denotes excused*]

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

A. CALL TO ORDER

Mayor Pro tem Truax called the meeting to order at 5:04 p.m.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

2008 Recreation Bond Feasibility Study

Ms. Lombos noted that Paul Hennon, Community Services Director, and Matt Hastie, of Cogan Owens Cogan, are here to present survey results to Council. Mr. Hennon said the survey was just done and a summary is available tonight; the more detailed results will be available next week.

A quick overview of survey results was given; 300 households in Tualatin were surveyed; approximately 90% of the respondents said they were registered voters. All responses to survey questions were reviewed. Building a community center rated very high when citizens were given the choice of renovating playgrounds, making improvements to existing parks, upgrading sports fields, etc. Councilor Harris asked for clarification on the method for selecting who received survey calls. Mr. Hastie said it was done through a random digit dialing process.

Mr. Hennon said that the Youth Action Council (YAC) heard about the survey and wanted to be involved with surveying young folks. YAC "touched" 719 students. 65% of the kinds of activities they wanted would be indoor activities; 25% voiced the need for fields; 9% for trails.

Ms. Lombos stated that in Survey question 4, the a. - n. list was compiled from items Council noted at their special work session. She asked if there were any of these activities that they would prefer not to include. It was noted that the rock wall feature was rated #5 by the youth that YAC surveyed; so what the youth say they would like really needs to be taken into consideration during this process. Discussion followed.

Mr. Hennon said that, ultimately, the results will be based on survey work. Council did not want to take anything off the list at this time.

Next Steps: special work session on February 6, 2008 will not only include transportation, but also cover Tigard-Tualatin School District issues. The Ad Hoc Committee will meet on February 7, 2008. Ms. Lombos reviewed the list of possible committee members. Discussion followed.

Refinancing of the 1999 Police Bond

Don Hudson, Finance Director, gave a PowerPoint presentation. He noted the final redemption date is February 1, 2019; optional redemption is February 1, 2009. \$3.1 bond par amount. Average interest would be 3.15%, final maturity would be the same; resulting in an annual savings of \$12,000 to \$16,000. Total savings: \$154,000.

Discussion followed regarding where Council would like to load the savings. It was explained that the savings would "go back" to taxpayers, in that the City would levy less. One suggestion was "giving back" by saving the taxpayer 6 cents per \$1000. A resolution will come back to Council at February 11, 2008 meeting.

Freeway Sign Amortization

Will Harper, Associate Planner, was back before Council this evening to continue the discussion from the January 14, 2008 Council meeting. The question is whether Council would like staff to move forward to create an amortization program to remove large signs along I-5. Mr. Harper gave a brief overview of what was previously covered before starting his PowerPoint presentation. Examples of the different styles of signs were shown.

Discussion followed regarding if a sign has been in long-time existence and the business changes, therefore the content of the sign changes, this is allowed, but can that be changed. It was noted that currently size, design, height, and structure can all be regulated; not content.

Mr. Harper said there are 24 large signs currently in existence; 6 additional just outside the "freeway area". Councilor Harris asked how many of those are still "advertising" the original intent. Mr. Harper noted approximately half are still used in the original intent use.

Mr. Harper reviewed State and Federal regulations. Cities in Oregon and other states have developed programs to remove non-conforming signs through buy-outs, regulatory mechanisms, and amortization. Amortization sets up a process for removing existing signs that is similar to depreciation with a value-based or prescribed schedule. Federal law pre-empts amortization on signs adjacent to highway without paying compensation

Discussion followed regarding amortization, possible options, and current code.

- ♦ Do you want staff to move forward to change non conforming code?
- ♦ Do you want staff to move forward with amortization?
- ♦ Do you want staff to address sign design?

Discussion continued on existing freeway signs and potential new signs. Mayor Pro tem Truax asked about what types of fees are paid to buy-out old signs. Mr. Harper noted that the amounts are greatly varying.

Ms. Lombos noted that the City was not required to have the Freeway Oriented Activity Area (FOA); so the code could be rewritten to strike the FOA. Doug Rux, Community Development Director, explained that the underlying use would apply. There are major commercial districts that allow 20 feet high/100 square feet face area.

Council would like staff to:

- ♦ look at taking out FOA
- ♦ change non-conforming – change in use means no longer non-conforming
- ♦ look at architectural features in MCC and CC/CG

[Work Session recessed at 6:44 p.m. – will reconvene after the regular Council Meeting]

(Councilor Boryska departed at 8:47 pm.)

[Work Session reconvened at 8:48 p.m.]

City and Town Center Gateways

Ms. Lombos stated that a policy memo had been given to Council. Cindy Hahn, Assistant Planner, was before Council tonight to review gateways and proposed locations. Ms. Hahn gave a PowerPoint presentation that reviewed potential locations for gateways. A gateway is typically a streetscape, landmark, or other feature. Gateways can be traffic circles, monument type signs, banners, and metal sculpture.

Tualatin Gateway Program identifies potential locations for a gateway:

- 15 landscaping at Bridgeport Road/Lower Boones Ferry Road and at Nyberg Road.
- City gateway at or near corporate boundary
- Town Center gateway

Discussion followed regarding potential locations. Ms. Hahn stated the desired outcome(s):

- list of locations for gateways
- agreement on components that are consistent throughout
- parameters for design features and schedule

After further discussion, Council said they would like:

- elaborate “bunker” (Commons Park)
- at most “minimal” locations, upgrade the City of Tualatin population signs

Mr. Rux noted that there have been discussions regarding having some type of sign on the wall at The Pointe at Bridgeport. He also stated that Community Development is getting ready to go out to bid for a landscape improvement project on Tualatin-Sherwood Road from Kmart west to the railroad tracks; included in those plans are signage for the Commons Park area. Discussion continued. Council would like to keep the design simple, consistent, and flexible. Council asked that staff move forward with getting a consult and preparing a design(s).

C. CITIZEN COMMENTS

Not applicable.

D. CONSENT AGENDA

The Consent Agenda was reviewed by the Council.

- G.1. Ordinance No. 1251-08 Related to Amending the Industrial Business Park Overlay Planning District (IBPOD) to Allow a Child Day Care Center Use in an IBPOD Development Greater than 10 Acres in Size; Amending TDC 69.020 and 69.065 (PTA 07-05)

MOTION by Councilor Beikman, **SECONDED** by Councilor Barhyte for a first reading by title only. MOTION by Councilor Beikman, **SECONDED** by Councilor Barhyte for a second reading by title only. **MOTION CARRIED**. The poll was unanimous [Councilor Harris abstained]. MOTION by Councilor Beikman, **SECONDED** by Councilor Barhyte to place adoption of the ordinance on the Consent Agenda. **MOTION CARRIED**.

- 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**
None.

- J. EXECUTIVE SESSION**
None.

K. ADJOURNMENT

Meeting adjourned at 9:44 p.m.

Sherilyn Lombos, City Manager

Recording Secretary





TUALATIN CITY COUNCIL MEETING MINUTES OF JANUARY 28, 2008

PRESENT: Mayor Pro tem Ed Truax; Councilors Chris Barhyte, Monique Beikman, Bob Boryska, and Jay Harris; Sherilyn Lombos, City Manager; Brenda Braden, City Attorney; Mike McKillip, City Engineer; Doug Rux, Community Development Director; Don Hudson, Finance Director; Dan Boss, Operations Director; Carina Christensen, Assistant to the City Manager; Dayna Johnson, Project Engineer; Cindy Hahn, Assistant Planner; Ginny Kirby, Recording Secretary

ABSENT: Lou Ogden*, Donna Maddux* [* denotes excused]

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

A. CALL TO ORDER

Mayor Pro tem Truax called the meeting to order at 7:04 p.m. Commander Dale Potts, VFW, was invited to lead the pledge of allegiance.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

None.

C. CITIZEN COMMENTS

Mr. Dale Potts, SW 86th Avenue, Tualatin, came before Council tonight to thank everyone for their support of the VFW. Mr. Potts noted one of the VFW fundraisers helped a soldier's family in Vernonia that was affected by the recent floods. Another fundraiser during the holidays raised approximately \$27,000 for the purchase of phone cards to be given to soldiers to use when calling back home to the States. Mr. Potts again thanked the community for their support.

D. CONSENT AGENDA

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

1. Approval of Minutes for the Special Work Session of January 9, 2008.
2. Approval of Change of Ownership Liquor License Application for PacWest LLC dba Jacksons #553
3. Resolution No. 4745-08 Authorizing an Intergovernmental Agreement (IGA) Between the City of Tualatin ("Tualatin") and Washington County Broadband Users Group

4. Resolution No. 474~~6~~⁶-08 Supporting a Clackamas County Order to Initiate the Formation of the Clackamas County Extension Service and 4-H District
 5. Resolution No. 4747-08 Authorizing the Killarney Lane Sewer Project
 6. Resolution No. 4748-08 Authorizing Deed of Dedication and Public Utility Easement Associated with the Library and City Offices Expansion Project (Tax Map 2S1 24B, tax lot 1900 & 2001)
 7. Resolution No. 4749-08 Authorizing a Settlement, Property Acquisition, and Right-of-Way Agreement with Franklin Business Park, LLC
- G.1. Ordinance No. 1251-08 Related to Amending the Industrial Business Park Overlay Planning District (IBPOD) to Allow a Child Day Care Center Use in an IBPOD Development Greater than 10 Acres in Size; Amending TDC 69.020 and 69.065 (PTA 07-05)

MOTION CARRIED.

E. PUBLIC HEARINGS - Legislative or Other

1. PTA-07-06 – Amending the Multi-Family Design Standards in TDC 72.130 and 73.190 For Lands Within the Mixed Use Commercial Overlay District (MUCOD)

Assistant Planner Cindy Hahn entered the staff report and attachments into the record. Ms. Hahn gave a bit of background on this Plan Text Amendment (PTA). The changes proposed are to make minor changes to Chapter 73 Community Design Standards, Sections 73.130 and 73.190. Ms. Hahn said that the amendment is being made at this time to correct an existing code conflict by including lands within the MUCOD in exceptions to minimum standards for providing primate outdoor areas, storage areas, shared outdoor areas, and children's play areas, and entry areas similar to those provided for in the Central Design District. The amendment is to exempt the MUCOD from specific standards (listed above).

Ms Hahn asked that Council approve the staff report and supporting attachments and direct staff to prepare an Ordinance granting the PTA based on the draft ordinance in Attachment E.

PROPONENTS

Cathy Corliss, Angelo Planning Group, was present to speak on behalf of the applicant, TCR Pacific NW Acquisitions LP, and to answer any questions Council may have. Ms. Corliss stated that they were very supportive of staff's recommendations.

OPPONENTS - None

COUNCIL DISCUSSION

Councilor Barhyte asked about density/number of units. Doug Rux, Community Development Director, explained that the numbers had come down a bit since last time Council touched on this topic. Trip generation was questioned in relationship to the

number of units. Mr. Rux noted fewer units are being talked about now than when the Plan Map Amendment was being discussed. Councilor Harris asked about requirements and what would apply in MUCOD after this amendment as relates to the shared outdoor and children's areas. Mr. Rux showed a *conceptual plan* for the Alexan development. Discussion continued regarding shared outdoor areas and the potential of modifying language in the proposed ordinance to require some percentage of shared outdoor areas. Another option mentioned would be to craft some new language to deal with the outdoor areas.

It was decided that the Ordinance would be brought back to Council with language reflecting required open shared children's areas via language in the architectural review process.

Mayor Pro tem Truax closed the public hearing.

MOTION by Councilor Boryska; SECONDED by Councilor Harris to adopt the staff report and attachments and direct staff to prepare an ordinance with suggested language modifications. MOTION CARRIED.

F. PUBLIC HEARINGS - Quasi-Judicial
None.

G. GENERAL BUSINESS

1. Ordinance No. --- Related to Amending the Industrial Business Park Overlay Planning District (IBPOD) to Allow a Child Day Care Center Use in an IBPOD Development Greater than 10 Acres in Size; Amending TDC 69.020 and 69.065 (PTA 07-05)

(Item G.1 MOVED to Consent Agenda during Work Session.)

2. Commuter Rail Train Horn Noise Mitigation Update

Mike McKillip, City Engineer, and Dayna Johnson, Project Engineer. It was noted that the first cars are to be delivered in March or April. Mr. McKillip and Ms. Johnson are before Council to present the information that has been gathered, to date, regarding the train noise.

Mr. McKillip started by giving some background information. The City first met with TriMet regarding noise assessment in August of 2007. In October of 2007 the City met again with TriMet and their consultant, RCL (RCL specializes in crossing devices). In December of 2007, a meeting was held with Federal Railroad (FRA), Oregon Department of Transportation (ODOT), Portland & Western, and Washington County. It was decided the next step would be on-site visits to all crossings.

On January 23, 2008, a site visit was made to every crossing and everyone discussed all things in play at those crossings. The purpose was to gather comments and thoughts from each agency.

Mr. McKillip noted that a Quiet Zone (QZ) is a zone around a crossing that has been made safe for vehicle and pedestrian traffic in a way that blowing of the horn is not necessary. One option is to install Supplemental Safety Measures (SSMs) - which include four quadrant gates, one-way streets, closures – temporary or permanent, gates with median or channelized devices. He said something that was learned in talking with all the “partners” is that the railroad and ODOT are not in favor of quiet zones.

When the commuter rail project begins, there are wholesale changes being made: trains will be traveling at higher speeds (freight – average speed is 40 mph / commuter rail – average speed will be 60 mph), the number of trains will be greatly increased, and pedestrian traffic will increase around areas of rail stations.

Next, Mr. McKillip addressed what is involved in getting wayside horns approved and installed. The process involves ODOT, Portland & Western Railroad, the City and County, but typically not the FRA; requires ODOT crossing order to implement; and can take 6 to 10 months to implement. Wayside horns require an advance warning sign with electronics similar to traffic signals.

Issues to consider include: who will pay for the horn system, who will pay for maintenance, who will pay for required testing of the systems. These issues need to be answered as the application for Wayside Horns requires answers to these questions.

In a Quiet Zone or with Wayside Horns, train horns will still be blown when:

- pedestrians are in crossing areas
- trespassing within the right-of-way
- workers in orange vests are present
- animals are within the right-of-way
- other emergency situations

If crossing arms go into failure mode, the wayside horn will sound continually until someone from the railroad arrives and can deactivate the horn.

Distance Between Crossings / Train Speeds

This is a big safety concern. Many of the crossings are at bends in the track, which limits sight distance, and coupled with the increased speeds, there is a potential safety issue. Mr. McKillip then reviewed railroad crossings. It was noted that commercial/industrial driveways have to be limited within a certain distance from the crossing if wayside horns were installed. Wayside horns point towards the traffic – not forward down the tracks. The decibel level is nearly the same as the train horn, but since it is not pointing down the track and it is stationary, essentially, it is not as loud.

If you don't keep the treatment of crossings consistent, you are setting up a potential problem for the motoring public not knowing what to expect. Concerns were expressed for the crossing at 95th Avenue, as that is an area of multi-family housing. Any horns affect a great number of people; it becomes a livability issue. Due to distance, this could potentially be a stand alone crossing for determination of a Quiet Zone.

Mr. McKillip said the plan is to continue to refine the information that has been gathered and complete a report that will include:

- necessary improvements to each intersection to implement a QZ, including preliminary costs; and
- necessary improvements to each intersection to implement Wayside Horns

It was noted that timing of the commuter rail project and potential installation of wayside horns (6-10 months installation process) doesn't appear to "line up". Commuter rail will be up and running before noise mitigation measures could be implemented/installed.

Ms. Lombos noted that due to the fact that the commuter rail will be running before any measures could be taken, the noise will be "experienced" by many, and this will give everyone direct knowledge of the noise created. Discussion followed regarding duration of horn noise from the train vs. wayside horns. Staff will be back before Council in March.

Councilor Harris asked if any public/neighborhood outreach was going to be done. Ms. Lombos said that the October 2007 meeting was designed to reach the neighborhood.

H. ITEMS REMOVED FROM CONSENT AGENDA

No items were requested for removal from the Consent Agenda.

I. COMMUNICATIONS FROM COUNCILORS

None.

J. EXECUTIVE SESSION

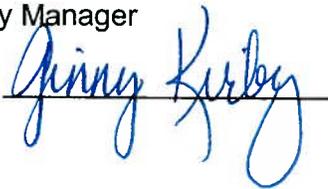
Not applicable.

K. ADJOURNMENT

The meeting adjourned at 8:44 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.



City of Tualatin

www.ci.tualatin.or.us

Approved By Tualatin City Council
Date 3/10/2008
Recording Secretary gKirby

TUALATIN CITY COUNCIL SPECIAL WORK SESSION MINUTES OF FEBRUARY 6, 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; Don Hudson, Finance Director; Dan Boss, Operations Director; Carina Christensen, Assistant to the City Manager; Paul Hennon, Community Services Director; Eric Underwood, Development Coordinator; Carl Switzer, Parks & Recreation Coordinator; 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 4:03 p.m.
Councilor Boryska arrived at 4:13 p.m.
Councilor Maddux arrived at 4:28 p.m.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

2008 Bond Feasibility Study – Horizon Church/Pennington Property Partnership

Mr. Paul Hennon, Community Services Director, noted that the Ad Hoc Committee will hold its first meeting tomorrow night, February 7, 2008. Brief discussion followed.

Mr. Hennon said that during partnership will be a topic of discussion at the February 7, 2008 Tigard-Tualatin School District Board meeting. One major item of note – the 95th Avenue site is off the table due to some condemnation issues. At this point, the recreation center has no site. Selection criteria need to be defined now to assist in appropriate site selection.

Mr. Hennon stated that on February 26, 2008 he will be attending a Tigard meeting to discuss the potential new bike/pedestrian bridge (in the SW 108th area). It was noted that Tigard's greenway reaches from that most westerly point to the new bike/pedestrian bridge at Tualatin Community Park. Mr. Hennon said that some feasibility studies are being done to have information available before the February 26th meeting.

Councilor Harris asked if a 2-story building would be considered for the recreation center; Mr. Hennon said absolutely. Councilor Truax asked what site size would be needed for a recreation center; Mr. Hennon said that approximately 8 acres would be desirable. Councilor Truax said he felt the old Tualatin elementary school site would be a potential site to consider. Brief discussion followed.

Horizon/Pennington Property Partnership

Ms. Lombos noted that the City has been having conversations w/ Horizon about partnering. She noted that in speaking with the City attorney; how things are currently structured, not legal. Entity (church) buys land; agency (city) builds permanent structure on said land, entity and city enter into an agreement for joint access use of facility city built. Ms. Lombos said there are a couple of other options that would be "cleaner": if the City owned the land, or if in perpetuity, had an agreement that the City allows use by the church.

Councilor Barhyte asked if the facility could be leased to a church group? If it is open for use by various group and the church uses the same as any group – that is allowed (per our City attorney). There cannot have any appearance that the City has any relationship with a religious body.

Mr. Doug Rux, Community Development Director, gave a PowerPoint presentation. Policy considerations have been identified as a result of discussion between City staff and Horizon Community Church:

- Does the City want to expand its corporate limits south of Norwood Road to encompass the 25.18 acre Pennington property east of the Horizon Community Church/Horizon High School?
- Would the public benefits realized by creating more sports fields in partnership outweigh the public benefits and other considerations of not expanding the City limits south of Norwood Road at this time so the entire area (650 acres) can be planned and developed under a coordinated approach?
- Will the public support, and does the City wish, to partner with a religious organization?
- Can and does the City wish to place a measure on the ballot that requires a future City Council decision on annexation and other land use issues?

The I5 Connector is something to take into consideration; location, what type of ramps and land needed. Tualatin has had discussions with Wilsonville regarding these lands. Would this "fly in the face" of those discussions? The Pennington property is not currently included in Clean Water Services (CWS) jurisdiction. Since this piece of property is located "off in a corner" – is this the best location for a park?

Mr. Hennon said a measure could be on the ballot and not be site specific; but the more specific you can be on a ballot the better. Citizens may balk at voting in favor when a site is not specified.

Mayor Ogden asked how much money it would take to develop this site. Mr. Hennon said that this particular site is 10-acres, with sports fields (sand fields, good drainage, etc.); and would roughly be in the \$3 - \$5 million range. The Mayor asked if we had any idea how many school sites the School District may have for possibilities for joint use fields; Mr. Hennon said realistically, maybe 3 or 4 schools.

Discussion followed regarding location of the Pennington property and potential uses and the livability issues regarding the City. Council came to the conclusion that they do not like the Pennington property as a park/fields site.

Councilor Harris said he felt the City should keep their eyes open for potential park sites in the future in the south area of town. Mr. Hennon noted that 20 acres was typically the size of property they would look for.

Councilor Truax again mentioned the old Tualatin Elementary School site; if the entire site was not needed for a recreation center, then possibly sell off the extra property. Brief discussion followed.

[A 10 minute was taken at 4:55 p.m.]

Transportation Funding and Priorities

Ms. Lombos noted there were three items to cover tonight:

- Update on TIF;
- Update on MSTIP; and
- Transportation Priorities

Mr. Mike McKillip, City Engineer, distributed a copy of a letter addressed to ODOT from the Mayor, supporting ODOT's effort to secure Federal funding and to endorse their federal appropriations request for \$3 million to benefit the I-5/I-205 interchange.

TIF

Ms. Lombos clarified that all Traffic Impact Fee (TIF) collected in Tualatin stays in Tualatin. Mr. McKillip said the City has hit a "windfall", of sorts, lately due to Bridgeport Village and a few other large companies coming into town.

Ms. Lombos noted that TIF is a significant source of road improvements for the City. Mayor Ogden asked about the difference in 2003 – 2008 in trying to predict out in the future. Mr. McKillip said that TIF has been going up at 6% per year. Mr. Rux commented that over the next few years we could see 3 million to 3.5 million square feet of commercial, and potentially 1 million square feet of commercial/retail. Mr. McKillip stated the TIF rate is the same for surrounding cities, except for Sherwood. Sherwood adopted their own rate. Ms. Lombos said that the County is going with a Ballot Measure in May – it will double the current TIF.

Issues staff are working on:

Tax vs. System Development Charge (SDC): Try to do another tax (TIF or SDC). Leaning towards SDC. We could adopt and join in with the County. If everyone tried to do their own, you may not always have the same priorities. Councilor Boryska noted that if SDC, only applicable to capital improvement projects.

The question was asked if a TIF would tie the City's hands and we wouldn't be able to do projects; Mr. McKillip said no. Also, the City has had no problem in spending TIF dollars. Discussion followed regarding TIF rates and potential effects. Brief discussion followed and Council felt TIF was best idea.

Councilor Harris asked if there would be future conversations regarding SDCs and the City establishing their own SDC; Ms Lombos said this would come back in the future as a topic for discussion.

MSTIP4

Ms. Lombos said the issue before Council tonight is to decide what project(s) should be done with the \$6 million from MSTIP4. \$255 million is the total MSTIP dollars available. Discussion followed regarding what projects are currently on the Draft listing from the County. Tualatin-Sherwood Road widening is on the list (it is a County project); project cost is approximately \$25 million.

The question was raised if the City could opt out; a couple of scenarios were mentioned. One scenario would be to approach the County asking if the City could take the \$18 million of MSTIP4 funds on a project that is on the County's list and located partially "in"

Tualatin and put towards what the City wants. Discussion followed regarding participating vs. opting out. Ms. Lombos noted that they will be going out for a serial levy in 2008. She commented that she doesn't know if the City can opt out of MSTIP; but we do need to discuss the \$6 million.

There are four high priority projects:

1. Herman Road: Tualatin Road – Teton Avenue
2. Herman Road: 124th Avenue– Cipole Road
3. Teton Avenue/Tualatin-Sherwood Road turn lanes (SB to EB; NB to EB)
4. Avery Street/Boones Ferry Road turn lanes (SB to WB; EB to SB)

Ms. Lombos said that 124th Avenue extension doesn't really qualify; it is on the list as a "placeholder" at this time. It was asked if we put, for example, Herman Road on the list, then after the vote can we take the money but say we aren't going to do Herman Road, we are going to put it onto 124th Avenue instead. Mr. McKillip noted it cannot be changed after the ballot is out; changes are possible now.

Councilor Beikman asked what the advantage would be to take on the Herman Road projects. Mr. McKillip said Herman Road has been on the list for a long time, it would get this heavily traveled piece done.

Mayor Ogden asked if Project #2 above (\$4 million) would provide a way for traffic to move through and out of the City more efficiently. Discussion continued regarding Herman Road and what traffic issues would be alleviated. Concerns were expressed regarding traffic; it will increase in the future whether the City builds/improves any roadways or not. Mr. Dave Volz, Tualatin citizen, spoke to the issue of being aware of getting people away from the core area of Tualatin and asked Council to consider that project. Council liked the combination of Projects 1, 3, and 4 (listed above).

Mr. McKillip noted that 124th Avenue extension is a problem for MSTIP4 because there is so much that has not been done; preliminary engineering isn't done, right-of-way acquisition, etc. is needed. The County says you need to be able to show that you will relieve some of the current "pain and suffering" with proposed projects. It was noted that you could take some funds and put towards some of the needed preliminary work and have necessary preliminary work done and put it on the list next year.

Discussion continued regarding the potential benefits of the widening of Tualatin-Sherwood Road; does it truly benefit Tualatin, would it be possible to redirect a portion of those funds, possible east-west connection, and issues of improving 124th Avenue - Tonquin Road to Day Road. There are definite issues with Tonquin Road, as a portion lies on a peat bog. Councilor Harris suggested the City should consider approaching the County to get traffic numbers projected out for 25 – 30 years.

[A 10-minuted break was taken at 7:24 pm]

[Councilor Harris left at 7:32 pm]

Transportation Priorities in Tualatin:

Ms. Lombos asked Council what they see in these areas for the next 20 years:

Inner & Outer Neighborhoods

- * walkable (continuous sidewalks)
- * access (to schools & parks)
- * minimize through traffic
- * connectivity vs. congestion
- * grids vs. dead-end / cul-de-sac

- * transit access
- * cross Tualatin-Sherwood Road access/traffic
- * bike paths

[Councilor Harris returned at 7:50 pm]

Employment, Industrial, and Travel Corridor Areas

Ms. Lombos noted our industrial area is our economic driver.

- * multiple access points to major arterials
- * transit access
- * commercial traffic design streets
- * services that serve the employment sector (neighborhood commercial)
- * sidewalks & bike paths/lanes
- * housing types conducive to jobs we are attracting
- * multiple ways to get in & out
- * direct / deflect traffic from downtown

Town Center

- * destination vs. traffic hub (to vs. through)
- * parking
- * bike/pedestrian paths and connections to neighborhoods (across arterials and connectors)
- * vibrant night life
- * tall buildings
- * cultural entertainment facility
- * river oriented/integrated development (like downtown Spokane)
- * government center
- * inter-area shuttle/trolley
- * walkable retailer (farmer's market, etc.)
- * urban parks
- * own our own roads

Question arose regarding definition: regional center vs. town center. Discussion followed. Mr. Rux noted this is a topic on the agenda for the February 25th Council meeting.

It was decided to hold another special work session to have a 2-hr discussion regarding town center on Tuesday, February 26, 2008, 6:00 to 8:00 p.m.

C. CITIZEN COMMENTS

Not applicable.

D. CONSENT AGENDA

Not applicable.

E. PUBLIC HEARINGS - *Legislative or Other*

Not applicable.

F. PUBLIC HEARINGS - *Quasi-Judicial*

Not applicable.

G. GENERAL BUSINESS

Not applicable.

H. ITEMS REMOVED FROM CONSENT AGENDA

Not applicable.

I. COMMUNICATIONS FROM COUNCILORS

None.

J. EXECUTIVE SESSION

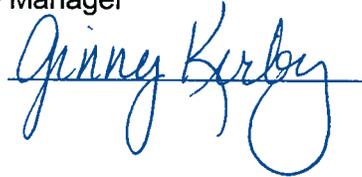
None.

K. ADJOURNMENT

Meeting adjourned at 8:52 p.m.

Sherilyn Lombos, City Manager

Recording Secretary

A handwritten signature in blue ink, reading "Ginny Kerby". The signature is written in a cursive style and is positioned to the right of the printed text "Recording Secretary".



City of Tualatin

18880 SW Martinazzi Avenue
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Approved By Tualatin City Council

Date 03/10/2008

Recording Secretary J. Kirby

TUALATIN CITY COUNCIL WORK SESSION MINUTES OF FEBRUARY 11, 2008

PRESENT: Mayor Lou Ogden; Councilors Monique Beikman, Bob Boryska, Chris Barhyte, Jay Harris, Donna Maddux [*arrived at 5:10 p.m.*], and Ed Truax; Sherilyn Lombos, City Manager; Brenda Braden, City Attorney; Mike McKillip, City Engineer; Doug Rux, Community Development Director; Paul Hennon, Community Services Director; Kent Barker, Police Chief; Dan Boss, Operations Director; Don Hudson, Finance Director; Eric Underwood, Development Coordinator; Carina Christensen, Assistant to the City Manager; Cindy Hahn, Assistant Planner; and Maureen Smith, Recording Secretary

ABSENT: None.

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

A. CALL TO ORDER

Mayor Ogden called the work session to order at 5:00 p.m. and recessed at 5:01 p.m.

The Council portion of the work session reconvened at 5:49 p.m.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. Single Family Dwelling Standards

Assistant Planner Cindy Hahn presented a PowerPoint presentation. Staff was given direction from Council to pursue design standards to address unarticulated, blank walls on single family housing. The *attached* PowerPoint addresses Policy Considerations, Applicability, Purpose, Objectives, and Levels of Review. Ms. Hahn reviewed the two levels of single-family architectural review: Level I, Clear and Objective standards, and Level II, Discretionary.

Discussion followed. Council wanted to be certain there would be flexibility in the process to have the ability to retool if need be. Staff said they could revisit with Council after the standards have been in place for a certain amount of time, and review any issues that may have arisen during that time. Ms. Hahn explained that if the criteria does not fit in Level I, it would then move to Level II, discretionary guidelines. All Council present concurred with the Level I criteria as presented by staff.

Council asked if the Home Builders Association (HBA) has been given an opportunity to review the proposed standards. Staff will review with the HBA before taking back to the Tualatin Planning Advisory Committee (TPAC) for their recommendation.

Staff is recommending these standards apply only to single family new construction and remodels for the purpose of an accessory unit. It was asked about having this apply to additions, not only an accessory unit. City Manager Sherilyn Lombos said when this issue is presented to TPAC, major remodeling, and applicable percentages can be discussed.

Staff will return to Council in April or May for approval.

A break was taken from 6:07 p.m. to 6:15 p.m.

3. Transient Update

Police Chief Kent Barker gave an update on the effectiveness of the recent ordinances passed by Council dealing with unacceptable behavior by homeless-transient individuals, particularly specific individuals. The ordinances were established in June 2007 which prohibited public alcoholic beverage consumption, urinating or defecating in public, nudity, camping on public property, and providing penalties and severability.

Chief Barker briefly reviewed camping-trespassing issues. The current practice is an individual can be arrested for trespassing on private/public property. The Police Department has been working with property owners, obtaining a "trespass letter" from a property owner to use for frequent locations. Establishment of a camping "permit" would allow camping if a permit was obtained. This would require administration of a permit process. Staff does not believe there is a problem, and will continue to work with Oregon Department of Transportation (ODOT) officials on various places that are having problems with transient camping and also work on cutting down and trimming back landscaping, etc. for visibility.

Staff recommends continuing with the ordinances in place, and not establish a permit process for camping on private property. Brief discussion followed. Council said they appreciated staff responsiveness to this issue and the progress that has been made as a whole.

4. November 2008 Bond Measure Update

Community Services Director Paul Hennon briefly presented information on the proposed recreation bond measure for the November 2008 ballot. Thousands of residents came together during the Tualatin Tomorrow process to develop a community vision. An ad hoc committee was formed to study proposed facilities, capital and operating costs, and funding sources for a new recreation center, sports fields, and bicycle and pedestrian trails within the Tualatin River Greenway. After the study is complete in May, the City Council will then decide whether to put a funding measure on the November 2008 general election. The ad hoc committee first met on February 7, 2008.

City Manager Lombos said in the past few weeks discussion has been raised on whether the senior center programs and activities could be moved and be part of the proposed community center. Mr. Hennon said with the current senior center uses it would mean that a full service kitchen would need to be part of the proposed community/ recreation center. There would also need to be at least one dedicated space for seniors, with the rest of the space shared. Whether the seniors would be interested in a joint use facility was discussed, and if it would be a good idea in the long run. Staff will look more closely at the dedicated space issues and whether it would be workable as the process moves along. Also, staff would like to focus on the fields that the Tigard-Tualatin School District (TTSD) will commit to at this point, and not spend an effort on the ones they are not willing to commit to now. Council asked that any proposed fields be up to high level standards, such as providing irrigation, etc.

Staff will bring back more information to the Council at the next meeting, and the next ad hoc committee meeting is scheduled for March 7, 2008.

C. CITIZEN COMMENTS

None.

D. CONSENT AGENDA

The Consent Agenda was reviewed by the Council.

E. PUBLIC HEARINGS – Legislative or Other

N/A

F. PUBLIC HEARINGS – Quasi-Judicial

N/A

G. GENERAL BUSINESS

N/A

H. ITEMS REMOVED FROM CONSENT AGENDA

N/A

I. COMMUNICATIONS FROM COUNCILORS

Councilor Boryska noted he attended the recent Washington County Coordinating Committee (WCCC) meeting.

J. EXECUTIVE SESSION

None.

K. ADJOURNMENT

The work session adjourned at 7:00 p.m.

Sherilyn Lombos, City Manager

Recording Secretary

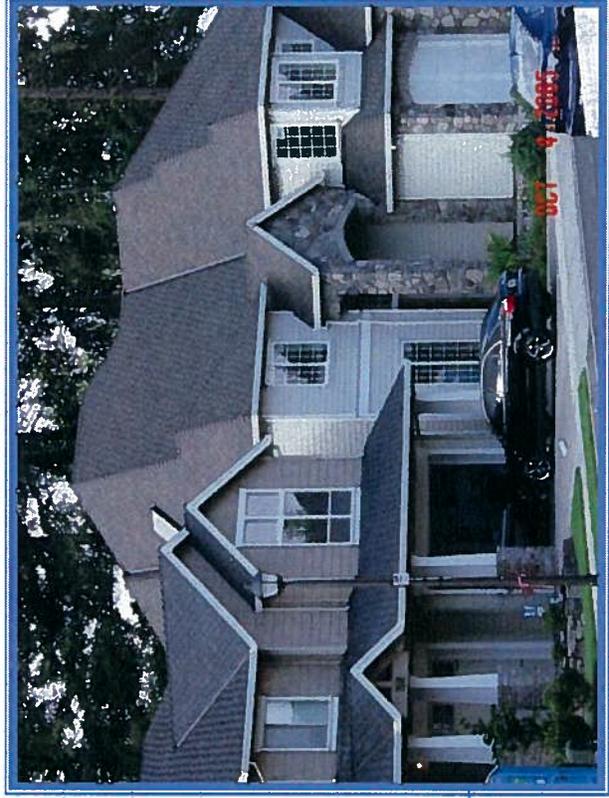


Single-Family Dwelling Design Standards

PTA 06-05



February 11, 2008





Policy Considerations



Given the direction from Council to pursue single-family design standards to address blank walls visible from the front, side and rear:

1. To what type of construction should the design standards apply (new construction, additions, etc.)?
2. Do the draft purpose and objectives appropriately reflect Council's goals in pursuing single-family design standards?
3. What Level I (Clear & Objective) design elements (in a menu of roof and wall features) and Level II (Discretionary) design criteria should be included?
4. What is the timeline for decision and implementation?



Applicability



Single-family design standards may apply to:

1. New single-family dwelling construction.
2. An addition to a single-family dwelling.
3. An addition to a single-family dwelling for the purpose of creating an accessory dwelling unit that results in an increase to the gross floor area of the structure.
4. Remodel of a single-family dwelling.

Staff recommends the standards under consideration apply only to #1 and #3.



Purpose



Single-family design standards are intended to:

- Promote functional, safe, innovative and attractive buildings that are compatible with the surrounding environment. This concerns the building form including articulation of walls, roof design, materials, and placement of elements such as windows, doors, and identification features.



Objectives



Single-family structures shall be designed, to the maximum extent practicable, to:

- Enhance Tualatin through the creation of attractively designed housing and streetscapes.
- Encourage originality, flexibility and innovation in structure design.
- Avoid stark unarticulated building facades and encourage sufficient relief in facades of dwellings to avoid a single block or box appearance by mixing contrasting vertical and horizontal elements in the roof and walls of structures.



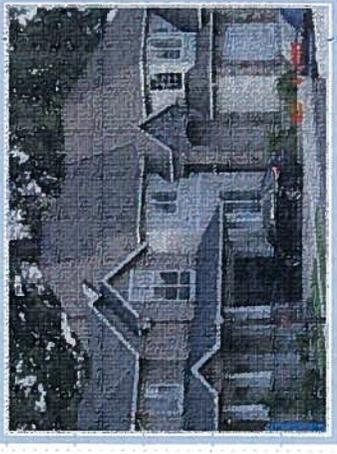
Objectives



- Provide continuity in design by utilizing architectural materials and style employed on the front façade on the remaining sides of the structure.
- Discourage monotonous, drab, unsightly, dreary and inharmonious development.
- Provide guidelines for good design at reasonable costs and with multiple options to achieve the purposes of single-family structure design.



Levels of Review



Two levels of Single-family Architectural Review:

- Level I (Clear & Objective); and
- Level II (Discretionary).



Level I (Clear & Objective)



Application and Review Procedure:

- Ministerial decision
- Administrative approval by Community Development Director if all design standards are met
- Variances prohibited
- Apply for Level II (Discretionary) review if unable to meet Level I design standards



Dwellings shall provide:



- Windows that occupy at least 15% of the wall plane, excluding the roof and any windows in a garage door.
- Front façade. At least 3 of the roof design elements and at least 5 of the wall design elements.
- Each remaining side of dwelling. At least 2 of the roof design elements and at least 4 of the wall design elements.



Roof Design Elements



- Dormer, such as hipped, gabled, shed, or eyebrow dormer design.
- Pitched or sloping roof, such as a gable or hip roof.
- Roof overhang or eave of at least 8 inches.





Roof Design Elements

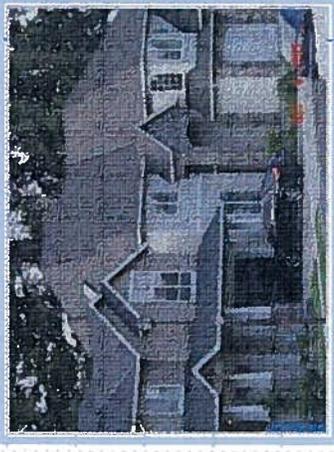


- Variation in roof pitch, height of roof planes, or roof orientation, such as in a roof with multi-level eaves.



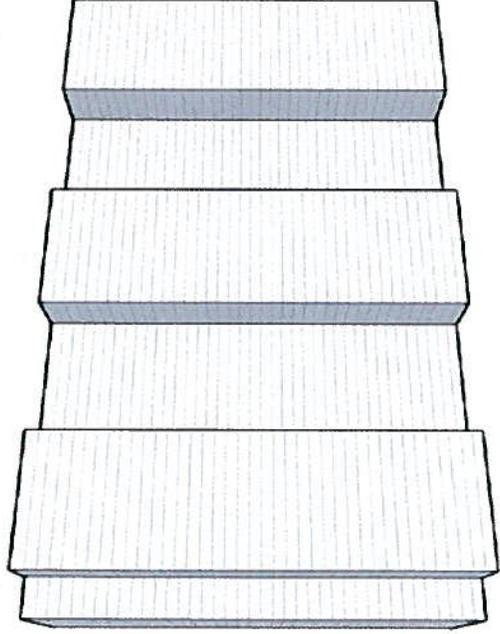


Wall Design Elements



➤ On the front façade, recessed entry at least 2 feet behind the wall plane and at least 8 feet wide.

➤ At least 2 vertical offsets, either projecting or recessed, of at least 16 inches in depth and 8 feet long.





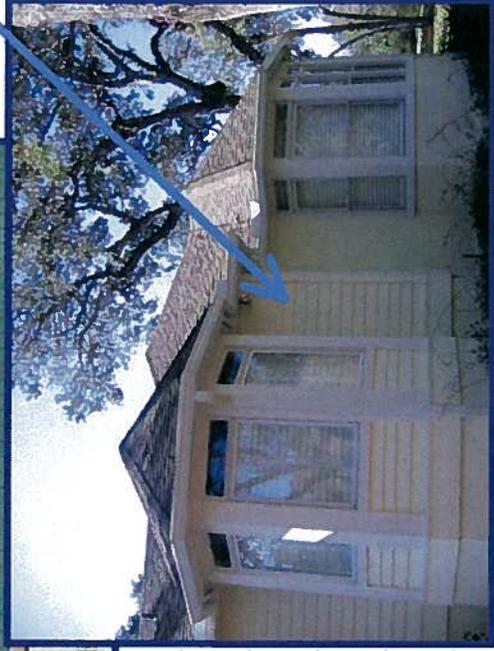
Wall Design Elements



➤ Horizontal offset, either projecting or recessed, of at least 16 inches in depth.

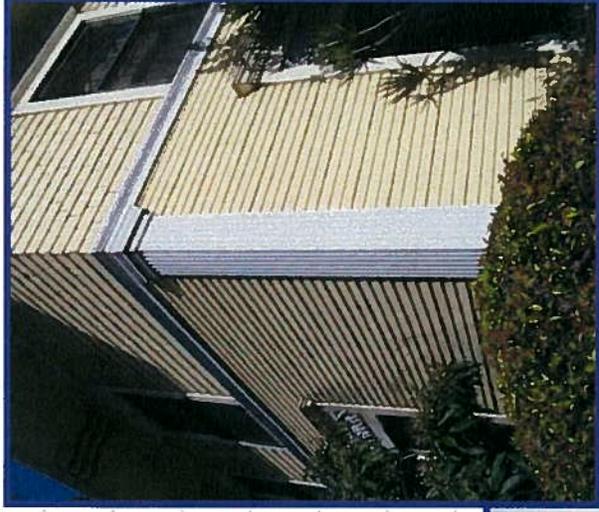


➤ Bay window, which projects at least 12 inches outward from the wall plane and forms a bay or alcove in an interior room of the dwelling.

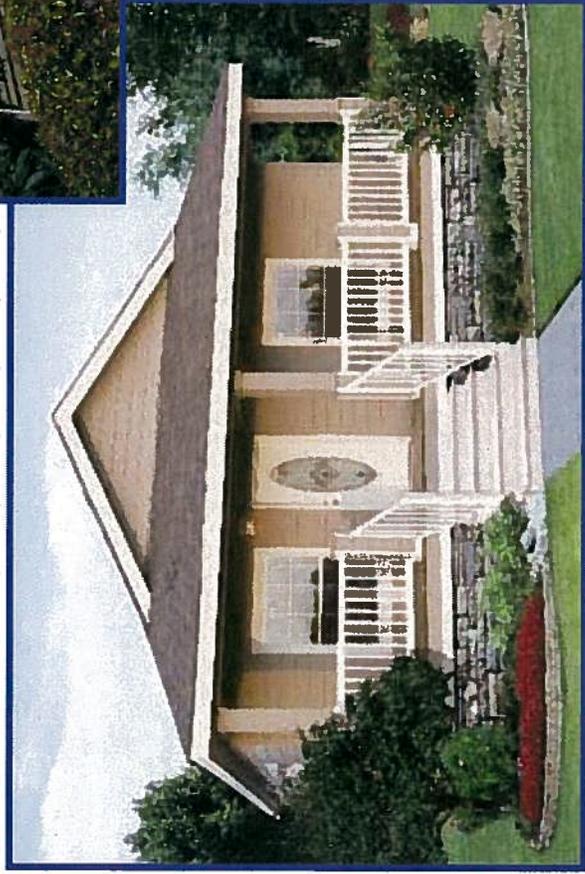




Wall Design Elements



- Column or pilaster, either complete or engaged, and in the wall plane, at a change in wall plane, or at a corner of the dwelling.



- Covered porch at least 36 square feet in area and at least 4 feet deep.



Wall Design Elements



- Balcony, which projects from the wall plane and is enclosed by a railing or parapet.
- Exterior chimney of brick, stone, composite masonry or similar materials.



Wall Design Elements



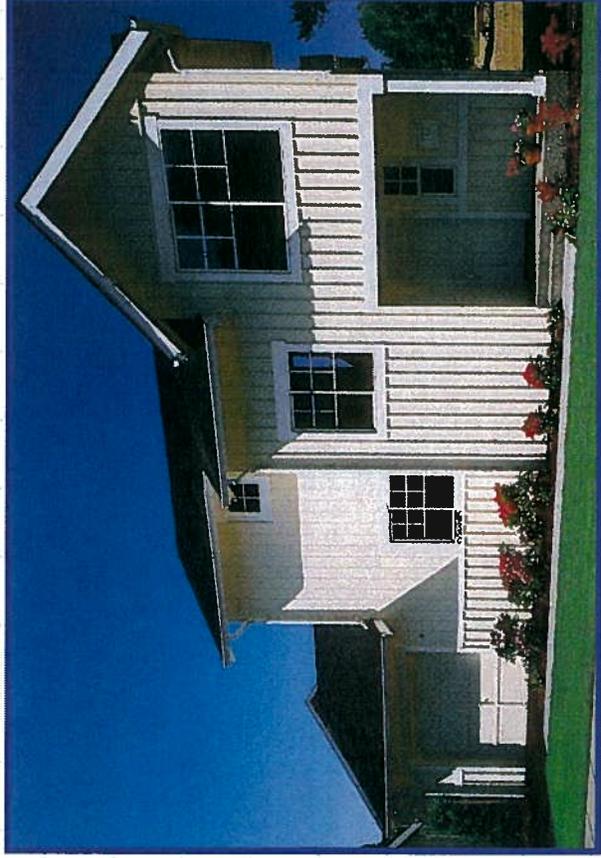
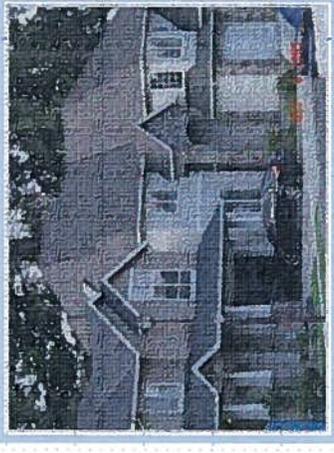
➤ Window trim or surround at least 4 inches wide that completely surrounds the window.

➤ Window grids or windows with multi-paned sashes.



Wall Design Elements

- Variation in wall cladding, wall-surface pattern, or decorative materials such as shakes, shingles, brick, stone or other similar.





Level II (Discretionary)

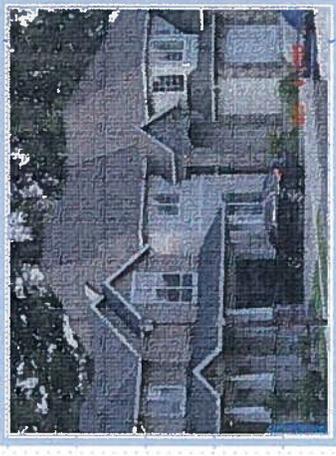


Application and Review Procedure:

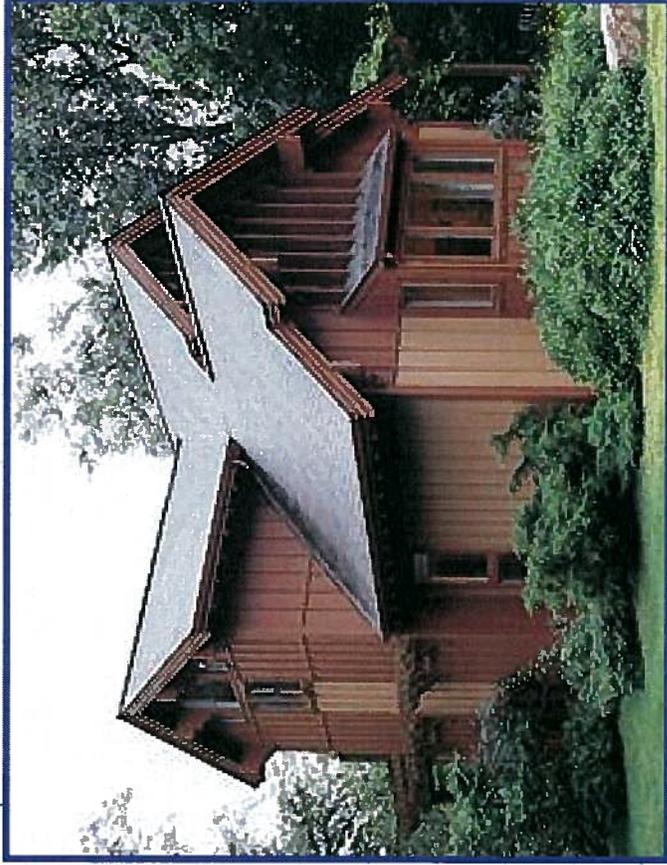
- Limited land use decision
- Administrative approval by Community Development Director if all design criteria are met
- Must demonstrate consistency with the objectives of the specific standard from which relief is sought in light of the discretionary guidelines
- Allows for creativity and flexibility in design



Discretionary Guidelines



- All roofs should be pitched or sloping and articulated by use of such elements as dormers, gables, overhands or eaves, and should have variations in roof pitch, height of roof planes, or roof orientation that create visual interest and void monotony in appearance.

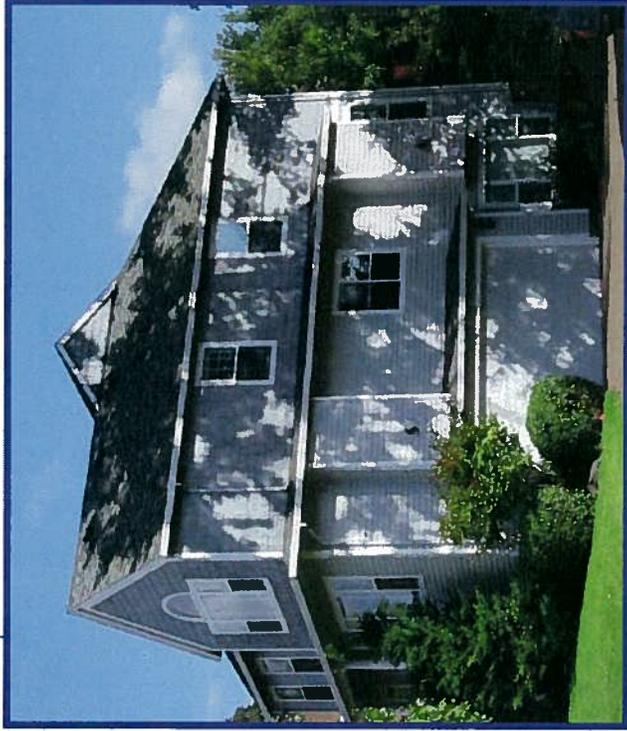




Discretionary Guidelines

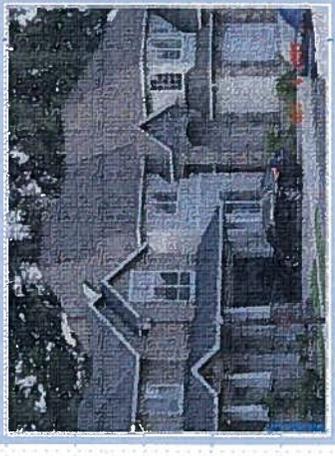


- Architectural articulation and other design elements, such as balconies, porches, dormers, bay windows, vertical or horizontal offsets, variations in cladding, or moldings should be used on all sides of the dwelling to avoid stark unarticulated building facades, to minimize the scale and visual impact of a continuous flat wall surface, and to create a sense of visual interest for passersby and neighboring property owners.





Discretionary Guidelines



- The architectural character (i.e., exterior materials, architectural articulation, design elements, etc.) of the front façade of the dwelling should be utilized on all sides of the structure to create a unified appearance and to avoid a single block or box appearance.





Discretionary Guidelines



- New dwellings should be designed and situated on a property in order to create and maintain a visual sense of harmony with surrounding development and should not overwhelm the scale of surrounding development.
- The overall architectural design of the dwelling should foster a compatible, positive relationship with the scale and character of the street, and the scale and character of surrounding existing development.



Desired Outcomes



1. Agreement on the type of construction to which the design standards will apply.
2. Agreement on the purpose and objectives for single-family design standards.
3. Agreement on Level 1 (Clear & Objective) design elements and Level II (Discretionary) design criteria that should be included.
4. Timeline for decision, and schedule.



City of Tualatin

18880 SW Martinazzi Avenue
Tualatin, Oregon 97062-7092
Main 503.692.2000
TDD 503.692.0574

Approved By Tualatin City Council
Date: 03/10/2008
Recording Secretary: [Signature]

TUALATIN CITY COUNCIL MINUTES OF FEBRUARY 11, 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; Doug Rux, Community Development Director; Mike McKillip, City Engineer; Paul Hennon, Community Services Director; and Maureen Smith, Recording Secretary

ABSENT: None.

Mayor Ogden called the meeting to order at 7:05 p.m.

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

A. CALL TO ORDER

Councilor Barhyte led the pledge of allegiance.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. *Swearing-in of Police Officers – Bryan Belcher, Jill Chapman, Tamara Lewis*
Police Chief Kent Barker said seven new officers have been hired to resignations, etc. The three officers tonight are “lateral” officers that have come from other agencies. Chief Barker swore in new police officers Bryan Belcher, Jill Chapman, and Tamara Lewis.
2. *Tualatin Youth Advisory Council Update*
Representatives from the Tualatin Youth Advisory Council (YAC) gave a brief presentation on recent activities. The YAC did a survey on the proposed ballot measure, and also they will be focusing on a “Green Week” project during April. The YAC also asked for donations of blankets during the recent cold weather, and all will be donated to the “Caring Closet.”

Mayor Ogden mentioned the YAC’s “Green Week” project may coincide with the Arbor Week program and suggested the YAC check with staff to coordinate any events, etc. Mayor Ogden also mentioned the upcoming Chamber “Celebrate Tualatin” program’s theme is “green” and suggested the youth get together with the Chamber with any coordination.

3. *Community Action Organization Presentation – Jerralynn Ness, Executive Director*
Jerralynn Ness presented information on the Community Action Organization (CAO). CAO is a countywide nonprofit organization that has been delivering services since it was formed in 1965. Services are provided to low income families that others aren’t able to provide. Ms. Ness noted that Mayor Ogden has been a member of their board for the last 12 years, and Councilor Beikman will also be part of their board.

Ms. Ness presented a video to the Council entitled "Hope, Help and Change" about the various people it helps and services they provide. Ms. Ness also distributed an informational packet to Council on CAO's services, etc. She noted that in the last five years assistance has nearly doubled, and the largest number of families served is for energy assistance, which they have served nearly 8,000 families a year in energy assistance. There were also 40 families in Tualatin this past year, that asked for rent assistance, a strategy used to prevent homelessness. Ms. Ness also mentioned their involvement with the Head Start program, in particular with the Coffee Creek Women's Correctional Facility.

Mayor Ogden thanked Ms. Ness for all of CAO's good works and assistance to the community.

4. *Heritage Center Annual Report Presentation*

Larry McClure, Norm Parker, and Lindy Hughes, representatives from the Tualatin Historical Society (THS) were present to give an annual report on the Heritage Center. Ms Hughes was recently hired as the first actual paid employee of the Heritage Center. Also present was architect Todd Kroeger, for development of Phase II of the Heritage Center.

Norm Parker, Tualatin Historical Society president, gave a brief review of the Historical Society, which has grown to 200 members over the years. Three City Councilors are members of the THS, and they are always looking to garner more members. The THS appreciates the effort and assistance the City has made to open the Heritage Center two years ago.

Larry McClure, director of the Heritage Center, and Lindy Hughes, assistant director, reviewed Heritage Center activities of the past year, and noted there was a 20% increase in use of the Heritage Center. The Center has also done well in the financial side of their venture. A brief PowerPoint was presented reviewing many of the activities, functions, etc. that have taken place in the past year. The Center's goal for the coming year is to develop a patio and garden west of the building, and they are almost to their goal for funding of this project. Mr. McClure said they are asking for Council's approval of this project. It was noted that the Tualatin Parks Advisory Committee (TPARK) has also reviewed this project.

Mayor Ogden gave kudos to the THS for all their work and dedication.

C. CITIZEN COMMENTS

Joy Basse, SW Tualatin Road, Tualatin, OR, owner/director Rainbow Valley Resource Den, was present and thanked Council and staff for the ordinances that were passed that have assisted in addressing the homeless issue. Ms. Basse read a letter in support of tenants and their need to have habitable places to live without landlord retaliation. Ms. Basse said tenants are being forced to live in conditions that are unsafe and unfit, and she wanted to make Council aware of this issue to get the full picture of what is taking place.

Mayor Ogden noted that there are occupancy standards are in place, and that there is minimum standards that are required. City Manager Lombos said this issue will be discussed at the February 25, 2008 Council work session in regards to rental housing standards, etc.

Mayor Ogden thanked Ms. Basse and appreciated all her efforts in the community.

D. CONSENT CALENDAR

City Manager Lombos noted an appointment is needed for Council representation on the upcoming Arbor Week Committee. Councilor Barhyte volunteered with Councilor Maddux as needed for backup.

MOTION by Councilor Truax, SECONDED by Councilor Maddux to adopt the Consent Agenda as amended and read.

1. Approval of Minutes for the Meeting of January 14, 2008
2. Resolution No. 4750-08 Authorizing Construction of a Retaining Wall Within a Sanitary Sewer Easement
3. Resolution No. 4751-08 Authorizing the Sale of the City's General Obligation Refunding Bonds
4. Resolution No. 4752-08 Accepting Deeds of Dedication and Easements Associated With the SW Herman Road Improvement Project
5. Resolution No. 4753-08 Accepting Public Improvements for All Star Mini Storage (aka Tualatin Storage)
6. Approval of a Change of Ownership Liquor License Application for Tualatin Chevron
7. Proposed Renaming of a Portion of SW Boones Ferry Road to SW McEwan Road
8. Acceptance of 2007 Heritage Center Annual Report
9. Establishment of an Ad Hoc Committee to Coordinate the 2008 Arbor Week Celebration
10. Resolution No. 4754-08 Approving Contract with Krueger International for Library Shelving and Furniture
11. Resolution No. 4755-08 Authorizing an Amendment to the Regional Water Providers Consortium Intergovernmental Agreement (IGA) Relating to Disclosure of Sensitive Information
12. Citizen Involvement Committee Appointments

MOTION CARRIED.

E. PUBLIC HEARINGS – *Legislative or Other*

1. Hearing Measure 37 Claim, Pascuzzi, Located at 10755 / 10835 / 11045 SW Tualatin-Sherwood Road (M37-06-04)
[CONTINUED from September 10, 2007]

Mayor Ogden opened the public hearing.

Assistant Planner Cindy Hahn presented the staff report and noted the request from the applicant requesting he would like to withdraw his Measure 37 claim M37-06-04.

Staff recommends that the Council consider the Applicant's request for withdrawal, close the public hearing, and direct staff to notify the applicant of acceptance and close case file M37-06-04.

Mayor Ogden closed the public hearing.

MOTION by Councilor Truax, SECONDED by Councilor Harris to accept the Applicant's withdrawal of Measure 37 claim M37-06-04, close the case file, and notify the Applicant accordingly. MOTION CARRIED.

F. PUBLIC HEARINGS – *Quasi-Judicial*

None.

G. GENERAL BUSINESS

1. Ordinance No. 1252-08 Related to Amending the Multi-Family Design Standards for Lands Within the Mixed Use Commercial Overlay District (MUCOD); Amending TDC 73.130 and 73.190 (PTA-07-06)
-

MOTION by Councilor Truax, SECONDED by Councilor Boryska for a first reading by title only. MOTION by Councilor Truax, SECONDED by Councilor Boryska for second reading by title only. The poll was unanimous. MOTION CARRIED. MOTION by Councilor Truax, SECONDED Councilor Boryska to adopt the ordinance. MOTION CARRIED.

H. EXECUTIVE SESSION

None.

I. ITEMS REMOVED FROM CONSENT AGENDA

No items were requested to be removed from the Consent Agenda.

J. COMMUNICATIONS FROM COUNCILORS

None.

K. ADJOURNMENT

The meeting adjourned at 8:17 p.m.

Sherilyn Lombos, City Manager

Recording Secretary





City of Tualatin

www.ci.tualatin.or.us

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

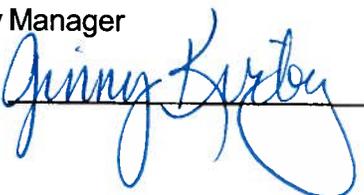
None.

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.



City of Tualatin

www.ci.tualatin.or.us

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

TUALATIN CITY COUNCIL MEETING 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; Paul Hennon, Community Services Director; Dan Boss, Operations Director; Darrel Condra, Library Manager; Nancy McDonald, Human Resources Director; Don Hudson, Finance Director; Carina Christensen, Assistant to the City Manager; 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 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

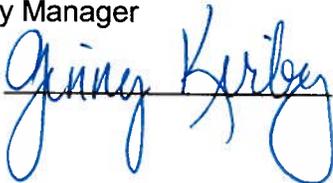
Not applicable.

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 cursive and stylized.



609-12-6

Approved By Tualatin City Council

Date 03/10/2008

Recording Secretary J. Burley

STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

FROM: Brenda Braden, Legal Services *BB*
Debra Senger, Program Coordinator *DS*

DATE: March 10, 200~~7~~⁸

SUBJECT: RESOLUTION REGARDING MEMBERSHIP IN THE CITY COUNTY INSURANCE SERVICES TRUST

ISSUE BEFORE THE COUNCIL:

Whether the City of Tualatin should adopt a resolution acknowledging and accepting the terms and conditions of CIS coverage for the City of Tualatin.

RECOMMENDATION:

Staff recommends that the Council adopt the attached resolution.

EXECUTIVE SUMMARY:

- This action is not a public hearing.
- The City of Tualatin purchases general liability and property insurance through City County Insurance Services. CIS requires all member entities to pass a resolution accepting the terms and conditions set forth in the CIS Agreement and Declaration of Administrative Trust, Bylaws and Rules. CIS has no record of a resolution from the City. This is a housekeeping item.
- There are no criteria to apply to this request.

FINANCIAL IMPLICATIONS:

None.

PUBLIC INVOLVEMENT:

Public involvement is not required as part of this action.

Attachments: A. Resolution

RESOLUTION REGARDING MEMBERSHIP IN THE CITY COUNTY INSURANCE SERVICES TRUST

WHEREAS City County Insurance Services Trust (CIS) is a trust established by the League of Oregon Cities (LOC) and Association of Oregon Counties (AOC) to create and administer pooled retention funds to protect members against the financial consequence of property, casualty, and workers compensation losses pursuant to coverage agreements; and

WHEREAS CIS provides its Members a broad array of risk management services, including risk financing, loss prevention and loss control programs, claims management and legal representation, risk management consulting, data gathering, information sharing, training and related services; and

WHEREAS the City of Tualatin finds that membership in CIS is a benefit in managing the risks involved in providing services to its citizens; and

WHEREAS the City of Tualatin has been provided with copies of the CIS Trust Agreement, Bylaws and Rules which have been recently updated and revised; and

WHEREAS the CIS Bylaws, at Articles 2.2.2 and 3.3 provide that Articles 2 and 3 of the bylaws shall constitute a contract between the Member and CIS and that the Member shall adopt a resolution acknowledging that contractual relationship.

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

Section 1. The City of Tualatin acknowledges and agrees that it has received copies of the CIS Agreement and Declaration of Administrative Trust, Bylaws, and Rules and accepts the terms and conditions therein with respect to any CIS coverage programs in which it elects to participate and for which it is accepted as a Member by CIS.

INTRODUCED AND ADOPTED this 10th day of March, 2008

CITY OF TUALATIN, OREGON

BY  _____
Mayor Pro tem

APPROVED AS TO LEGAL FORM



CITY ATTORNEY

ATTEST:
BY  _____
City Recorder



STAFF REPORT CITY OF TUALATIN

Approved By Tualatin City Council

Date 03/10/2008

Recording Secretary J. Kerley

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *sl*

FROM: Michael A McKillip, City Engineer *mk*
Dayna Johnson, Project Engineer *DJ*

DATE: March 10, 2008

SUBJECT: RESOLUTION TO QUITCLAIM A STORM DRAIN AND ACCESS EASEMENT FOR THE MERIDIAN BUSINESS PARK PROJECT

ISSUE BEFORE THE COUNCIL:

Council will quitclaim an existing Storm Drain and Access Easement that is no longer necessary on private property owned by Joseph P. Tennant & John Seibert Co-Trustees of James E. Berrey Revocable/Irrevocable Trust UTA DTD.

RECOMMENDATION:

Approve the attached Resolution, and authorize the Mayor and the City Recorder to execute said Quitclaim Deed.

EXECUTIVE SUMMARY:

- In 2007, Joseph P. Tennant & John Seibert Co-Trustees of James E. Berrey Revocable/Irrevocable Trust UTA DTD granted an easement for a public storm drain line and access to the storm line.
- During construction of the proposed storm line, the location of the proposed public storm line was modified.
- A revised Storm Drain and Access Easement has been recorded with Clackamas County as 2008-005580.

FINANCIAL IMPLICATIONS:

None

Attachments: A. Resolution
B. Quitclaim Deed

RESOLUTION NO. 4761-08

RESOLUTION TO QUITCLAIM A STORM DRAIN AND ACCESS
EASEMENT FOR THE MERIDIAN BUSINESS PARK PROJECT

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

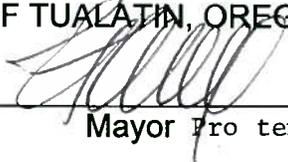
Section 1. The attached Quitclaim Deed is to extinguish an existing storm drain and access easement on the Joseph P. Tennant & John Seibert Co-Trustees of James E. Berrey Revocable/Irrevocable Trust UTA DTD.

Section 2. The public storm drain easement is no longer necessary.

Section 3. The Mayor and Recorder are authorized to sign the attached Quitclaim Deed.

INTRODUCED AND ADOPTED this 10th day of March, 2008.

CITY OF TUALATIN, OREGON

By 
Mayor Pro tem

ATTEST:

By 
City Recorder

APPROVED AS TO LEGAL FORM


CITY ATTORNEY

Resolution No. 4761-08

QUITCLAIM DEED

City of Tualatin, Oregon, Grantor, releases and quitclaims to **Western Pacific Enterprises, Inc.**, an Oregon Corporation, as to an undivided 70.7 percent interest and Joseph P. Tennant and John Siebert, Co-Trustees of the Stephen M. Berrey Irrevocable Trust UTA DTD December 20, 1987, as to an undivided 29.4 percent interest, each as tenants in common, **Grantees**, all right, title and interest in and to the storm sewer easement, which is described and recorded in the Clackamas County Assessor's Book, and more particularly described in the attached Exhibit A.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.

The true consideration for this conveyance is \$0 and other valuable consideration, the receipt of which is hereby acknowledged.

Dated this 10th day of March 2008.

APPROVED AS TO LEGAL FORM


CITY ATTORNEY

CITY OF TUALATIN, Oregon

By


Mayor Pro tem

ATTEST:

By


City Recorder



landesign group

a limited liability company

4445 sw barbur blvd, ste 210 portland, or 97239 p: 503.226.0486 f: 503.226.1670
http://www.landesigngroup.us

landscape architecture
civil engineering
planning
surveying

EXHIBIT A

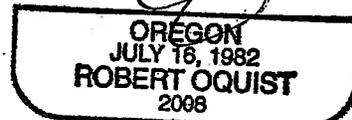
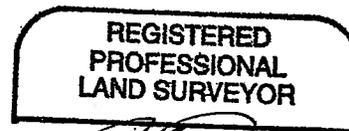
Public Storm Sewer Description

A strip of land for storm sewer purposes over and across a portion of that tract of land described in Bargain and Sale Deed recorded as 2007-055073 Records of Clackamas County and located in the NW ¼ of section 18, T.2S, R.1E, W.M., Clackamas County, Oregon being more particularly described as follows:

Beginning at the northwest corner of Lot 25, Rosewood, a plat of record; thence along the east line of said lot, S 00°24'42" E, 277.72 feet; thence leaving said line, S 89°35'29" W, 15.00 feet; thence N 00°24'42" W, 264.38 feet, thence N 53°30'24" W, 22.47 feet, to the south right of way line of SW Rosewood Street; thence along said line S 89°22'50" E, 33.41 feet to the point of beginning.

Reference survey no. 2007-215

8/8/07



Expires 12/31/08



andscape Group

A LIMITED LIABILITY COMPANY

SW ROSEWOOD STREET

4445 SW BARBUR BLVD SUITE 210
PORTLAND, OREGON 97239
P: 503.226.0486
F: 503.226.1670

Landscape Architecture • Civil Engineering • Planning • Surveying

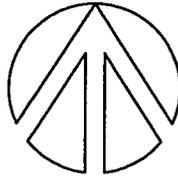
SURROUNDING SITE

SCALE: 1"=200'

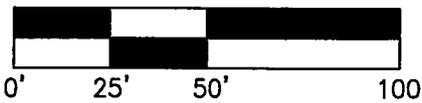
EXHIBIT MAP

STORM SEWER EASEMENT LEGAL DESCRIPTION

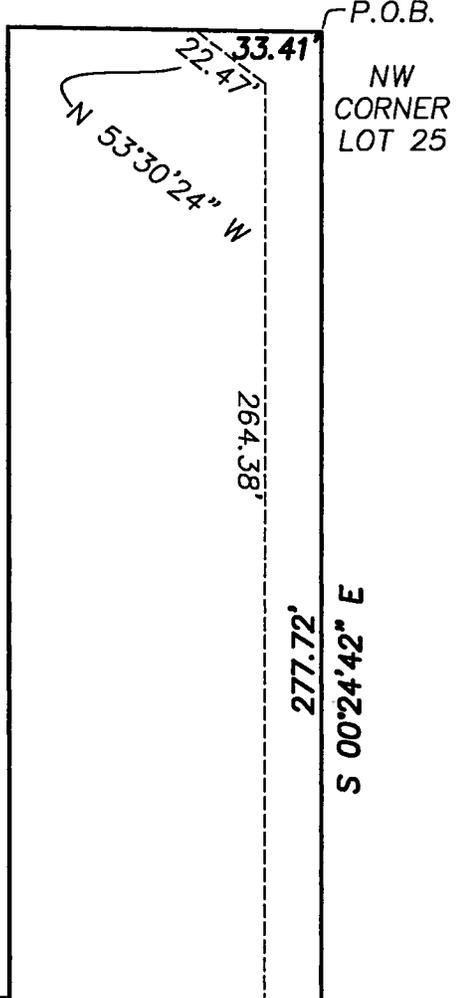
NORTH



SCALE: 1"=50'



S 89°22'50" E 247.60



SW 65TH AVENUE
N 00°24'42" W 229.00

2007-055073

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 16, 1982
ROBERT OQUIST
2008

Expires 12/31/08

205.28'

S 89°22'50" E 329.25

DRAWN BY: ADL



Approved By Tualatin City Council

Date 03/10/2008

Recording Secretary J. Kirby

STAFF REPORT CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

FROM: Paul Hennon, Community Services Department *Paul Hennon*
Carl Switzer, Parks and Recreation Coordinator *Carl Switzer*

DATE: March 10, 2008

SUBJECT: RESOLUTION AUTHORIZING A TEMPORARY CONSTRUCTION EASEMENT AND A PERMANENT EASEMENT FOR A SANITARY SEWER PUMP STATION AT ATFALATI PARK

ISSUE BEFORE THE COUNCIL:

The Council will consider adoption of a resolution authorizing a Temporary Construction Easement and a Permanent Easement associated with Clean Water Services' Saum Creek Pump Station project at Atfalati Park.

RECOMMENDATIONS:

Staff recommends that the Council adopt the attached resolution authorizing a Temporary Construction Easement and a Permanent Easement associated with Clean Water Services' Saum Creek Pump Station project.

EXECUTIVE SUMMARY:

Clean Water Services currently has a permanent easement in the City of Tualatin's Atfalati Park for its Saum Creek Pump Station (Tax map 2S125AA0, tax lot 5200).

The Saum Creek Pump Station is located at Atfalati Park off 65th Avenue in an area near Saum Creek. It does not conflict with current or master planned uses of the park. See Attachment A, locator map.

STAFF REPORT: Resolution Authorizing a Temporary Construction Easement and a Permanent Easement for a Sanitary Sewer Pump Station at Atfalati Park

March 10, 2008

Page 2 of 3

The current pump station is undersized and its equipment is outmoded and therefore must be upgraded. To accommodate larger and more modern equipment Clean Water Services needs to increase the footprint of the pump station site and is requesting the City dedicate to them the necessary easements.

Clean Water Services is also requesting a temporary construction easement in Atfalati Park to stage the removal of the old system and installation of the new one. The temporary easement granted would automatically extinguish upon Council's acceptance of the completed public facilities in the adjacent permanent easement. Construction work on this project is expected to begin in April 2008 and be completed in October 2008.

This project is in the best interest of Tualatin citizens as the new pump station will be better able to manage waste, now and in the future.

OUTCOMES OF DECISION:

Authorizing the Temporary Construction Easement and Permanent Easement for the Saum Creek Pump Station will result in the following:

- Allow Clean Water Services construction access to improve the sanitary sewer pump station.
- Allow Clean Water Services to install sanitary sewer pump station equipment capable of managing a higher volume of waste more efficiently.

Not authorizing the Temporary Construction Easement and Permanent Easement for the Saum Creek Pump Station will result in the following:

- Prohibit Clean Water Services from construction access.
- Prohibit Clean Water Services from installing upgraded sanitary sewer pump station equipment. This would limit the volume of waste that can be moved to their treatment facility.

FINANCIAL IMPLICATIONS:

Clean Water Services would incur the recording costs associated with the recording of the permanent easement. While Clean Water Services would make vegetation improvements to the site there would be no financial remuneration from Clean Water Services to the City for these easements.

**STAFF REPORT: Resolution Authorizing a Temporary Construction Easement and a
Permanent Easement for a Sanitary Sewer Pump Station at Atfalati Park**

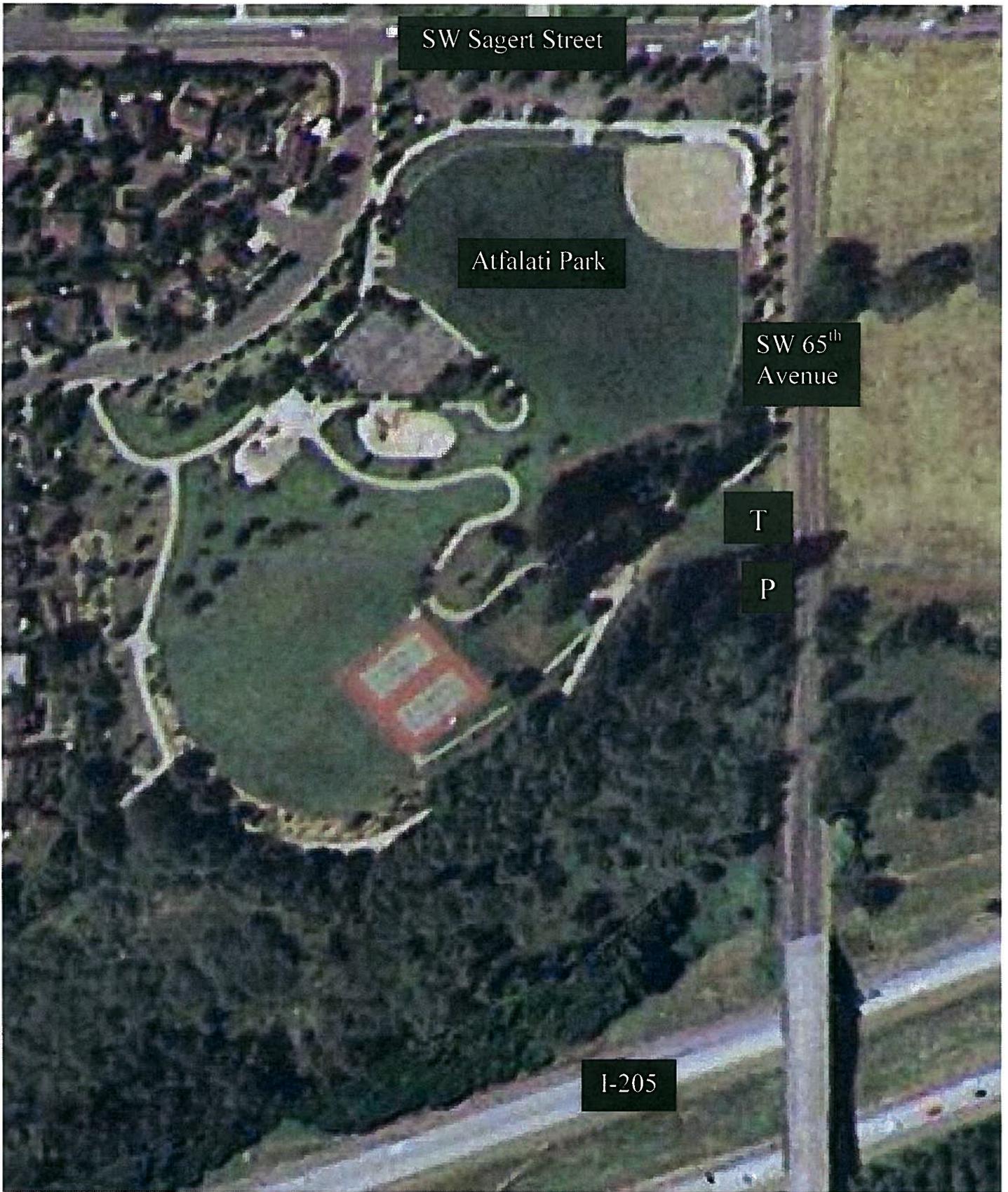
March 10, 2008

Page 3 of 3

Clean Water Services will maintain the pump station for the life of the easement and all areas where vegetation would be enhanced for a two-year period. The City would maintain the restored area of the temporary easement, as it currently does.

Attachments:

- A. Locator Map**
- B. Resolution with attachments**



T = Temporary Construction Easement
P = Permanent Easement

RESOLUTION NO. 4762-08

RESOLUTION AUTHORIZING A TEMPORARY CONSTRUCTION
EASEMENT AND A PERMANENT EASEMENT FOR A SANITARY SEWER
PUMP STATION AT ATFALATI PARK

WHEREAS the City of Tualatin supports the development of
infrastructure to meet the needs of its citizens; and

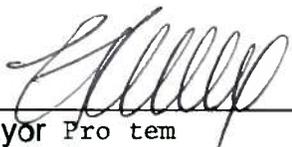
WHEREAS Clean Water Services' Saum Creek Sanitary Sewer Pump
Station will benefit the citizens of Tualatin; and

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

Section 1. The City of Tualatin hereby authorizes the attached Easement
for Sanitary Sewer Pump Station (Attachment B) for the purpose of granting an
easement to Clean Water Services and the Mayor is authorized to sign said
documents.

INTRODUCED AND ADOPTED this 10th day of March, 2008.

CITY OF TUALATIN, OREGON

By  _____
Mayor Pro tem

ATTEST:

By  _____
City Recorder

Approved as to Form:


City Attorney

Resolution No. 4762-08

RETURN TO: Clean Water Services
Mail Stop 10
2550 SW Hillsboro Highway
Hillsboro, OR 97123

Project: Saum Creek Pump Station Upgrade
Project No.: 6249
Tax Lot No.: 2S125AA05100
Square Feet: 602 sf

EASEMENT FOR SANITARY SEWER PUMP STATION

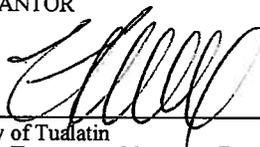
GRANTOR'S NAME: City of Tualatin
PROPERTY ADDRESS: 6600 SW Sagert Street, Tualatin, Oregon 97062

GRANTOR(s), owner of the property described herein, does hereby grant, convey and warrant unto Clean Water Services, GRANTEE, the exclusive right to lay down, construct and perpetually maintain a sewer (or sewers) through, under, over, and along the property described on Exhibit A, attached hereto and by this reference incorporated herein and the exclusive right to construct, maintain, operate, inspect, repair, replace and remove a sewer pump station and all necessary structures and appurtenances under and upon the property described in Exhibit A as well as the right to fence and restrict access to the property described in Exhibit A. This grant is made subject to the conditions attached hereto, marked Exhibit B and by this reference incorporated herein. This grant is made subject to no other conditions. This easement shall run with the land and shall be binding upon and shall inure to the benefit of the parties hereto, their heirs successors and assigns. No structure shall be erected upon said easement without the written consent of the GRANTEE.

Any temporary easement granted hereby is automatically extinguished upon acceptance of the completed public facilities in the adjacent permanent easement.

The consideration for this grant is nonmonetary.

GRANTEE
CLEAN WATER SERVICES
By: _____
General Manager or Designee

GRANTOR


City of Tualatin
Ed Truax, Mayor Pro tem

Sent for Recording
By: WASH. CO.

APPROVED AS TO FORM

District Counsel

Sent for Signatures
By: Carl Switzer to

NOTARIZE DOCUMENT BELOW:

STATE OF _____)
County of _____)

This instrument was acknowledged before me on this _____ day of _____, 2007 by _____

Notary Public
My Commission Expires: _____

Exhibit A
Legal Description

Legal description of a permanent easement for a sanitary sewer pump station site and a temporary easement for a staging area for the construction of improvements to the sanitary sewer pump station as shown in Exhibit A1.

Permanent Easement for Sanitary Sewer Facilities and Temporary Easement for Construction of Sanitary Sewer Facilities. Located in the Northeast ¼ of Section 25, Township 2 South, Range 1 West, Willamette Meridian, City of Tualatin, Washington County Oregon, more particularly described as follows:

PERMANENT SANITARY SEWER EASEMENT

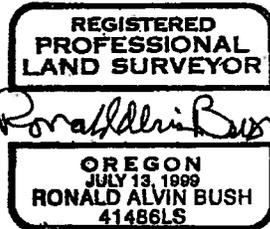
Beginning at a point being S00°15'17"E a distance of 669.52 feet and S89°44'43"W a distance of 35.00 feet from the northeast corner of said Section 25; Thence S00°15'17"E a distance of 40.00 feet; Thence N90°00'00"W a distance of 15.13 feet; Thence N00°00'00"E a distance of 40.00 feet; Thence N90°00'00"E a distance of 14.96 feet to the Point of Beginning.

Permanent Easement containing 602 square feet more or less.

TEMPORARY EASEMENT FOR THE CONSTRUCTION SANITARY SEWER FACILITIES

Beginning at a point being S00°15'17"E a distance of 593.76 feet and S89°44'43"W a distance of 35.00 feet from the northeast corner of said Section 25; Thence S00°15'17"E a distance of 43.72 feet; Thence N69°04'16"W a distance of 27.44 feet; Thence N90°00'00"W a distance of 3.64 feet; Thence N00°00'00"E a distance of 33.91 feet; Thence N90°00'00"E a distance of 29.08 feet to the Point of Beginning.

Temporary Easement containing 1114 square feet more or less.

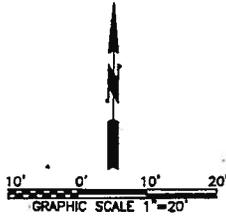


EXPIRES Dec 31, 09

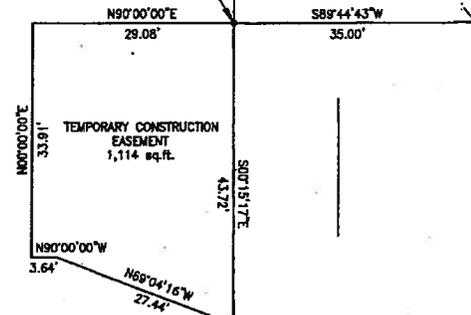
EXHIBIT A1

PERMANENT AND TEMPORARY EASEMENT FOR SANITARY SEWER FACILITIES
 LOCATED IN THE NORTHEAST 1/4 OF SECTION 25, TOWNSHIP 2 SOUTH,
 RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF TUALATIN,
 WASHINGTON COUNTY, OREGON

MAY 18, 2007

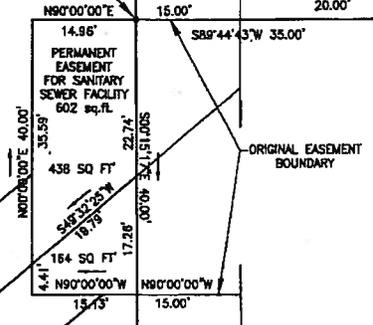


POINT OF BEGINNING
 FOR TEMPORARY EASEMENT



BRIS OF BEARING PER PLAT OF IMPERIAL ESTATES
 RANGE 1 EAST
 S00°15'17"E 699.52'

POINT OF BEGINNING
 FOR PERMANENT EASEMENT



**REGISTERED
 PROFESSIONAL
 LAND SURVEYOR**

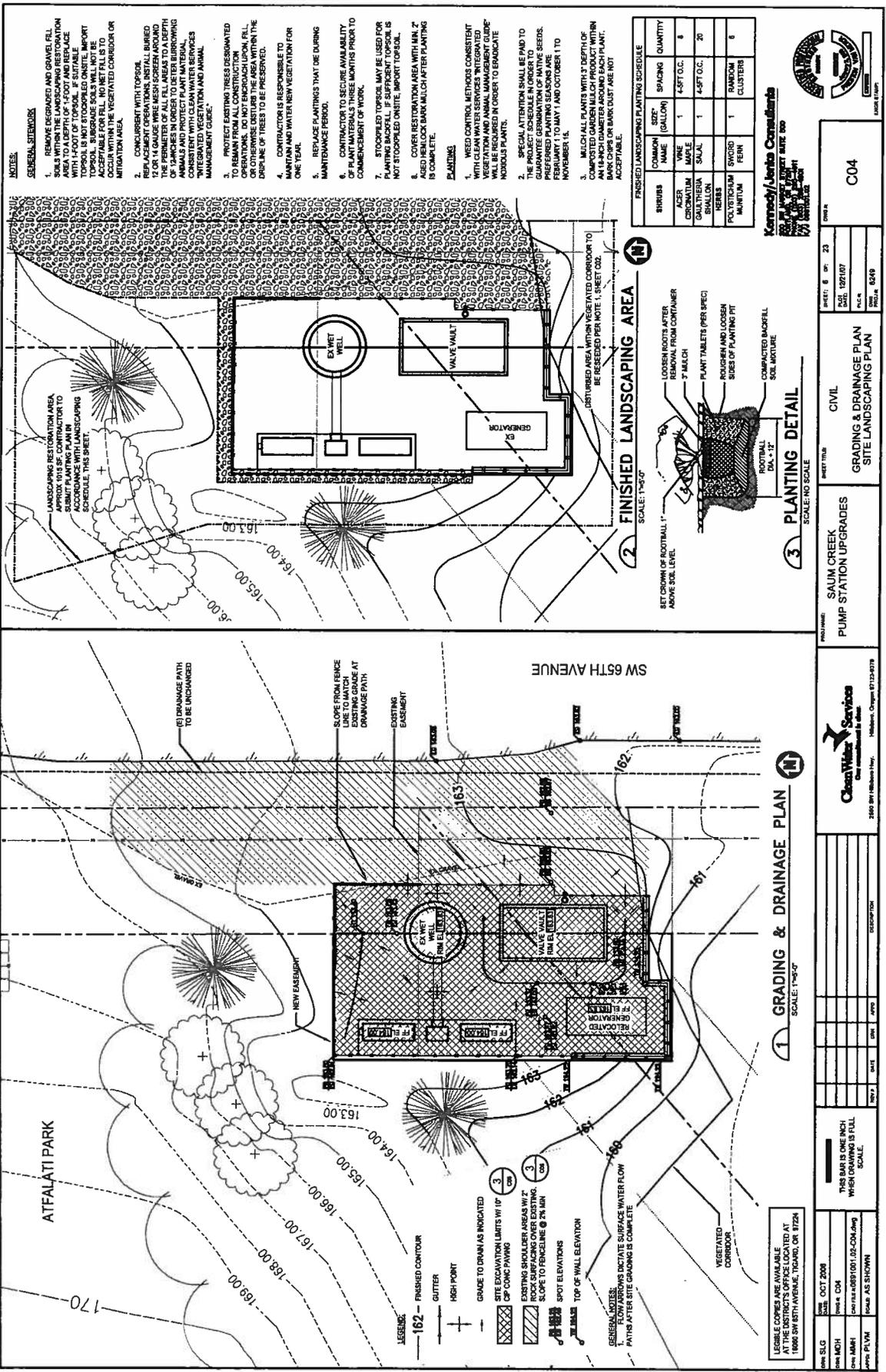
Ronald Alvin Bush

**OREGON
 JULY 13, 1999
 RONALD ALVIN BUSH
 41486LS**

Expires Dec 31, 09

EASEMENT CONDITIONS

1. GRANTOR hereby grants GRANTEE a right of entry upon that portion of the property that lies outside the easement areas and is necessary for bypass pumping and temporary bypass piping. The areas designated for temporary bypass pumping and piping and the area labeled Temp Disturbed Vegetated Corridor area (90 square feet) are identified and described on the Temporary Bypass Plan, Creek Mitigation and Erosion Control marked as C02 and attached hereto. Temporary bypass piping will be installed and removed then those portions of the property will be restored and replanted as described on C02. Upon final construction acceptance GRANTOR shall be responsible for maintenance.
2. GRANTOR hereby grants GRANTEE a right of entry upon that portion of the property that lies outside the easement areas for a period of three years necessary to enhance and maintain the area labeled Vegetative Corridor Enhancement Area No. 1 (1200 square feet) and described on CO2.
3. GRANTOR hereby grants GRANTEE a right of entry upon that portion of the property that lies outside the easement areas and necessary for a one time removal of invasive plant species in the area labeled Vegetative Corridor Enhancement Area No. 2 (400 square feet) and described on C02.
4. GRANTOR hereby grants GRANTEE a right of entry upon that portion of the property that lies outside the easement areas and necessary for restoring the area labeled Landscaping Restoration Area (1015 square feet) and described on the Grading and Drainage Plan Site Landscaping Plan marked as C04 and attached hereto. After final construction acceptance of Landscaping Restoration Area, GRANTEE shall maintain and water the restoration area for a period of one year.
5. GRANTOR hereby grants GRANTEE a right of entry upon that portion of the property that lies outside the easement areas and is necessary to establish temporary fencing around the construction zone as described on the Pump Station Site Plan and Details marked as C05 and attached hereto. GRANTEE shall replant the temporary fencing area with grass and restore it to a condition equal to its current condition.
6. The Temporary Construction Easement area described in Exhibit A shall be replanted with grass and restored to a condition equal to its current condition. Upon final construction acceptance GRANTOR shall be responsible for maintaining the Temporary Construction Easement area.



- GENERAL NOTES:**
- REMOVE DEGRADED AND GRAVEL FILL SOILS WITHIN THE LANDSCAPING RESTORATION AREA TO A MINIMUM OF 12 INCHES AND REPLACE WITH 12 INCHES OF TOPSOIL. TOPSOIL IS NOT TO BE STOCKPILED ON-SITE. IMPORT TOPSOIL. SUBGRADE SOILS WILL NOT BE STOCKPILED ON-SITE. IMPORT TOPSOIL TO OCCUR WITHIN THE VEGETATED CORRIDOR OR MITIGATION AREA.
 - CONCURRENT WITH TOPSOIL REPLACEMENT OPERATIONS, INSTALL BURIED 12 OR 14 GAUGE WIRE MESH SCREEN AROUND THE PERIMETER OF ALL FILL AREAS TO A DEPTH OF 12 INCHES TO PREVENT ROOTING ANIMALS AND PROTECT PLANT MATERIALS CONSISTENT WITH CLEAN WATER SERVICES WATER QUALITY AND ANIMAL MANAGEMENT SIZES.
 - PROTECT EXISTING TREES DEMONSTRATED TO BE HEALTHY AND VIGOROUS DURING OPERATIONS. DO NOT ENGAGE OR LOOK FILL OR OTHERWISE DISTURB THE AREA WITHIN THE DRAINAGE OF TREES TO BE PRESERVED.
 - CONTRACTOR IS RESPONSIBLE TO MAINTAIN AND WATER NEW VEGETATION FOR ONE YEAR.
 - REPLACE PLANTINGS THAT DIE DURING MAINTENANCE PERIOD.
 - CONTRACTOR TO SECURE AVAILABILITY OF PLANT MATERIALS THREE MONTHS PRIOR TO COMMENCEMENT OF WORK.
 - STOCKPILED TOPSOIL MAY BE USED FOR PLANTING BACKFILL. IF SUPPORT TOPSOIL IS NOT STOCKPILED ON-SITE, IMPORT TOPSOIL.
 - COVER RESTORATION AREA WITH MIN. 2\"/>

- FINISHED LANDSCAPING PLANTING SCHEDULE**
- | COMMON NAME | SIZE (GALLOON) | SPACING | QUANTITY |
|-------------|----------------|-----------|----------|
| ACER | 1 | 4-FT O.C. | 8 |
| DOGWOOD | 1 | 4-FT O.C. | 20 |
| SHALLOW | 1 | 4-FT O.C. | 20 |
| HERBES | 1 | RANDOM | 8 |
| POLYCALAM | 1 | RANDOM | 8 |
| MINUTUM | 1 | RANDOM | 8 |

- PLANTING**
- NEED CONTROL NETWORKS CONSISTENT WITH CLEAN WATER SERVICES INTEGRATED VEGETATION AND ANIMAL MANAGEMENT GUIDE WILL BE REQUIRED IN ORDER TO DEMONSTRATE PROGRESS PLANTS.
 - SPECIAL ATTENTION SHALL BE PAID TO GUARANTEE GERMINATION OF NURSERY SEEDS. PREFERRED PLANTING SEASONS ARE FEBRUARY TO MAY 1 AND OCTOBER 1 TO NOVEMBER 15.
 - MULCH ALL PLANTS WITH 3\"/>

FINISHED LANDSCAPING AREA
SCALE: 1/8\"/>

PLANTING DETAIL
SCALE: NO SCALE



GRADING & DRAINAGE PLAN
SCALE: 1/8\"/>

FINISHED LANDSCAPING AREA
SCALE: 1/8\"/>

PLANTING DETAIL
SCALE: NO SCALE

FINISHED LANDSCAPING AREA
SCALE: 1/8\"/>

PLANTING DETAIL
SCALE: NO SCALE

ATFALATI PARK

SW 65TH AVENUE

SAUM CREEK PUMP STATION UPGRADES

GENERAL NOTES:

FINISHED LANDSCAPING AREA
SCALE: 1/8\"/>

PLANTING DETAIL
SCALE: NO SCALE

FINISHED LANDSCAPING AREA
SCALE: 1/8\"/>

PLANTING DETAIL
SCALE: NO SCALE

FINISHED LANDSCAPING AREA
SCALE: 1/8\"/>

PLANTING DETAIL
SCALE: NO SCALE

FINISHED LANDSCAPING AREA
SCALE: 1/8\"/>

GENERAL NOTES:

FINISHED LANDSCAPING AREA
SCALE: 1/8\"/>

PLANTING DETAIL
SCALE: NO SCALE

FINISHED LANDSCAPING AREA
SCALE: 1/8\"/>

PLANTING DETAIL
SCALE: NO SCALE

FINISHED LANDSCAPING AREA
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PLANTING DETAIL
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FINISHED LANDSCAPING AREA
SCALE: 1/8\"/>

GENERAL NOTES:

FINISHED LANDSCAPING AREA
SCALE: 1/8\"/>

PLANTING DETAIL
SCALE: NO SCALE

FINISHED LANDSCAPING AREA
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FINISHED LANDSCAPING AREA
SCALE: 1/8\"/>

GENERAL NOTES:

FINISHED LANDSCAPING AREA
SCALE: 1/8\"/>

PLANTING DETAIL
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PLANTING DETAIL
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FINISHED LANDSCAPING AREA
SCALE: 1/8\"/>

GENERAL NOTES:

FINISHED LANDSCAPING AREA
SCALE: 1/8\"/>

PLANTING DETAIL
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PLANTING DETAIL
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GENERAL NOTES:

FINISHED LANDSCAPING AREA
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PLANTING DETAIL
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FINISHED LANDSCAPING AREA
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PLANTING DETAIL
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FINISHED LANDSCAPING AREA
SCALE: 1/8\"/>

GENERAL NOTES:

FINISHED LANDSCAPING AREA
SCALE: 1/8\"/>

PLANTING DETAIL
SCALE: NO SCALE

FINISHED LANDSCAPING AREA
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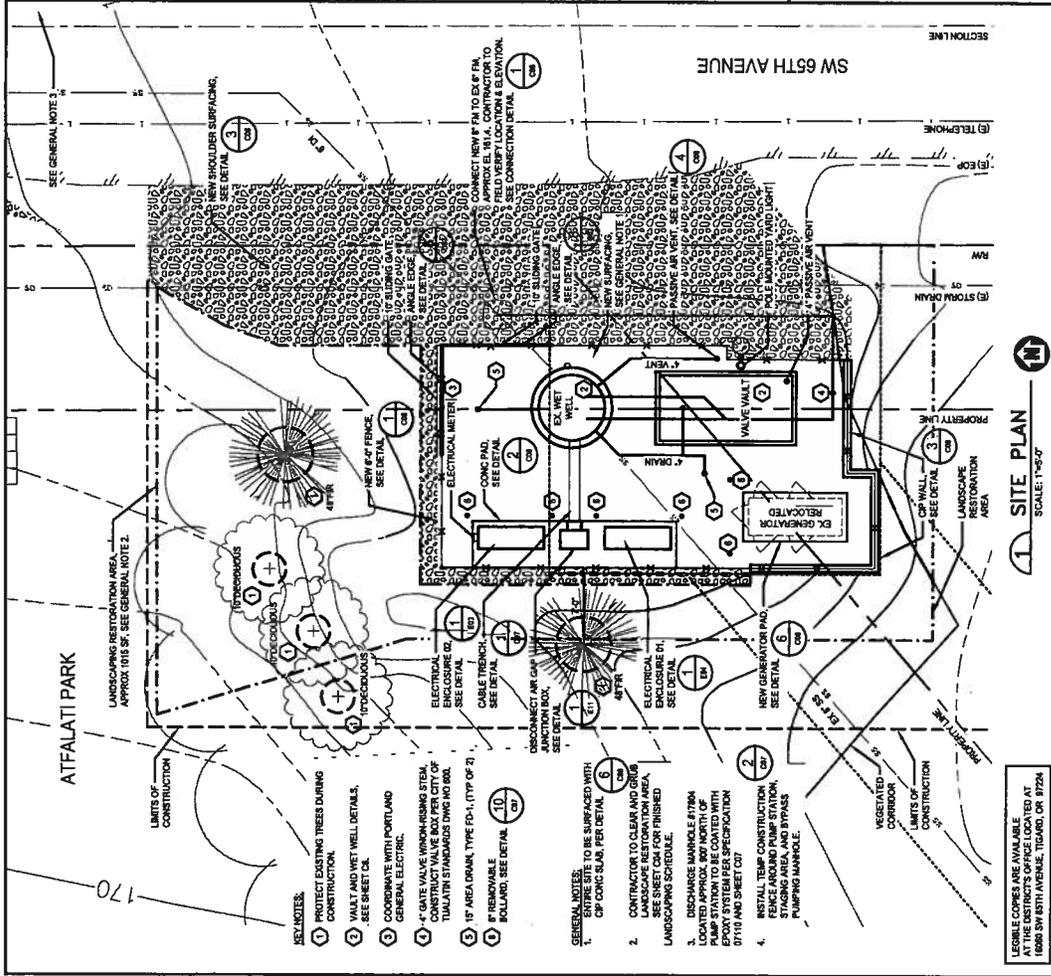
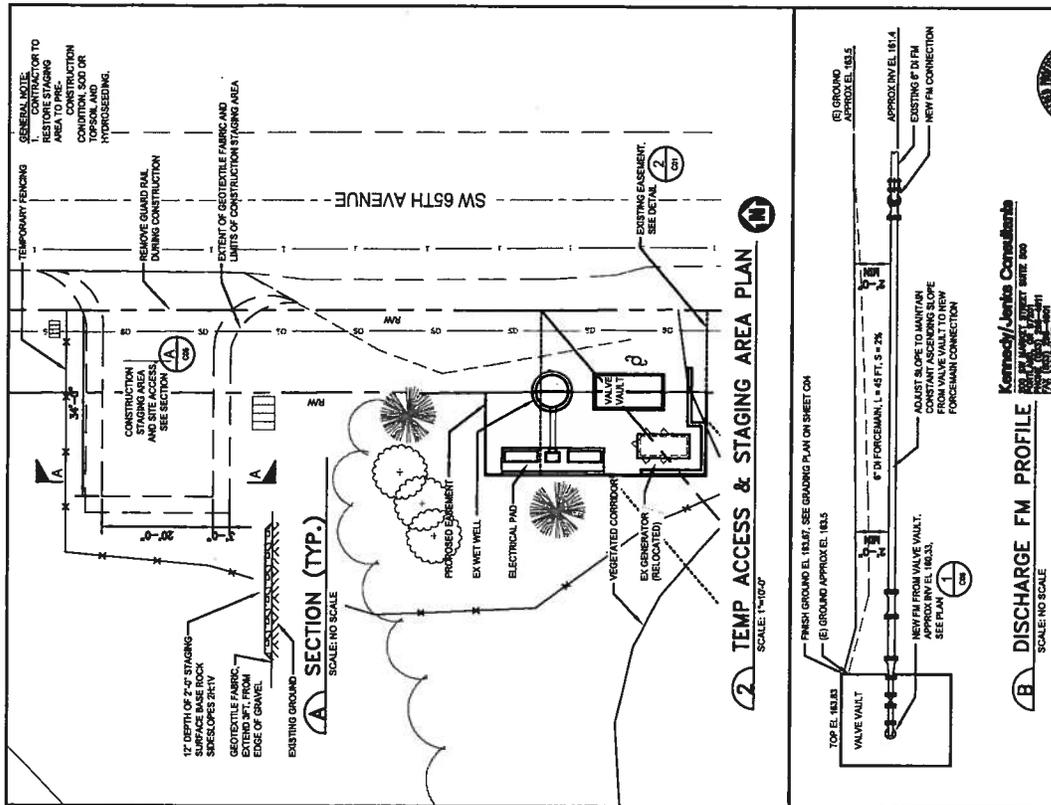
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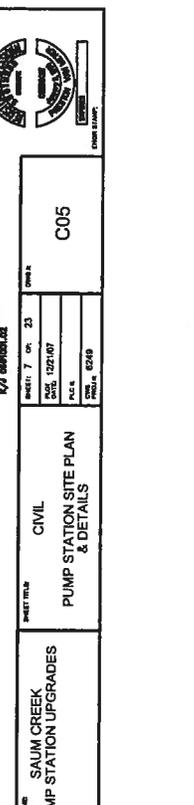


GENERAL NOTES:

1. PROTECT EXISTING TREES DURING CONSTRUCTION.
2. VAULT AND WELL DETAILS, SEE SHEET C05.
3. COORDINATE WITH PORTLAND GENERAL ELECTRIC.
4. 4" GATE VALVE W/ NON-RISING STEM, CONSTRUCT VALVE BOX PER CITY OF TULSA'S STANDARDS DWG NO 100.
5. 12" AREA DRAIN, TYPE FD-1, (TYP OF 2).
6. IF REMOVABLE POLLARD, SEE DETAIL.

GENERAL NOTES:

1. CONTRACTOR TO BE SURFACED WITH CIP CONCRETE PER DETAIL.
2. CONTRACTOR TO CLEAR AND GRASS LANDSCAPE RESTORATION AREA. SEE SHEET C04 FOR FINISHED LANDSCAPING SCHEDULE.
3. DISCHARGE MANHOLE 8718A LOCATED APPROX. 50' NORTH OF EXISTING 8718A. CONTRACTOR TO INSTALL EXISTING 8718A AND EPXY SYSTEM PER SPECIFICATION 0710 AND SHEET C07.
4. INSTALL TEMP CONSTRUCTION FENCE AROUND PUMP STATION, STAGING AREA AND BYPASS PUMPING MANHOLE.



1 SITE PLAN
SCALE: 1"=6'-0"

2 TEMP ACCESS & STAGING AREA PLAN
SCALE: 1"=6'-0"

B DISCHARGE FM PROFILE
SCALE: NO SCALE

SAUM CREEK PUMP STATION UPGRADES

CIVIL

PUMP STATION SITE PLAN & DETAILS

C05

DATE: OCT 2008
PROJECT: SAUM CREEK PUMP STATION UPGRADES
DESIGNER: JAMES S. BROWN
CHECKER: JAMES S. BROWN
SCALE: AS SHOWN

LEGIBLE COPIES ARE AVAILABLE AT THE DISTRICT'S OFFICE LOCATED AT 15000 SW 18TH AVENUE, TULSA, OK 74124

SEAL: JAMES S. BROWN, CIVIL ENGINEER, NO. 10000

SAUM CREEK PUMP STATION UPGRADES
2500 SW Holladay Hwy., Tulsa, Oklahoma 74124-4378
2500 SW Holladay Hwy., Tulsa, Oklahoma 74124-4378

Kennedy/Jenks Consultants
2500 SW Holladay Hwy., Tulsa, Oklahoma 74124-4378
2500 SW Holladay Hwy., Tulsa, Oklahoma 74124-4378

SAUM CREEK PUMP STATION UPGRADES

CIVIL

PUMP STATION SITE PLAN & DETAILS

C05

DATE: OCT 2008
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SAUM CREEK PUMP STATION UPGRADES
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2500 SW Holladay Hwy., Tulsa, Oklahoma 74124-4378



Approved By Tualatin City Council

Date 03/10/2008

Recording Secretary J Kirby

STAFF REPORT CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager 

FROM: Paul Hennon, Community Services Department 
Carl Switzer, Parks and Recreation Coordinator 

DATE: March 10, 2008

SUBJECT: 2007 ANNUAL REPORT OF THE TUALATIN PARKS ADVISORY COMMITTEE

ISSUE BEFORE THE COUNCIL:

The Council will accept the 2007 Annual Report of the Tualatin Parks Advisory Committee (TPARK).

RECOMMENDATIONS:

Members of TPARK and staff recommend that Council accept the annual report.

EXECUTIVE SUMMARY:

2007 was the 30th anniversary of TPARK and it was a busy year for the committee members. Many of the recommendations to Council came after consideration of the subject at more than one meeting. TPARK held 11 full committee meetings. Committee members also participated in ad hoc committee meetings.

Following is a summary of the key issues that TPARK considered during 2007:

1. Park Planning and Development
TPARK forwarded to Council a recommendation of support for several park planning and development projects in 2007 including the Lower Tualatin Pump Station improvements, the Tualatin Community Park play area renovation, and the Stoneridge Park renovation project. TPARK also participated in the planning of the grand opening celebrations associated with capital projects that were completed in 2007, including the Ki-a-kuts pedestrian and bicycle bridge,

Community Park play area renovation, and Stoneridge Park play area renovation.

TPARK spent a considerable amount of time in 2007 working with staff to identify a dog park site and advocating for the construction of such a park. Numerous citizens testified to TPARK about the need for such a facility in Tualatin. TPARK will continue to work with staff on issues associated with establishment of a dog park in 2008.

TPARK members also participated regularly in the Tualatin Tomorrow visioning process. They also recommended that the City partner with the Wetlands Conservancy on the restoration project in Hedges Creek Wetlands Protection District, in which the City parlayed \$10,000 to get \$220,000 in improvements to City property.

2. Policy and Program Issues

TPARK reviewed policy and program issues and made recommendations where appropriate. These included allowing new user groups to participate in the annual field-scheduling meeting, recreation programming, the Youth Advisory Council's Project Finding Relations In Every New Diverse Student (F.R.I.E.N.D.S.), dog park, Heritage Center annual report, Tualatin Commons Mini Grant criteria.

TPARK refreshed themselves on their mission as set in Ordinance 418-77, the Parks and Recreation Master Plan, Council goals, and the Facilities Visioning strategies.

3. Arbor Week/Tree City USA

TPARK recommended that Council establish the Arbor Week Celebration Ad Hoc Committee to organize the 2007 Arbor Week celebration. A TPARK member chaired the committee and another participated on the committee. TPARK also recommended that Council proclaim April 1-7 Arbor Week and participated in receiving the 20th Anniversary Tree City USA award with Council.

4. Special Events

TPARK provided extensive input on programs and special events in 2007 including Arbor Week, 4th Annual West Coast Giant Pumpkin Regatta, and the Starry Nights and Holiday Lights event. Two TPARK members created costumes and 'boat' decorations with a tree theme and two TPARK members raced.

In the year ahead the committee will work on a variety of projects.

1. 2008 Bond Measure feasibility study

Three members of TPARK are sitting on the Tualatin Recreation Bond Measure Feasibility Study ad hoc committee that will make recommendations on the package of projects and capital and operating funding mechanisms that Council may refer to voters in November 2008. If the Council refers a bond measure to the voters and it successfully passes, TPARK will be involved in bond related projects through completion.

2. Review Capital Projects

Capital projects on or associated with parkland will be reviewed and recommendations will be made to staff and Council.

3. Provide Input and Participate in Special Events and Recreation Programming

TPARK will continue to participate in the development of annual events like Arbor Week, 4th Annual West Coast Giant Pumpkin Regatta, Starry Nights and Holiday Lights, and other such events. TPARK and Tualatin Arts Advisory Committee (TAAC) will play a key role in the development of an Artist-In-Residence program at the Van Raden Community Center.

4. Policy Input

As the City's Tree Board, TPARK will continue to be involved in the City's tree code revision process. TPARK will provide input on other policies as necessary.

BACKGROUND:

The Tualatin Park Advisory Committee (TPARK) was established by Ordinance 418-77, adopted November 28, 1977, and incorporated into the Tualatin Municipal Code as Chapter 11-2. The ordinance prescribes TPARK's role in advising the City Council on matters relating to parks and recreation. TPARK also serves as the Tree Board for the purpose of the Tree City USA programs pursuant to Resolution 2013-87, adopted July 27, 1987.

The TPARK ordinance calls for an annual report summarizing TPARK's activities in the preceding calendar year, outlining future activities of the committee, and identifying any other matters deemed appropriate by the committee for recommendation and advice to the Council.

TPARK recognizes that Tualatin's parks and recreation facilities and programs can provide needed personal, social, economic, and environmental benefits to the people who live and work here. Recreation programs can help improve health, reduce crime,

promote ethnic and cultural harmony, build stronger families, and be a source of community pride. For youth especially, recreation opportunities are an essential source of self-esteem, positive self-image, and serve to combat childhood obesity. Recreation also provides positive lifestyle choices and alternatives to self-destructive behavior.

Current members of the TPARK include Travis Dunford (Chair), Debbie Wightman, Don Funk, D.J. DeAustria, and Bill Hawley. There are two vacancies at this time.

C: Members of Tualatin Park Advisory Committee

1601-45

Approved By Tualatin City Council

Date 03/10/2008

Recording Secretary *J. Kerley*



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *[Signature]*

FROM: Brenda Braden, Legal Services *[Signature]*
Debra Senger, Program Coordinator *[Signature]*

DATE: March 10, 2007⁸

SUBJECT: RESOLUTION REGARDING MEMBERSHIP IN THE CITY COUNTY INSURANCE SERVICES TRUST FOR KI-A-KUTS BICYCLE AND PEDESTRIAN BRIDGE

ISSUE BEFORE THE COUNCIL:

Whether the City of Tualatin should adopt a resolution acknowledging and accepting the terms and conditions of CIS coverage for the Ki-a-kuts Bicycle and Pedestrian Bridge.

RECOMMENDATION:

Staff recommends that Council adopt the attached resolution.

EXECUTIVE SUMMARY:

- This action is not a public hearing.
- The City of Tualatin entered into an IGA with the Cities of Tigard and Durham and Clean Water Services. The IGA requires insurance on the Ki-a-kuts Bicycle and Pedestrian Bridge. CIS requires all entities to pass a resolution accepting the terms and conditions set forth in the CIS Agreement and Declaration of Administrative Trust, Bylaws and Rules. The Ki-a-kuts Bicycle and Pedestrian Bridge requires it's own resolution due to the joint ownership of the facility by the City of Tualatin, City of Tigard, City of Durham and Clean Water Services.
- There are no criteria to apply to this request.

FINANCIAL IMPLICATIONS:

None.

Attachments:

- A. Resolution

RESOLUTION NO. 4763-08

RESOLUTION REGARDING MEMBERSHIP IN THE CITY COUNTY
INSURANCE SERVICES TRUST FOR KI-A-KUTS BICYCLE AND
PEDESTRIAN BRIDGE

WHEREAS City County Insurance Services Trust (CIS) is a trust established by the League of Oregon Cities (LOC) and Association of Oregon Counties (AOC) to create and administer pooled retention funds to protect members against the financial consequence of property, casualty, and workers compensation losses pursuant to coverage agreements; and

WHEREAS CIS provides its members a broad array of risk management services, including risk financing, loss prevention and loss control programs, claims management and legal representation, risk management consulting, information sharing, and related services; and

WHEREAS the City of Tualatin finds that membership in CIS is a benefit in managing the risks involved in providing services to its citizens; and

WHEREAS the City of Tualatin has been provided with copies of the CIS Trust Agreement, Bylaws and Rules which have been recently updated and revised; and

WHEREAS the CIS Bylaws, at Articles 2.2.2 and 3.3 provide that Articles 2 and 3 of the bylaws shall constitute a contract between the Member and CIS and that the Member shall adopt a resolution acknowledging that contractual relationship; and

WHEREAS the City of Tualatin purchases the insurance for the Ki-a-kuts Bicycle and Pedestrian Bridge on behalf the City of Tualatin, the City of Tigard, the City of Durham, and Clean Water Services pursuant to the Intergovernmental Agreement (IGA) of February 14, 2006.

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

Section 1. The City of Tualatin acknowledges and agrees that it has received copies of the CIS Agreement and Declaration of Administrative Trust, Bylaws, and Rules and accepts the terms and conditions therein with respect to any CIS coverage programs in which it elects to participate regarding the Ki-a-kuts Bicycle and Pedestrian Bridge pursuant to the IGA.

INTRODUCED AND ADOPTED this 10th day of March, 2008.

Approved as to legal form:



City Attorney

CITY OF TUALATIN, OREGON

BY



Mayor Pro tem

ATTEST:

BY



City Recorder



STAFF REPORT CITY OF TUALATIN

with conditions
Approved By Tualatin City Council

Date 3/10/2008

Recording Secretary *J. Kirby*

TO: Honorable Mayor and Members of the City Council

FROM: Sherilyn Lombos, City Manager *SL*

VIA: Kent W. Barker, Chief of Police

DATE: March 10, 2008

SUBJECT: HEARING – RJ's WICHITA PUB LIQUOR LICENSE RENEWAL

ISSUE BEFORE THE COUNCIL:

This is a public hearing to review the staff recommendation to deny the application for a liquor license renewal by RJ's Wichita Pub, located at 8125 SW Nyberg Road, Tualatin, Oregon.

RECOMMENDATION:

Based on a history of serious and persistent problems at RJ's Wichita Pub, staff recommends that the Council make a recommendation to the Oregon Liquor Control Commission (OLCC) to deny the renewal of the liquor license for RJ's Wichita Pub.

Attached is a report from the Chief of Police outlining the number of police calls for service at RJ's Wichita Pub in comparison to the number of police calls at other establishments in the City of Tualatin.

EXECUTIVE SUMMARY:

Attached is a copy of the City of Tualatin Ordinance No. 680-85, outlining the hearing procedure and standards and criteria that should be followed during this hearing.

The appropriate notice has been sent to the applicant within the established timeline. A public notice was also published according to the guidelines established in City of Tualatin Ordinance No. 680-85.

Upon the conclusion of the hearing, the City Council will make a final recommendation to the OLCC to approve, deny, or modify the application based on specific standards and criteria outlined in Section 6 of the ordinance.

The OLCC will carefully consider the recommendation of the City Council before issuing or renewing a liquor license.

OUTCOMES OF DECISION:

If Council makes a recommendation to deny or modify the application, an OLCC Investigator will complete an investigation and send his/her recommendation to the OLCC Regional Manager. The Regional Manager can approve, deny, or modify the application or forward his/her recommendation up to the OLCC Executive Director. The OLCC Commissioners may ultimately make the final decision if the investigative materials warrant such action.

DISCUSSION:

Chief Barker will share a PowerPoint presentation outlining some of the more significant events that have occurred at RJ's Wichita Pub. As stated above attached is a copy of a report submitted by Chief Barker giving further details for consideration in this hearing.

Attachments:

- A. Copy of Ordinance No. 680-85
- B. Copy of Report from Chief Barker

ORDINANCE NO. 680-85

AN ORDINANCE ESTABLISHING A PROCEDURE FOR LIQUOR LICENSE REVIEW AND COUNCIL RECOMMENDATION TO THE OREGON LIQUOR CONTROL COMMISSION, DECLARING AN EMERGENCY AND REPEALING ORDINANCE NO. 513-80

WHEREAS ORS 471.210 and the Administrative Rules of the Oregon Liquor Control Commission authorize the Council to make recommendations to such Commission concerning the issuance of liquor licenses for premises located within the City, and

WHEREAS the Oregon Liquor Control Commission will carefully consider the recommendation of the Council before issuing or renewing a liquor license if the recommendation is reached after due consideration and upon reasonable notice to the applicant and public and reasonable opportunity to be heard, and

WHEREAS, in consideration of the neighborhood and community impact that the presence and location of establishments selling alcoholic beverages may present, the Council should ensure that an application review and recommendation process is developed and maintained in order that the City's recommendations, as to those persons that should not be so licensed, and those locations that should not be so approved, are fairly determined and promptly forwarded for Commission consideration, and

WHEREAS an emergency exists, because the term for which a liquor license is issued runs on a calendar-year basis and it is necessary to implement the liquor review process immediately in order to assess liquor license applicants for 1986.

NOW, THEREFORE, THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. Title and Purpose.

This ordinance shall be known and may be cited as the "Liquor License Review Ordinance," and may also be referred to herein as, "this ordinance."

The purposes of this ordinance are to establish the principle criteria which shall be considered by the Council, and its designee, the City Manager, in making recommendations to the Oregon Liquor Control Commission, concerning the granting, denying, modifying, or renewing of all liquor licenses for premises within the city limits and to establish a process, to be utilized for the investigation of such

license applicants for the purpose of making such recommendations, that is fair, effective, and efficient. This ordinance is necessary to ensure that all premises licensed to sell and dispense liquor in any form, meet the high expectations of this community that all such businesses are conducted in a lawful manner that does not unreasonably disturb the peace and tranquillity of this city and its neighborhoods.

Section 2. Definitions.

For purposes of this ordinance, the following definitions shall apply:

(1) **City Manager or Manager** - As used in this ordinance, City Manager means the person holding the position of City Manager or any officer or employee of the City of Tualatin, delegated or assigned any or all of the tasks of the City Manager herein.

(2) **Application** - The written request to the City Manager to grant, modify, or renew a liquor license.

(3) **Commission** - The Oregon Liquor Control Commission.

Section 3. License Application.

Any person or business, requesting a Council recommendation to the Commission of a liquor license application, shall make application upon suitable forms, furnished by the City Manager. The application shall contain the following information:

(1) The type of license applied for and a description of the nature of the business for which the application is made.

(2) The name of the applicant, with address; if the business is a partnership, the names and addresses of all partners; if the business is a corporation, the name and address of the home office, and the name and address of the designated agent in the state; if a foreign corporation, the name and address of the local agent or representative who will be in charge of the business in the city.

(3) The address of the location where the business will be located in the city.

(4) The date of application.

(5) Any other information the City Manager or Council deems necessary for review.

(6) A verification that the information submitted within the application is true and accurate.

(7) The signature of the applicant or agent making the application.

(8) The application shall be accompanied by the appropriate fee, specified as follows. Such fees shall be nonrefundable.

(a) In the case of an original application--\$100.

(b) For a change in ownership, change in location, or change in privilege application--\$75.

(c) For renewal or temporary application--\$35.

Section 4. City Manager's Duties.

The City Manager shall provide application forms and shall maintain a record of all applications. The Manager shall coordinate and conduct an investigation of each application for the purpose of determining what recommendations shall be made by the City Manager to the Council. The investigation may include those subjects contained in the ordinances of the City of Tualatin, as well as the statutes of the State of Oregon. The City Manager may require the applicant to supply any relevant additional information to determine the qualifications of the applicant. Upon completion of the review, the City Manager shall make a recommendation to the Council.

Section 5. Hearing Procedure.

(1) If the City Manager recommends approval of an application, the matter will be scheduled as a consent agenda item at the next regular Council meeting.

(2) Upon the request of a Councilmember, a member of the public, or where the City Manager's recommendation is adverse to the application, by the applicant, a public hearing will be scheduled.

(3) Notice of Public Hearing before the Council shall be given in the following manner:

(a) The notice shall contain the business name of the applicant, the location of the business, the nature of the license applied for, and the time and location at which the hearing will take place.

(b) Notice shall be mailed to the applicant or applicant's agent at the address shown on the application not less than seven (7) days before the date set for the hearing.

(c) Notice shall be published in a newspaper of general circulation in the city not less than five (5) days before the date set for the hearing.

(4) The Public Hearing shall be conducted as follows:

(a) The City Manager shall present the City Manager's report. Any other written or oral evidence which is supportive of the City Manager's recommendation may also be presented at this time.

(b) The applicant may present evidence and/or witnesses in support of the application.

(c) Interested members of the public shall be given an opportunity to present evidence or testimony bearing upon the application, whether such evidence is supportive or adverse to the application.

(d) The applicant shall be afforded an opportunity to rebut evidence presented in opposition to the application.

(e) Any relevant evidence shall be admitted, if it is the type of evidence on which reasonable persons are accustomed to rely in the conduct of their serious affairs, regardless of the existence of any law or rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this state. Evidence of past transactions and occurrences shall not be excluded solely on the basis of having occurred in the past and may be relied upon by the Council in making its recommendation. However, irrelevant and unduly repetitious evidence shall be excluded.

(5) After due consideration of all pertinent information, and in the case of a public hearing all testimony, the Council shall make its recommendation. The recommendation shall be based on substantial evidence, relative to the criteria in this ordinance, and shall be final. In the case of an adverse recommendation, findings of fact shall be produced and forwarded to the Commission along with the Council recommendation, concerning the application. The Council may attach reasonable conditions upon its recommendation to the Commission, which conditions shall be consistent with the purposes of this ordinance.

Section 6. Standards and Criteria.

The Council shall make its recommendation for approval, denial, or modification of the liquor license application based on the Council's evaluation of the relevant standards and criteria, as set forth herein. The applicant shall be held strictly accountable for the conditions of the premises. The Council may recommend against the applicant if any of the following conditions exist:

- (1) The application is incomplete.
- (2) The applicant neglects or refuses to provide in a timely manner any information reasonably requested by the City Manager or the City Council.
- (3) The applicant provides false or misleading information to the City Manager, the City Council, or to any City employee.
- (4) The applicant does not possess a current City Business License.
- (5) The Planning District in which the applicant proposes to locate the business does not allow such business either as a permitted or conditional use.
- (6) The record of the applicant shows a violation(s) of criminal law(s) or ordinance(s) connected in time, place, and manner with a liquor establishment.

(7) The applicant has maintained or allowed to exist an establishment which creates or is a public nuisance under the ordinances of the City or laws of the State, or in which any violations of the provisions of the City ordinances or Federal or State law relating to minors, gambling, obscenity, controlled substances, prostitution or alcoholic beverages, or Chapters 163, 164, 165, or 166 of Oregon Revised Statutes have occurred, or which creates an increase in disorderly or violent acts, litter, noise, vandalism, vehicular or pedestrian traffic congestion, or other locational problems in the reasonable proximity of such premises,

(8) The applicant's premises are not maintained in reasonable repair, both interior and exterior, and kept clean and free of litter, rubbish, and dirt.

(9) In the case of an application for a new license or for an increase in liquor selling or dispensing privilege, there are sufficient licensed premises in the locality set out in the application and the license is not demanded by public interest or convenience.

(10) The licensing of the premises would not be in the best interest of the community because of a history of illegal activities, altercations, noisy conduct, or other disturbances in or around the premises.

(11) The applicant has demonstrated an unwillingness or inability to cooperate with city agencies and/or neighbors in resolving community disputes relating to a licensed establishment.

(12) The applicant's premises place unreasonable, excessive demand on City services, including law enforcement.

Section 7. Reconsideration of Applications.

(1) After having made a recommendation other than favorable on any license application, the Council shall not consider any new application for the same location by the same or substantially the same applicant for a period of at least six (6) months, except as otherwise provided herein.

(2) If the City Manager reasonably believes that the conditions which caused the Council to make a recommendation, other than a favorable recommendation, have substantially changed and no court or administrative appeal of such license is pending, then the City Manager may reconsider and/or resubmit such application to the Council.

Section 8. Penalty.

Violation of any of the terms of this ordinance is punishable by a fine not to exceed \$500. Each day that a violation is shown to exist shall constitute a separate offense.

Section 9. Separability.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not effect the validity of the remaining portions thereof.

Section 10. Emergency Clause.

An emergency is hereby declared to exist because in order to protect the health, safety, and welfare of the City, it is necessary to implement the liquor review process immediately so as to assess liquor license applications for 1986, and, therefore, the provisions of this ordinance shall take effect immediately upon their passage.

Section 11. Repeal.

Ordinance No. 513-80 as amended by Ordinance No. 534-81 is hereby repealed.

Introduced and adopted this 25th day of November 1985.

CITY OF TUALATIN, Oregon

BY Luanna D. Thielke
Mayor

ATTEST:

BY Stephen A. Rhodes
City Recorder



City of Tualatin

MANAGER REPORT

TO: Sherilyn Lombos, City Manager

FROM: Kent W. Barker, Chief of Police

DATE: February 28, 2008

SUBJECT: RJ's Wichita Pub

The Wichita Pub is an establishment located at 8125 Nyberg Road in Tualatin. This establishment is well known by the police officers that work in Tualatin as one of the busiest bars with the largest amount of problems that are associated with an establishment in Tualatin that serves alcoholic beverages. Thursday nights have been known as "Ladies Night" and in most cases this establishment is filled beyond capacity. If officers are available, they will drive through the parking lot and/or walk into the establishment to let their presence be known.

On October 26, 2007 at about 1:45 a.m., Officer Charlie Asheim was patrolling through the parking lot at the Wichita Pub. Officer Asheim was approached by patrons who were leaving the Wichita Pub. They told Officer Asheim that someone was just shot inside of the Pub. Officer Asheim called for back-up officers and officers from the Tualatin Police Department and neighboring agencies responded to the Establishment.

It was estimated by officers that hundreds of people exited the pub and many of them were described to be visibly intoxicated. The officers learned that friends of the victim had already transported the subject to the hospital. It should be noted that no one from the pub called the police or ambulance in regards to the person being shot.

While patrons were exiting the pub, someone alerted the police officers that another patron (not related to the shooting) was armed with a handgun that was tucked inside of the waistband of his pants. Officers located the subject and found a man carrying an "Air-soft" handgun tucked inside his waistband. The subject who was carrying the "Air-soft" handgun told the officers that another patron in the bar gave it to him when he saw the police arriving and that the other patron had warrants for his arrest.

The person who was shot suffered a leg wound and his injuries were not life-threatening. Detectives from our department said that the person who was shot was less than cooperative during the investigation due to extreme intoxication.

It was this specific incident that prompted our department to conduct further research of statistics and types of calls that the police were responding to at the establishment. The charts on the following pages will inform you of the amount of times the Tualatin Police Department has responded to the Wichita Pub and the number of times the Oregon Liquor Control Commission (OLCC) has dealt with the same establishment in comparison with other establishments in Tualatin.

2008 (January 1 – February 21)	Wichita Pub	Hot Seat	Bushwacker's	Country Inn	Lee's Kitchen	Wong's
OLCC Warnings/Instructions¹						
Making Alcohol Available to Visibly Intoxicated Persons						
Selling Alcohol to Visibly Intoxicated Persons						
Permitting Disorder						
Serving Alcohol Without a Permit						
Drinking Alcohol While On Duty	Not Available at the time of this report.					
Failure to Verify Age	Not Available at the time of this report.					
Visible Alcohol Price Reduction						
Non-Sufficient Check to Supplier						
Total Warnings/Instructions						
Tualatin Police Department Actions						
Total Calls For Service	17	6	2	2	2	0
Self Initiated Calls ²	9	4	2	1	1	0
D.U.I.I. Arrests ³	2	0	0	0	0	0

¹ This information was not available at the time of this Memorandum

² Self-Initiated Activity includes Bar Checks, Vehicle Stops & Person Stops (related to establishment), follow-up, or other police activity that was initiated by the officer.

³ This is an incident where a driver of a vehicle was arrested for DUII and during the booking phase, the driver admitted that the last establishment they consumed alcohol was at this specific establishment. This information is documented in the police report and a copy of the report is forwarded to OLCC.

<u>2007</u>	Wichita Pub	Hot Seat	Bushwacker's	Country Inn	Lee's Kitchen	Wong's
OLCC Warnings/Instructions						
Making Alcohol Available to Visibly Intoxicated Persons	7	1	0	2	0	1
Selling Alcohol to Visibly Intoxicated Persons	8	1	0	2	0	1
Permitting Disorder	2	0	0	0	0	0
Serving Alcohol Without a Permit	0	1	0	0	0	0
Drinking Alcohol While On Duty	0	0	0	0	0	0
Failure to Verify Age	2	0	0	0	0	1 ⁴
Visible Alcohol Price Reduction	0	1	1	0	0	0
Non-Sufficient Check to Supplier	0	0	1	0	0	0
Total Warnings/Instructions	19⁵	4	2⁶	4	0	3
Tualatin Police Department Actions						
Calls For Service	92	44	31	9	11	38
Self Initiated Calls ⁷	53	25	15	2	4	22
D.U.I.I. Arrests ⁸	16	7	2	5	2	3

⁴ This incident resulted in a \$660 fine to the establishment.

⁵ These numbers provided by OLCC and are only updated through November 1, 2007

⁶ New owners took over Bushwacker's on 03/20/07.

⁷ Self-Initiated Activity includes Bar Checks, Vehicle Stops & Person Stops (related to establishment), follow-up, or other police activity that was initiated by the officer.

⁸ This is an incident where a driver of a vehicle was arrested for DUII and during the booking phase, the driver admitted that the last establishment they consumed alcohol was at this specific establishment. This information is documented in the police report and a copy of the report is forwarded to OLCC.

<u>2006</u>						
OLCC Warnings/Instructions	Wichita Pub	Hot Seat	Bushwacker's	Country Inn	Lee's Kitchen	Wong's
Making Alcohol Available to Visibly Intoxicated Persons	5	6	1	3	0	0
Selling Alcohol to Visibly Intoxicated Persons	5	6	1	3	0	0
Permitting Disorder	4	0	1	0	0	0
Serving Alcohol Without a Permit	0	0	0	0	1 ⁹	0
Drinking Alcohol While On Duty	0	0	0	0	0	0
Failure to Verify Age	0	0	0	0	0	0
Visible Alcohol Price Reduction	0	1	0	0	0	0
Non-Sufficient Check to Supplier	0	0	0	0	0	0
Total Warnings/Instructions	14	13	3	6	1	0
Tualatin Police Department Actions						
Calls For Service	92	50	14	17	15	24
Self Initiated Calls ¹⁰	24	21	5	4	7	5
D.U.I.I. Arrests ¹¹	13	15	4	6	0	6

⁹ This incident resulted in a \$990 fine to the establishment

¹⁰ Self-Initiated Activity includes Bar Checks, Vehicle Stops & Person Stops (related to establishment), follow-up, or other police activity that was initiated by the officer.

¹¹ This is an incident where a driver of a vehicle was arrested for DUII and during the booking phase, the driver admitted that the last establishment they consumed alcohol was at this specific establishment. This information is documented in the police report and a copy of the report is forwarded to OLCC.

<u>2005</u>						
OLCC Warnings/Instructions	Wichita Pub	Hot Seat	Bushwacker's	Country Inn	Lee's Kitchen	Wong's
Making Alcohol Available to Visibly Intoxicated Persons	9	3	1	1	0	2
Selling Alcohol to Visibly Intoxicated Persons	9	3	1	1	0	2
Permitting Disorder	5	0	0	0	0	0
Serving Alcohol Without a Permit	1	0	0	0	0	0
Drinking Alcohol While On Duty	1	0	0	0	0	0
Failure to Verify Age	0	0	1	0	0	0
Visible Alcohol Price Reduction	0	1	0	0	0	0
Non-Sufficient Check to Supplier	0	0	0	0	0	0
Total Warnings/Instructions	25	7	3	2	0	4
Tualatin Police Department Actions						
Calls For Service	74	40	18	30	8	11
Self Initiated Calls ¹²	19	8	2	9	3	2
D.U.I.I. Arrests ¹³	23	10	4	6	0	1

¹² Self-Initiated Activity includes Bar Checks, Vehicle Stops & Person Stops (related to establishment), follow-up, or other police activity that was initiated by the officer.

¹³ This is an incident where a driver of a vehicle was arrested for DUII and during the booking phase, the driver admitted that the last establishment they consumed alcohol was at this specific establishment. This information is documented in the police report and a copy of the report is forwarded to OLCC.

Based on the number of police calls and OLCC warnings, Captain Brad King and I met with representatives from OLCC. On December 14, 2007, we met with Lieutenant Janice Kindrick, the regional manager and Inspector Paul Rosenow. During that meeting, we discussed the high volume of police calls and OLCC warnings. We scheduled a meeting with the owner of Wichita Pub the following week.

On December 18, 2007, the two OLCC representatives, Captain Brad King and myself, met with Randy Kleinsmith, the owner of the establishment and Pam Mendoza, the Primary Manager of the establishment. During this meeting, we explained that the levels of activities at Wichita Pub were unacceptable and that there had to be a "control plan" in place to reduce the number of incidents. Mr. Kleinsmith said that they would be making some immediate changes and they would notify us of their changes.

On January 2, 2008, I received a note (see attached copy) from the Wichita Pub that simply said:

Changes to our Thursday night Business Policy

- *No Ladies Night*
- *No Ladies Night drink specials*
- *No Hats (this is a temporary change)*
- *Change of music-No gangster Hip Hop*
 - *Playing more top 40 music*

We will be determining other changes in the near future

Since our meeting on December 18th, the Tualatin Police serviced five (5) more calls for the remaining days in December, eight (8) calls in January, and nine (9) calls in February (through February 21st). This is a total of 22 calls for service since our meeting on December 18th.

It should be noted that nearly 50% of the calls for service the past year were "self-initiated" by our officers. That is to say, the officer frequently patrol through the parking lot and make occasional security checks inside of the establishment to make their presence known. Often the officers will come across someone who is acting suspicious, visibly intoxicated, or causing some other type of problem within the establishment or in the adjacent parking lot. Our officers "self-initiate" a similar percentage of calls at the other establishments in the City also.

The number of calls for service at the Wichita Pub are significant, considering the time our patrol officers spend at this specific establishment, leaving other areas of the city without patrol coverage. When our officers respond to a call at this establishment, at least two to three officers respond at the same time for officer safety reasons. When calls such as a fight or disturbance are reported, all patrol officers on duty will respond with additional officers responding from neighboring agencies.

What is most alarming is the history of persistent problems involving disturbances, fights, public drunkenness, and other unlawful activities. In all of these incidents, officers have reported that the persons involved were visibly intoxicated. In some instances, the officers have responded to the establishment and have had to place a

“Civil Detox Hold” on the person due to them being so impaired by intoxicants that he/she was unable to care for themselves and/or posed an immediate danger to themselves and/or others.

I will be including a Power Point presentation to further describe incidents at the Wichita Pub. This will include incidents that show the serious and persistent problems at the establishment.

Recommendation:

Based on the past three-year history of calls for service, and the serious and persistent problems this past year, it will be my recommendation that the Wichita Pub should not have their Liquor License renewed.

Respectfully Submitted,

Kent W. Barker
Chief of Police



6605 SE Lake Road, Portland, OR 97222 • PO
 Box 370 • Beaverton, OR 97075
 Phone: 503-684-0360 Fax: 503-620-3433
 Email:
 legaladvertising@commnewspapers.com

AFFIDAVIT OF PUBLICATION

State of Oregon, County of Washington, SS

I, Charlotte Allsop, being the first duly sworn, depose and say that I am the Accounting Manager of *The Times* (serving Tigard, Tualatin & Sherwood), a newspaper of general circulation, published at Beaverton, in the aforesaid county and state, as defined by ORS 193.010 and 193.020, that

City of Tualatin
 Notice of Liquor License Application
 TT11091

A copy of which is hereto annexed, was published in the entire issue of said newspaper for
 1

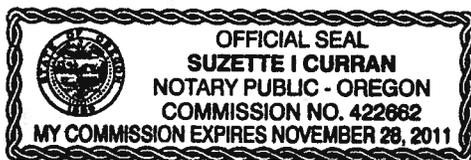
Successive and consecutive weeks in the following issues
 February 28, 2008

Charlotte Allsop
 Charlotte Allsop (Accounting Manager)

Subscribed and sworn to before me this
 February 28, 2008

Suzette I. Curran
 NOTARY PUBLIC FOR OREGON
 My commission expires NOV. 28, 2011

Acct #108462
 Maureen Smith
 City of Tualatin
 18880 SW Martinazzi Ave
 Tualatin, OR 97062



Size 2 x 1.5
 Amount Due \$27.15
 *remit to address above

NOTICE OF LIQUOR LICENSE APPLICATION
 The Tualatin City Council will hold a public hearing on March 10, 2008, 7:00 p.m., in the City Council Chambers, 18880 SW Martinazzi, Tualatin, Oregon, to review the City Manager's recommendation to deny the application for a liquor license renewal by RJ's Wichita Pub, located at 8125 SW Nyberg Road, Tualatin, Oregon. Comments relevant to the liquor license may be forwarded to Sherilyn Lombos, City Manager, 18880 SW Martinazzi, Tualatin, Oregon 97062. Publish 2/28/2008. TT11091.



Approved By Tualatin City Council

Date 03/10/2008

Recording Secretary g Kirby

STAFF REPORT CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

FROM: Brenda Braden, City Attorney *BB*

DATE: March 10, 2008

SUBJECT: AN ORDINANCE RENAMING A PORTION OF SW BOONES FERRY ROAD TO SW McEWAN ROAD

ISSUE BEFORE THE COUNCIL:

Whether to approve an ordinance that would rename that section of SW Boones Ferry Road located east of 65th Avenue and south of Lower Boones Ferry Road to SW McEwan Road.

RECOMMENDATION:

Staff recommends the City Council approve the ordinance granting the name change.

EXECUTIVE SUMMARY:

On February 25, 2008, the City Council approved the City Engineer's recommendation to rename a portion of SW Boones Ferry Road to SW McEwan Road. At the close of the public hearing, Council approved the Staff Report by a vote of 6-0 with Councilor Barhyte absent, and directed Staff to bring back an ordinance adopting the street name change.

FINANCIAL IMPLICATIONS:

The Notice of Publication was published once in *The Oregonian* per the requirements of ORS 227.120. The approximate cost was \$350.

Attachments:

- A. Ordinance
- B. Exhibit A – Affidavit of Publication
- C. Exhibit B – Staff Report dated February 25, 2008

ORDINANCE NO. 1253-08

AN ORDINANCE RENAMING A PORTION OF SW
BOONES FERRY ROAD TO SW McEWAN ROAD

WHEREAS on February 12, 2008, the City Council approved the City Engineer's recommendation for a public hearing for renaming the section of SW Boones Ferry Road located east of 65th Avenue and south of Lower Boones Ferry Road in Clackamas County to SW McEwan Road; and

WHEREAS based upon the Council approval of the City Engineer's recommendation, a notice of public hearing was given as required under the Tualatin Community Plan by publication on February 20, 2008, in the Oregonian, a newspaper of general circulation within the City which is evidenced by the Affidavit of Publication marked "Exhibit A," attached and incorporated by this reference; and

WHEREAS the Council conducted a public hearing on February 25, 2008, and heard and considered the testimony and evidence presented by the City staff and those appearing at the public hearing; and

WHEREAS after the conclusion of the public hearing the Council vote resulted in approval of the recommendation [6-0], with Councilor Barhyte absent; and

WHEREAS based upon the evidence and testimony heard and considered by the Council and especially the City staff report dated February 25, 2008, the Council makes and adopts as its Findings of Fact the findings and analysis in the staff report, which is marked "Exhibit B," attached and incorporated by this reference; and

WHEREAS based upon the foregoing Findings of Fact, the City finds that it is in the best interest of the residents and inhabitants of the City and the public interest will be served by adopting the street name change and the new street name at this time; and the street name conforms to the Tualatin Community Plan.

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. The proposed street name change will eliminate the current confusion of what is the correct street name in this area. Washington County Consolidated Communication Agency (WCCCA) raised the issue of eliminating the street name confusion for quick emergency response. The Clackamas County emergency response agency, C-COM, supports this change.

Section 2. Prior to the I-5 interchange being constructed, Lower Boones Ferry Road (Market Road 13) ran straight from the Upper Boones Ferry Road/Boones Ferry Road intersection in Tualatin, east to the railroad tracks that

are now the city limit lines between Tualatin and Lake Oswego. When the interchange was built, the existing section of road in Washington County between I-5 and 65th Avenue was renamed SW McEwan Road. The existing piece of road in Clackamas County between 65th Avenue and its merge back into the new alignment of Lower Boones Ferry Road was named SW Boones Ferry Road (to match up with Lake Oswego dropping the "Lower" from the street name).

Section 3. On this short section of street between 65th Avenue and the merge, the businesses are currently using both Lower Boones Ferry Road and McEwan Road in their addresses. This street name change is needed to match up the legal street names with the physical locations of the streets. It will assist with response to emergency calls, as well as help limit the confusion associated with the current use of two different street names.

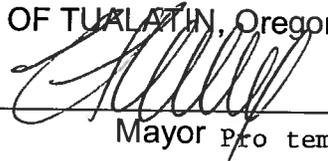
Section 4. The City Recorder is directed to file a certified copy of this ordinance with the Washington County Clerk, the Washington County Assessor, and the Washington County Surveyor.

Section 5. This ordinance shall take effect on April 10, 2008.

INTRODUCED AND ADOPTED THIS 10th day of March, 2008.

CITY OF TUALATIN, Oregon

BY



Mayor Pro tem

APPROVED AS TO LEGAL FORM



CITY ATTORNEY

ATTEST

BY



City Recorder

Original affidavit of publication for the **renaming of a**
portion of SW BOONES FERRY RD. to SW McEWAN RD.

published in the Oregonian, will be added to this staff report

when it is received.



STAFF REPORT CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council
THROUGH: Sherilyn Lombos, City Manager *SL*
FROM: Michael A. McKillip, City Engineer *MAK*
DATE: February 25, 2008
SUBJECT: PROPOSED RENAMING OF A PORTION OF SW BOONES
FERRY ROAD TO SW McEWAN ROAD

ISSUE BEFORE THE COUNCIL:

This is a public hearing to accept testimony on the proposed renaming of the section of SW Boones Ferry Road located east of 65th Avenue and south of Lower Boones Ferry Road in Clackamas County.

RECOMMENDATION:

Staff recommends Council accept public testimony on this matter and direct the preparation of an ordinance renaming a portion of SW Boones Ferry Road in Clackamas County to SW McEwan Road.

EXECUTIVE SUMMARY:

- The proposed street name change will eliminate the current confusion of what is the correct street name in this area. Washington County Consolidated Communication Agency (WCCCA) raised the issue of eliminating the street name confusion for quick emergency response. The Clackamas County emergency response agency, C-COM, supports this change.
- Prior to the I-5 freeway interchange being constructed, Lower Boones Ferry Road (Market Road 13) ran straight from the Upper Boones Ferry Road/Boones Ferry Road intersection in Tualatin, east to the railroad tracks that are now the city limit lines between Tualatin and Lake Oswego. When the interchange was built, the existing section of road in Washington County between I-5 and 65th Avenue was renamed SW McEwan Road. The existing piece of road in

Clackamas County between 65th Avenue and its merge back into the new alignment of Lower Boones Ferry Road was named SW Boones Ferry Road (to match up with Lake Oswego dropping "Lower" from the street name).

On this short section of street between 65th Avenue and the merge, the businesses are using both Lower Boones Ferry Road and McEwan Road in their addresses. This causes confusion for customers since at least one of the buildings cannot be seen from the traveled Lower Boones Ferry Road. The manager of The Little Gym stated that the on-line map services do not show this section of street and he has to tell customers to turn left at McEwan Road so that they will find his business.

- This street name change is needed to match up the legal street names with the physical locations of the streets. This will assist response to emergency calls.
- A letter and copy of the Notice of Hearing were mailed out to the effected property owners and the businesses adjacent to this section of street.

FINANCIAL IMPLICATIONS:

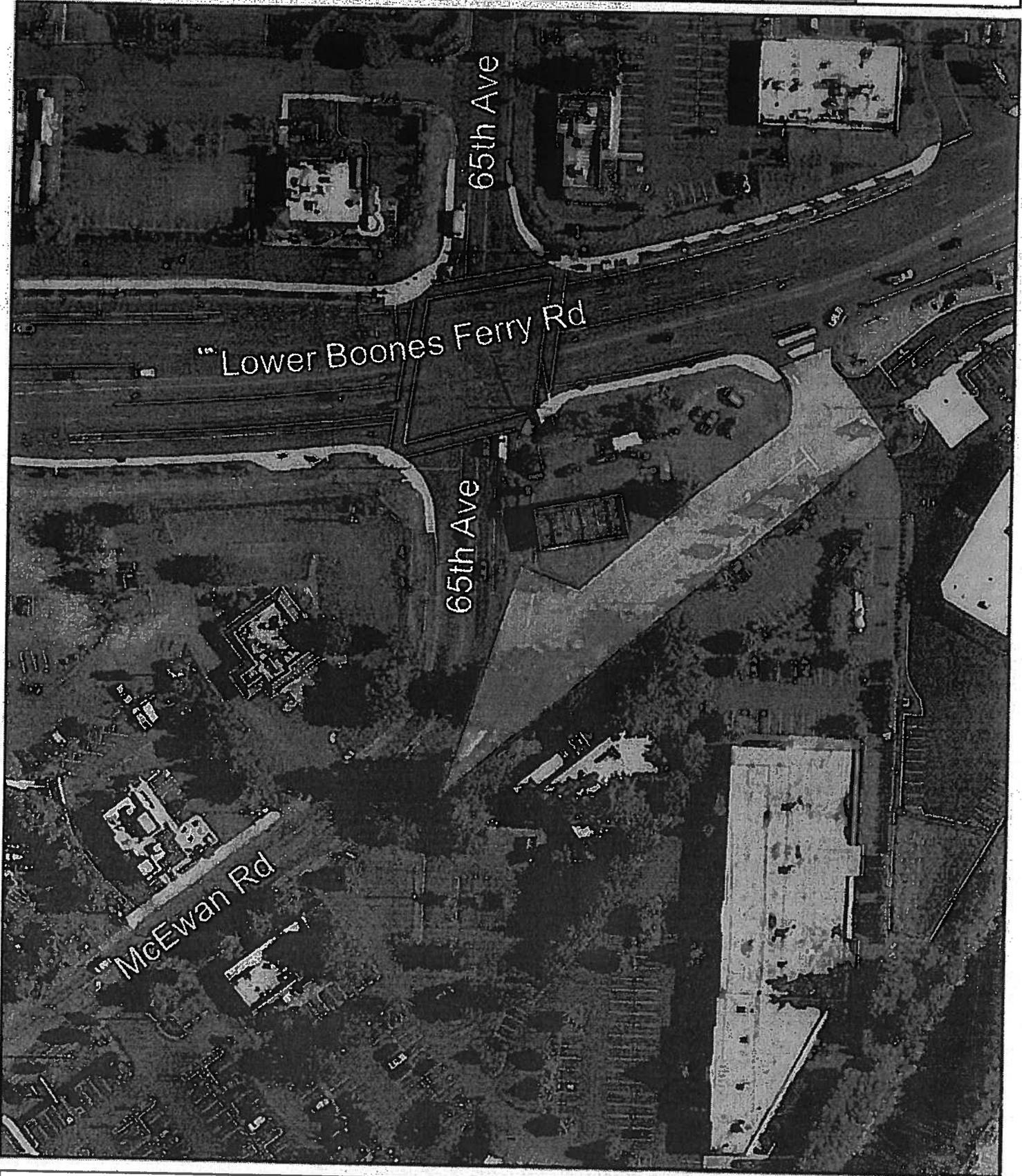
The Publication of Notice was published once in *The Oregonian* per the requirements of ORS 227.120. The approximate cost is \$350.

- Attachments:**
1. Map
 2. Notice of Hearing
 3. Letter to owners and businesses

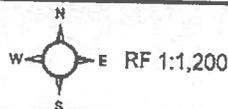
Street Name Change Proposal

Air Photo June 2006

TUALGIS 



 Street section proposed to be renamed McEwan Rd



This map is derived from various digital database sources. While an attempt has been made to provide an accurate map, the City of Tualgis, OR, assumes no responsibility or liability for any errors or omissions in the information. This map is provided "as is". - Engineering and Building Dept. Plotted 1/17/2008

NOTICE OF HEARING

CITY OF TUALATIN, OREGON

NOTICE IS HEREBY GIVEN that a public hearing will be held before the City Council of the City of Tualatin, Oregon commencing at 7:30 p.m. on Monday, February 25, 2008, at the Council Building, Tualatin City Center, 18880 SW Martinazzi Avenue, Tualatin, Oregon, to hear and consider:

Renaming SW Boones Ferry Road, from SW 65th Avenue to the merge with SW Lower Boones Ferry Road, to SW McEwan Road.

All citizens are invited to attend and be heard upon the proposed action. Individuals wishing to comment in writing must do so prior to the hearing or present written or oral testimony to the City Council at the hearing.

All documents and evidence, applicable criteria, and the City staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost upon request. Arrangements can be made to provide these materials in alternative formats, such as large type or audiocassette tape. For information, contact Claudia Harris, Engineering & Building Department, at 503 691-3032 (voice) or 692-0574 (Text Telephone) no later than 24 hours prior to the meeting.

The City will also upon request endeavor to arrange for a qualified sign language interpreter for persons with speech or hearing impairments. Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. Please notify the City of your need by 5:00 p.m. two working days prior to the meeting date (same phone numbers as listed above).

CITY OF TUALATIN, OREGON

By: Sherilyn Lombos
City Recorder

NOTICE TO THE OREGONIAN: Please publish on February 20, 2008.
(Do not publish in *Food Day*.)



City of Tualatin

18880 SW Martinazzi Avenue
Tualatin, Oregon 97062-7092
Main 503.692.2000
TDD 503.692.0574

February 12, 2008

Name
Business
Address
City state zip

RE: Street Name Change - SW Boones Ferry Road to SW McEwan Road between 65th Ave and the merge with Lower Boones Ferry Rd

Dear _____:

Washington County Consolidated Communications Agency (9-1-1 emergency services) has asked for clarification on the street name for the small section between 65th Avenue to the merge with Lower Boones Ferry Road.

Prior to the I-5 freeway interchange being constructed, Lower Boones Ferry Road (Market Road 13) ran straight from the Upper Boones Ferry Road/Boones Ferry Road intersection in Tualatin, east to the railroad tracks that are now the city limit lines between Tualatin and Lake Oswego. When the interchange was built, the existing section of road in Washington County between I-5 and 65th Avenue was renamed SW McEwan Road. The existing piece of road in Clackamas County between 65th Avenue and its merge back into the new alignment of Lower Boones Ferry Road was named SW Boones Ferry Road (to match up with Lake Oswego dropping "Lower" from the street name).

The City Engineer is proposing this short section of Boones Ferry Road be renamed "SW McEwan Road." This will be an extension of the street name on the other side of 65th Avenue that matches up with this section. (See enclosed map.)

The Tualatin City Council will conduct a public hearing on the proposed renaming at its meeting on Monday, February 25, 2008. If you have any questions or comments about, or objections to, the proposed street renaming, please contact me by February 21st at (503) 691-3032, or at charris@ci.tualatin.or.us.

Sincerely,

Claudia Harris
Program Coordinator
Engineering & Building Department

ch
enclosure



STAFF REPORT CITY OF TUALATIN

Approved By Tualatin City Council

Date 03/10/2008

Recording Secretary J. Burby

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *sl*

FROM: Michael A. McKillip, City Engineer *McK*

DATE: March 10, 2008

SUBJECT: UPDATE ON I5/99W CONNECTOR STUDY

ISSUE BEFORE THE COUNCIL:

Staff will update the City Council on the status of the I5/99W connector project.

RECOMMENDATION:

Staff recommends that the Council receive the update.

EXECUTIVE SUMMARY:

Work on data gathering and research evaluation on all Connector alternatives is nearing completion and information is becoming available. Staff will review information made available at the most recent meetings and discuss next steps in this project..

FINANCIAL IMPLICATIONS:

There are no financial implications associated with staff's recommendation.