



MEMORANDUM CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council
FROM: Sherilyn Lombos, City Manager 
DATE: November 19, 2008
SUBJECT: Work Session for November 24, 2008

Work Session will begin at 5:00 p.m.
There WILL be an executive session: ORS 192.660(2)(e)

The following items are up for consideration at work session:

- 1) 5:00 p.m. (60 min) – Water Feature at Tualatin Commons Park.** There is a project in the 2008/09 budget for design and construction of Tualatin-Sherwood Road enhancements; part of that project includes a water feature to replace the existing concrete City of Tualatin semi-circle sign in Tualatin Commons Park. We have engaged the services of a design firm who need some input from you about your goals and objectives for that water feature. Attached is a memo from Doug with information that will be discussed at work session.

Action requested: Direction from Council on design goals & objectives for a water feature at Tualatin Commons Park.

- 2) 6:00 p.m. (30 min) – Utility Underground Policy Discussion.** At your April 28, 2008 work session you discussed the pros and cons of requiring development to underground their utilities. You requested that we return with some options for your discussion at a future date. Attached is a memo from Mike McKillip regarding options for utility undergrounding.

Action requested: Direction from Council regarding a utility undergrounding policy.

3) 6:30 p.m. (10 min) – Council agenda review & Council communications.

Action requested: Council review the agenda for the November 24th City Council and Development Commission meetings and discuss items of interest or Council activities from the past two weeks.

4) 6:40 p.m. (10 min) – EXECUTIVE SESSION – TUALATIN DEVELOPMENT COMMISSION – Real Property Transactions (Use of Commission Property for an outdoor seating area for Hot Seat Bar & Grill).

5) 6:50 p.m. (5 min) – Recording of the TVCTV Holiday Greeting from the Tualatin City Council

Other items of interest:

Attire: TVCTV will be shooting their annual holiday greeting from the Tualatin City Council before the council meeting. You may want to think about wearing something festive.

Food for Monday night: We will be enjoying lasagna & salad from Pastini Pasteria – come hungry!

Upcoming Council Meetings & Work Sessions: Attached is a three-month look ahead for upcoming Council meetings and work sessions. If you have any questions, please let me know.

Dates to Note: Attached is the updated community calendar for the next three months. Some dates you may want to note:

- **November 27 & 28, Thursday & Friday,** Thanksgiving Holiday – City Offices closed. Happy Thanksgiving!!
- **December 5, 6pm:** Starry Nights & Holiday Lights event at the Commons.
- **December 18, 11:30am:** Chamber's Holiday Luncheon & Auction at the Country Club.
- **December 19, 5:00pm:** City Holiday Party at the Country Club.

As always, if you need anything from your staff, please feel free to let me know.

Attachments:

- A. Tualatin-Sherwood Road Water Feature Memo
- B. Utility Underground Policy Memo
- C. Upcoming meeting and work session items (November – January)
- D. Tualatin Calendar of Events (November – January)



MEMORANDUM

TUALATIN DEVELOPMENT COMMISSION

TO: Honorable Chairman and Members of the Commission

THROUGH: Sherilyn Lombos, Administrator *SL*

FROM: Doug Rux, Community Development Director *DR*
Eric Underwood, Development Coordinator *EU*

DATE: November 24, 2008

SUBJECT: DESIGN APPROACH FOR WATER FEATURE AT TUALATIN COMMONS PARK

BACKGROUND

The Tualatin Development Commission, the urban renewal agency of the City of Tualatin, issued a request for proposals for design of the SW Tualatin-Sherwood Road Landscape and Pedestrian Improvements with Water Feature Project on July 17, 2008. The Engineering firm of CH2M Hill, Inc. was selected as a result of proposal review and is currently in the preliminary design phase of the project. CH2M Hill, Inc. has included Mayer Reed as the subcontractor to assist in the design of the water feature within the project scope.

The design phase of the project is separated into two separate parts. Part one of the project will consist of the design of landscape and pedestrian improvements on SW Tualatin-Sherwood Road from the Fred Meyer entrance continuing across SW Boones Ferry Road to the Outback Steakhouse restaurant located within the Hedges Green Retail Center. Part two of the project will consist of the design of a water feature (fountain) to be located at the eastern most point of Tualatin Commons Park between SW Tualatin-Sherwood Road and SW Nyberg Street.

The project calls for new landscaping in the median and planter strips of SW Tualatin-Sherwood Road with enhanced pedestrian features. A major component of the project is the water feature/fountain design, which will be designed as a gateway/entry feature into the City of Tualatin. The fountain design elements will require special attention and involve a different process from the design of the landscape improvements. The total budget for the project (part one and part two combined) is \$1.8 million for both design and construction. The water feature/fountain portion of this project takes priority and it is expected that a majority of the project's budget will be consumed by the feature's design and construction. The amount that has not been expended upon completion of the water feature will be considered the budget for part one of the project.

WORK SESSION

The intent of the November 24th Tualatin Development Commission Work Session is to focus on part two of the project, which is the water feature/fountain design, as it is the primary component of the project. The consultant, CH2M Hill, Inc. and the subcontractor, Mayer Reed, will be presenting an overview of the project site, expectations for public involvement and image examples of fountain designs. The agenda for the meeting will be as follows:

- I. Process
 - a. Commission's role
 - b. Committee roles (URAC, TPARK, Arts)
 - c. Time line

- II. Site Analysis
 - a. Site in general
 - b. Constraints to site

- III. Discussion of Water Feature and Context
 - i. City Identity
 - ii. Place making
 - iii. Themes
 - iv. Relationship to other parks and open areas within Tualatin
 - v. Sustainability
 - vi. Interactivity
 - vii. Example images

- IV. Next Steps

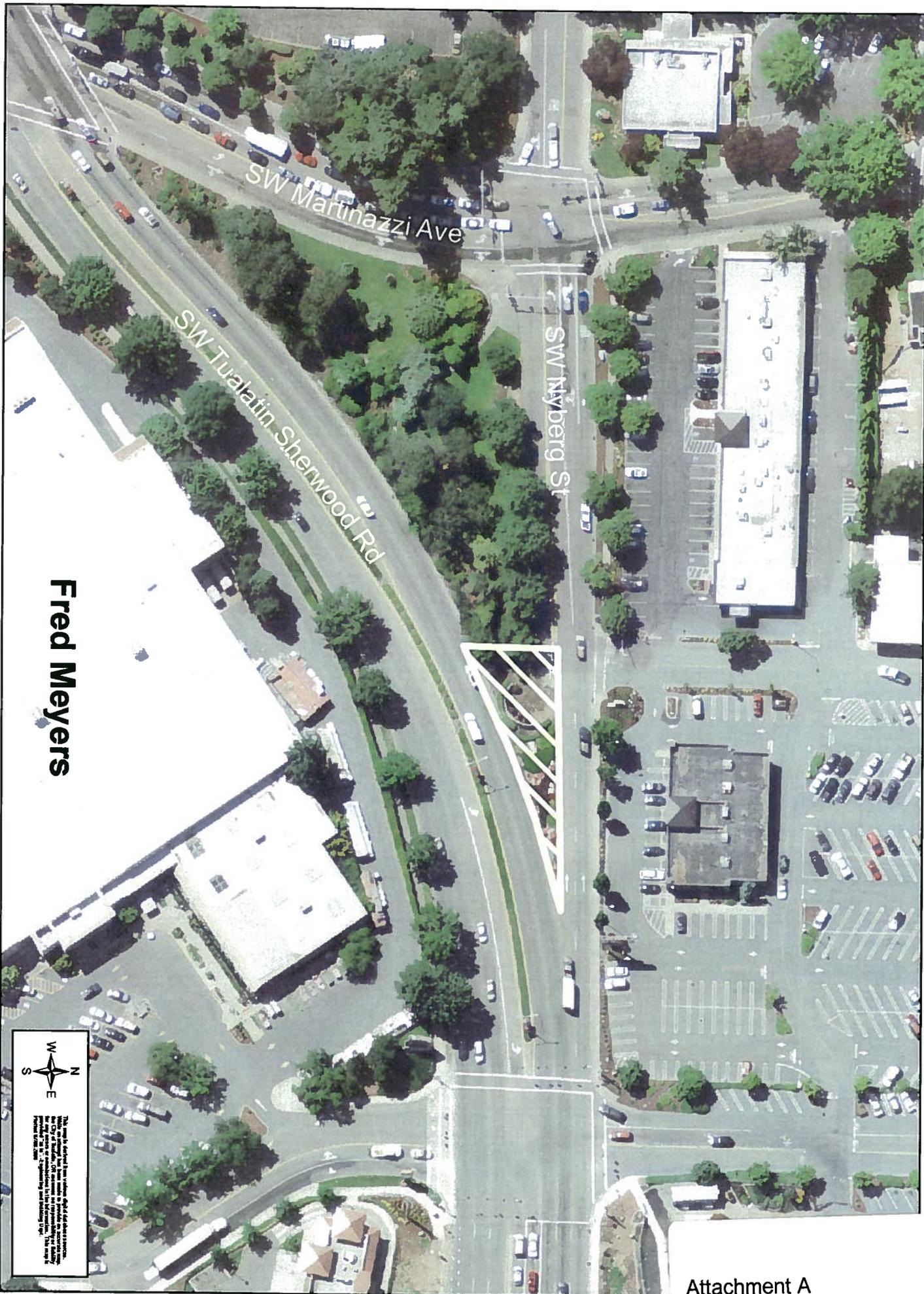
The consultants have requested that the Commission review the questions below prior to the Work Session in preparation for the meeting. These questions will be used as discussion topics in the meeting.

1. How can a water feature support City identity?
2. What is the potential for place making with this water feature?
3. What are possible themes for the water feature?
4. Should the water feature relate to pedestrians, automobiles or both?
5. Who is the audience, community, visitors or both?
6. How can the water feature relate to other parks and open spaces within the City?
7. Should the water feature promote a walkable/pedestrian-friendly town center?
8. Should the water feature be sustainable?
9. Should the water feature be interactive?

CONCLUSION

The goal of the meeting is to obtain a notion from the Commission as to what is preferable in regards to a gateway water feature/fountain design. The expectation is to use the Commission's ideas and suggestions as criteria or parameters when engaging in discussions with the various committees that will be involved. Results of the committee discussions will be brought back and presented before the Commission for review and approval.

Attachments: A. Map of Project Area





MEMORANDUM CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager 

FROM: Michael A. McKillip, City Engineer 

DATE: November 24, 2008

SUBJECT: UNDERGROUNDING OF EXISTING OVERHEAD UTILITIES

In the spring of 2008 Council discussed the concept of undergrounding existing overhead utilities.

The concept was to establish a fee, similar to Tigard and Beaverton, that could be used to underground existing overhead utilities, either as stand alone projects or as part of other road improvement projects.

Staff developed an inventory of existing overhead lines to be undergrounded and the estimated cost per foot to accomplish this (see attached memo). At the work session Council directed staff to further investigate and come back in the fall with more information on a plan to impose a fee similar to Tigard's for partially offsetting the cost of undergrounding overhead utilities.

Staff started working on a ordinance to impose a fee to be applied to undergrounding of overhead utilities. This would have collected a fee from all developments in Tualatin. The Council, as part of the budgeting process, would prioritize the use of the fees.

While working on an ordinance the question arose, "Is this a construction excise tax?" The answer is yes.

The problem with this being a construction excise tax is that new construction excise taxes imposed by local governments in Oregon are specifically prohibited by Section 1, Chapter 829, Oregon Laws 2007. This is the statute that created the construction

excise tax that the school districts now collect to offset the cost of new school facilities.

If a City wide construction excise tax is not allowed, what other ways can Tualatin fund the conversion of overhead utility line to underground utility lines?

Going back to the first work session discussion on this topic, there were several funding methods identified. These were:

General Fund Budgeted Projects

General Obligation Bond

Local Improvement Districts

Urban Renewal Districts

Fees for conversions on specific roads paid by development on those roads

In staff's opinion evaluating these options leads to:

General fund Budgeted Projects

Other general fund needs, i.e., Police, Parks, Library, and Planning are of higher priority.

General Obligation bond

The community has not indicated that it would support to this approach. We do not have survey or other data to support this but we have not heard it discussed.

Local Improvement districts

To impose a local improvement district the City must show that each property is specially benefited by the project. Since this is mainly an aesthetic issue, justifying a "special benefit" to certain properties would be extremely difficult if not impossible.

Urban renewal Districts

This could be an Urban Renewal District project where the lines are in the boundaries of the District. However the Council has not indicated that it intends to form an Urban Renewal District where the existing overhead lines are. The potential for development or redevelopment along the roads with overhead lines is small.

Fees for conversions on specific roads paid by development on those roads

These fees would face two problems at startup. Most of the streets with overhead lines are developed and the fees would be very high and difficult to tie back to any benefit received by the property owner since they get the same power service either way, overhead or underground.

A minimal or nominal fee might be able to be established. The problem with this is that if we don't have a source identified for the remaining costs, how do we justify a fee that we know is inadequate to underground anything.

Conclusion

Undergrounding of overhead utilities would definitely be an improvement to the aesthetics of Tualatin. Unfortunately within the existing City limits we are severely limited in our ability to fund these types of improvements.

As we plan for and move into developing the Urban Growth Boundary Expansion areas around us (Stafford, Wilsonville, Tualatin-Sherwood), now is the time to set in place requirements, fees, and procedures to convert the existing lines as a larger part of the overall development of these areas.

McK/Undergrounding 112408

Attachments: A. Memorandum



MEMORANDUM

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Mike McKillip, Engineering
Kaaren Hofmann, Civil Engineer
Stephen Ngai, Engineering Technician II

DATE: April 28, 2008

SUBJECT: UTILITY UNDERGROUND MASTER PLAN

Attached is a draft of the Utility Underground Master Plan. This plan identifies existing overhead utilities in Tualatin that may be undergrounded in the future.

The estimated cost of this work based on the Boones Ferry Road Improvement Project is \$65 million.

The staff recommendation is to:

1. Leave the existing lines due to cost. If projects are developed that could convert some of the lines the conversion should be evaluated to see if it fits in the project budget.
2. As we plan for UGB expansion these conversions should be built into the plan from the very beginning.

Staff will provide a brief report and look for council feedback prior to finalizing the report.

Attachments: A. Report
B. Slides

City of Tualatin
Utility Underground Master Plan DRAFT

April 28th, 2008

I. Introduction

This report addresses a request by the Tualatin City Council to explore the underground conversion of existing overhead utility wires. Underground utilities are desirable because of their aesthetic qualities and operational reliability. The Tualatin Development Code requires that all commercial and residential developments place new utility lines underground.

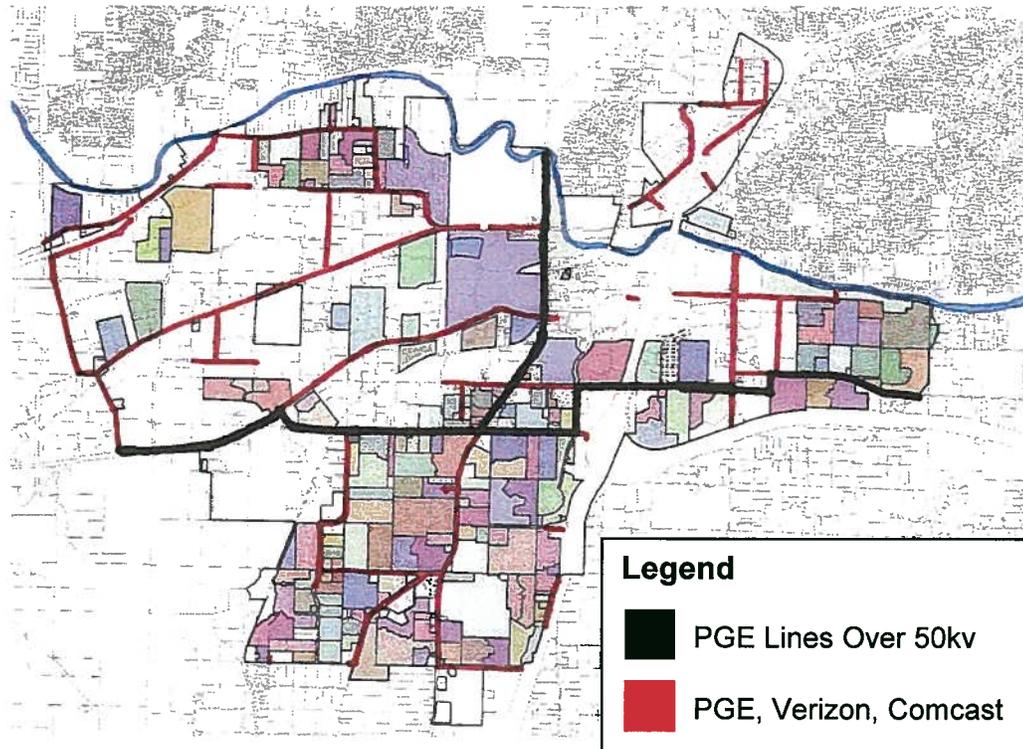
This report first explores background and information regarding Tualatin's ordinance and current inventory. It then explains the process for utility undergrounding. Other city undergrounding ordinances are presented in the third section. Fourth, it describes the associated costs. Finally, the report concludes with staff's recommendation.

II. Background and Information

The Tualatin Development Code (Sec. 74.660) requires that all utility lines excluding electric lines operating at 50,000 volts or above must be placed underground. If an existing overhead utility line must be upgraded to serve proposed development, the overhead lines must be converted to underground at the applicant's expense. The applicant must also convert any existing structure served with existing overhead utility to underground (Sec. 74.670).

Over 29 miles of overhead utility lines exist in the City of Tualatin (COT). They range from single residential service drops, spans along greenways, to reaches that run parallel to large thoroughfares. Figure 1 is a map showing overhead utility lines in the COT. Much of the overhead utility lines run parallel to the many arterial streets that cross Tualatin, such as Boones Ferry, Grahams Ferry, Herman, Tualatin, Hazelbrook and Cipole Roads. A full inventory of overhead utility lines can be found in Appendix A. Ralph Reisbeck, a project manager from PGE for the Tualatin area reported that the overhead utility lines in the city are in good condition and nearly all failures are due to vehicle impacts and downed trees. PGE power lines that carry over 50 kilo-volts of electricity are not candidates for underground conversion because of heat problems.

Figure 1. Map of overhead utility lines in Tualatin.



III. Process for Conversion

There are two processes used to underground existing overhead utilities, Normal Conversion and Forced Conversion.

Normal Conversion

According to Oregon Public Utility Commission Tariff Rules and franchise agreements, utility companies are required to relocate when required by a public project. This process is termed normal conversion and involves coordination between the municipality and utility companies to minimize impact on the community. The municipality has an option to require the utility companies to underground when relocating.

If the municipality requires the private utility to underground their lines without a public project requiring relocation, the municipality must pay the private utility the retirement cost of the existing overhead lines. Retirement costs is the estimated original cost of the electric overhead facilities being replaced less depreciation, salvage value and the expense of removing existing overhead facilities.

When undergrounding, the municipality is required to provide the utility company:

- Trenching path in the right-of-way or public utility easement,
- Notify and obtain customer commitment for necessary utility facility changes on the customer's premises for underground facilities,
- Costs associated with modification of existing overhead equipment and distribution facilities to accept new underground service including replacement of conduits and vaults,
- Notification and coordination of other franchised and non-franchised utilities and service providers.

The utility company is responsible for:

- Providing underground facilities system design and construction specifications,
- Preliminary and final cost estimate for the underground facilities project,
- Required infrastructure inspections,
- Installation of new underground facilities system, modification of existing overhead facilities system for underground conversion,
- Removal of overhead utility lines that have been replaced by underground facilities.

Forced Conversion

The second method to underground existing overhead utility lines is to use a forced conversion, as per OAR 860-022-0046. A municipality initiates a forced conversion by written order to the utility company. The municipality may direct the utility company to collect conversion costs from customers in the affected area or to all customers within the municipality's boundaries. In forced conversion, the utility company has the responsibility to notify and obtain customer commitment for necessary utility facility changes on the customer's premises for underground facilities. All other responsibilities of the municipality and private utility company remain the same.

The City of Sandy is the first municipality and the only example to take advantage of forced conversion. An urban renewal district was formed in the downtown commercial district. The original intent was to underground all the overhead utility lines in the 0.6 mile length of downtown Sandy. However, budget constraints dictated that only lower voltage power lines, telephone and cable television lines were converted to underground. Since many of the businesses that line the downtown couplet streets were small businesses, the City of Sandy paid for their private building conversions out of the urban renewal funds. The total cost to underground 1.2 linear miles of downtown Sandy was about \$3 million.

IV. Other Research

City of Tigard Underground Utility Ordinance

The City of Tigard Municipal Code (Sec. 18.810.120) requires that all utility lines, excluding electric lines operating at 50,000 volts, or above be placed underground. The exceptions to this are properties within the CBD zoning district. There is a fee in lieu of the undergrounding requirement if any one of the following requirements is met. If the development is proposed to take place on a street where existing utilities are not

underground and the approval authority determines that the cost and technical difficulty of the undergrounding the utilities outweighs the benefit of undergrounding in conjunction with the development.

The City Engineer shall establish utility service areas in the City. All development occurring in a utility service area shall pay a fee in-lieu of undergrounding for utilities if the development does not provide underground utilities. The in-lieu of undergrounding fee is determined by the City Engineer based on the estimated cost to underground utilities within each service area. This total cost is then allocated to each property on a front-foot basis. The funds collected will be used by the City Engineer to fund utility undergrounding projects in the City, subjected to review and approval from City Council. Since February of 2000, the City of Tigard has collected \$658,331.11 in in-lieu of fees. The in-lieu of fee is set at \$70 per linear foot of property frontage.

City of Beaverton Underground Utility Ordinance

The Beaverton Development Code (Sec. 60.65) requires that all existing and proposed utility lines, excluding electric lines operating at 50,000 volts, or above be placed underground. There is an optional fee in lieu of the undergrounding requirement if any of the following criteria are met:

- If the placement of private utilities underground would conflict with the current City of Beaverton Engineering Design Manual and Standard Drawings or Clean Water Service’s Design and Construction Manual.
- If the City of Beaverton has determined that utility undergrounding can be accomplished more efficiently as part of another improvement project.
- If the length of any one of the private utilities within or contiguous to the subject property to be placed underground is less than the corresponding threshold distance outlined in Table 1.

Table 1. Minimum thresholds for undergrounding utility lines in Beaverton.

Class	Threshold	Electric	Telephone	Cable Television
1	500 feet	Tap lines with at least two poles	0 to 300 conductors	Service Drops
2	600 feet	Sub-feeder with at least three poles	301 to 600 conductors	Feeder
3	800 feet	Feeder with at least five poles	601+ conductors or fiber optic	Trunk or fiber optic

The fees collected by the City of Beaverton in lieu of undergrounding are determined by the City Council. Fees of \$70, \$106 and \$190 per linear foot are charged for Class 1, Class 2 and Class 3 facilities, respectively. Since 1997, the City of Beaverton has collected \$105,459.54 in in-lieu of fees. All fees paid to the City are dedicated to offsetting the cost of future private utility undergrounding projects listed in the Capital

Improvement Plan (CIP). Collected in lieu fees must be spent on projects within 2,500 feet of the site that paid the in lieu fee.

V. Costs

The City of Tualatin SW Boones Ferry Road Phase 2 Utility Underground Project (Boones Ferry Road, from Tualatin Road to Martinazzi Avenue) completed in 2005 was used as a base to estimate the cost of undergrounding overhead utility lines. A cost of \$207.40 per linear foot of street was determined from contractor payments to underground overhead utility lines. It includes the cost of: mobilization and traffic control, erosion control, road work, permanent traffic control and illumination, right of way development control and private utility vaults and conduit. Costs that were not included in this number were design and inspection fees.

A cost of \$425.12 to underground utility lines per linear foot of street was estimated for the year 2009. This was determined from the 2005 cost and applying a 10% annual inflation rate, 10% contingency, and 30% allotment for engineering. The year 2009 was selected because lead-time would be needed to plan and design potential utility undergrounding projects. Table 2 outlines the estimated cost to underground all overhead utility lines and examples of more visible reaches of overhead utility lines.

Table 2. Estimated costs to underground reaches of overhead utility lines.

Reach	Length (ft)	Estimated Cost
Boones Ferry Road	19,260	\$8,187,811
Grahams Ferry Road	3,685	\$1,566,567
Herman Road	16,886	\$7,178,576
Sagert Street	9,681	\$4,115,587
Tualatin Road	6,754	\$2,871,260
Tualatin-Sherwood Road	11,811	\$5,021,092
All Overhead Utility Lines	153,120	\$65,094,374

Urban renewal districts, special tax assessment districts, special development bonds and general fund revenues can be used to fund utility undergrounding, often in conjunction with other public works projects. Franchise fees may also be used. The State of Oregon limits franchise fees to 5%. The COT can ask the utility company to charge its customers within the City's boundaries the maximum 5% franchise fee on their monthly bills. Extra funds gleaned from the increase in franchise fees can then be used by the City to fund utility underground conversion projects. Franchise fees are a reliable revenue stream for the general fund in the COT. Table 3 outlines the current franchise fees and amounts paid to the City of Tualatin in fiscal year 2006-2007 by select utilities.

Table 3. Franchise fees and amounts paid by utilities in FY 2006-2007.

Utility	Franchise Fee	Total Paid	Contract End Date
PGE	3.5%	\$934,933.53	January 1, 2010
Verizon	4%	\$92,166.07	February 10, 2022
Qwest	4%	\$2,577.86	January 1, 2007

In Forced Conversion, the City has the option of distributing the cost of an underground utility conversion project to either all customers within the boundaries of the City or to just the customers in the project's vicinity.

All costs associated with converting a building to connect to an underground utility are the responsibility of the property owner. The cost usually ranges from \$1000 to \$5000 for residential customers and more for commercial building owners, depending on the complexity of their connections. The municipality may choose to use urban renewal or special tax assessment district funds as well as other funds to help owners pay for the utility conversions.

VI. Conclusion and Recommendation

Conversion of over 29 miles of overhead utility lines in the City of Tualatin to underground lines would require \$65 million based on 2009 estimates. The staff recommendation is to continue operating the existing overhead utility lines until underground conversions can be done in conjunction with future public works improvement projects. This will guarantee the success and reduce the cost of the underground utility conversion.

The City should also work on ensuring that future urban growth expansion areas (Tualatin-Wilsonville, SW Concept Plan, and Stafford Triangle) will include undergrounding of existing overhead lines. Development requirements will require underground utilities. The use of local improvement districts, fees or underground utility service development charges may also be used to pay for conversion of existing overhead lines to underground utilities in these areas.

Appendix A Existing Overhead Utility Lines Inventory

Methodology

This inventory was compiled through visual inspection of streets and neighborhoods in the City of Tualatin. Only the existence of overhead utility lines was noted, no differentiation was made between different forms of utility lines. The length of each segment of overhead utility line was measured using aerial photographs from Tualmap and Google Earth software.

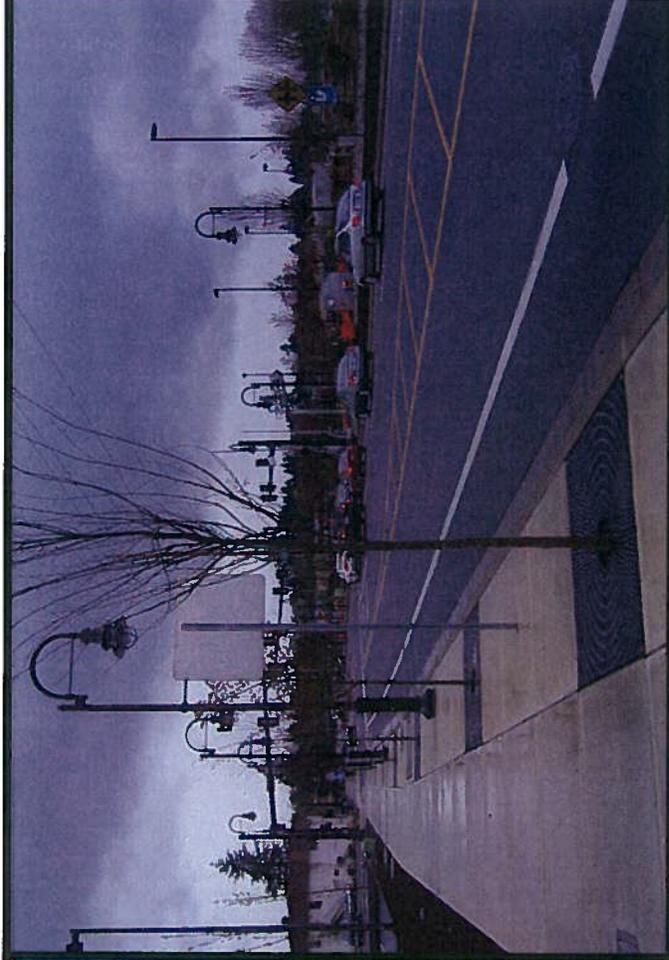
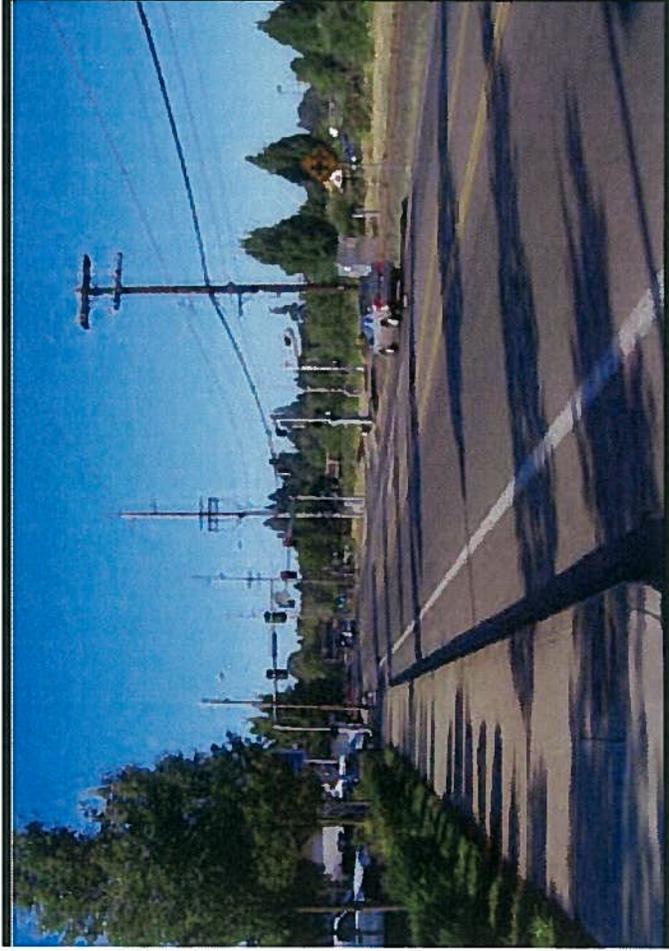
City of Tualatin



Utility Underground Master Plan

April 28th, 2008

Introduction

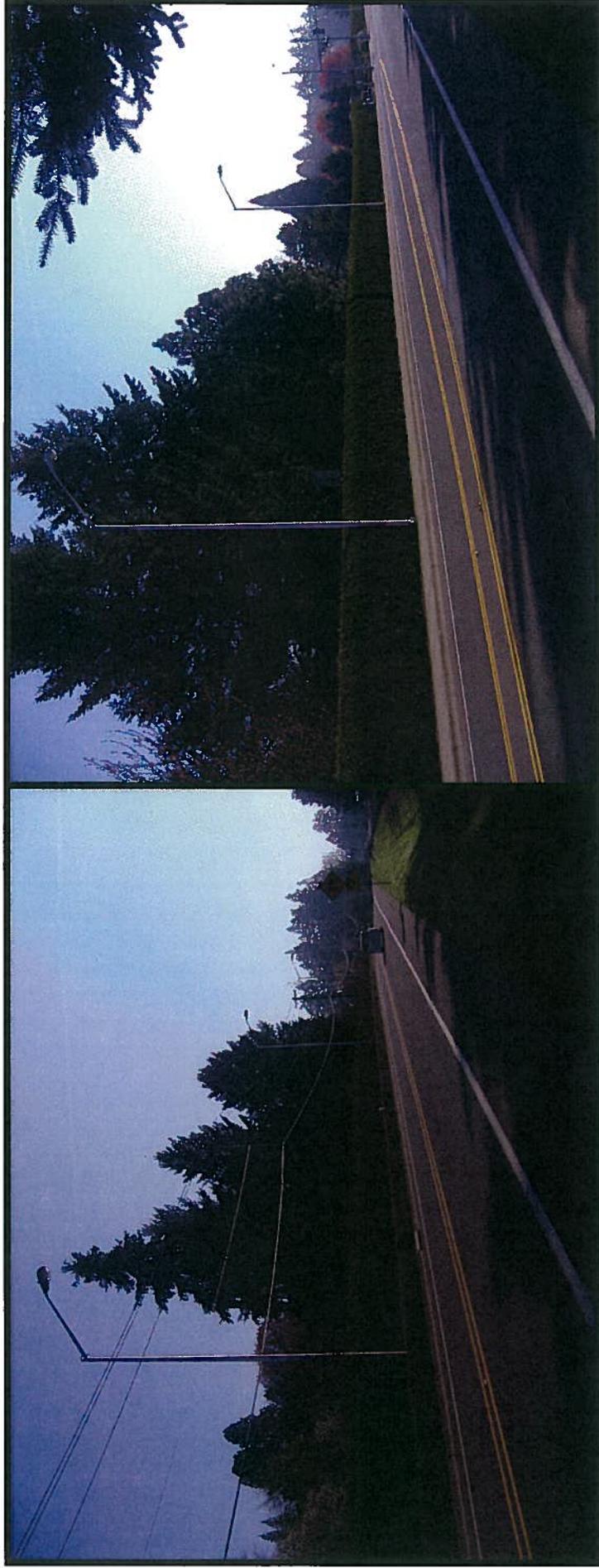


South on Boones Ferry Rd. and Seneca St.

Utility Underground Master Plan
April 28th, 2008



Introduction

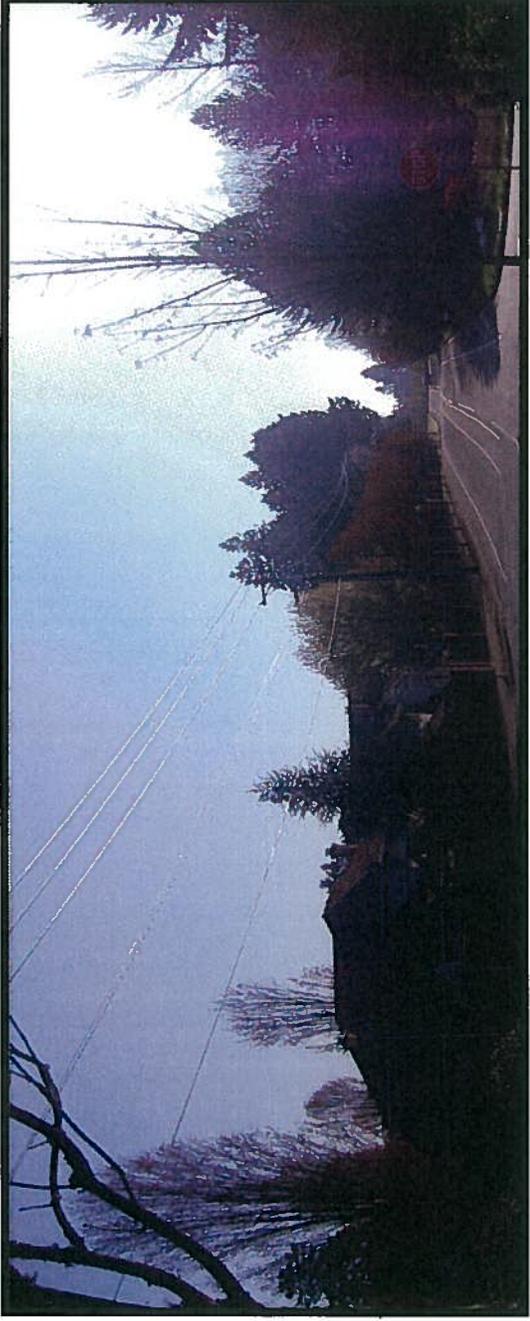


On Tualatin Rd. In Front Of Tualatin Country Club

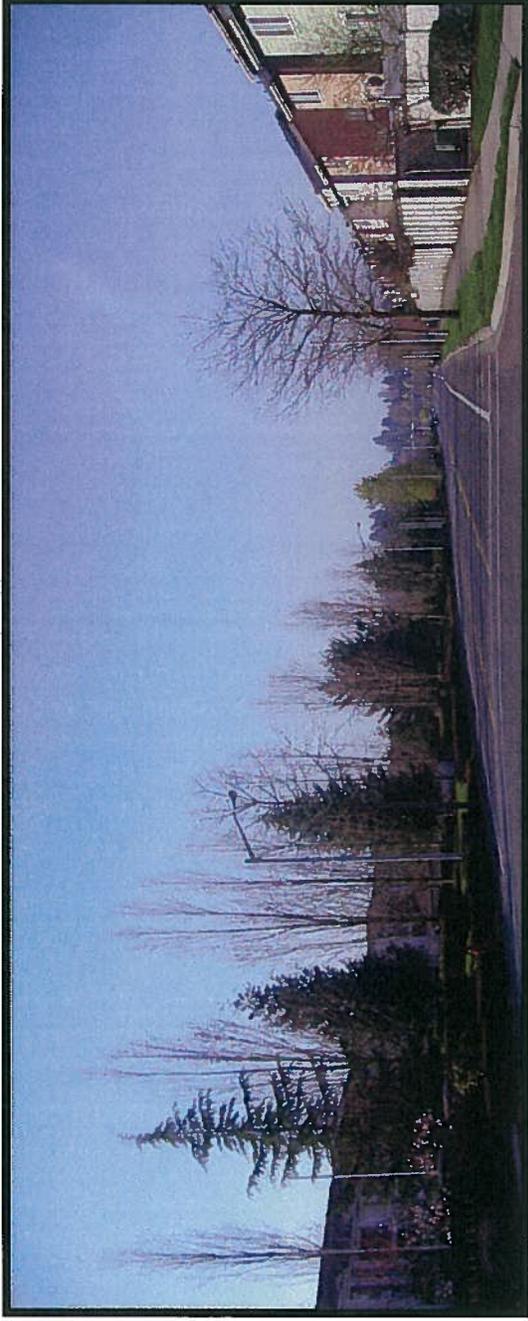
Utility Underground Master Plan
April 28th, 2008



Introduction



Ibach St.
&
103rd Ct.

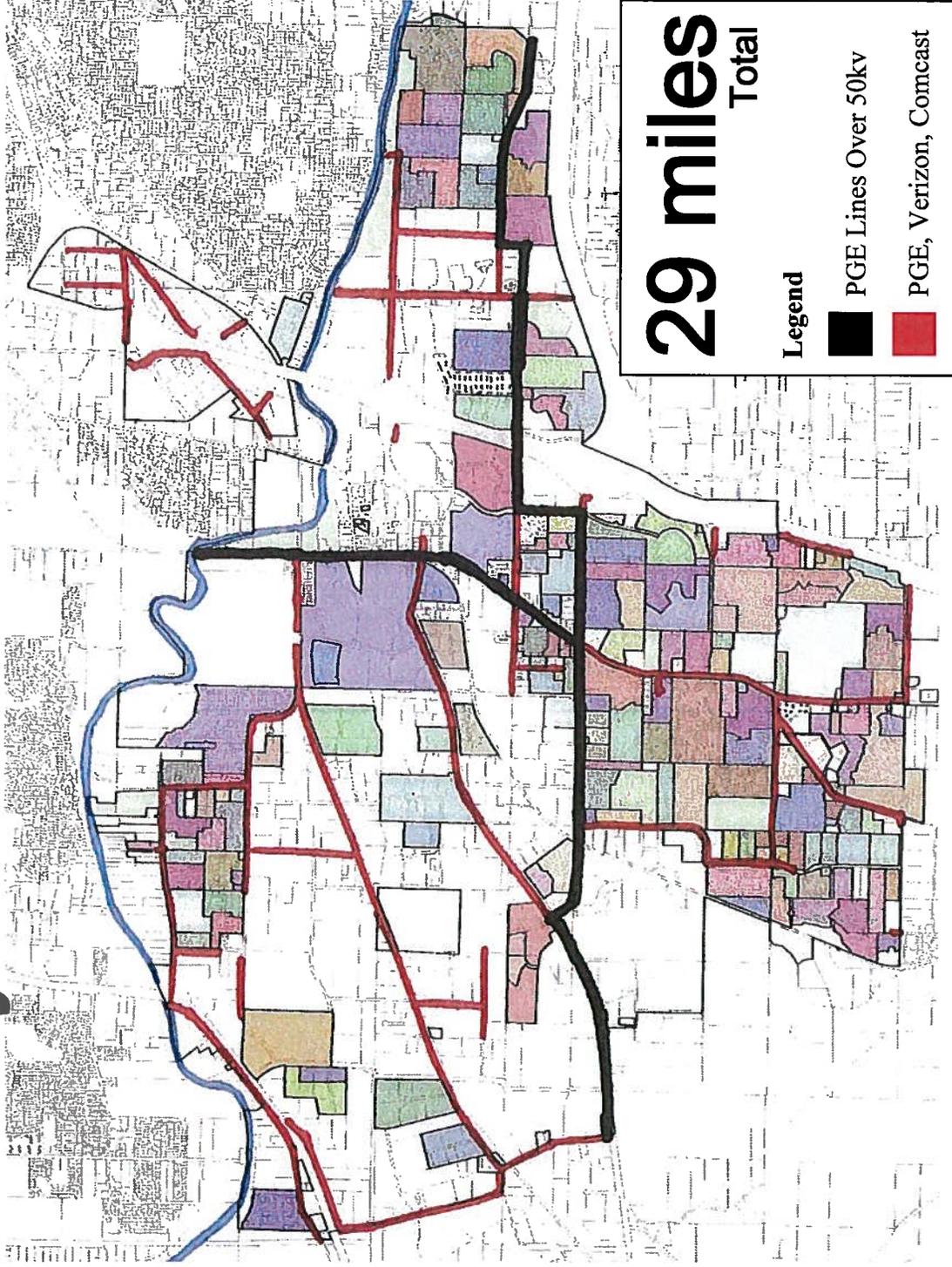


Tualatin Rd.
&
Sweek Dr.

Utility Underground Master Plan
April 28th, 2008



Inventory



Utility Underground Master Plan
April 28th, 2008

Costs

- \$425.12 /ft

Based on Boones Ferry Road Project in 2009 Dollars

- \$65 million

To Underground 29 Miles of Overhead Utility Lines

- \$8.2 Million

To Underground Boones Ferry Rd. from Tualatin-Sherwood Rd. to Norwood Rd.



Processes For Undergrounding

- **Normal Conversion**
 - Similar to BF Rd., T-S Rd. to Martinazzi projects.
 - COT and Utilities cooperates and share costs.
- **Forced Conversion**
 - COT tells utilities to underground.
 - Utilities add costs to bills in City.



Underground Ordinances

- City of Tualatin
 - New lines and services are required to be underground.
 - Require new lines and services underground.
 - No in-lieu of fee.
- City of Tigard
 - In-lieu of fee is \$70 per linear foot of property frontage.
 - \$658,331 in total fees collected since 2000.
- City of Beaverton
 - In-lieu of fee is up to \$190 per linear foot.
 - Fees must be spent on projects within 2,500 feet of site.



Where to go next?

- **Existing COT Lines**
 - Leave as is
 - Forced Conversion
 - City funded conversion
- **Urban growth expansion areas**
 - Tualatin-Wilsonville Area
 - SW Concept Area
 - Stafford Triangle Area
- **Work into planning for areas**
 - Fees
 - LIDs
 - Forced conversion and bill for certain areas
 - Change development requirements to require underground utilities.



WORK SESSION ITEMS

PowerPoint?

1. Historic Regulations – Holistic Review (Comm Dev)
2. Legislative Program (Admin)
3. PTA-08-06 Sign Design (Comm Dev) *(not holistic review)*
- 4.

PRESENTATIONS / ANNOUNCEMENTS / SPECIAL REPORTS

PowerPoint?

1. Swearing-in of Police Officers – Brett Rudolph & Scott Boyll
New Employee Introduction(s) – Police Office Coordinator
2. Tualatin Tomorrow – Traffic, Transportation & Connectivity (Comm Dev)
3. Youth Advisory Council Update
4. Arts Advisory Committee Annual Report Presentation

CONSENT CALENDAR ITEMS

1. Annual Parks SDC Report (Comm Svcs)
2. Arts Advisory Committee Annual Report (Comm Svcs)
3. Reso - Approving Commuter Rail Project TriMet & City Maintenance Agmt (Comm Dev)
(Tentative – likely will be moved to later date)
4. New Liquor License Application – Famous Dave's
5. Resolutions - Certifying Results of Candidates & Bond Measure *(2 separate resolutions)* (Admin)
6. Pedestrian Bridge Final Acceptance (Comm Svcs)
7. LibCo Change Order No. 5 (Comm Svcs)
8. LibCo Final Acceptance (Comm Svcs)

PUBLIC HEARINGS – Legislative, Other, Quasi-Judicial

PowerPoint?

1. Industrial Master Plan (IMP)-08-01 Mittleman Property *(Quasi-Judicial)* (Comm Dev)
- 2.

GENERAL BUSINESS ITEMS (not consent)

PowerPoint?

1. Ordinance Appointing Municipal Court Judge / Municipal Court Update
2. Ordinance – truck route (?)
3. Ordinance – telecom franchise (?)
- 4.

EXECUTIVE SESSION ITEMS

- 1.

WORK SESSION ITEMS

PowerPoint?

1. Council Committee Appointments Review

2. Council Photographs

3.

******Meeting Sequence of Events******

Council Meeting opens at 7:00 p.m.

1) Police Honor Guard Pledge

2) Existing Council approve previous Council Meeting minutes

3) Recognition of outgoing Councilor Bob Boryska

4) Swearing-in Councilors-elect Beikman, Davis, Truax (each separately)

5) Councilor Davis takes her seat at dais

6) Council President nominations – selection

7) Continue with Presentations / Announcements portion of meeting and remaining Consent Agenda items – Council meeting portion ends

8) Tualatin Development Commission portion of meeting opens

9) Swear-in of Commissioners-elect Beikman, Davis, Truax (Commissioners stand at dais – SL to swear in all three simultaneously)

10) Continue with remaining portion of Commission meeting, then close.

PRESENTATIONS / ANNOUNCEMENTS / SPECIAL REPORTS

PowerPoint?

1. WES Grand Opening Presentation (Comm Dev)

CONSENT CALENDAR ITEMS

1. Resolutions Establishing Regular Meetings Council/TDC/Advisory Committees

2. Resolution – Mittleman Property IMP-08-01

3.

PUBLIC HEARINGS – Legislative, Other, Quasi-Judicial

PowerPoint?

1.

GENERAL BUSINESS ITEMS (not consent)

PowerPoint?

1.

2.

3.

EXECUTIVE SESSION ITEMS

1.

WORK SESSION ITEMS

PowerPoint?

1. Franchise Fee / Privilege Tax Discussion (Finance) (?)
2. Mandatory Business Recycling Program (Metro reps will be present)
3. Fence Standards Follow-up (Comm Dev)
- 4.

PRESENTATIONS / ANNOUNCEMENTS / SPECIAL REPORTS

PowerPoint?

- 1.
- 2.
- 3.

CONSENT CALENDAR ITEMS

1. Resolution - Stafford MOU on Communications (Comm Dev) (?)
- 2.
- 3.
- 4.

PUBLIC HEARINGS – Legislative, Other, Quasi-Judicial

PowerPoint?

1. PTA-08-04 Street Tree Regulations (*Legislative*) (Comm Dev)
- 2.
- 3.

GENERAL BUSINESS ITEMS (not consent)

PowerPoint?

1. Mid-Year Budget Review & Five Year Review (*invite citizen Budget Committee members*)
Budget Adjustments (*possible Supplemental Budget – noticing requirements*)
- 2.
- 3.
- 4.

EXECUTIVE SESSION ITEMS

- 1.

November

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3 Kent out	4 Election Day 11:30a Chamber "Lunch n' Learn" @ Tualatin Library, Small Conference Room 6:30p TLAC	5 1:15p Tualatin Historical Soc 4p Whazzup Wed. 7p ARB (if necessary)	6	7 1:00p Chamber Member Showcase @ Hayden's	8
9	10 5:00p Work Session 7:00p Council/TDC Mtg Kent out Sherilyn out	11 Veterans Day Holiday CITY OFFICES CLOSED 6:00p TPARK	12 6:30p Tualatin Tomorrow VIC Steering Committee Mtg, Council Chambers	13 7p TPAC	14 7:30a Chamber Networking AM - 13 Chamber Holiday Mixer @ Wilsonville Costco	15
16	17 5:30-7:30p Umpqua Bank "Navigating in a Challenging Economic Environment" @ Crowne Plaza Hotel, Kruse Way	18 11:30a Chamber "Lunch n' Learn" @ Tualatin Library, Small Conference Room 6:30p TAAC	19 8:00a Chamber New Member Breakfast 12p Core Area Parking District Board, CANCELED 5:30p Chamber Alive After Five, Carl Greve, Bridgeport Village	20 11:30a Chamber Luncheon @ Country Club Maureen out	21 7:30a Chamber Networking @ Office Max City Council Goal Setting Retreat John out	22 City Council Goal Setting Retreat
23	24 5:00p Work Session 7:00p Council/TDC Mtg John out Maureen out	25 Dan out	26	27 Thanksgiving Day Holiday CITY OFFICES AND CHAMBER CLOSED	28 Thanksgiving Holiday CITY OFFICES AND CHAMBER CLOSED	29
30						

2008

December

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1 Brenda out	2 6:30p TLAC	3 1:15p Tualatin Historical Soc 7p ARB (if necessary)	4 7:00p Special URAC Meeting (Council Chambers)	5 7:30a Chamber Networking @ Wells Fargo Bank 6p-9p Stary Nights and Holiday Lights (Tualatin Commons)	6
7	8 5:00p Work Session 7:00p Council/TDC Mtg	9 6:00p TPARK	10 6:30p Tualatin Tomorrow Vision Implementation Committee, Library Community Room	11 7p TPAC	12 7:30a Chamber Networking Sponsored by MaryKay Cosmetics @ Heritage Center	13
14	15	16 6:30p TAAC	17 7:00p ARB (if necessary)	18 11:30a Chamber Luncheon/Holiday Auction @ Country Club	19 7:30a Chamber Networking Sponsored by Speed Networking; location TBA 5pm City Holiday Party (Country Club)	20
21	22	23	24	25 Christmas Day Holiday CITY OFFICES CLOSED	26 Maureen out	27
28	29 Maureen out	30	31			

January

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1 New Years Day Holiday CITY OFFICES CLOSED	2 Maureen out	3
4	5	6	7 1:15p Tualatin Historical Soc	8	9	10
11	12	13	14 7p ARB (if necessary)	15 7p TPAC	16	17
18	19 5:00p Work Session 7:00p Council/TDC Mtg 7:30p Council Reception - Library Community Room	20	21 6:30p Tualatin Tomorrow VIC Steering Committee Meeting, Council Chambers	22 7:00p Urban Renewal Advisory Committee, Council Chambers	23	24
25	26 5:00p Work Session 7:00p Council/TDC Mtg	27	28 7:00p ARB (if necessary)	29 11:30a Chamber Luncheon @ Country Club	30 WES - Grand Opening	31

2009

February

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2 WES Week	3 WES Week	4 WES Week 1:15p Tuatatin Historical Soc	5 WES Week	6 WES Week	7 5p Library Foundation Fundraiser
8	9 5:00p Work Session 7:00p Council/TDC Mtg	10	11 7:00p ARB (if necessary)	12 7:00p TPAC	13	14
15	16 Presidents Day Holiday CITY OFFICES CLOSED	17	18 12:00p Core Area Parking District Board, Council Chambers	19	20	21
22	23 5:00p Work Session 7:00p Council/TDC Mtg	24	25 7:00p ARB (if necessary)	26 11:30a Chamber Luncheon @ Country Club	27	28

2009



CONFIDENTIAL MEMORANDUM TUALATIN DEVELOPMENT COMMISSION

TO: Honorable Chairman and Members of the Commission

THROUGH: Sherilyn Lombos, Administrator *SL*

FROM: Doug Rux, Community Development Director *DR*
Brenda Braden, City Attorney *BB*

DATE: November 24, 2008

SUBJECT: SALE, LEASE/RENTAL OR REVOCABLE PERMIT FOR
UNDEVELOPED COMMISSION OWNED PROPERTY AT 18630
SW BOONES FERRY ROAD ADJACENT TO THE HOT SEAT
RESAURANT

ISSUE BEFORE THE COMMISSION:

Should the Tualatin Development Commission ("Commission") enter into negotiations with the Hot Seat Restaurant to sell, lease/rent or issue a revocable permit for undeveloped land located in the White Parking Lot on the west side of the Hot Seat Restaurant for outdoor dining use?

INTRODUCTION

The Hot Seat Restaurant owner Mr. Gary Haberman has contacted the Commission about the possibility of selling, leasing/renting or issuing a revocable permit for excess land that is not used for public parking in the White Parking Lot for use as outdoor dining. Attachment 1 is a map indicating the location of the area for discussion. Attachment 2 is graphics depicting the potential outdoor dining configuration.

In 2003 the Hot Seat Restaurant contacted the Commission about the potential use of this same area for outdoor dining activities. At that time the Commission chose not to allow the use of public property for private commercial use as the business owner and property owner were unwilling to provide any monetary compensation for use of the public property for the outdoor dining activities.

BENEFITS OF OUTDOOR DINNING ACTIVITIES

Outdoor dining provides visible outdoor activity for the central downtown area creating a feeling of vibrancy. A number of businesses provide this environment. Hayden's Lakefront Grill, Parallel 45, Bush Gardens and Fiorano Restaurant are examples of establishments with outdoor dining surrounding the Lake of the Commons. These businesses are allowed to use the public areas of the promenade as resident businesses under the Tualatin Commons Regulations. Other businesses that provide outdoor dining in the central downtown area include Mashita Teriyaki, Juan Colorado and Taco Del Mar. In the last three examples the outdoor dining is located on private property.

COMMERCIAL LAND VALUES

Land within the downtown area currently sells in the \$30 per square foot range depending on parcel size and location. To establish an exact value an appraisal would need to be conducted to determine the value of the unused portion of the Commission property in the White Lot.

Lease or rental of land within the central downtown area would also need to have an appraiser engaged to determine what a reasonable market value would be. Currently there is no land within the central downtown area that is leased solely for outdoor dining activities.

TRANSACTION OPTIONS

The first step is to determine if the Commission is interested in negotiating some form of real estate transaction. If the answer is yes, below are the following options:

1. Negotiate a land sale with the abutting property owner (Martinazzi B LLC) and Hot Seat Restaurant (Gary Haberman) a tenant on the Martinazzi B LLC property.
2. Lease/Rent the property to the Hot Seat Restaurant.
3. Issue a Revocable Permit to the Hot Seat Restaurant to use public property under prescribed terms and condition at no monetary compensation.

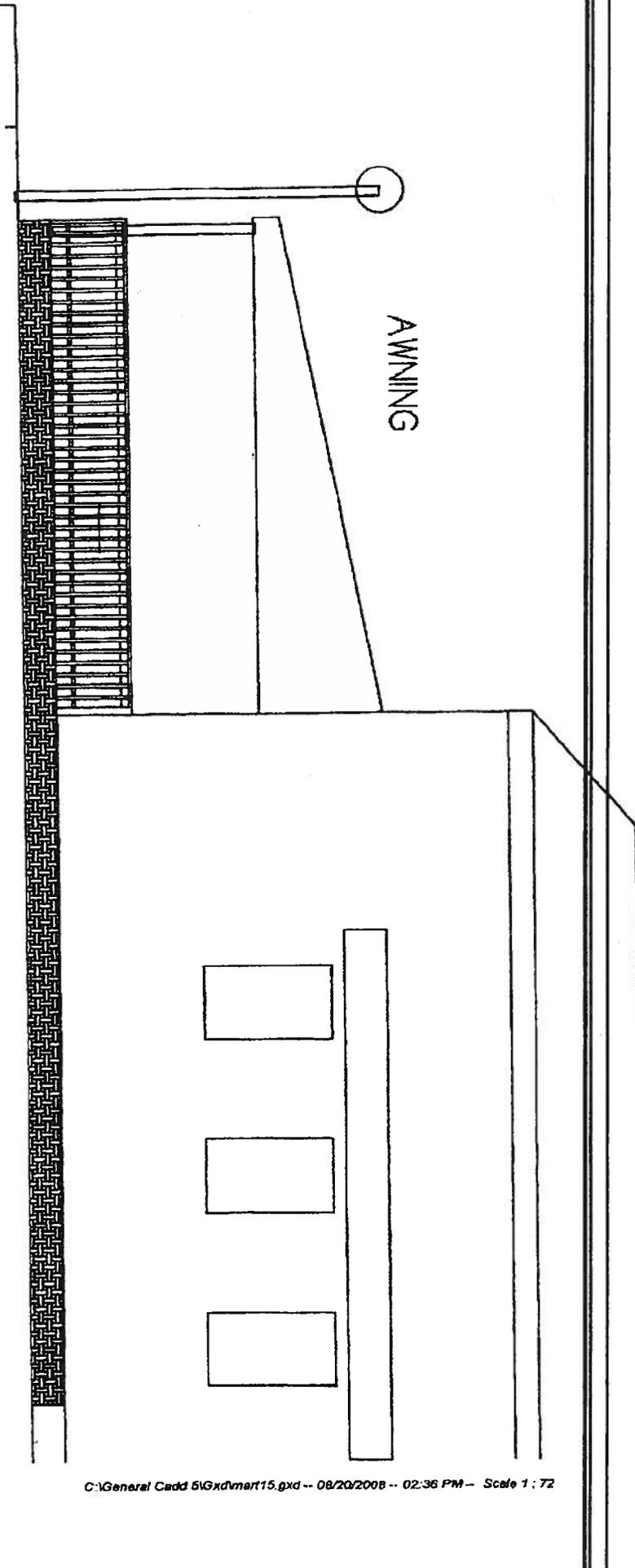
If the Commission does not desire negotiating some form of transaction no further discussion is necessary.

FINANCIAL IMPLICATIONS:

Funds have not been budgeted in the Commission's Central Urban Renewal District Project Fund to cover appraisal costs.

- Attachments:**
- A. Subject Property Map
 - B. Concept for Outdoor Dining

HOT SEAT SPORTS BAR



AWNING

SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

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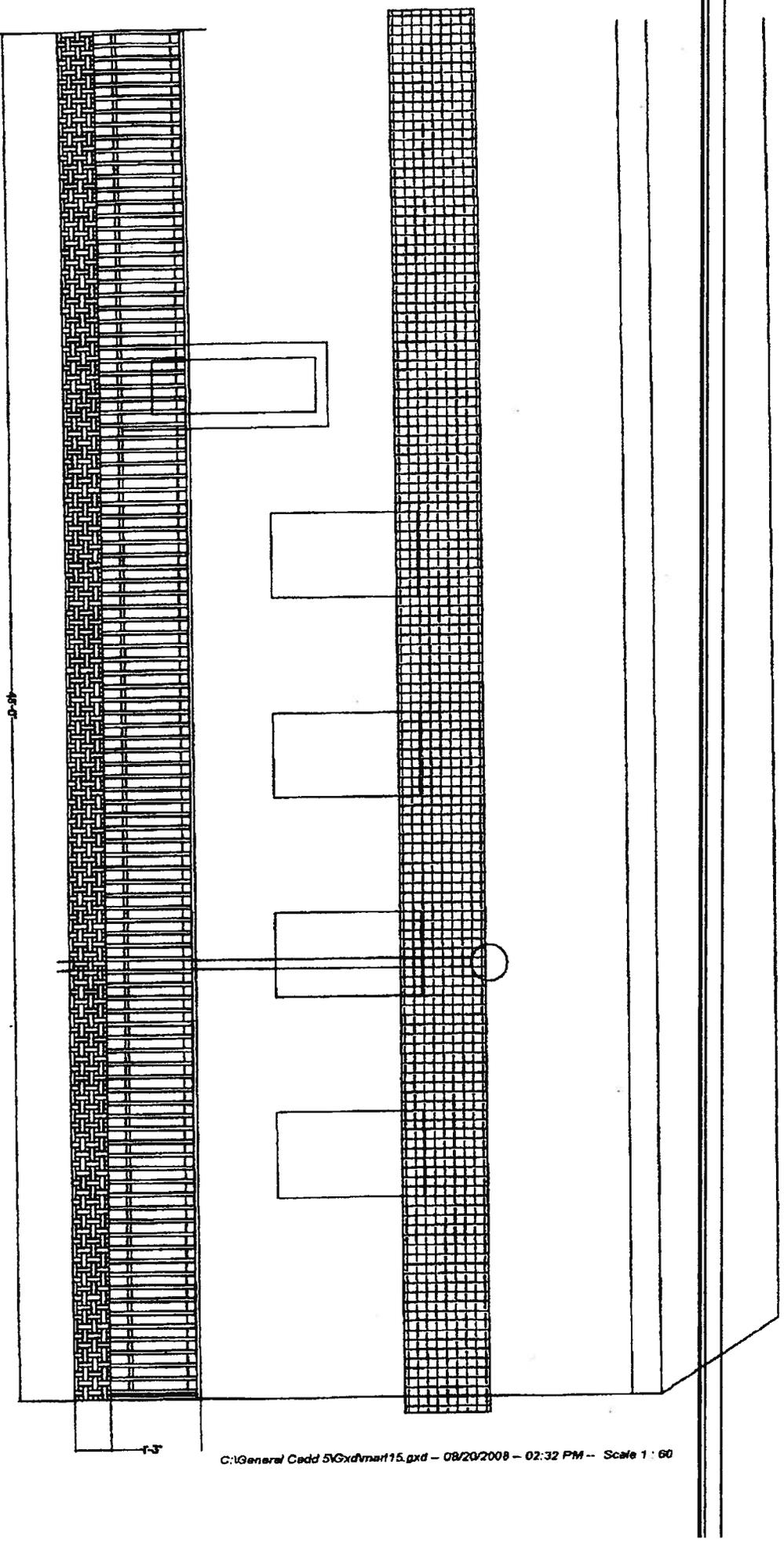
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AUG 22 2008

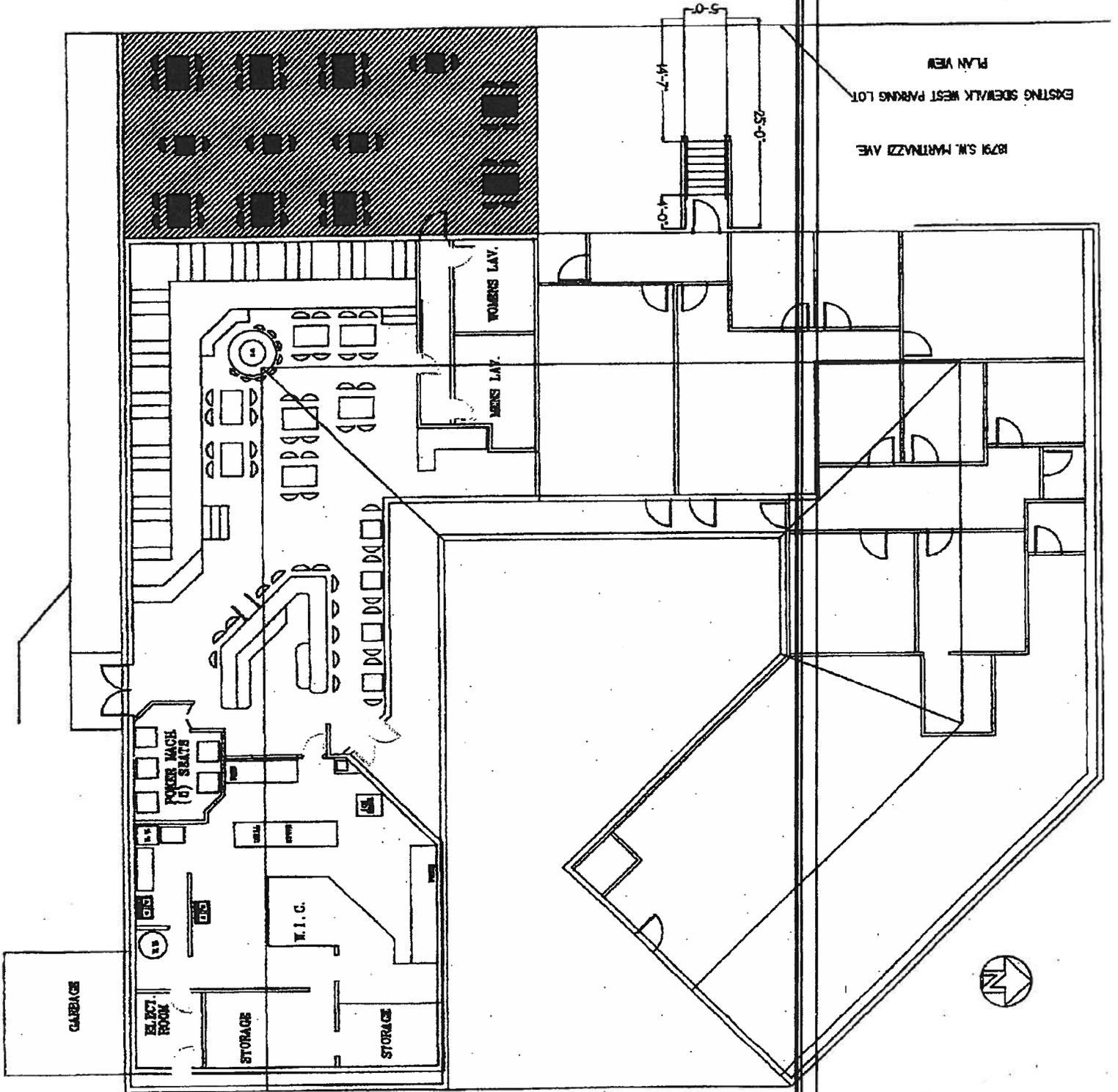
COMMUNITY DEVELOPMENT
PLANNING DIVISION

HOT SEAT SPORTS BAR

PROPOSED NEW DECK & DOOR



WEST ELEVATION SCALE: 1/4" = 1'-0"



10791 S.W. MARTINAZZI AVE
EXISTING SIDEWALK WEST PARKING LOT
PLAN VIEW





SW Boones Ferry Rd

SW Martinazzi Ave

SW Seneca St

Proposed Outdoor Dining



