



TUALATIN CITY COUNCIL AND TUALATIN DEVELOPMENT COMMISSION

Monday, April 23, 2012

CITY COUNCIL CHAMBERS
18880 SW Martinazzi Avenue
Tualatin, OR 97062

WORK SESSION begins at 5:00 p.m.
REGULAR MEETING begins at 7:00 p.m.

Mayor Lou Ogden
Council President Monique Beikman
Councilor Wade Brooksby Councilor Frank Bubenik
Councilor Joelle Davis Councilor Nancy Grimes
Councilor Ed Truax

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 City's website at www.ci.tualatin.or.us/government/CouncilPackets.cfm, the Library located at 18878 SW Martinazzi Avenue, and on file in the Office of the City Manager for public inspection. Any person with a 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. 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* the day of the meeting through Washington County Cable Access Channel 28. The replay schedule for Council meetings can be found at www.tvctv.org. Council meetings can also be viewed by live *streaming video* on the City's website, the day of the meeting at www.ci.tualatin.or.us/government/CouncilPackets.cfm.

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

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. Mayor opens the public hearing and identifies the subject.
2. A staff member presents the staff report.
3. Public testimony is taken.
4. Council then asks questions of staff, the applicant, or any member of the public who testified.
5. When the Council has finished 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, partititions and architectural review.

1. Mayor opens the public hearing and identifies the case to be considered.
2. A staff member presents the staff report.
3. Public testimony is taken:
 - a) In support of the application
 - b) In opposition or neutral
4. Council then asks questions of staff, the applicant, or any member of the public who testified.
5. When Council has finished its questions, the Mayors 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 FOR PUBLIC HEARINGS

The purpose of time limits on public hearing testimony is to provide all provided all interested persons with an adequate opportunity to present and respond to testimony. All persons providing testimony **shall be limited to 3 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)* employment of personnel; *ORS 192.660(2)(b)* 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.



Official Meeting Agenda of the Tualatin City Council for April 23, 2012

A. CALL TO ORDER

Pledge of Allegiance

B. ANNOUNCEMENTS

1. Tualatin Police Department Renewal of Accreditation
2. Proclamation Declaring the Week of April 30 - May 4, 2012 as Public Service Recognition Week in the City of Tualatin
3. Walk + Bike to School Challenge Month

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

The Consent Agenda will be enacted with one vote. The Mayor will first ask staff, the public and 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, 1) Items Removed from the Consent Agenda. The entire Consent Agenda, with the exception of items removed from the Consent Agenda to be discussed, is then voted upon by roll call under one motion.

1. Approval of the Minutes for the Work Session and Meeting of April 9, 2012
2. Approval of a New Liquor License Application for Big Al's Steaks - Tualatin
3. Approval of 2012 Liquor License Renewals Late Submittal
4. Approval of a Change in a Liquor License Application Greater Privilege for Morso
5. Resolution No. **5094-12** Authorizing an Intergovernmental Agreement (IGA) with Portland Metropolitan Area Transportation (PMAT) Cooperative for Equipment and Services

E. SPECIAL REPORTS

F. PUBLIC HEARINGS – *Legislative or Other*

1. Amending the Tualatin Development Code (TDC) Chapter 73 - Community Design Standards - Removing Core Area Parking District "Impact Fee" Provisions. Amending TDC 73.370 - Off-Street Parking Provisions, Plan Text Amendment PTA-11-12

G. PUBLIC HEARINGS – Quasi-Judicial

H. GENERAL BUSINESS

I. 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.

J. COMMUNICATIONS FROM COUNCILORS

K. EXECUTIVE SESSION

L. ADJOURNMENT

City Council Meeting

B. 2.

Meeting
Date: 04/23/2012

ANNOUNCEMENTS

Proclamation Declaring the Week of April 30 - May 4, 2012 as Public Service Recognition Week in the City of Tualatin

Attachments

Proclamation Public Service Recognition Week

Proclamation

*Proclamation Declaring the Week of April 30 -
May 4, 2012 as "Public Service Recognition Week"*

In Honor of the Public Employees of the City of Tualatin

WHEREAS public service is an honorable calling that involves a wide variety of challenging and rewarding professions, including providing recreational services, maintaining public safety, improving transportation, protecting our environment and performing administrative and management activities which are essential to efficient and effective operation of government; and

WHEREAS Tualatin's city employees contribute significantly to the quality of life for the Tualatin community, with their commitment to excellence, high ethical standards, and diversity of skills; and

WHEREAS excellence in the delivery of public service helps keep Tualatin strong and prosperous and a wonderful place in which to live, work and play; and

WHEREAS this commemoration provides an opportunity to express our appreciation for the many contributions public employees make to our daily lives.

NOW THEREFORE, BE IT RESOLVED, that the Tualatin City Council proclaims April 30 – May 4, 2012, as *Public Service Recognition Week* in the City of Tualatin, and encourages all citizens to recognize the crucial role of public employees.

INTRODUCED AND ADOPTED this 23rd day of April, 2012.

CITY OF TUALATIN, OREGON

BY _____
Mayor

ATTEST:

BY _____
City Recorder

City Council Meeting

B. 3.

Meeting
Date: 04/23/2012

ANNOUNCEMENTS

Walk + Bike to School Challenge Month

Attachments

PowerPoint Presentation - Walk + Bike to School Challenge Month

WALK + BIKE TO SCHOOL CHALLENGE MONTH

MAY 2012



WALK + BIKE TO SCHOOL CHALLENGE MONTH

MAY 2012

Why walk + bike to school?



- ⦿ Encourage healthy lifelong habits
- ⦿ Prevent vehicle congestion and associated pollution around schools
- ⦿ Promote a strengthened sense of community

WALK + BIKE TO SCHOOL CHALLENGE MONTH

MAY 2012



- Last year, over 600 Tualatin kids participated in International Walk + Bike to School Day (October)
- Last May, over 200 kids participated in Walk + Bike to School Challenge Month.
- This year, we hope to see even more kids involved!

WALK + BIKE TO SCHOOL CHALLENGE MONTH

MAY 2012

Want to participate?



- ⦿ For participating schools, contact your school coordinator
- ⦿ Don't have a school coordinator? We encourage you to walk or bike with your friends and neighbors!



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Maureen Smith, Deputy City Recorder

DATE: 04/23/2012

SUBJECT: Approval of the Minutes for the Work Session and Meeting of April 9, 2012

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve the minutes of the Work Session and Meeting of April 9, 2012.

RECOMMENDATION:

Staff respectfully recommends that the Council adopt the attached minutes.

Attachments: A - Work Session Minutes of April 9, 2012
B - Meeting Minutes of April 9, 2012



OFFICIAL MINUTES OF TUALATIN CITY COUNCIL WORK SESSION FOR APRIL 9, 2012

Present: Mayor Lou Ogden; Council President Monique Beikman; Councilor Wade Brooksby; Councilor Frank Bubenik; Councilor Joelle Davis; Councilor Nancy Grimes; Councilor Ed Truax

Staff Present: City Manager Sherilyn Lombos; City Attorney Brenda Braden; Police Chief Kent Barker; Operations Director Dan Boss; Community Development Director Alice Rouyer; Community Services Director Paul Hennon; Finance Director Don Hudson; Deputy City Manager Sara Singer; Management Analyst Ben Bryant

1. **CALL TO ORDER**

The Work Session for the Development Commission opened at 5:00 p.m. and the Commission immediately went into executive session pursuant to ORS 192.660(2)(e) to discuss real property transactions.

2. **Tualatin Development Commission**

An executive session pursuant to ORS 192.660(2)(e) to discuss Real Property Transactions was held at the beginning of the Development Commission Work Session.

City Council

The Work Session for the City Council opened at 5:40 p.m.

3. ***Selection of the 2012 Outstanding Volunteers***

Volunteer Coordinator Victoria Eggleston presented information on the nominees and the various categories for nominations. Discussion followed. Mayor Ogden suggested going forward with staff's recommendations with the Volunteer of the Year with the exception of the Volunteer Lifetime Achievement Award. The nominee for this category was placed in the Youth category. There was a tie for the youth category and the Council decided to move forward with awarding both awards for youth.

4. ***Update on the Tualatin Website Redesign Project***

Deputy City Manager Sara Singer gave a presentation regarding the City's Website Redesign process. Councilor Bubenik said that it will be important for the public to have a chance to test the City's new website and provide public input on how the site is laid out. Councilor Beikman said that the City logo was not featured in the new design. Councilor Davis explained that the members of the public who participated in the design workshop recommended not featuring the logo on the new site. Deputy City Manager Singer responded that in some of the designs evaluated not all City logos were featured on the sites. Councilor Bubenik suggested including a graphic with the City's logo as part of the rotation of the non-static image on the homepage.

5. Council Operations

Council began the discussion on what the current travel policy is for employees that Council can use as an example and can look to what other cities have. It was mentioned it would be helpful to have a handbook for Council that includes ethics requirements, attendance handbooks, travel policies, etc., much like an employee handbook. It was suggested to include the Council assignments on various committees both local and regional, involvement with the National League of Cities (NLC) and League of Oregon Cities (LOC), attendance at conferences, mileage reimbursement information and form, etc. A staff directory with photos would be helpful, and the handbook can be distributed electronically or could be available on the website. Council requested that a primer on what can be researched, and the roles and responsibilities, be provided by early August due to filing deadline of Council candidates at the November General Election.

6. Council Meeting Agenda Review, Communications & Roundtable

CONSENT AGENDA REVIEW

Council reviewed the Consent Agenda with no comments or changes.

H. GENERAL BUSINESS

Item H-2 Ordinance No. 1342-12 Relating to Public Contracting; Adding New Sections for Qualifications Based Selection Process for Certain Professionals; and Adding New Sections to TMC Chapter 1.21

MOTION by Council President Beikman, SECONDED by Councilor Grimes for a first reading by title only. MOTION by Council President Beikman, SECONDED by Councilor Bubenik for a second reading by title only. MOTION CARRIED. The poll was unanimous. MOTION by Council President Beikman, SECONDED by Councilor Grimes to place adoption of the ordinance on the Consent Agenda. MOTION CARRIED.

Item H-3 Ordinance No. 1343-12 Relating to Initiative and Referendum Petitions; Authorizing the City to Submit Explanatory Statements for County Voters Pamphlets; Declaring an Emergency; and Adding a New Section, 1-23-010 to the Tualatin Municipal Code

MOTION by Council President Beikman, SECONDED by Councilor Bubenik for a first reading by title only. MOTION by Council President Beikman, SECONDED by Councilor Grimes for a second reading by title only. MOTION CARRIED. The poll was unanimous. MOTION by Council President Beikman, SECONDED by Councilor Grimes to place adoption of the ordinance on the Consent Agenda. MOTION CARRIED.

COMMUNICATIONS AND ROUNDTABLE

Council President Beikman commented on her meeting at TriMet and passed on that Tualatin residents feel under-served by TriMet.

Councilor Davis noted she attended the Washington County Consolidated Communications Agency (WCCCA) meeting, where a discussion was held on the previously expected 7% budget increase, ends up to only be a minimal increase.

Mayor Ogden mentioned he is a non-voting member of the League of Oregon Cities (LOC) Board and City Manager Lombos also sits on the Board, giving Tualatin two voices on the Board. Mayor Ogden gave a brief update on the Climate Smart Communities issue. Metro is moving forward to develop scenarios by July.

Council President Beikman mentioned she had received a complaint about someone getting towed after only ten minutes of being parked. She asked that some research be done and brought back to Council on the issue of "predatory towing."

Councilor Grimes noted an excellent Arbor Day event this past Saturday, with over 150 people attending to plant trees.

Council noted the Urban Renewal Report discussion will be held after the Council meeting.

7. ADJOURNMENT

The Work Session recessed at 6:55 p.m.

Sherilyn Lombos, City Manager



Maureen Smith Maureen Smith, Recording Secretary

OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR APRIL 9, 2012

Present: Mayor Lou Ogden; Council President Monique Beikman; Councilor Wade Brooksby; Councilor Frank Bubenik; Councilor Joelle Davis; Councilor Nancy Grimes; Councilor Ed Truax

Staff Present: City Manager Sherilyn Lombos; City Attorney Brenda Braden; Police Chief Kent Barker; Community Development Director Alice Rouyer; Community Services Director Paul Hennon; Deputy City Manager Sara Singer; Senior Planner William Harper; Parks and Recreation Manager Carl Switzer; Library Manager Abigail Elder; Teen Program Specialist Julie Ludemann; Management Analyst Ben Bryant

A. CALL TO ORDER

Mayor Ogden called the meeting to order at 7:00 p.m.

Pledge of Allegiance

B. ANNOUNCEMENTS

1. Tualatin Youth Advisory Council Update for April 2012

Tualatin Youth Advisory Council member were present and gave a review of upcoming events; April 20 is the Project F.R.I.E.N.D.S anti-bullying workshop, and all Councilors are welcome to attend. The Tualatin Youth Summit has been soliciting information from City departments, Advisory Committees, and CIO's, and plan on distributing the survey late spring. Summer events were also reviewed. Mayor Ogden suggested the survey be placed on the City's website so people could complete the survey online.

2. Proclamation Declaring April 22 - 28, 2012 as Volunteer Appreciation Week in the City of Tualatin

Councilor Davis read the proclamation declaring April 22 - 28, 2012 as Volunteer Appreciate Week in the City of Tualatin, and noted the upcoming volunteer appreciation event on Thursday.

C. CITIZEN COMMENTS

Tualatin Library Foundation representatives Wayne Welch and Hammond were present and reminded the community about the secon annual Vine2Wine Event fundraiser for the Tualatin Library. Nine wineries will be represented at the event. Tickets are \$40, and the money goes towards the Library Foundation. Also 15% of the proceeds from wine sales will also go towards the Library Foundation. For more information, the website is www.tualatinlibraryfoundation.tix.com.

D. CONSENT AGENDA

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

Vote: 7 - 0 MOTION CARRIED

1. Approval of the Minutes for the Work Session and Meeting of March 12, 2012
2. Resolution Granting a Conditional Use Permit for a Tigard-Tualatin School District 23J "Online Academy Learning / Technology Center" (Grades 6-12) within the Light Manufacturing (ML) Planning District at 19234 SW Mohave Court (Tax Map 2S123DA, Tax Lot 2200) (CUP 12-01)
3. Resolution Authorizing the Mayor to Execute a Four-Year Intergovernmental Agreement with Washington County for Coordinated Mosquito Reduction and Information Coordination
4. Recommendations from the Council Committee on Advisory Appointments
5. **H-2** An Ordinance Relating to Public Contracting; Adding New Sections for Qualifications Based Selection Process for Certain Professionals; and Adding New Sections to TMC Chapter 1.21
6. **H-3** An Ordinance Relating to Initiative and Referendum Petitions; Authorizing the City to Submit Explanatory Statements for County Voters Pamphlets; Declaring an Emergency; and Adding a New Section, 1-23-010 to the Tualatin Municipal Code

E. SPECIAL REPORTS

1. Hedges Creek Wetlands Protection District Restoration Project Update

Community Services Director Paul Hennon presented the update on the Hedges Creek Wetlands Protection District Restoration project, and introduced Jennifer Wilson and Esther Lev of the Wetlands Conservancy, noting the celebration of 30 years of being a protected district. The major goal of the project is to improve wetland function and wildlife habitat values of the Hedges Creek Marsh. A large grant was received to begin work on the Nyberg Wetland area. Mayor Ogden encouraged the group to contact the Stafford Hills Racquet Club representatives because they are also doing some restoration work.

2. 2011 Annual Report of the Tualatin Library Advisory Committee

Library Manager Abigail Elder was present and introduced Library Advisory Committee member Sean Neery, who presented the 2011 Annual Report and review of the committee's activities this past year.

3. Proclamation Declaring April 8-14, 2012 as National Library Week in the City of Tualatin

Councilor Bubenik read the proclamation declaring April 8 - 14, 2012 as "National Library Week" in the City of Tualatin.

4. Tualatin Chamber of Commerce Annual Report

Tualatin Chamber of Commerce CEO Linda Moholt presented their 2011 annual report. They were the No. 1 Chamber in growth in the metro area. Ms. Moholt highlighted their recent ribbon cutting with Tilly's, the partnership with the City on economic gardening, ice age tourism plan, and other community projects. "Viva Claws Vegas" is the theme for the Crawfish Festival coming up in August. The Regatta Run was held for the Corporal Matthew Lempke scholarship fund. The Chamber's Friday Networking events now get over 90 participants, and the Women in Networking luncheon is doing well. Ms. Moholt mentioned the Oregon State Chamber of Commerce to learn how to be better advocates for our businesses.

F. **PUBLIC HEARINGS – *Legislative or Other***

G. **PUBLIC HEARINGS – *Quasi-Judicial***

H. **GENERAL BUSINESS**

1. Resolution Recognizing the Formation of Citizen Involvement Organization Six (CIO 6)

Deputy City Manager Sara Singer made a brief presentation on the formation of Citizen Involvement Organization (CIO) 6. Willie Fisher, Steve Caporale and Chris Burchill were present and made a few comments about the formation of CIO 6. Council President Beikman complimented the newly elected officers on volunteering to serve in their neighborhood.

MOTION by Council President Monique Beikman, SECONDED by Councilor Nancy Grimes to adopt the Resolution recognizing the formation of Citizen Involvement Organization Six (CIO 6).

Vote: 7 - 0 MOTION CARRIED

I. **ITEMS REMOVED FROM CONSENT AGENDA**

J. **COMMUNICATIONS FROM COUNCILORS**

Councilor Grimes announced that CIO 2 will be holding their annual meeting on Thursday.

Councilor Davis announced that CIO 1 will be holding its annual meeting.

K. **EXECUTIVE SESSION**

L. ADJOURNMENT

MOTION by Council President Monique Beikman, SECONDED by Councilor Nancy Grimes to adjourn the meeting at 8:11 p.m.

Vote: 7 - 0 MOTION CARRIED

Sherilyn Lombos, City Manager

Maureen Smith Maureen Smith / Recording Secretary



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Maureen Smith, Deputy City Recorder

DATE: 04/23/2012

SUBJECT: Approval of a New Liquor License Application for Big Al's Steaks - Tualatin

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve a new liquor license application for Big Al's Steaks.

RECOMMENDATION:

Staff respectfully recommends that the Council approve endorsement of the liquor license application for Big Al's Steaks.

EXECUTIVE SUMMARY:

Big Al's Steaks - Tualatin, has submitted a new liquor license application under the category Limited On-Premises Sales which allows the sale of malt beverages, wine and cider for consumption on the licensed premises and the sale of kegs of malt beverages for off premises consumption; it also allows licensees who are pre-approved to cater events off of the licensed premises. The business is located at 7009 SW Nyberg Street. The application is in accordance with provisions of Ordinance No. 680-85 which established a procedure for review of liquor licenses by the Council.

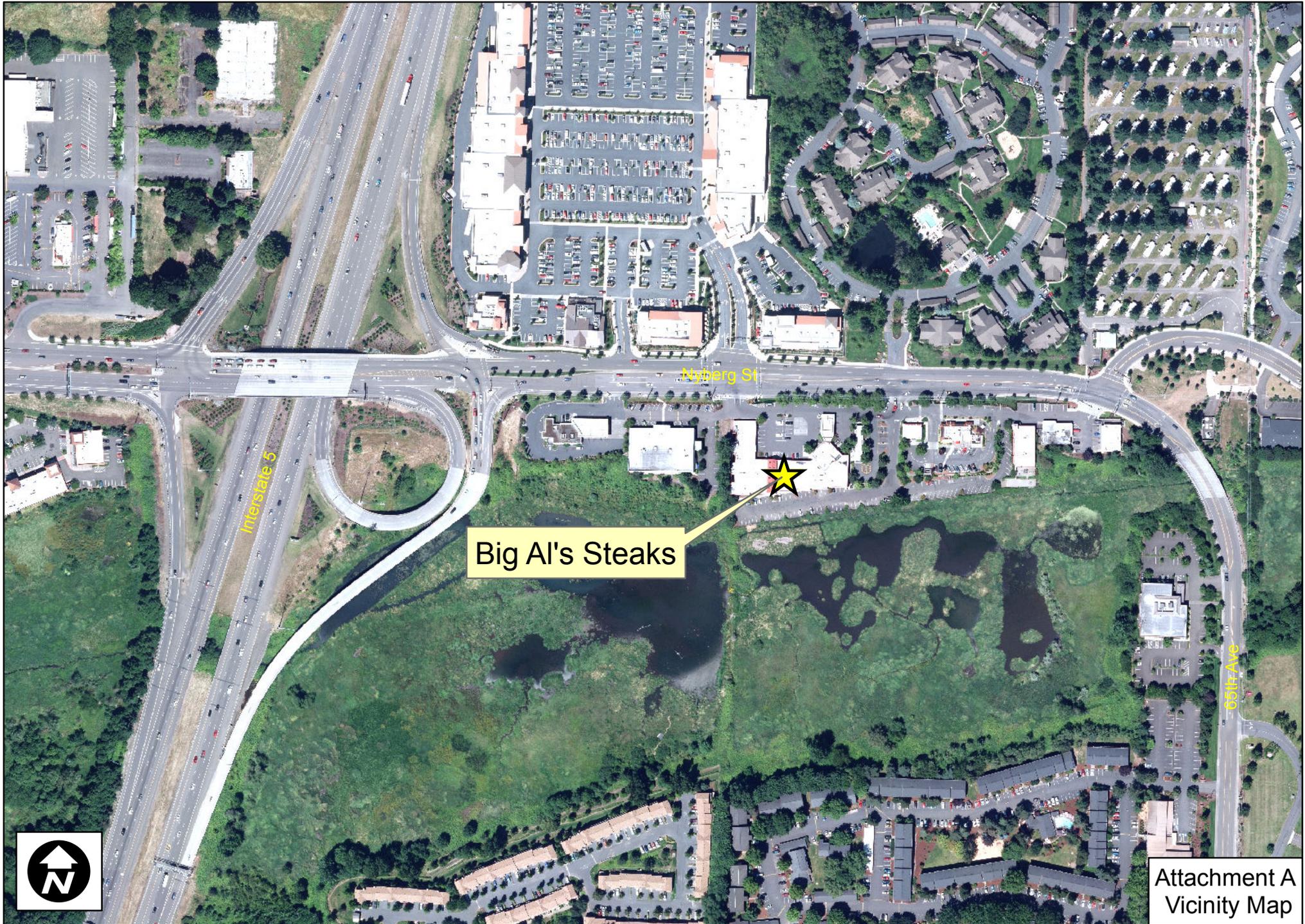
Ordinance No. 680-85 establishes procedures for liquor license applicants. Applicants are required to fill out a City application form, from which a review by the Police Department is conducted, according to standards and criteria established in Section 6 of the ordinance. The Police Department has reviewed the new liquor license application and recommended approval.

According to the provisions of Section 5 of Ordinance No. 680-85 a member of the Council or the public may request a public hearing on any of the liquor license requests. If such a public hearing request is made, a hearing will be scheduled and held on the license. It is important that any request for such a hearing include reasons for said hearing.

FINANCIAL IMPLICATIONS:

A New Application fee of \$100 has been paid by the applicant.

Attachments: A - Vicinity Map
B - License Types
C - Liquor License Application



OREGON LIQUOR CONTROL COMMISSION LICENSE TYPES & PRIVILEGES

Brewery – public house

Allows the manufacture & sale of malt beverages to wholesalers, & the sale of malt beverages, wine & cider for consumption on or off the premises. [ORS 471.200]

Brewery

Allows the manufacture, importation, storage, transportation & wholesale sale of malt beverages to OLCC licensees. Malt beverages brewed on the premises may be sold for consumption on the premises & sold in kegs to the public. [ORS 471.220] designates a licensee that does not allow tastings or other on premises consumption.

Certificate of Approval

This certificate allows an out-of-state manufacturer, or an importer of foreign wine or malt beverages, to import wine & malt beverages to Oregon licensees. [ORS 471.289]

Distillery

Allows the holder to import, manufacture, distill, rectify, blend, denature & store distilled spirits. A distillery that produces distilled liquor may permit tastings by visitors. [ORS 471.230]

Direct Shipper Permit

Allows manufacturers & retailers to ship wine & cider directly to Oregon residents for their personal use. [ORS 471.282]

Full On Premises Sales

Allows the sale & service of distilled spirits, malt beverages & wine for consumption on the licensed premises. Also allows licensees who are pre-approved to cater events off of the licensed premises [ORS 471.175] license sub-type designates the type of business licensed: F-CAT- caterer; F-CLU- private club; F-COM - commercial establishment; F-PC - passenger carrier; F-PL - other public location.

Growers Sales Privilege

Allows the importation, storage, transportation, export, & wholesale & retail sales of wines made from fruit or grapes grown in Oregon [ORS 471.227]. Designates a licensee that does not allow tastings or other on premises consumption.

Limited On Premises Sales

Allows the sale of malt beverages, wine & cider for consumption on the licensed premises & the sale of kegs of malt beverages for off premises consumption. Also allows licensees who are pre-approved to cater events off of the licensed premises. [ORS 471.178]

Off Premises Sales

Allows the sale of malt beverages, wine & cider in factory sealed containers for consumption off the licensed premises & allows approved licensees to offer sample tasting of malt beverages, wine & cider. [ORS 471.186]

Warehouse

Allows the storage, importing, exporting, bottling, producing, blending & transporting of wine & malt beverages. [ORS 471.242]

Wholesale Malt Beverage & Wine

Allows the importation, storage, transportation & wholesale sale of malt beverages & wine to OLCC licensees & limited retail sales to the public (dock sales). [ORS 471.235]

Wine Self Distribution Permit

Allows manufacturers to sell & ship wine & cider produced by the manufacturer directly to Oregon retailers for resale to consumers. May ship to businesses which have an OLCC endorsement to receive the shipments. [ORS 471.274]

Winery

Allows the licensee to import, bottle, produce, blend, store, transport & export wines, & allows wholesale sales to OLCC & licensees, & retail sales of malt beverages & wine for consumption on or off the licensed premises.[ORS 471.223]



CITY OF TUALATIN

LIQUOR LICENSE APPLICATION

Date 3/27/12

IMPORTANT: *This is a three-page form. You are required to complete all sections of the form.*
 If a question does not apply, please indicate N/A. Please include full names (last, first middle) and full dates of birth (month/day/year). Incomplete forms shall receive an unfavorable recommendation.
Thank you for your assistance and cooperation.

SECTION 1: TYPE OF APPLICATION

- Original (New) Application - \$100.00 Application Fee.*
- Change in Previous Application - \$75.00 Application Fee.*
- Renewal of Previous License - \$35.00 Application Fee. Applicant must possess current business license. License # _____*
- Temporary License - \$35.00 Application Fee.*

SECTION 2: DESCRIPTION OF BUSINESS

Name of business (dba): Big Al's Steaks-Tualatin

Business address 7009 SW Nyberg St City Tualatin State OR Zip Code 97062

Mailing address [REDACTED] City Tigard State OR Zip Code 97223

Telephone # 503-929-9133 Fax # None

Name(s) of business manager(s) First Roman Middle Paul Last Petkevicius

Date of birth [REDACTED] Social Security # [REDACTED] State Issued Drivers Lic # [REDACTED] M F

Home address [REDACTED] City Tigard State OR Zip Code 97223
 (attach additional pages if necessary)

Type of business Quick Service Restaurant

Type of food served Philly Cheesesteak sandwiches, cold subs, fries

Type of entertainment (dancing, live music, exotic dancers, etc.) None

Days and hours of operation 11-9:00 M-S, 11:00-6:00 Sunday

Food service hours: Breakfast _____ Lunch Same as above Dinner Same as above

Restaurant seating capacity 42 Outside or patio seating capacity 0

How late will you have outside seating? N/A How late will you sell alcohol? 9:00 pm

How many full-time employees do you have? 2 Part-time employees? apprx 6-8

SECTION 3: DESCRIPTION OF LIQUOR LICENSE

Name of Individual, Partnership, Corporation, LLC, or Other applicants BLAM LLC

BLAM LLC
Type of liquor license (refer to OLCC form) Limited On-premises sales

Form of entity holding license (check one and answer all related applicable questions):

INDIVIDUAL: *If this box is checked, provide full name, date of birth, and residence address.*
Full name _____ Date of birth _____
Residence address _____

PARTNERSHIP: *If this box is checked, provide full name, date of birth and residence address for each partner. If more than two partners exist, use additional pages. If partners are not individuals, also provide for each partner a description of the partner's legal form and the information required by the section corresponding to the partner's form.*
Full name _____ Date of birth _____
Residence address _____
Full name _____ Date of birth _____
Residence address _____

CORPORATION: *If this box is checked, complete (a) through (c).*
(a) Name and business address of registered agent.
Full name _____
Business address _____

(b) Does any shareholder own more than 50% of the outstanding shares of the corporation? If yes, provide the shareholder's full name, date of birth, and residence address.
Full name _____ Date of birth _____
Residence address _____

(c) Are there more than 35 shareholders of this corporation? Yes No. If 35 or fewer shareholders, identify the corporation's president, treasurer, and secretary by full name, date of birth, and residence address.
Full name of president: _____ Date of birth: _____
Residence address: _____
Full name of treasurer: _____ Date of birth: _____
Residence address: _____
Full name of secretary: _____ Date of birth: _____
Residence address: _____

LIMITED LIABILITY COMPANY: *If this box is checked, provide full name, date of birth, and residence address of each member. If there are more than two members, use additional pages to complete this question. If members are not individuals, also provide for each member a description of the member's legal form and the information required by the section corresponding to the member's form.*
Full name: Roman Petkevicius Date of birth: [REDACTED]
Residence address: [REDACTED]

Full name: _____ Date of birth: _____
Residence address: _____

OTHER: If this box is checked, use a separate page to describe the entity, and identify with reasonable particularity every entity with an interest in the liquor license.

SECTION 4: APPLICANT SIGNATURE

A false answer or omission of any requested information on any page of this form shall result in an unfavorable recommendation.


Signature of Applicant _____ Date 3/27/2012

For City Use Only

Sources Checked:

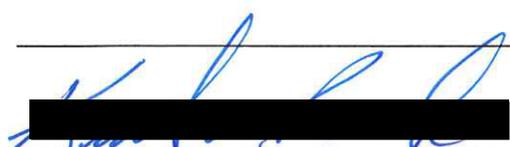
DMV by [Signature] LEDS by [Signature] TuPD Records by [Signature]
 Public Records by [Signature]

Number of alcohol-related incidents during past year for location.
 Number of Tualatin arrest/suspect contacts for _____

It is recommended that this application be:

Granted
 Denied

Cause of unfavorable recommendation: _____


Signature _____ Date 4/6/12

Kent W. Barker
Chief of Police
Tualatin Police Department



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Maureen Smith, Deputy City Recorder

DATE: 04/23/2012

SUBJECT: Approval of 2012 Liquor License Renewals Late Submittal

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve a liquor license renewal application for 2012. The business listed below submitted their 2012 renewal application too late to be included in the renewals approved in February. Copies have not been included with this staff report but are available at the City Offices for review.

RECOMMENDATION:

Staff respectfully recommends that the Council approve endorsement of the following liquor license application renewal for 2012:

E.B. Smokey's

EXECUTIVE SUMMARY:

Annually the Oregon Liquor Control Commission (OLCC) requires all liquor licenses be renewed. According to the provisions of City Ordinance No. 680-85, establishing procedures for liquor license applicants, applicants are required to fill out a City application form, from which a review by the Police Department is conducted, according to standards and criteria established in Section 6 of the ordinance. The liquor license renewal applications are in accordance with all ordinances and the Police Department has conducted reviews of the applications.

According to the provisions of Section 5 of Ordinance No. 680-85 a member of the Council or the public may request a public hearing on any of the liquor license renewal requests. If such a public hearing request is made, a hearing will be scheduled and held on the license. It is important that any request for such a hearing include reasons for said hearing.

FINANCIAL IMPLICATIONS:

A renewal fee of \$35 has been paid by the applicant.

Attachments:



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Maureen Smith, Deputy City Recorder

DATE: 04/23/2012

SUBJECT: Approval of a Change in a Liquor License Application Greater Privilege for Morso

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve a Change of Liquor License application - Greater Privilege for Morso (formerly named Mio Gelato).

RECOMMENDATION:

Staff respectfully recommends that the Council approve endorsement of the liquor license application greater privilege for Morso.

EXECUTIVE SUMMARY:

Morso has submitted a change in their previous liquor license application, under the category of Full On-Premises Sales, Commercial Establishment *Greater Privilege*. Full On Premises Sales allows the sale and service of distilled spirits, malt beverages and wine for consumption on the licensed premises. Also allows licensees who are pre-approved to cater events off of the licensed premises [ORS 471.175] license sub-type designates the type of business licensed: F-COM - commercial establishment. The business is located at 7291 SW Bridgeport Road. The application is in accordance with provisions of Ordinance No. 680-85 which established a procedure for review of liquor licenses by the Council.

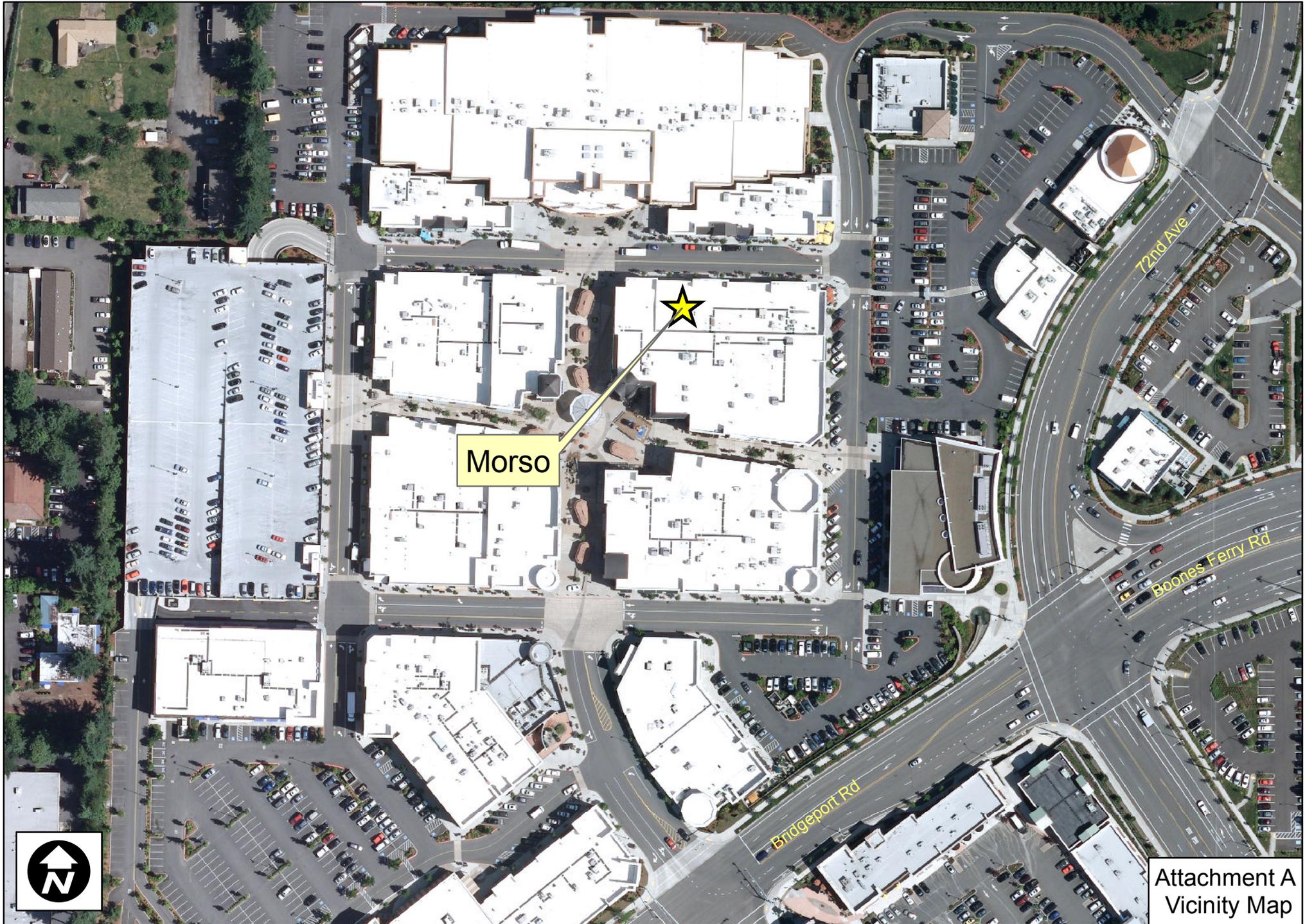
Ordinance No. 680-85 establishes procedures for liquor license applicants. Applicants are required to fill out a City application form, from which a review by the Police Department is conducted, according to standards and criteria established in Section 6 of the ordinance. The Police Department has reviewed the new liquor license application and recommended approval.

According to the provisions of Section 5 of Ordinance No. 680-85 a member of the Council or the public may request a public hearing on any of the liquor license requests. If such a public hearing request is made, a hearing will be scheduled and held on the license. It is important that any request for such a hearing include reasons for said hearing.

FINANCIAL IMPLICATIONS:

A \$75 change in previous application fee has been paid by the applicant.

Attachments: A - Vicinity Map
 B - License Types
 C - Liquor License Application - Morso



OREGON LIQUOR CONTROL COMMISSION LICENSE TYPES & PRIVILEGES

Brewery – public house

Allows the manufacture & sale of malt beverages to wholesalers, & the sale of malt beverages, wine & cider for consumption on or off the premises. [ORS 471.200]

Brewery

Allows the manufacture, importation, storage, transportation & wholesale sale of malt beverages to OLCC licensees. Malt beverages brewed on the premises may be sold for consumption on the premises & sold in kegs to the public. [ORS 471.220] designates a licensee that does not allow tastings or other on premises consumption.

Certificate of Approval

This certificate allows an out-of-state manufacturer, or an importer of foreign wine or malt beverages, to import wine & malt beverages to Oregon licensees. [ORS 471.289]

Distillery

Allows the holder to import, manufacture, distill, rectify, blend, denature & store distilled spirits. A distillery that produces distilled liquor may permit tastings by visitors. [ORS 471.230]

Direct Shipper Permit

Allows manufacturers & retailers to ship wine & cider directly to Oregon residents for their personal use. [ORS 471.282]

Full On Premises Sales

Allows the sale & service of distilled spirits, malt beverages & wine for consumption on the licensed premises. Also allows licensees who are pre-approved to cater events off of the licensed premises [ORS 471.175] license sub-type designates the type of business licensed: F-CAT- caterer; F-CLU- private club; F-COM - commercial establishment; F-PC - passenger carrier; F-PL - other public location.

Growers Sales Privilege

Allows the importation, storage, transportation, export, & wholesale & retail sales of wines made from fruit or grapes grown in Oregon [ORS 471.227]. Designates a licensee that does not allow tastings or other on premises consumption.

Limited On Premises Sales

Allows the sale of malt beverages, wine & cider for consumption on the licensed premises & the sale of kegs of malt beverages for off premises consumption. Also allows licensees who are pre-approved to cater events off of the licensed premises. [ORS 471.178]

Off Premises Sales

Allows the sale of malt beverages, wine & cider in factory sealed containers for consumption off the licensed premises & allows approved licensees to offer sample tasting of malt beverages, wine & cider. [ORS 471.186]

Warehouse

Allows the storage, importing, exporting, bottling, producing, blending & transporting of wine & malt beverages. [ORS 471.242]

Wholesale Malt Beverage & Wine

Allows the importation, storage, transportation & wholesale sale of malt beverages & wine to OLCC licensees & limited retail sales to the public (dock sales). [ORS 471.235]

Wine Self Distribution Permit

Allows manufacturers to sell & ship wine & cider produced by the manufacturer directly to Oregon retailers for resale to consumers. May ship to businesses which have an OLCC endorsement to receive the shipments. [ORS 471.274]

Winery

Allows the licensee to import, bottle, produce, blend, store, transport & export wines, & allows wholesale sales to OLCC & licensees, & retail sales of malt beverages & wine for consumption on or off the licensed premises.[ORS 471.223]



CITY OF TUALATIN
LIQUOR LICENSE APPLICATION

REC'D
CITY OF TUALATIN

MAR 29 2012

MAYOR COUNCIL POLICE ADM
FINANCE COMM DEV LEGAL OPER
COMMSVCS ENG & BLDG LIBRARY

Date 3/27/12

IMPORTANT: This is a three-page form. You are required to complete all sections of the form.
If a question does not apply, please indicate N/A. Please include full names (last, first middle) and full dates of birth (month/day/year). Incomplete forms shall receive an unfavorable recommendation.
Thank you for your assistance and cooperation.

SECTION 1: TYPE OF APPLICATION

- Original (New) Application - \$100.00 Application Fee.
Change in Previous Application - \$75.00 Application Fee.
Renewal of Previous License - \$35.00 Application Fee. Applicant must possess current business license. License #
Temporary License - \$35.00 Application Fee.

SECTION 2: DESCRIPTION OF BUSINESS

Name of business (dba): Morso

Business address 7291 SW Bridgeport RD City Tigard State OR Zip Code 97224

Mailing address 7291 SW Bridgeport RD City Tigard State OR Zip Code 97224

Telephone # 503-747-2090 Fax #

Name(s) of business manager(s) First Kenneth Middle J Last Giambalvo

Date of birth Social Security # State Issued Drivers Lic # M F

Home address City State OR Zip Code 97267
(attach additional pages if necessary)

Type of business Cafe

Type of food served sandwiches, soup, salads, coffee, gelato

Type of entertainment (dancing, live music, exotic dancers, etc.) mixed cd

Days and hours of operation 8-10

Food service hours: Breakfast same food available all Lunch DAY LONG Dinner

Restaurant seating capacity 40 Outside or patio seating capacity 16

How late will you have outside seating? until close How late will you sell alcohol? until close

How many full-time employees do you have? 1 Part-time employees? 13

SECTION 3: DESCRIPTION OF LIQUOR LICENSE

Name of Individual, Partnership, Corporation, LLC, or Other applicants _____

Lightman-Barnes, Inc

Type of liquor license (refer to OLCC form) Full On-Premises Sales

Form of entity holding license (check one and answer all related applicable questions):

INDIVIDUAL: If this box is checked, provide full name, date of birth, and residence address.

Full name _____ Date of birth _____

Residence address _____

PARTNERSHIP: If this box is checked, provide full name, date of birth and residence address for each partner. If more than two partners exist, use additional pages. If partners are not individuals, also provide for each partner a description of the partner's legal form and the information required by the section corresponding to the partner's form.

Full name _____ Date of birth _____

Residence address _____

Full name _____ Date of birth _____

Residence address _____

CORPORATION: If this box is checked, complete (a) through (c).

(a) Name and business address of registered agent.

Full name Lightman-Barnes, Inc

Business address ██████████, Portland, OR 97209

(b) Does any shareholder own more than 50% of the outstanding shares of the corporation? If yes, provide the shareholder's full name, date of birth, and residence address.

Full name Denise Barnes Date of birth ██████████

Residence address ██████████ OR 97209

(c) Are there more than 35 shareholders of this corporation? Yes No. If 35 or fewer shareholders, identify the corporation's president, treasurer, and secretary by full name, date of birth, and residence address.

Full name of president: Robert Lightman Date of birth: ██████████

Residence address: ██████████ OR 97209

Full name of treasurer: _____ Date of birth: _____

Residence address: _____

Full name of secretary: Denise Barnes Date of birth: ██████████

Residence address: ██████████ OR 97209

LIMITED LIABILITY COMPANY: If this box is checked, provide full name, date of birth, and residence address of each member. If there are more than two members, use additional pages to complete this question. If members are not individuals, also provide for each member a description of the member's legal form and the information required by the section corresponding to the member's form.

Full name: _____ Date of birth: _____

Residence address: _____

Full name: _____ Date of birth: _____
Residence address: _____

OTHER: If this box is checked, use a separate page to describe the entity, and identify with reasonable particularity every entity with an interest in the liquor license.

SECTION 4: APPLICANT SIGNATURE

A false answer or omission of any requested information on any page of this form shall result in an unfavorable recommendation.

Signature of Applicant Robert Lightman 3/27/12
Date

For City Use Only

Sources Checked:

DMV by [Signature] LEADS by [Signature] TuPD Records by [Signature]
 Public Records by [Signature]

Number of alcohol-related incidents during past year for location.

Number of Tualatin arrest/suspect contacts for _____

It is recommended that this application be:

Granted

Denied

Cause of unfavorable recommendation: _____

Signature [Signature] 4/2/12
Date

Kent W. Barker
Chief of Police
Tualatin Police Department



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Bert Olheiser, Street/Sewer/Storm Manager
Daniel J. Boss, Operations Director

DATE: 04/23/2012

SUBJECT: Resolution No. 5094-12 Authorizing an Intergovernmental Agreement (IGA) with Portland Metropolitan Area Transportation (PMAT) Cooperative for Equipment and Services

ISSUE BEFORE THE COUNCIL:

The City of Tualatin currently utilizes Intergovernmental Agreements (IGA's) with outside agencies to increase efficiency and productivity in completing maintenance tasks. The City would like to enter into an IGA with the Portland Metropolitan Area Transportation (PMAT) Cooperative for equipment sharing and services. This IGA would be comparable to the IGA currently in place with the Cooperative Public Agency of Washington County (CPAWC) servicing the area in Washington County.

An original IGA for shared services was originally signed by Multnomah County, the City of Gresham and Oregon Department of Transportation in 1996. By the provision of the 1999 ADDENDUM, other parties agreed to sign the agreement. The PMAT-IGA was revised in July 2002 from the original IGA.

RECOMMENDATION:

Participation with this IGA would allow us more opportunities to share equipment and services and allow more fiscal flexibility between parties.

EXECUTIVE SUMMARY:

Each party to this IGA owns certain equipment and materials and provides services that may be useful to other parties for public works, construction, operations, maintenance, and other related activities in which Tualatin could benefit from the sharing of services and materials that are owned by agencies within Multnomah County.

This contract establishes procedures for sharing equipment, materials and services and defining legal relationships and responsibilities. Each party to this agreement will receive a mailing list of the current AGREEMENT holders from the PMAT-IGA Administrator. Marion County has agreed to oversee administration of the PMAT-IGA.

After the approval process is complete, each party will send each a copy of their Equipment Sharing Catalog to the PMAT-IGA Administrator for distribution to all parties. It is the responsibility of each party to send updates of the catalog to the PMAT-IGA Administrator.

Any party to this agreement may directly approach any other party for exchange of services. There is no need to coordinate requests amongst parties. It is important to note that according to the agreement, "the provider retains the right to refuse a request."

Attachments: A - Resolution
 B - Agreement

RESOLUTION NO. _____

RESOLUTION AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT
WITH THE PORTLAND METROPOLITAN AREA TRANSPORTATION (PMAT)
FOR EQUIPMENT AND SERVICES.

WHEREAS participation with this Intergovernmental Agreement (IGA) will be a new agreement for the City of Tualatin; and

WHEREAS the City of Tualatin would benefit from participating in a new IGA with Multnomah County for sharing of equipment and services; and

WHEREAS the City of Tualatin and Portland Metropolitan Area Transportation (PMAT) Agreement for equipment and services will increase the City's ability to continue to provide cost effective services to the citizens of Tualatin.

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

Section 1. The City Manager be, and hereby is, authorized and instructed to enter into this agreement for sharing of equipment and services.

INTRODUCED AND ADOPTED this 23rd day of April, 2012.

CITY OF TUALATIN, OREGON

BY _____
Mayor

ATTEST:

BY _____
City Recorder

Exhibit A

PORTLAND METROPOLITAN AREA TRANSPORTATION (PMAT) CO-OPERATIVE INTERGOVERNMENTAL AGREEMENT FOR EQUIPMENT AND SERVICES

This AGREEMENT is made between the SIGNED PARTIES pursuant to the authority provided by ORS Chapter 190 and shall be referred as the **PMAT-IGA** (Portland Metropolitan Area Transportation Co-operative Intergovernmental Agreement)

WHEREAS:

1. Each PARTY owns certain equipment and materials, and provides services that may be useful to another PARTY for public works, construction, operations, maintenance and related activities; and
2. The PARTIES agree that sharing equipment, materials, and services promotes the cost-effective and efficient use of public resources; and
3. The PARTIES desire to enter into an AGREEMENT to establish procedures for sharing equipment, materials and services, and defining legal relationships and responsibilities. Therefore, in consideration of the mutual covenants herein, it is

AGREED:

1. The PARTIES shall make available to each other vehicles, equipment, machinery, materials, related items and/or services in the manner and on the terms and conditions provided herein. The vehicles, equipment and machinery covered by this AGREEMENT shall only be such items appropriate for public works, construction, and shall not include regular automobiles. The PARTY supplying the services or the vehicles, machinery and equipment shall be designated as the "**PROVIDER**" herein. The PARTY receiving the services or assuming the use of vehicles, machinery or equipment shall be designated as the "**USER**" herein.
2. An **EQUIPMENT SHARING CATALOG** will be provided by each PARTY to the others to describe current rental rates. Supplies will be charged at PROVIDER'S invoice cost plus an established administrative fee, or may be replaced by the USER.
3. An estimate for specific services will be supplied by the PROVIDER at the request of the USER. Service PROVIDERS shall maintain an accurate cost accounting system, track expenditures and provide monthly billing to USER. PROVIDER'S invoices will be paid by USERS in full within thirty (30) days of billing.
4. Services, equipment or materials shall be provided upon reasonable request at mutually convenient times and locations. The PROVIDER retains the right to refuse to honor a request if the equipment or materials are needed for other purposes, if providing the equipment or materials would be unduly inconvenient, or if for any other reason, the PROVIDER determines in good faith that it is not in its best interest to provide a particular item at the requested time. Equipment shall be returned immediately at PROVIDER'S request.
5. The USER receiving the equipment shall take proper precaution in its operation, storage and maintenance. Equipment shall be used only for its intended purpose. The USER shall permit the equipment to be used only by properly trained, properly licensed, and supervised operators. The USER shall be responsible for equipment repairs necessitated by misuse or negligent operation and for the maintenance and/or replacement of high wear items (i.e., milling machine teeth, etc.). The USER shall not be responsible for scheduled preventive maintenance (P.M.) unless equipment hours used exceeds the P.M. schedule periods and has been agreed by the PROVIDER. The USER shall perform and

document required written maintenance checks prior to and after use and shall provide routine daily maintenance of equipment (i.e., fluid checks, lubricating, etc.) during the period in which the equipment is in USER'S possession.

6. PROVIDER shall endeavor to provide equipment in good working order and to inform USER of any information reasonably necessary for the proper operation of the equipment. The equipment is provided "as is", with no representation or warranties as to its condition or its fitness for a particular purpose. USER shall be solely responsible for selecting the proper equipment for its needs and inspecting equipment prior to use. It is acknowledged by the PARTIES that the PROVIDER is not in the business of selling, leasing, renting or otherwise providing equipment to others and that the PARTIES are acting only for their mutual convenience and efficiency.
7. The PARTIES shall provide equipment or materials storage to each other, at no charge, upon request when mutually convenient. It is recognized that such storage is for the benefit of the PARTY requesting it. The PARTY storing the equipment or materials shall be responsible for providing a reasonably safe and secure area and not responsible nor liable for theft or damage.
8. The PROVIDER may require, in its sole discretion, that only PROVIDER'S personnel operate equipment. In so doing, PROVIDER shall be deemed an independent contractor and PROVIDER'S employees shall not be deemed employees of USER. The PROVIDER'S operator shall perform under the general direction and control of the USER, but shall retain full control over the manner and means of using the equipment.
9. For the purposes of this AGREEMENT, the PARTIES are independent contractors. Nothing herein shall alter the employment status of any workers providing services under this AGREEMENT. Such workers shall at all times continue to be subject to all standards of performance, disciplinary rules and other terms and conditions of their employer. No USER shall be responsible for the direct payment of any salaries, wages, compensation or benefits for PROVIDER'S workers performing services to USERS under this AGREEMENT.
10. Each PARTY shall be solely responsible for its own acts and those of its employees and officers under this AGREEMENT. No PARTY shall be responsible or liable for consequential damages to another PARTY arising out of providing or using equipment or services under this AGREEMENT. PROVIDERS requiring that their personnel operate equipment shall, within limits of the Oregon Constitution and the Oregon Tort Claims Act, hold harmless, indemnify and defend the USER, its officer, agents and employees from all claims arising solely by reason of any negligent act by persons designated by PROVIDER to operate equipment. Notwithstanding the above, the USER shall bear sole responsibility for ensuring that it has the authority to request the work, for its designs and for any representations made to the PROVIDER regarding site conditions or other aspects of the project. The PROVIDERS of the equipment shall adequately insure the equipment or provide self-insurance coverage.
11. Any PARTY may terminate its participation by providing thirty (30) days written notice to the other PARTIES. Any amounts due and owing by a terminating PARTY shall be paid within thirty (30) days of termination.
12. Nothing herein shall be deemed to restrict authority of any of the PARTIES to enter into separate AGREEMENTS governing the terms and conditions for providing equipment or services on terms different than specified herein.
13. Any OREGON PUBLIC ENTITY may become a PARTY to this AGREEMENT. Each PARTY in accordance with the applicable procedures of that PARTY shall approve this AGREEMENT. This AGREEMENT will be executed separately by each PARTY and shall be effective as to each PARTY and binding among all the PARTIES that have signed this AGREEMENT on the date of execution and sending a copy of the signed AGREEMENT to Marion County (*eventually filled at Multnomah County by the PMAT Administrator*) County which is overseeing the administration of the PMAT-IGA.
14. This AGREEMENT may be amended by written amendment signed by all of the PARTIES.

- end of the AGREEMENT narrative -

PMAT AGREEMENT SIGNATURE PAGE

IN THE WITNESS WHEREOF, the PUBLIC ENTITY _____ (PARTY)
has caused this AGREEMENT to be executed by its duly authorized representatives as the date of their signatures
below:

_____ Signature of Officer	_____ Date	_____ Officer's title
_____ Signature of Officer	_____ Date	_____ Officer's title
_____ Signature of Counsel	_____ Date	_____ Counsel's title

Name and title of
the Contact
Representative: _____

Address: _____

Phone: _____

Fax: _____

E-mail: _____

1. Send the **original PMAT AGREEMENT Signature Page** (this page),
2. and the **EQUIPMENT SHARING CATALOG** (page 1, paragraph 2) to:

Don Newell, PMAT-IGA Administrator, for distribution.

Marion County, 5155 Siverton Road NE, Salem, Oregon 97305

Telephone: 503.365.3129

e-mail: dnewell@co.marion.or.us

Retain a 2nd original **PMAT AGREEMENT Signature Page** for your records (2-sets are required).



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: William Harper, Senior Planner
Alice Rouyer, Community Development Director

DATE: 04/23/2012

SUBJECT: Amending the Tualatin Development Code (TDC) Chapter 73 - Community Design Standards - Removing Core Area Parking District "Impact Fee" Provisions. Amending TDC 73.370 - Off-Street Parking Provisions, Plan Text Amendment PTA-11-12

ISSUE BEFORE THE COUNCIL:

Council consideration of a request for a Plan Text Amendment (PTA-11-12) to the Tualatin Development Code (TDC) to:

- Remove provisions of the on-site parking standards that allow payment of a parking "Impact Fee" within downtown Tualatin's Core Area Parking District (CAPD). The TDC amendment is paired with an amendment to the Tualatin Municipal Code (TMC) Chapter 11-3 Core Area Parking District Board that will remove "Impact Fee" provisions.
- Amend TDC Chapter 73.370(2) Off-Street Parking Provisions.

RECOMMENDATION:

At their meeting on April 3, 2012, the Tualatin Planning Commission (TPC) reviewed the proposed Plan Text Amendment and made the following recommendation:

Recommend Council Approve PTA-11-12. Yes-5, No-0

TPC Minutes of the April 3 Meeting (Draft Minutes) are included in Attachment D.

Staff recommends the Council consider the application and staff report for PTA-11-12 and direct staff to prepare an ordinance granting the amendment. The ordinance would be presented at the May 14, 2012 Council meeting along with the Municipal Code amendment.

EXECUTIVE SUMMARY:

- The Tualatin Municipal Code (TMC) Chapter 11-3 (Attachment A) establishes the Core Area Parking District (CAPD) and the CAPD Board. It is responsible for the operation of the district. The purpose of the CAPD is "...to construct, operate, maintain and administer public parking facilities" (TMC 11-3-010). With oversight by the CAPD Board, the CAPD operates and maintains five parking lots with 394 spaces in the district and administers the public parking program. The TMC Chapter 11-3 includes provisions for a Parking District Tax and an Impact Fee (see Attachment A).
- The CAPD is located in the downtown area north of SW Seneca Street between SW Boones Ferry Road (west), Hedges Creek (north) and SW Martinazzi Avenue (east) (see Attachment C - Aerial & Map of Core Area Parking District). Development within the CAPD includes single and multi-story buildings with a mix of retail, office, and residential uses. The downtown areas of Tualatin, including the areas around the Tualatin Commons and in the CAPD, are designed to be a pedestrian-friendly district, are well served by transit, and encourage attractive, higher-density commercial and residential development. The CAPD supports development, businesses, and users of the downtown area by administering a program of free public parking lots funded in part by a "Parking District Tax".
- Tualatin Development Code (TDC) Chapter 73 is the Community Design Standards that apply to development in Tualatin and administered through the Architectural Review process. TDC Section 73.370 - Off-Street Parking and Loading- establishes the standards for required off-street parking for commercial, industrial, institutional and residential development. TDC 370(2)(b)(i) grants development located in the Core Area Parking District (CAPD) with:
 - A 25% reduction in required off-street parking standards (as established in Architectural Review) available to all development within the CAPD boundaries;
 - An opportunity to further reduce required on-site parking in the CAPD by a "buy down" of another 25% of the required on-site parking spaces. The reduction is available when paying a CAPD "Impact Fee" on a per parking space basis.
- The "fee in lieu" (known as the "Impact Fee" in the CAPD Ordinance) provisions allow development in the CAPD to reduce required on-site parking by paying an "Impact Fee" for each required parking stall not constructed by the development. Funds collected as parking "Impact Fee" are available for construction of CAPD parking improvements. The accumulated "Impact Fee" funds are not available for CAPD operations or maintenance.

The current Impact Fee account balance is approximately \$45,000.00 from payments by developers in lieu of providing required on-site parking spaces (payment in-lieu-of a total of 13 parking spaces). The account funds are from three projects in the CAPD. The projects are Aspen Place, Martinazzi Commons, and Robinson Crossing I & II. The current estimated cost of constructing a new surface parking space (not including land costs) is approximately \$5,500.00.

The current CAPD Impact Fee is \$3,500.00 (fee increased in 2002). If retained, the Impact Fee provisions allow developers in the CAPD to reduce the amount of private parking an additional 25% of the required parking. For example, 12 required spaces in the CAPD could be reduced to 9 spaces by payment of the Impact fee for three spaces ($12 \times .25 = 3$). If the spaces are constructed by the CAPD, here is how the fee, costs, and "subsidy" would work out:

3 Impact Fee spaces x \$3,500.00 = \$10,500.00 Impact Fee (collected from developer)

Given that the amount of the Impact Fee is insufficient to cover the current construction cost by \$2,000.00 per parking space, this example would amount to the City needing to subsidize the construction of the three spaces with \$6,000.00.

- As new projects develop and redevelop in the CAPD and the downtown, the demand for public parking in the district will increase. If more developers take advantage of the "impact fee" option in lieu of building more parking, pressure to build more public parking will also increase. The current amount of "Impact Fee" funds collected and the per parking will also increase. The current amount of "Impact Fee" funds collected and the per parking stall rate will not fully cover the costs to acquire land and construct new parking spaces. Without urban renewal or CAPD funds to supplement it, the program is not sustainable over the long term.
- At a July 11, 2011 Joint Work Session, the City Council and the Core Area Parking District (CAPD) Board reviewed a number of operational and funding issues associated with the CAPD program. A consensus was reached to "Explore the feasibility of ending the 'fee-in-lieu program' as one of several means to manage the Core Area program into the future." (Minutes-Attachment E)

At its October 4, 2011 meeting, the CAPD Board recommended ending the "Impact Fee" program. The purpose of the recommendation is to address the current gap in CAPD operational funding and expenses, reduce the drain on the CAPD Reserve Fund, and eliminate the built-in gap of approximately \$2,000.00 between the "Impact Fee" collected per parking stall and the estimated cost of constructing a public parking space. (Minutes-Attachment E). The CAPD Board did not recommend increasing the "Impact Fee" collected to make up for the difference nor did the Board call for City funding for constructing new spaces for the Impact Fee part of the CAPD program.

At the February 27, 2012 Work Session, the City Council discussed the proposed changes to the CAPD "Impact Fee" and were in agreement that an amendment should move forward. (Minutes-Attachment E)

At the March 6, 2012 meeting, the Tualatin Planning Commission (TPC) was briefed by staff on the proposed changes to the CAPD "Impact Fee". TPC members had questions and contributed comments. (Draft Minutes-Attachment E)

OUTCOMES OF DECISION:

Approval of the Plan Text Amendment request would result in the following:

1. The parking standards that apply to new development, redevelopment or "change in use" would no longer include a provision allowing a reduction in required on-site (off-street) parking in the Core Area Parking District by payment of an Impact Fee or "Fee-in-Lieu".
2. The CAPD will no longer collect the \$3,500.00 per parking space "Impact Fee". Each development in the CAPD will be required to provide the minimum number of on-site parking spaces.
3. The existing TDC 73.370(2)(a) parking standard requiring 75% of the minimum parking for a development in the CAPD will remain unchanged. This amendment will not change the CAPD Tax Rate or change funding maintenance or operation of existing public parking lots in downtown Tualatin.

4. The existing funds in the Impact Fee account may be used for constructing parking stalls in the CAPD.

Denial of the Plan Text Amendment request would result in the following:

1. A development, redevelopment or change in use on property in the CAPD could reduce the number of required on-site parking spaces by payment of the \$3,500.00 CAPD "Impact Fee". The CAPD could use the collected funds to construct parking in the District.

ALTERNATIVES TO RECOMMENDATION:

The alternatives to the Planning Commission and staff recommendations are:

- Recommend that the Council approve the proposed Plan Text Amendment with alterations to the amendment or to the CAPD program.
- Recommend that the Council deny the request for the proposed Plan Text Amendment.
- Continue the discussion of the proposed Plan Text Amendment and return to the matter at a later date.

FINANCIAL IMPLICATIONS:

The FY 2011/12 budget accounts for the cost of City-initiated plan amendment applications.

Attachments: A - TMC Chapter 11-3 Core Area Parking District Board
 B - Proposed Amendment to TDC
 B - Proposed TMC Amendment
 C - CAPD Aerial Map
 C - CAPD Parking Lots
 D - Analysis & Findings
 E - Council, TPC & CAPD Board Minutes

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Chapter 11-3

Core Area Parking District Board; Tax Rate And Impact Fees Committee

Sections:

- 11-3-010 District Established.**
- 11-3-020 Definitions.**
- 11-3-030 Parking District Board.**
- 11-3-040 Board Organization and Duties.**
- 11-3-050 Parking District Tax.**
- 11-3-060 Establishment of Annual Tax Rate and Credit.**
- 11-3-070 Returns and Payment.**
- 11-3-080 Computation of Tax.**
- 11-3-090 Reporting Requirements; Refunds.**
- 11-3-100 Impact Fee.**
- 11-3-110 Method of Collection.**
- 11-3-120 Tax Delinquency.**
- 11-3-130 Notice of Delinquency.**
- 11-3-140 Penalties for Violations.**
- 11-3-145 Appeal Procedure.**
- 11-3-150 Severability Clause.**
- 11-3-160 Emergency Clause.**

Schedule A – Core Area Parking District Tax Rate and Credit.

Schedule B – Impact Fee for the Core Area Parking District.

11-3-010 District Established.

There is established in the City of Tualatin the Core Area Parking District. The district shall encompass the area as shown on Exhibit "A" and Exhibit "B" attached to this ordinance and incorporated by reference. The purpose of the district shall be to construct, operate, maintain and administer public parking facilities. [Ord. 475-79, 6/11/79; Ord. 1147-03; Renumbered 08/25/03; Ord. 1231-07, 03/12/07].

11-3-020 Definitions.

For the purpose of this chapter, the following words and phrases mean:

(1) "Annual tax" means a tax related to the annual operating costs of the district.

(2) "Annual tax rate" means an amount, expressed in dollars, established in accordance with TMC 11-3-060 and used to compute the annual tax.

(3) "Gross leasable area" means the total floor area designed for tenant, occupancy and exclusive use, expressed in square feet and measured from the center line of joining partitions and from outside wall faces.

(4) "Impact fee" means a fee related to the capital cost of financing a parking space.

(5) "Non-taxable residential uses" means detached single family residential uses, and in multi-family residential uses, only the common entryways, common hallways, out of the living unit storage areas, group dining and lounge facilities, but not common cooking facilities and vehicle storage facilities.

(6) "Person" means a natural person, firm, partnership, association or corporation.

(7) "Taxable residential uses" means residential uses, other than non-taxable residential uses, but including administrative and maintenance facilities, and commercial space of any residential development, the commercial portion of mixed-use development, and all multi-family residential development that, due to an inadequate number of on-site parking spaces as specified in the Tualatin Development Code, is designed to rely in part or wholly on public parking facilities.

(8) "Tax year" means July 1 to June 30.

(9) "Use" means all businesses, professions, occupations, trades and fraternal and religious organizations. [Ord. 475-79, 6/11/79; Ord. 892-93

§1 &, 2, 4/26/93; Ord. 1147-03, Renumbered 08/25/03].

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11-3-030 Parking District Board.

(1) The Core Area Parking District Board is created. At least five members of the Board must own, operate or occupy business premises in the District. The additional member of the Board shall be a member of the City Council. Each member shall be appointed by the Council for a term of three years or until a successor is appointed.

(2) Vacancies on the Board arising from the death, disability, resignation or loss of qualifications of any member shall be filled by the Council by appointment of a successor to serve the remaining term of office. A member may be reappointed to the Committee to additional terms at the discretion of the Council.

(3) Each Board member serves at the pleasure of the City Council and may be removed at any time prior to the end of the Board member's term. In addition, upon the failure of a Board member to satisfy the attendance requirements established by the Board, the Council shall declare the position vacant and fill the position in the manner provided above.

(4) The chairman of the Board shall serve as an ex officio member of the City of Tualatin Urban Renewal Advisory Committee.

(5) The City Council shall annually establish a regular monthly meeting date for the Board. The chairman or a majority of the members of the Board may call special meetings.

(6) In addition to the regular members of the Board, the City Council may appoint not more than one ex officio member under the age of 18 years, who shall serve a one-year term which may be renewed for one additional year. Except as otherwise provided, such ex officio member shall be treated as a Board member, i.e., by receiving a copy of the agenda and staff report, and by full participation in the Board's discussion. The ex officio member shall not be counted for purposes of establishing a quorum

for the conduct of Board business and shall not be permitted to vote on motions or other action taken by regular Board members. In addition to other criteria deemed relevant by the Council for appointment or removal, the Council may consider the effect of participation on the Board on such person's academic performance. [Ord. 475-79, 6/11/79; Ord. 583-82, 8/23/82; Ord. 888-93 §12, 3/22/93; Ord. 981-97 §1, 7/14/97; Ord. 1017-99 §5, 4/26/99; Ord. 1147-03, 08/25/03; Ord. 1330-11 §4, 8/22/11]

11-3-040 Board Organization and Duties.

(1) At its first meeting after appointment and thereafter at its first meeting of each year, the Board shall elect a chairman from its membership. The Board shall effect whatever internal organization it deems best and shall adopt rules of procedure for the conduct of its business.

(2) The Council delegates to the Board the responsibility for the operation of the district. This responsibility shall include the following:

(a) Providing for and monitoring maintenance;

(b) Monitoring parking regulations;

(c) Recommending payment by the Council of expenses of the district, including reimbursement to the City for administrative and legal expenses; and

(d) Other matters which pertain to the daily operation of the district.

The delegation in this chapter shall be subject to the condition that any contract required for the operation of the district shall be approved and executed by the Council.

(3) By March 1 of each year, or earlier if requested, by the City Manager, the Board shall prepare and submit to the City Budget Committee a proposed budget for the next fiscal year. The budget shall include the estimated costs of maintaining and administering the district and the annual tax rate; costs of constructing new facilities and purchasing property; and any other matter related to the budgetary needs of the district.

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(4) The Board shall serve in an advisory capacity to the City Council on policy matters affecting the district, and the Council shall consult the board prior to taking action on the following:

- (a) Location of new parking lots;
- (b) Design of new lots;
- (c) Improvements to existing lots and development of new lots;
- (d) Regulation of parking lots;
- (e) Capital outlays for the district, including urban renewal funds;
- (f) Purchase of property for district purposes;
- (g) Amount of fees, taxes, appeal of taxes and credits; and
- (h) Other policy matters pertaining to the district.

(5) Notwithstanding any other provision, the City Council shall have the final determination and responsibility on all matters concerning the district. [Ord. 475-79, 6/11/79; Ord. 1125-02, 12/09/02; Ord. 1147-03, Renumbered, 08/25/03; Ord. 1330-11 §6, 8/22/11].

11-3-050 Parking District Tax.

(1) At such time as recommended by the Board to the Council or on July 1, 1980, and thereafter, a tax is imposed, for revenue purposes only, upon the privilege of carrying on a business, occupation, profession, trade, fraternal or religious activity, and taxable residential uses within the Core Area Parking District.

(2) The reason for the tax is that revenues are necessary for the construction, operation and maintenance of parking facilities in the district. The tax imposed in this chapter is in addition to and not in lieu of any other tax, assessment or fee required by state or local law or ordinance, and notwithstanding any other ordinance of the City of Tualatin. The acceptance by the City of any amounts due under this chapter shall not be conditioned upon compliance with any other law or ordinance, regulatory or otherwise; nor shall such acceptance be deemed a waiver of any other law or ordinance, regulatory or otherwise.

(3) This being a revenue measure enacted to meet a local need, it is the intent of the City that this tax shall apply to all businesses, professions, occupations, trades, fraternal and religious organizations, and taxable residential units, located within the district, without regard to any law or ordinance purporting to exempt any particular use from business license taxes.

(4) Non-taxable residential uses are not subject to the annual tax.

(5) All money collected under this ordinance shall be used for the operation and maintenance of and capital improvement investment in parking facilities in the district. [Ord. 475-79, 6/11/79; Ord. 634-84 §1, 5/14/84; Ord. 892-93 §3, 4/26/93; Ord. 1147-03, Renumbered, 08/25/03].

11-3-060 Establishment of Annual Tax Rate and Credit.

Beginning in 1983 and each year thereafter, the City Council shall, prior to the beginning of the tax year, enact an ordinance establishing the formula for calculating the annual tax rate, credit against the actual tax for the ensuing tax year, and the percentage of annual tax credit that may be received. [Ord. 475-79, 6/11/79; Ord. 605-83 §1, 9/12/83; Ord. 1147-03, Renumbered, 08/25/03].

11-3-070 Returns and Payment.

(1) After establishment of the annual tax rate and credit pursuant to TMC 11-3-060, the City shall send a tax assessment form to those conducting a taxable use in the District. The tax assessment form shall include all information used in computation of the tax in accordance with TMC 11-3-080.

(2) Tax assessment returns shall be submitted to the City on or by the date indicated on the form and shall be signed by the owner or manager of the use. Such returns shall be confidential and the contents shall not be revealed except for purposes of administering or enforcing this ordinance.

(3) Upon receipt of a tax assessment return, signed and executed, together with

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payment of the required tax, the City shall issue a receipt showing the name of the use, the name of the owner or manager, and the period for which the tax is paid. A use commencing within the District during the period of the tax year shall pay that part of the tax for that year which is proportional to the unexpired year, prorated to the first day of the calendar month within which the use was commenced.

(4) Unless a taxpayer has been delinquent in payment of the prior year taxes or any installment, the City shall allow a taxpayer to pay the annual tax in no more than three approximately equal installment payments in accordance with a schedule determined by the City and indicated upon the tax assessment form. Any unpaid balance shall bear interest at the rate of 1½% per month or portion of a month until paid. Interest payments shall be divided among, added to, and made part of installments. Where a taxpayer has elected to pay the tax in installments and has failed to pay the amount of the payment or has failed to pay by the scheduled due date, the City Finance Officer may, after giving 10 days prior written notice by ordinary mail, accelerate the balance of tax payments, plus accrued interest. After the balance of installment payments and interest has been accelerated, the full amount of the tax plus accrued interest shall be due and payable. Failure by the City to accelerate payments in a particular instance shall not be construed as a waiver of the City's right to accelerate payment. [Ord. 475-79, 6/11/79; Ord. 640-84 §2,

6/25/84; Ord. 720-87 §2, 5/11/87; Ord.1147-03, 08/25/03].

11-3-080 Computation of Tax.

The computation of the annual tax shall be based upon a formula applying the annual tax rate as follows:

$$\text{Annual tax} = \frac{(\text{GLA}) \text{ of premises}}{1000} *$$

* Multiplied by the space factor from Table A, multiplied by the annual tax rate.

TABLE A
Parking Space Requirement Factor

Building Type	Space Factor
General Office	3.50
Medical/Dental Office	5.00
Banks/Savings and Loan	4.50
Retail/Service	3.85
Restaurant/Tavern	5.00
Places of Assembly	2.00
Vocational Training Facility	3.50
Retirement Housing Facility	.50 spaces per dwelling unit
Dwelling Units within District	2.00 spaces per dwelling unit, including garage

(1) Table A is not a complete, final or exclusive list of all uses to be taxed or of all uses within the building types indicated. Each type shall be deemed to include, in addition to those specified, such allied and like occupations, professions, trades, businesses or other uses as in normal custom and usage would be considered to be within that classification. The final determination of a question concerning any use classification or space factor shall be decided by the Board.

(2) Every use which furnishes privately owned off-street parking shall be allowed a credit as established pursuant to TMC 11-3-060 against this tax for each space thus furnished. Where several uses share a common lot, the owner of the premises shall, on or before July 1st of each year, prepare and submit to the City a listing of the gross leasable area for each tenant and the number of parking spaces allocated to each tenant.

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The list shall state whether the spaces are exclusively assigned or a percentage of the total spaces available. A copy of the listing shall also be furnished to each tenant and shall be the basis for computing the annual tax. Whenever a building is constructed, enlarged, remodeled or office space changed, the owner shall, within 30 days of completion or receipt of an occupancy permit, submit a new listing of tenant spaces and parking allocations to the City. [Ord. 475-79,

6/11/79; Ord. 640-84 §1, 6/25/84; Ord. 892-93 §4, 4/26/93; Ord. 1020-99 §1, 6/14/99; Ord.1147-03, 08/25/03; Ord.1286-09, 07/13/09].

11-3-090 Reporting Requirements; Refunds.

(1) In addition to submitting any other information required by ordinance, it shall be the responsibility of the property owner, manager, and operator of leased premises within the Core Area Parking District to notify the City in writing of changes in occupancy, new occupancies of previously vacant premises or portions, partitioning of leased premises to provide additional occupancies and termination of occupancies. In addition to such occupancy information, the amount of gross leasable area of the premises assigned to each occupant and any alterations in the amount of such assigned areas shall also be provided in writing to the City. Information required by this provision shall be submitted no later than 20 days following the event which triggers the reporting requirement.

(2) When a use ceases operation during a tax year in which the tax, along with any interest charge and penalty, if any, has been paid, the person who paid the tax or his or her assignee shall, upon written request to the City, be entitled to a refund of the tax, but not the interest or penalty charges, in proportion to the unexpired tax year, prorated to the last day of the month within which the use ceased operation. [Ord.

475-79, 6/11/79; Ord. 720-87 §1, 5/11/87; Ord. 1147-03, Renumbered, 08/25/03].

11-3-100 Impact Fee.

(1) When a structure is constructed or enlarged or when a structure is converted from a residential to a commercial use after the effective date of this ordinance, the owner shall be assessed an impact fee.

(2) Subject to provisions of subsection (1), all uses allowed in the Central Commercial Planning District, except non-taxable residential uses shall be charged an impact fee.

(3) Subject to subsection (1), taxable residential uses shall be charged an impact fee.

(4) The owner of any structure which is subject to the impact fee pursuant to subsections (1), (2) or (3) of this section, who furnishes off-street parking to be used by the occupants or invitees of such structure, shall be allowed a credit against the impact fee. The credit shall be determined by the following calculation:

Credit = $P \div T \times 100 = (\%)$ percentage credit where:

P = Number of on-site parking spaces provided,

T = Total number of parking spaces required to meet parking demand of development parcel as determined by using parking rates in the Tualatin Development Code for uses allowed in the Central Commercial Planning District,

Credit shall not exceed 100% of the impact fee.

(5) The proceeds of the impact fee shall be placed in a capital reserve fund to be used for new parking facilities and improvements in the district.

(6) Any fee or credit established by this section may be changed by resolution of the Council. [Ord. 475-79, 6/11/79; Ord. 634-84 §3, 5/14/84; Ord.

892-93 §5, 4/26/93; Ord.1147-03, Renumbered, 08/25/03].

11-3-110 Method of Collection.

Any amount due the City as a tax under this ordinance shall constitute a debt of the person from whom the amount is due. The City may bring action in a court of compe-

(Revised 08/11)

tent jurisdiction to collect the debt, together with penalties and interest. [Ord. 475-79, 6/11/79; Ord.1147-03, Renumbered, 08/25/03].

11-3-120 Tax Delinquency.

Any tax imposed by this chapter shall become delinquent if not paid on the last day of the month in which it is due. Any person who fails to file the tax return and make payment as required by this ordinance shall be charged interest at the rate of 1½% per month or portion of a month on the amount of tax due from the date of delinquency until the date of payment. [Ord. 475-79, 6/11/79; Ord.1147-03, Renumbered, 08/25/03].

11-3-130 Notice of Delinquency.

As soon as practicable after the date of delinquency, the City shall send a notice of delinquency, by certified mail, to the person responsible for the tax. The notice shall inform the person of the delinquency and state that the tax plus interest must be paid within 10 days of receipt of the notice. [Ord. 475-79, 6/11/79; Ord. 1147-03, Renumbered, 08/25/03].

11-3-140 Penalties for Violations.

(1) Any person who fails to pay the annual tax imposed by this chapter or any installment payment of the tax, after being sent a notice of delinquency by the City, commits a civil infraction and shall, in addition to being liable for the tax plus interest, be subject to a forfeiture of no more than \$50 for each day, but no more than \$1,000 total, so long as the tax or installment payment, including interest, remains unpaid. Where the delinquency is of a continuing nature, only a single notice need be sent.

(2) Except as otherwise provided in subsection (1), any person who fails to comply with this chapter commits a civil infraction and shall be subject to a forfeiture in an amount not exceeding \$500. For each day on which a person fails to comply with

this chapter, a separate violation is committed. [Ord. 475-79, 6/11/79; Ord. 611-83 §1, 11/28/83; Ord. 720-87 §3, 5/11/87; Ord.1147-03, Renumbered, 08/25/03].

11-3-145 Appeal Procedure.

(1) A person in disagreement with a Core Area Parking District tax assessment may appeal the tax assessment to the City Council by filing a written request with the Economic Development Department describing with particularity the tax assessment from which the person appeals.

(2) An appeal of the tax assessment must be filed within 30 days from the date the tax bills were mailed, except for Fiscal Year 02/03 when appeals must be filed within 30 days after adoption of the appeal process. The Core Area Parking District Board must review and make a recommendation on the appeal to the City Council. The appeal shall be accompanied by a filing fee as established by Council resolution. The appeal fee shall be refunded in the event the Council determines the tax assessment was incorrect.

(3) The appeal shall state:

(a) the name and address of the appellant;

(b) the reason the tax assessment is incorrect (required to be based on one of the following):

(i) number of on-site spaces provided

(ii) gross leasable area

(iii) space factor

(iv) error in the calculation with the tax formula

(c) what the correct tax should be or how the correct tax should be derived.

An appellant who fails to file such a statement within the time permitted waives his or her objections, and his or her appeal shall be dismissed.

(4) The Core Area Parking District Board shall consider the matter within 45 calendar days after the appeal is received. The Core Area Parking District Board shall

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consider the appeal on the basis of the appellant's written statement and any additional evidence the Board deems appropriate.

The appellant shall carry the burden of proving that the tax assessment being appealed is incorrect and what the correct tax should be or how a correct tax should be derived.

(5) The Core Area Parking District Board's recommendation shall be forwarded to the City Council at their next available meeting date. If the Council determines that the tax was assessed improperly, the Council shall direct that a revised tax assessment be completed. [Ord. 1125-02,

12/09/02; Ord.1145-03, Renumbered, 08/25/03].

11-3-150 Severability Clause. [Ord. 475-79, 6/11/79].

11-3-160 Emergency Clause. [Ord. 475-79, 6/11/79].

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Schedule A

CORE AREA PARKING DISTRICT TAX RATE AND CREDIT

The annual Core Area Parking District tax rate for Fiscal Year 2011/12 is hereby established as \$155.34. [Ord. 1005-98 §1, 6/8/98; Ord. 1020-99 §2, 6/14/99; Ord. 1052-00 §2, 3/13/00; Ord. 1181-05, 3/14/05; Ord. 1206-06, 3/27/06; Ord. 1230-07, 3/12/07; Ord. 1256-08, 3/24/08, Ord. 1278-09, 3/9/09; Ord. 1300-10, 4/12/10; Ord. 1325-11, 6/27/11].

Number of on-site parking spaces provided

$$\text{Gross leasable area} \quad \times \text{space factor} \quad = \text{"A"}$$

If "A" is greater than or equal to 1.0, the credit is 50%

If "A" is less than 1.0, the credit is ("A" x 50%)

[Ord. 1005-98 §2, 6/8/98; Ord. 1020-99 §3, 6/14/99; Ord. 1052-00 §2, 3/13/00; Ord. 1158-04 §1, 3/8/04; Ord. 1181-05 §1, 3/14/05; Ord. 1206-06, 3/27/06, Ord. 1278-09, 3/9/09; Ord. 1300-10, 4/12/10; Ord. 1325-11, 6/27/11].

Schedule B

IMPACT FEE FOR THE CORE AREA PARKING DISTRICT

An impact fee of \$3,500 per required parking space shall be charged for the amount of parking that is needed to support new, expanded, or existing development that changes use to require additional public parking. The fee is charged on a per space basis according to parking standards established in the Tualatin Development Code for the Core Area Parking District. The fee is collected at the time building permits are issued; and

The following equation is to be used to calculate impact fee:

$I = (TP - PP) \times C$ where "I" equals total impact fee to be paid, "TP" equals total parking required to support development as determined by parking requirements established for the Core Area Parking District, "PP" equals private parking located on the development site, and "C" equals determined costs per space to design and build each on-grade parking space in a public lot within the District, including pedestrian and bicycle improvements. (C = \$3,500). [Res.

3001-94, 8/8/94; Ord. 1131-03, 03/10/03; Res. 3990-02, 06/10/02; Ord. 1102-02, 03/11/02; Ord. 1147-03, Renumbered, 08/25/03].

DRAFT PTA LANGUAGE

Section 1. TDC 73.370 is amended to read as follows:

(1) General Provisions.

(a) At the time of establishment of a new structure or use, or change in use, or change in use of an existing structure, within any planning district of the City, off-street parking spaces, off-street vanpool and carpool parking spaces for commercial, institutional and industrial uses, off-street bicycle parking, and off-street loading berths shall be as provided in this and following sections, unless greater requirements are otherwise established by the conditional use permit or the Architectural Review process, based upon clear findings that a greater number of spaces are necessary at that location for protection of public health, safety and welfare or that a lesser number of vehicle parking spaces will be sufficient to carry out the objectives of this section. In the Central Design District, the Design Guidelines of TDC 73.610 shall be considered. In case of conflicts between guidelines or objectives in TDC Chapter 73, the proposal shall provide a balance.

(b) At the time of enlargement of an existing multi-family residential, commercial, institutional or industrial structure or use, TDC 73.370 shall apply to the existing and enlarged structure or use.

(c) Except where otherwise specified, the floor area measured shall be the gross floor area of the building primary to the function of the particular use of the property other than space devoted to off-street parking or loading.

(d) Where employees are specified, the term shall apply to all persons, including proprietors, working on the premises during the peak shift.

(e) Calculations to determine the number of required parking spaces and loading berths shall be rounded to the nearest whole number.

(f) If the use of a property changes, thereby increasing off-street parking or loading requirements, the increased parking/loading area shall be provided prior to commencement of the new use.

(g) Parking and loading requirements for structures not specifically listed herein shall be determined by the Community Development Director, based upon requirements of comparable uses listed.

(h) When several uses occupy a single structure, the total requirements for off-street parking may be the sum of the requirements of the several uses computed separately or be computed in accordance with TDC 73.370(1)(m), Joint Use Parking.

(i) Off-street parking spaces for dwellings shall be located on the same lot with the dwelling. Other required parking spaces may be located on a separate parcel, provided the parcel is not greater than five hundred (500) feet from the entrance to the building to be served, measured along the shortest pedestrian route to the building. The applicant must prove that the parking located on another parcel is functionally located and that there is safe vehicular and pedestrian access to and from the site. The parcel upon which parking facilities are located shall be in the same ownership as the structure.

(j) Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business.

(k) Institution of on-street parking, where none is previously provided, shall not be done solely for the purpose of relieving crowded parking lots in commercial or industrial planning districts.

(l) Parking facilities may be shared by users on adjacent parcels if the following standards are met:

(i) One of the parcels has excess parking spaces, considering the present use of the property; the other parcel lacks sufficient area for required parking spaces.

(ii) The total number of parking spaces meets the standards for the sum of the number of spaces which would be separately required for each use.

(iii) Legal documentation, to the satisfaction of the City Attorney, shall be submitted verifying permanent use of the excess parking area on one lot by patrons of the uses deficient in required parking area.

(iv) Physical access between adjoining lots shall be such that functional and reasonable access is actually provided to uses on the parcel deficient in parking spaces.

(v) Adequate directional signs shall be installed specifying the joint parking arrangement.

(vi) Areas in the Natural Resource Protection Overlay District, Other Natural Areas identified in Figure 3-4 of the Parks and Recreation Master Plan, or a Clean Water Services Vegetated Corridor would be better protected.

(m) Joint Use Parking. Joint use of parking spaces may occur where two or more separate developments or multiple uses in a development are able to jointly use some or all of the same required parking spaces because their parking demands occur at different times. Joint use of parking spaces may be allowed if the following standards are met:

(i) There shall be no substantial conflict in the principal operating hours of the buildings or uses for which the joint use parking is proposed. Future change of use, such as expansion of a building or establishment of hours of operation which conflict with or affect a joint use parking agreement are prohibited, unless approval is obtained through the Architectural Review process;

(ii) The joint use parking spaces shall be located no more than 500 feet from a building or use to be served by the joint use parking;

(iii) The number and location of parking spaces, hours of use and changes in operating hours of uses subject to joint use shall be approved through the Architectural Review process;

(iv) Legal documentation, to the satisfaction of the City Attorney, shall be submitted verifying the joint use parking between the separate developments. Joint use parking agreements may include provisions covering maintenance, liability, hours of use and cross easements; and

(v) The City Attorney approved legal documentation shall be recorded by the applicant at the Washington or Clackamas County Recorder's Office and a copy of the recorded document submitted to the Planning Department prior to issuance of a building permit.

(vi) Areas in the Natural Resource Protection Overlay District, Other Natural Areas identified in Figure 3-4 of the Parks and Recreation Master Plan, or a Clean Water Services Vegetated Corridor would be better protected.

(n) Bicycle parking facilities shall either be lockable enclosures in which the bicycle is stored, or secure stationary racks which accommodate a bicyclist's lock securing the frame and both wheels.

(o) Each bicycle parking space shall be at least 6 feet long and 2 feet wide, and overhead clearance in covered areas shall be at least 7 feet, unless a lower height is approved through the Architectural Review process.

(p) A 5-foot-wide bicycle maneuvering area shall be provided beside or between each row of bicycle parking. It shall be constructed of concrete, asphalt or a

pervious surface such as pavers or grasscrete, but not gravel or woody material, and be maintained.

(q) Access to bicycle parking shall be provided by an area at least 3 feet in width. It shall be constructed of concrete, asphalt or a pervious surface such as pavers or grasscrete, but not gravel or woody material, and be maintained.

(r) Required bicycle parking shall be located in convenient, secure, and well-lighted locations approved through the Architectural Review process. Lighting, which may be provided, shall be deflected to not shine or create glare into street rights-of-way or fish and wildlife habitat areas.

(s) Bicycle parking facilities may be provided inside a building in suitable secure and accessible locations.

(t) Bicycle parking may be provided within the public right-of-way in the Core Area Parking District subject to approval of the City Engineer and provided it meets the other requirements for bicycle parking.

(u) Bicycle parking areas and facilities shall be identified with appropriate signing as specified in the Manual on Uniform Traffic Control Devices (MUTCD) (latest edition). At a minimum, bicycle parking signs shall be located at the main entrance and at the location of the bicycle parking facilities.

(v) Required bicycle parking spaces shall be provided at no cost to the bicyclist, or with only a nominal charge for key deposits, etc. This shall not preclude the operation of private for-profit bicycle parking businesses.

(w) Parking on existing residential, commercial and industrial development may be redeveloped as a transit facility as a way to encourage the development of transit supportive facilities such as bus stops and pullouts, bus shelters and park and ride stations. Parking spaces converted to such uses in conjunction with the transit agency and approved through the Architectural Review process will not be required to be replaced.

(x) Required vanpool and carpool parking shall meet the 9-foot parking stall standards in Figure 73-1 and be identified with appropriate signage.

(2) Off-Street Parking Provisions.

(a) The following are the minimum and maximum requirements for off-street motor vehicle parking in the City, except for minimum parking requirements for the uses in TDC 73.370(2)(a) (Residential Uses: iii, iv, v, vi, vii; Places of Public Assembly: I, ii, iv; Commercial Amusements: I, ii; and Commercial: I, ii, xi, xii, xiv) within the Core Area Parking District (CAPD). Minimum standards for off-street motor vehicle parking for the uses in 73.370(2) (a) Residential Uses: iii, iv, v, vi, vii; Places of Public Assembly: I, ii, iv; Commercial Amusements: I, ii; and Commercial: I, ii, xi, xii, xiv in the CAPD are in TDC 73.370(2)(b). The maximum requirements are divided into Zone A and Zone B, as shown

on the Tualatin Parking Zone Map, Figure 73-3. The following are exempt from calculation of maximum parking requirements: parking structures; fleet parking; parking for vehicles for sale, lease or rent; car/vanpool parking; dedicated valet parking; and user-paid parking. (b) The following are the minimum requirements for off-street motor vehicle parking in the Core Area Parking District (CAPD) for the uses in TDC 73.370(2)(a)(Residential Uses: iii, iv, v, vi, vii; Places of Public Assembly: i, ii, iv; Commercial Amusements: i, ii; and Commercial: i, ii, xi, xii, xiv).

(i) Core Area Parking District (CAPD) off-street motor vehicle parking standards are required at 75% of the applicable off-street motor vehicle parking requirements identified in TDC 73.370(1)(h), 73.370(1)(m) and 73.370(2)(a).

(ii) Off-street motor vehicle parking requirements: (Refer to Core Area Parking District Ordinance TMC Chapter 4-24 Chapter 11-3 for fee schedules -and regulations regarding the Core Area Parking District.)

(A) Commercial, semi-public, and public uses except as outlined under TDC 73.370(2)(b)(ii)(B). A minimum of 75% of required CAPD off-street motor vehicle parking shall be provided for the first two floors of gross leasable area for commercial, semi-public, and public uses above grade, except as outlined under TDC 73.370(2)(b)(ii)(B). ~~A maximum of 25% of required CAPD off-street motor vehicle parking for the first two floors of gross leasable area for commercial, semi-public, and public uses above grade, except as outlined under TDC 73.370(2)(b)(iii)(B), may be provided through an impact fee as outlined in the Core Area Parking District ordinance.~~

(B) Development of a publicly-owned community center on Tract 8 of the Tualatin Commons shall be exempt from providing off-street motor vehicle parking and the impact fee within the CAPD.

(C) Residential Uses:

(1) Common-wall Dwellings including townhouses and condominiums. A minimum of 75% of required CAPD off-street motor vehicle parking shall be provided. ~~A maximum of 25% of required CAPD off-street motor vehicle parking per living unit may be provided through an impact fee as outlined in the Core Area Parking District ordinance.~~

(2) Multi-Family Dwellings. A minimum of 75% of required CAPD off-street motor vehicle parking shall be provided for the first two floors of living units, above grade. ~~A maximum of 25% of required CAPD off-street motor vehicle parking for the first two floors of dwelling units may be provided through an impact fee as outlined in the Core Area Parking District ordinance.~~

(3) Retirement Housing, Residential Homes and Residential Facilities. A minimum of 75% of required CAPD off-street motor vehicle parking shall be provided for the first two floors of dwelling units, above grade. ~~A maximum of 25% of required CAPD off-street motor vehicle parking for the first two floors of living space may be provided through an impact fee as outlined in the Core Area Parking District ordinance.~~

(iii) CAPD off-street motor vehicle parking required under TDC 73.370(2)(b)(i) shall be provided for residential uses and gross leasable area of commercial, semi-public, and public uses below grade and above the second floor, except as outlined under TDC 73.370(2)(b)(ii)(B).

(iv) At the time of enlargement of an existing structure or use there shall be no net loss of existing off-street motor vehicle parking in addition to providing new off-street motor vehicle parking required under TDC 73.370(2)(b).

(v) Outdoor dining facilities are exempt from providing off-street motor vehicle parking within the CAPD.

(3) Off-Street Vanpool and Carpool Parking Provisions.

The minimum number of off-street Vanpool and Carpool parking for commercial, institutional and industrial uses is as follows:

Number of Required Parking Spaces	Number of Vanpool or Carpool Spaces
0 to 10	1
10 to 25	2
26 and greater	1 for each 25 spaces.

DRAFT TEXT OF TMC ORDINANCE

Section 1. TMC 11-3-100 is repealed in its entirety.

~~(1) When a structure is constructed or enlarged or when a structure is converted from a residential to a commercial use after the effective date of this ordinance, the owner shall be assessed an impact fee.~~

~~(2) Subject to provisions of subsection (1), all uses allowed in the Central Commercial Planning District, except non-taxable residential uses shall be charged an impact fee.~~

~~(3) Subject to subsection (1), taxable residential uses shall be charged an impact fee.~~

~~(4) The owner of any structure which is subject to the impact fee pursuant to subsections (1), (2) or (3) of this section, who furnishes off-street parking to be used by the occupants or invitees of such structure, shall be allowed a credit against the impact fee. The credit shall be determined by the following calculation:~~

~~Credit = P : T x 100 = (%) percentage credit where:~~

~~P = Number of on-site parking spaces provided,~~

~~T = Total number of parking spaces required to meet parking demand of development parcel as determined by using parking rates in the Tualatin Development Code for uses allowed in the Central Commercial Planning District,~~

~~Credit shall not exceed 100% of the impact fee.~~

~~(5) The proceeds of the impact fee shall be placed in a capital reserve fund to be used for new parking facilities and improvements in the district.~~

~~(6) Any fee or credit established by this section may be changed by resolution of the Council.~~

Section 2. TMC 11-3 Schedule A and B are amended to read as follows:

Schedule A

CORE AREA PARKING DISTRICT TAX RATE AND CREDIT

The annual Core Area Parking District tax rate for Fiscal Year 2011/12 is hereby established as \$155.34.

Number of on-site parking spaces provided

Gross leasable area X space factor = "A"

If "A" is greater than or equal to 1.0, the credit is 50%

If "A" is less than 1.0, the credit is ("A" x 50%)

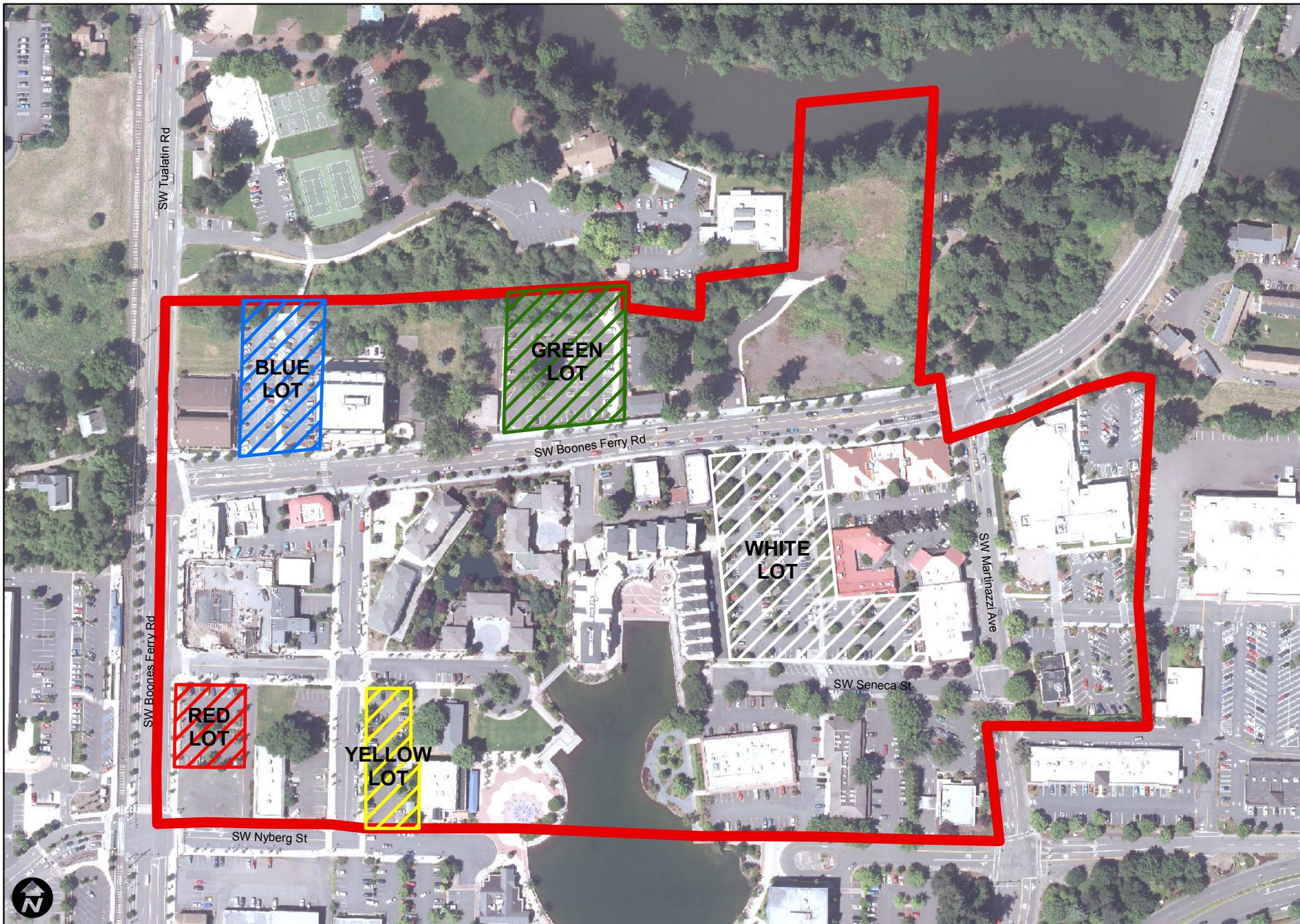
~~Schedule B~~

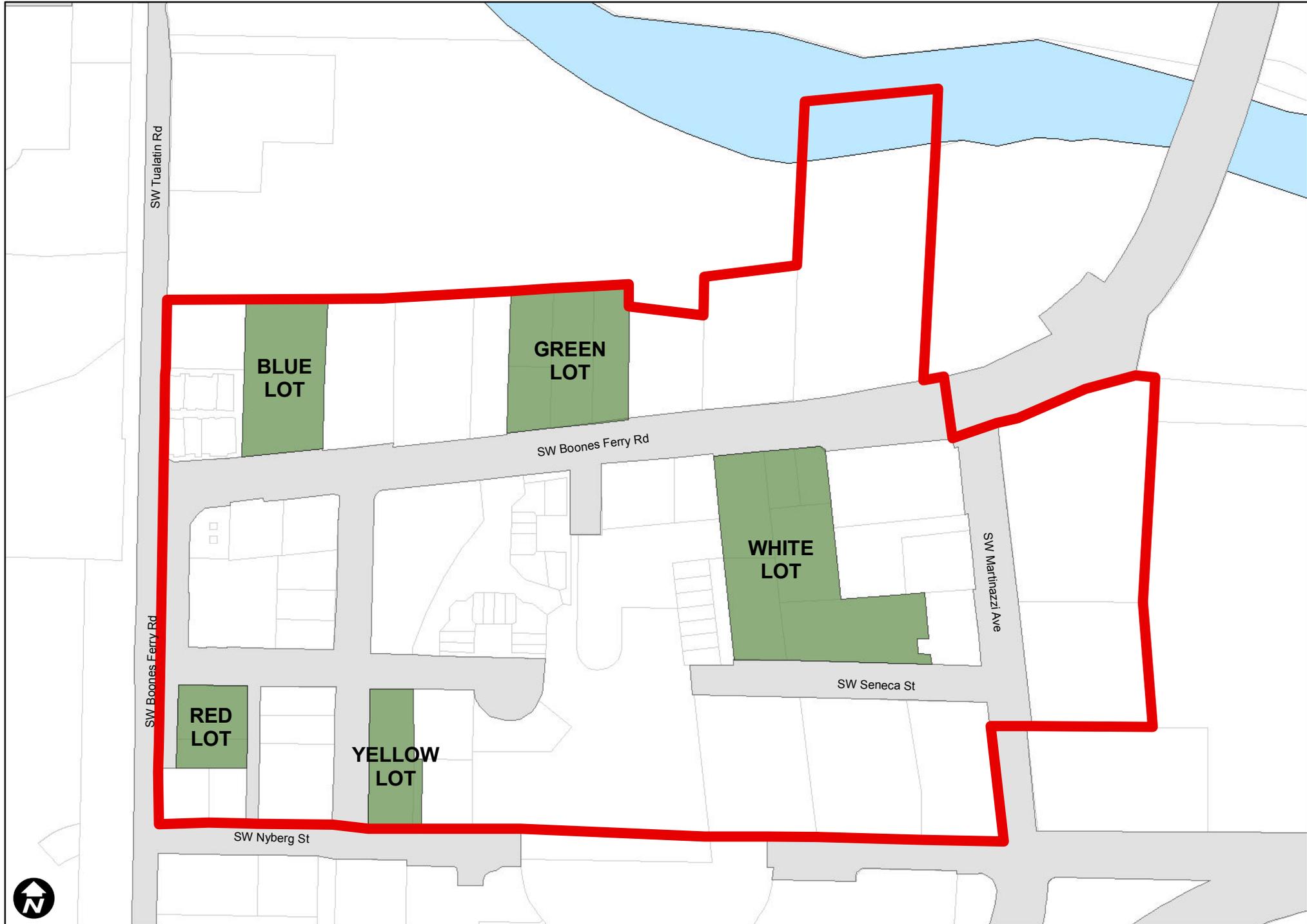
~~IMPACT FEE FOR THE CORE AREA PARKING DISTRICT~~

~~_____ An impact fee of \$3,500 per required parking space shall be charged for the amount of parking that is needed to support new, expanded, or existing development that changes use to require additional public parking. The fee is charged on a per space basis according to parking standards established in the Tualatin Development Code for the Core Area Parking District. The fee is collected at the time building permits are issued; and~~

~~_____ The following equation is to be used to calculate impact fee:~~

~~$I = (TP - PP) \times C$ where "I" equals total impact fee to be paid, "TP" equals total parking required to support development as determined by parking requirements established for the Core Area Parking District, "PP" equals private parking located on the development site, and "C" equals determined costs per space to design and build each on-grade parking space in a public lot within the District, including pedestrian and bicycle improvements. (C = \$3,500).~~





ATTACHMENT D:

PTA-11-12: ANALYSIS AND FINDINGS

The proposed amendment to the Tualatin Development Code (TDC) Chapter 73-Community Design-, is an application by the Community Development Department to remove the Core Area Parking District (CAPD) "Impact Fee" provisions consistent with proposed revisions to the Tualatin Municipal Code (TMC) Chapter 11-3 Core Area Parking District Board related to the "Impact Fee". The proposed amendment language is shown in Attachment A.

The approval criteria of the Tualatin Development Code (TDC), Section 1.032, must be met if the proposed PTA is to be granted. The plan amendment criteria are addressed below:

1. Granting the amendment is in the public interest.

As identified by staff, the public interest is:

- 1) To implement the Core Area Parking District Program (CAPD) as established in the Tualatin Municipal Code (TMC) Chapter 11-3 and with the direction of the CAPD Board and the City Council to construct, maintain, operate and administer public parking facilities;
- 2) Provide standards and programs to ensure adequate parking facilities to serve citizens, visitors, customers and business owners in Tualatin's downtown area.
- 3) Establish the off-street parking standards and requirements of the TDC consistent with the CAPD provisions of the TMC.

Public Interest #1. The Tualatin Municipal Code (TMC) Chapter 11-3 (Attachment A) establishes the Core Area Parking District (CAPD) and the CAPD Board. The purpose of the CAPD is "...to construct, operate, maintain and administer public parking facilities" (TMC 11-3-010).

With oversight by the CAPD Board, the CAPD operates and maintains five parking lots in the district and administers the public parking program. With advice from the CAPD Board on policy, capital outlays and improvements, operational, fees and taxes, the City Council has the final determination and responsibility on all matters concerning the district.

At a July 11, 2011 Joint Work Session, the City Council and the CAPD Board reviewed a number of operational and funding issues associated with the CAPD program. A consensus was reached to "Explore the feasibility of ending the 'fee-in-lieu program' as one of several means to manage the Core Area program into the future." (Minutes-Attachment E).

At its October 4, 2011 meeting, the CAPD Board recommended ending the "Impact Fee" program.(Minutes-Attachment E). At the February 27, 2012 Work Session, the

City Council discussed the proposed changes to the CAPD "Impact Fee" and were in agreement that an amendment should move forward. (Minutes-Attachment xx)

The "fee in lieu" (known as the "Impact Fee" in the CAPD Ordinance) provisions allow development in the CAPD to reduce required on-site parking by paying an "Impact Fee" for each required parking stall not constructed by the development. Funds collected as parking "Impact Fee" are available for construction of CAPD parking improvements. The accumulated "Impact Fee" funds are not available for CAPD operations or maintenance.

The proposed amendment to the TMC Chapter 11-3 would remove the "Impact Fee" provisions of TMC 11-3-100. Tualatin Development Code (TDC) Section 73.370 -Off Street Parking and Loading- establishes the standards for required off-street parking for commercial, industrial, institutional and residential development. TDC 370(2)(b)(i, ii) grants development located in the Core Area Parking District (CAPD) with:

- (i) A 25% reduction in required off-street parking standards (as established in Architectural Review) available to all development within the CAPD boundaries;
- (ii) An opportunity to further reduce required on-site parking in the CAPD by a "buy down" of required on-site parking spaces. The reduction is available when paying the CAPD "Impact Fee" on a per parking space basis.

The proposed TDC amendment will remove the provision in TDC 73.370(2)(b)(ii) allowing a reduction in on-site parking for development and redevelopment in the CAPD with the payment of the Impact Fee. This is consistent with the direction of the CAPD Board and the City Council and will be consistent with the proposed amendment to the CAPD Board provisions in TMC 11-3. No other provisions of the CAPD program are altered by the proposed amendment.

The proposed TDC amendment implements the CAPD Program consistent with the policy direction of the CAPD Board and the City Council. Public Interest #1 is satisfied.

Public Interest #2. The standards and requirements for parking are in the Tualatin Development Code (TDC) Chapter 73-Community Design Standards-. TDC Section 73.370 -Off Street Parking and Loading- establishes the standards for required off-street parking for commercial, industrial, institutional and residential development and applies to development in the CAPD, in the downtown areas of Tualatin and in other areas of the City.

As mentioned in Public Interest #1 above, the parking provisions in TDC Chapter 73 currently allow development in the CAPD to reduce required on-site parking by paying the CAPD "Impact Fee" on a per-parking space basis. The proposed amendment to TMC 11-3 will remove the CAPD "Impact Fee" provision and the

proposed TDC amendment will remove the parking reduction allowed when paying the impact fee [TDC 73.370(2)(b)(ii)]. If the amendment is approved, a development in the CAPD will not have the option to reduce on-site parking by using the Impact Fee provisions. The current basic standards for the amount of required on-site parking will not change with the proposed amendment for development either inside or outside of the CAPD. The CAPD public parking supply will not be changed by the proposed amendment.

The CAPD and TDC will continue to provide standards and programs to ensure adequate parking facilities to serve citizens, visitors, customers and business owners in Tualatin's downtown area and satisfy Public Interest #2.

Public Interest #3. Based on the direction of the CAPD Board and the Council, the proposed amendment to the Core Area Parking District in TMC Chapter 11-3 would remove the "Impact Fee" provisions of TMC 11-3-100. In accordance, PTA-11-12 proposes to amend the parking standards in TDC 73.370- Off Street Parking and Loading- by removing provisions and references to the CAPD "Impact Fee". If approved, the off-street parking standards and requirements of the TDC will be consistent with the CAPD provisions of the TMC and satisfy Public Interest #3.

Granting the amendment is in the public interest. Criterion "A" is met.

2. The public interest is best protected by granting the amendment at this time.

As addressed in Criterion A, granting the amendment is in the public interest. The City Council and CAPD Board (a citizen advisory board) authorized amending the Tualatin Municipal Code to remove the Core Area Parking District "Impact Fee" provisions. The proposed TMC amendment will be considered by the Council at the same time as PTA-11-12.

Granting the proposed PTA-11-12 Tualatin Development Code amendment at this time will bring the TDC parking provisions into accordance with the CAPD program in the TMC.

Granting the amendment at this time best protects the public interest.

3. The proposed amendment is in conformity with the applicable objectives of the Tualatin Community Plan.

The Tualatin Community Plan does not list specific objectives or policies related to downtown parking, parking supply, parking incentives for downtown development or

the Core Area Parking District. The Core Area Parking District program is established in the Tualatin Municipal Code and there are no specific objectives. There are no applicable objectives or policies associated with the proposed amendment . Criterion "C" is met.

4. The following factors were consciously considered:

The various characteristics of the areas in the City.

The proposed amendment would apply to development and redevelopment in the CAPD. The downtown areas of Tualatin, including the areas around the Tualatin Commons and in the CAPD, are designed to be a pedestrian-friendly district, are well served by transit, and encourage attractive, higher-density commercial and residential development. The CAPD supports development, businesses, and users of the downtown area with public parking in addition to the private on-site parking required in the TDC.

Trends in land improvement and development.

The proposed amendment responds to the trend in land improvement and development associated with higher density, multi-level and mixed use downtown development . This trend includes providing a certain amount of private, on-site parking for the development's tenants and users with some interest in the availability of nearby public parking. The proposed amendment would encourage adequate on-site parking that is supplemented by public parking programmed to best serve the demands of nearby developments.

The needs of economic enterprises and the future development of the area.

The proposed amendment considers the needs of business and future development of the CAPD and the downtown area. The CAPD program and associated parking standards in the TDC are designed to provide adequate parking to support these activities in an efficient and cost effective way.

Needed right-of-way and access for and to particular sites in the area.

The proposed amendment will not affect needed rights-of-way or access in the downtown area.

Natural resources of the City and the protection and conservation of said resources.

The proposed amendment will not affect natural resources in the City.

Prospective requirements for the development of natural resources in the City.

The proposed amendment has no relation to development of natural resources.

And the public need for healthful, safe, aesthetic surroundings and conditions.

Does not apply to the proposed amendment.

Proof of change in a neighborhood or area

Staff does not assert proof of change in a neighborhood or area.

Mistake in the Plan Text or Plan Map.

Staff does not assert a mistake in the Plan Text or Plan Map.

5. The criteria in the Tigard-Tualatin School District Facility Plan for school facility capacity have been considered when evaluating applications for a comprehensive plan amendment or for a residential land use regulation amendment.

Because the amendment does not result in a change to plans or development regulations that would impact school facility capacity, the criterion is not applicable.

6. Granting the amendment is consistent with the applicable State of Oregon Planning Goals and applicable Oregon Administrative Rules.

Of the 19 statewide planning goals, staff determined that none are applicable to the proposed changes to the CAPD parking Impact Fee” provisions of the TDC and TMC.

7. Granting the amendment is consistent with the Metropolitan Service District’s Urban Growth Management Functional Plan.

The Urban Growth Management Functional Plan (UGMFP), codified in Metro Code 3.07, neither precludes the amendment nor directly addresses the issue that the amendment addresses. The criterion is met.

8. Granting the amendment is consistent with Level of Service F for the p.m. peak hour and E for the one-half hour before and after the p.m. peak hour for the Town Center 2040 Design Type (TDC Map 9-4), and E/E for the rest of the 2040 Design Types in the City's planning area.

Because the amendment does not relate to vehicle trip generation, the criterion is not applicable.



OFFICIAL MINUTES OF TUALATIN CITY COUNCIL WORK SESSION FOR JULY 11, 2011

Present: Mayor Lou Ogden; Councilor Monique Beikman; Councilor Wade Brooksby (arrived at 5:26 p.m.); Councilor Frank Bubenik; Councilor-elect Nancy Grimes; Councilor Joelle Davis; Councilor Ed Truax

Staff Present: City Manager Sherilyn Lombos; City Attorney Brenda Braden; Police Chief Kent Barker; Operations Director Dan Boss; Community Development Director Alice Rouyer; Community Services Director Paul Hennon; Finance Director Don Hudson; Planning Manager Aquilla Hurd-Ravich; Assistant to the City Manager Sara Singer; Senior Planner William Harper; Maintenance Services Division Manager Clayton Reynolds; Executive Assistant Maureen Smith

Attendees: Mike McKillip, Eric Underwood

1. CALL TO ORDER

Mayor Ogden called the work session to order at 5:02 p.m.

2. ITEMS FOR DISCUSSION

A. Regional Parks, Trails & Natural Areas -Discussion on this item was not held.

B. Police Contract with the City of Durham

This item was moved to this portion of the agenda for discussion.

Police Chief Kent Barker gave a PowerPoint presentation and background on the contract the Police Department has with the City of Durham and what services the department provides. Currently, Durham pays the cost of one mid-range police officer. Options were reviewed - Option 1, stop providing police services to Durham and they contract with another agency, which still requires Tualatin to be dispatched to Priority One calls (if closest available unit) and provide backup; Option 2, Durham pays for one full-time top-step officer; and Option 3 is a model used by Newberg/Dundee reviewed with Council a few years back that uses a formula based on percentage of service calls. Council reviewed what would be reasonable, and Chief Barker mentioned other options that could be considered would be a property tax rate, or to go back to charging at an hourly rate, which is not preferred by staff.

Next steps for Council to consider were then reviewed. Discussion followed. Councilor Truax noted this has been an issue for him since he's been on Council and does not want to subsidize Durham, but recognized it may take a few budget could provide additional parking spaces.

How to move forward with addressing the district's future was discussed and the question of whether the City should continue to be in the business of parking or to turn it over to the private sector. Discussion turned to parking enforcement and the notion of whether to continue or move the costs of enforcement to the General Fund. The current fiscal year is budgeted for and Council discussed what next steps could be taken. Core Area Parking Board Member Jordan suggested continuing doing what's been done, and talk to businesses/neighbors about the district.

Council suggested to continue working with the Board to do a more formal outreach with the businesses and find out what's actually happening in the district, and to move forward to look at the costs associated with paving the "Hanegan" parcel, and continuing status quo.

Staff summarized the discussion and will develop some parking management strategies and return to Council at a future date.

C. Core Area Parking District Options and Policies

Community Development Director Alice Rouyer began the discussion regarding the core area parking district and addressing the current gap in revenue and operations/maintenance costs, and parking management issues.

Recommendations from the Core Area Parking District Board will also be reviewed. Development Manager Eric Underwood, and consultant Rick Williams were present, and Core Area Parking District Board member Bill Jordan. Rick Williams started with a brief history and background of the Core Area Parking District and Board, established in 1979. The impact fee for new development in the district was also established for capital improvement costs. Urban renewal funds were identified then to pay a large percentage of costs to construct public parking lots. To accommodate new development in the district during the mid-90s, the Core Area Parking District Board reviewed options for addressing parking in the rapidly-growing downtown area, resulting in a developer being required to provide at least 75% of the Tualatin Development Code-required parking. An additional 25% reduction from the initial 25% discount was provided, with urban renewal funding available to supplement the impact fee revenue and supply additional parking.

An assessment of the district revenue and operating cost trends, analysis of parking supply, parking demand/lot occupancy counts, and the City's past and future role in constructing public parking was reviewed and discussed with Council.

Considerable discussion followed on parking space supply and demand and reduction allowance in the Code. Director Rouyer further explained when the district began in the late 70's, no off-street parking was required, and the policy that was further addressed in the 90's, in light of Measure 5, required a developer to provide parking. Historically it worked because there was urban renewal funding, which is now not available. Mr. Williams went on to summarize the highlights and points made and reviewed the recommendations from the Board. If the issue is not addressed by 2014-15 the gap will increase and dip below the recommended reserves, with an increasing gap thereafter. The technical report and recommendations were reviewed to address the gap, and the reevaluation of the City's role in supplying parking in the core area. As representation on the Board, Councilor Beikman reviewed the board's recommendations. She believes Council needs to address the issue as a whole,

and went on to explain how the reserves were arrived at over the years, with charge backs and a cost study done to reflect the true costs of the district. Discussion followed on the parking formulation and how the percentages are arrived at. How to provide additional parking spaces with limited availability was discussed and was explained about the "Hanegan" site (former gas station) that could provide additional parking spaces.

How to move forward with addressing the district's future was discussed and the question of whether the City should continue to be in the business of parking or to turn it over to the private sector. Discussion turned to parking enforcement and the notion of whether to continue or move the costs of enforcement to the General Fund. The current fiscal year is budgeted for and Council discussed what next steps could be taken. Core Area Parking Board Member Jordan suggested continuing doing what's been done, and talk to businesses/neighbors about the district.

Council suggested to continue working with the Board to do a more formal outreach with the businesses and find out what's actually happening in the district, and to move forward to look at the costs associated with paving the "Hanegan" parcel, and continuing status quo.

Staff summarized the discussion and will develop some parking management strategies and return to Council at a future date.

E. Council Committee Assignments

Council reviewed the Committee assignments list and made updates to committees or boards that were held by former Councilor Chris Barhyte.

3. Council Meeting Agenda Review, Communications & Roundtable

Council reviewed the Consent Agenda with no comments or changes.

4. ADJOURNMENT

The work session adjourned at 6:55 p.m.

Sherilyn Lombos, City Manager



Maureen Smith, Recording Secretary

CORE AREA PARKING DISTRICT BOARD MEETING OF OCTOBER 4, 2011

1.0 CALL TO ORDER

Dr. Bill Jordan, Chairperson, called the meeting to order at 12:02 p.m.

MEMBERS PRESENT: Monique Beikman
Michael Cooper
John Howorth
Bill Jordan
Ryan Miller

STAFF: Alice Rouyer
Carol Rutherford
Eric Underwood
Kent Barker

GUESTS: David Emami
Diana Emami

2.0 ROLL CALL

Carol Rutherford took roll call.

3.0 APPROVAL OF MINUTES OF THE JUNE 21, 2011 MEETING The minutes of the September 21, 2011, CAPDB meeting will be sent out for review prior to requesting approval at the next CAPDB meeting.

4.0 PUBLIC COMMENTS Mrs. Emami felt that it was awkward to comment now on topics that the Board will be discussing later in the meeting. Her primary issues concern the two-hour parking limits being proposed for the Red and Yellow Parking Lots as well as paving the area adjacent to the Red Lot to provide special permit parking. This location could be a long walk from some area businesses, particularly those on the other side of the lake. She also referenced concern about lack of communication.

5.0 ANNOUNCEMENTS Police Chief Kent Barker is present at today's meeting to hear the discussion regarding parking enforcement, provide valuable input, and receive feedback from the Board members and guests.

6.0 REGULAR BUSINESS It was suggested that when reviewing the work plan that individual items not be debated deeply; rather Board members should just determine if additional information is needed. Dr. Jordan facilitated the review of the items contained in the work plan.

6.1 Review of Proposed Work Plan:

Consider signage options for parking areas: The question was initially raised if we need new signs. Mr. Howorth looked at the signage currently in place and voiced concern over the color coding (visitors who are color blind would not be able to identify with the location of the various lots), lack of signage to designate long-term parking spaces on the five lots, and the lack of designation identifying them as City-owned public parking. It would be advantageous to more clearly delineate this. Mr. Underwood stated that staff is currently working with the Operations Department for cost estimates for new signs/lettering. This information will be discussed with the Board at their next meeting. Another option could be a kiosk/board with directional information for the five lots as well as different types of signage which could serve as branding for the City of Tualatin.

Consider two-hour parking for Red and Yellow lots: This proposal was reviewed with the City Council at their July 10th work session. Their recommendation was that staff conduct additional public outreach. In response to an inquiry from Mr. Cooper, Mr. Underwood stated that 8-10 businesses/property owners could be affected by this proposed change. They include the beauty school, dental office, real estate firm and an architect. Board members concurred that staff should move forward with more outreach. It could include the creation of a brochure or flier.

Explore the feasibility of ending the fee-in-lieu program: This item will require changes to the Tualatin Development Code based on input from the Board and review and approval by City Council. In previous discussions, the Board agreed that this program should be ended, and support was received from the City Council. The City is almost built out in the downtown area; there is not a lot of potential for new development. The fee currently charged (\$3500 per space) is low compared to what it now costs to construct parking spaces. While the inventory recently done depicted that we currently have a surplus of parking spaces, this could be cause for concern in the future. Staff explained the process that is required including changing three sections of the Tualatin Municipal Code, creation of a Plan Text Amendment to facilitate changes to the TDC, and holding a neighborhood meeting followed by a public hearing leading up to discussion and approval by the City Council.

This would also require a change to Policy 5 of the "Policies of the Core Area Parking District." In response to an inquiry from Mr. Cooper who asked if the Board has ever reviewed a fee-in-lieu-of request, staff responded that we haven't discussed it on a case-by-case basis – just in generalities. Staff confirmed that there is approximately \$45,000 in an account representing monies paid to buy down spaces which is allocated for the construction of new parking spaces.

MOTION by Cooper, SECOND by Beikman to end the fee-in-lieu program immediately.
MOTION CARRIED unanimously.

Explore the feasibility of paving the Hanegan lot and approval by City Council :

This subject had been briefly discussed as part of the previous recommendation. Mr. Underwood stated that the preliminary estimate to do this work is about \$300,000 and includes paving, curbs, storm sewers, and landscaping. It would create 24-26 spaces encompassing 13,000 square feet to extend the current Red Lot with alleyway access and would meet TDC standards. Councilor Beikman stated that in discussions with the other Council members, they are adamant about paving it. However, they would have to support funding the balance of the cost beyond the \$45,000 available from the fee-in-lieu of program.

MOTION by Miller, SECOND by Beikman to recommend the expansion of the Red Lot using the existing \$45,000 to help fund it. MOTION CARRIED unanimously

Consider asking the City Manager and the City Council to consider having the cost of parking enforcement covered by the General Fund in future years: Based on the current analysis of the fiscal health of the Core Area Parking District, we have until 2016 until we drop below the threshold for fiscal stability. It currently costs about \$89,000 to operate the District while the District brings in \$62,000-\$63,000 annually. Board members voiced concern about dipping further into reserves. In a brief discussion with Chief Barker, consideration could be given to using the Parking Enforcement Officer for other roles if her salary and benefits were tied to the General Fund.

MOTION by Jordan SECOND by Howorth to forward a recommendation to City Council that the City cover the parking enforcement officer under the General Fund beginning next year. MOTION CARRIED unanimously

Consider paid permit parking options: Mr. Cooper suggested tabling this discussion until we learn if the previous options are approved. If approved, then we may not need this option. Policy 8 (which states that no space shall be dedicated to a specific individual or business) would also need to be modified if paid permit parking becomes available. If employees are interested in paid permit parking, then likely the businesses will end up paying anyway. Councilor Beikman concurred and doesn't see it going over well with a lot of businesses. Mr. Underwood commented that we have a \$23,000 gap to fill. If the parking enforcement officer's salary and benefits are rolled into the General Fund, the District will be in the black for operational expenses but not for capital projects. That money will have to come from another source since there is no more urban renewal funding.

7.0 ADJOURNMENT MOTION by Beikman SECOND by Miller to adjourn the meeting at 1:11 p.m.
MOTION CARRIED unanimously.

_____ Carol Rutherford/Recording Secretary



OFFICIAL MINUTES OF TUALATIN CITY COUNCIL WORK SESSION FOR FEBRUARY 27, 2012

Present: Mayor Lou Ogden; Council President Monique Beikman; Councilor Frank Bubenik; Councilor Joelle Davis; Councilor Nancy Grimes; Councilor Ed Truax

Absent: Councilor Wade Brooksby

Staff Present: City Manager Sherilyn Lombos; City Attorney Brenda Braden; Police Chief Kent Barker; Operations Director Dan Boss; Community Services Director Paul Hennon; Finance Director Don Hudson; Planning Manager Aquilla Hurd-Ravich; Senior Planner William Harper; Associate Planner Cindy Hahn; Parks and Recreation Manager Carl Switzer; Engineering Manager Kaaren Hofmann; Management Analyst Ben Bryant; Executive Assistant Maureen Smith

1. **CALL TO ORDER**

Mayor Ogden called the Work Session to order at 5:00 p.m. Council immediately went into executive session pursuant to ORS 192.660(2)(d) to discuss labor relations.

2. ***Executive Session***

An executive session pursuant to ORS 192.660(2)(d) to discuss labor relations was held at the beginning of the Work Session.

3. Briefing on Proposed Amendments that would Remove Core Area Parking District "Impact Fee" Provisions in the Tualatin Development Code and the Tualatin Municipal Code

Senior Planner Will Harper presented information and brief history on the Core Area Parking District (CAPD) and the upcoming Plan Text Amendment PTA-11-12 that would remove existing Code provisions that allow for payment of a parking impact fee within the District. This will be paired with an amendment to the Municipal Code that references the CAPD Board to remove "impact fee" provisions. Staff is seeking feedback from the Council prior to proceeding with the plan text amendment.

Senior Planner Harper went on to explain the "fee in lieu" (impact fee) provisions. Senior Planner Harper went on to explain the "fee in lieu" (impact fee) provisions allow development in the CAPD to reduce required on-site parking by paying an "impact fee" for each required parking stall not constructed by the development. The funds collected are then available to help pay for construction of CAPD parking improvements. The current Impact Fee account balance is approximately \$45,000 from payments by developers in lieu of providing required on-site parking spaces. The account funds are from three projects in the CAPD (Aspen Place, Martinazzi Commons, and Robinson Crossing I & II). Without urban renewal any longer or CAPD funds to supplement it, the program is not sustainable.

Discussion followed on the reasoning behind eliminating the impact fee. Concern was expressed about capacity and whether it is exacerbating it by discontinuing the fee. Council President Beikman, who serves on the Board, said the members reviewed this issue and recommending eliminating the fee. With no land available to expand in the downtown core area, it promises something that can't be delivered.

Brief discussion followed and the consensus of all Council present was to proceed with the Plan Text Amendment as presented.

TPC MEMBERS PRESENT:

Mike Riley
Alan Aplin
Jeff DeHaan
Steve Klingerman
Bill Beers

STAFF PRESENT:

Aquilla Hurd-Ravich
Will Harper
Cindy Hahn
Lynette Sanford

TPC MEMBER ABSENT: Nic Herriges

GUESTS: Jonathan Crane, Jan Giunta, Matt Hastie

1. CALL TO ORDER AND ROLL CALL:

Mr. Riley called the meeting to order at 6:31pm. Roll call was taken.

2. APPROVAL OF MINUTES:

March 6, 2012

Mr. Riley asked for review and approval of March 6, 2012 TPC meeting minutes. MOTION by Riley SECONDED by Klingerman to approve the March 6, 2012 TPC meeting minutes. MOTION PASSED 5-0.

3. COMMUNICATION FROM THE PUBLIC (NOT ON THE AGENDA):

None

4. ACTION ITEMS

A. Amending the Tualatin Development code (TDC) Chapter 73-Community Design Standards-Removing Core Area Parking District "Impact Fee" Provisions. Amending TDC 73-370-Off-Street Parking Provisions. Plan Text Amendment PTA-11-12. This is a Legislative action by the City Council.

Senior Planner Harper discussed Plan Text Amendment PTA-11-12. The Core Area Parking District operates five parking lots and consists of 394 parking spaces. This has been in existence since the early 80's as part of the redevelopment of the downtown area of Tualatin. This is overseen by the Core Area Parking district Board. The TMC Chapter 11-3 includes provisions for a Parking district Tax and an Impact Fee. This proposal is to amend TDC Chapter 73.370(2) Off-street parking Provisions.

The origin of these amendments comes from a joint work session last July, 2011 with the City Council and the Core Area Parking District Board. They reviewed a number of operational and funding issues associated with the CAPD program. A consensus was reached to explore the feasibility of ending the fee-in-lieu program as one of several means to manage the Core Area program into the future.

At its October 2011 meeting, the CAPD Board recommended ending the “Impact Fee” program. The purposes of the recommendation is to address the current gap in CAPD operational funding and expenses, reduce the drain on the CAPD Reserve Fund, and eliminate the built-in gap of approximately \$2,000 between the “Impact Fee” collected per parking stall and the estimated cost of constructing a public parking space. The CAPD Board did not recommend increasing the “Impact Fee” collected to make up for the difference nor did the Board call for City funding for constructing new spaces for the impact fee part of the CAPD program.

At the February 2012 work session, the City Council discussed the proposed changes to the CAPD “Impact Fee” and was in agreement that an amendment should move forward. At the March, 2012 meeting, the Tualatin Planning Commission was briefed by staff on the proposed changes to the CAPD “Impact fee”. TPC members had questions and contributed comments.

Approval of the Plan Text Amendment request would result in the CAPD no longer collecting the \$3,500 per parking space “Impact Fee”. Each development in the CAPD will be required to provide the minimum number of on-site parking spaces.

Mr. Harper continued to discuss the public interest as identified by staff.

- To implement the Core Area Parking district Program (CAPD) as established in the Tualatin Municipal code chapter 11-3 and with the direction of the CAPD Board and the City Council to construct, maintain, operate and administer public parking facilities.
- Provide standards and programs to ensure adequate parking facilities to serve citizens, visitors, customers and business owners in Tualatin’s downtown area.
- Establish the off-street parking standards and requirements of the TDC consistent with the CAPD provisions of the TMC.

In conclusion, Mr. Harper stated that this meets the requirements and criteria of the Plan Text Amendment and his recommendation is for the Tualatin Planning Commission to consider the application and staff report and make a recommendation to council to approve the amendment proposed.

Chair Riley asked for further discussion. Mr. Aplin expressed concerns about if the city can afford to maintain these parking spaces. Mr. Harper responded that maintenance of existing parking spaces is funded by CAPD taxes and other sources, but not from the impact fee. Mr. Riley asked if this will remove the additional parking exemption associated with this fee. Mr. Harper responded that it doesn’t remove the reduction and the minimum required parking minimum in the CAPD.

Jonathan Crane - 18725 SW Boones Ferry Rd

Mr. Crane asked what the motivation was for the city to take less money. Mr. Harper responded that the City Council and the Core Area Parking Board operates the public lot next to his property. Business owners pay a tax to be part of the district. The CAPD did this to reduce the minimum parking required and to rely more on public transit and walking.

Mr. Crane gave an example: if a property should have 130 parking spots, but only build 65, in the future are there no punitive damages to them for building an inadequate parking ratio and the city will have given up the right to collect money? Mr. Harper responded that the part that will change is on top of the discount for the Core Area Parking impact fee. On top of that 25% discount is the ability to avoid on-site parking. By paying for each additional parking spot, the money is put in a fund and the CAPD will look to build the space from the money collected. Mr. Crane inquired if a parking structure was to be built, who will pay for it? Mr. Harper responded that the responsibility will be with the developer to provide parking spaces based on square footage and the usage of the building. Mr. Klingerman added that this puts the financial responsibility on the person who will reap the reward, not the City. Mr. Riley added that this is not an uncommon practice.

Jan Giunta - 17655 SW Shawnee Trail

Ms. Giunta inquired about the parking deficit and how much is owed by the city. Mr. Harper responded that the deficit is currently 25 spaces, which were bought down by \$1,000 based on previous rate. Ms. Giunta was concerned that one of the things she heard being discussed is a proposed parking garage. She inquired as to why we would propose building one. Ms. Giunta added that according to the City Manager's analysis, there is adequate parking that is currently being unused. Mr. Harper responded that there are 140 additional parking spaces over and above what the required rate will be in the public lots. Mr. Harper added that the City Council and Development Commission has turned down the idea of building a parking structure more than once in the past year. Ms. Giunta added that it was part of the Urban Renewal Plan in 2009 and 2010.

MOTION by DeHaan SECONDED Aplin, to recommend approval of Plan Text Amendment PTA-11-12 to City Council. MOTION PASSED 5-0.