



**TUALATIN CITY COUNCIL
AND
TUALATIN DEVELOPMENT COMMISSION**
Monday, February 23, 2009

City Council Chambers
18880 SW Martinazzi Avenue, Tualatin, Oregon

WORK SESSION begins at 5:00 p.m.

REGULAR MEETING begins at 7:00 p.m.

Mayor Lou Ogden

**Council President Chris Barhyte
Councilor Ed Truax
Councilor Monique Beikman**

**Councilor Joelle Davis
Councilor Jay Harris
Councilor Donna Maddux**

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

Copies of staff reports or other written documentation relating to each item of business referred to on this agenda are available for review on the world wide web at www.ci.tualatin.or.us, at the Library located at 18878 SW Martinazzi Avenue, and are also on file in the Office of the City Manager for public inspection. Any person who has any question concerning any agenda item may call Administration at 503.691.3011 to make an inquiry concerning the nature of the item described on the agenda.

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

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

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

- SEE ATTACHED AGENDA -

PROCESS FOR LEGISLATIVE PUBLIC HEARINGS

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

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

PROCESS FOR QUASI-JUDICIAL PUBLIC HEARINGS

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

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

TIME LIMITS

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

EXECUTIVE SESSION INFORMATION

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

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



A. CALL TO ORDER

Pledge of Allegiance

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. Tualatin Tomorrow – Arts, Culture, and Education (ACE)

C. CITIZEN COMMENTS

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

D. CONSENT AGENDA (Item Nos. 1 – 5)

Page #

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

1. Approval of Minutes for the Meeting of January 26, 2009 and the Special5
Work Session of January 27, 2009
2. Approval of 2009 Liquor License Renewals53
3. Resolution No. - - - - - Affirming the December 19, 2008 Historic Landmark Demolition55
Decision of the Gerald Avery Building Located at
19945 SW Boones Ferry Road (2S123DD 500) (HIST 08-01)
[removed from the agenda in its entirety]
4. Resolution No. 4865-09 Adopting an Intergovernmental Agreement Between the60
Tigard-Tualatin School District and the City of Tualatin
For Safe Schools and Healthy Students
5. Resolution No. 4866-09 Approving Settlement Agreement with Qwest, as part of the69
Oregon Municipal Audit and Review Committee (OMARC) Audit

E. PUBLIC HEARINGS – Legislative or Other

1. Public Hearing on Proposed Supplemental Budget and Changes to the77
Adopted 2008-2009 Budget
Resolution No. 4867-09 Approving Changes to the Adopted 2008-2009 Budget

F. PUBLIC HEARINGS – Quasi-Judicial
None.

G. GENERAL BUSINESS

- 1. Ordinance No. 1275-09 Relating to the Library Rules of Conduct; and Amending82
TMC 5-1-010, 5-1-030, 5-1-050, 5-1-060, 5-1-070,
5-1-080, 5-1-090, and 5-1-100
- 2. Resolution No. 4868-09 Authorizing a Revocable Permit to Allow a Fence in Tract91
in the Victoria Woods No. 3 Subdivision

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

I. COMMUNICATIONS FROM COUNCILORS

J. EXECUTIVE SESSION

K. ADJOURNMENT

CITY COUNCIL MEETING SIGN-UP SHEET

PLEASE COMPLETE TO GIVE TESTIMONY

DATE:

February 23, 2009

PLEASE LIMIT TESTIMONY TO THREE MINUTES

PLEASE PRINT CLEARLY					
NAME	ADDRESS	REPRESENTING (if applicable)	AGENDA ITEM(S)	PROPONENT (if applicable)	OPONENT (if applicable)
haya Martinuzzi	4891 Centwood L.O	Tratani Katherine Sord			
Linda Mokoht	18791 SW. Martinuzzi	Tratani Chamber of Commerce			
Erin Stadick	22897 SW Court Dr	Stearns Neuroscience	WES		
Derek Corby	24717 SW KSPEN PL		47724 community		
Hector Dellman	20 Fox 2318 KMS, OR	Lumiere Pages	Performing Arts		
Kathy Neusemb	17515 Cheyenne way				




Approved By Tualatin City Council

Date February 23, 2009

Recording Secretary J. Kirby

STAFF REPORT CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

FROM: Sherilyn Lombos, City Manager 

DATE: February 23, 2009

SUBJECT: APPROVAL OF THE MINUTES FOR THE MEETING OF
JANUARY 26, 2009, AND THE SPECIAL WORK SESSION
OF JANUARY 27, 2009

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve the minutes for the City Council Meeting of January 26, 2009, and the Special Work Session of January 27, 2009.

RECOMMENDATION:

Staff respectfully recommends that the Council adopt the attached minutes.

FINANCIAL IMPLICATIONS:

There are no financial impacts associated with this item.

Attachments: Minutes



City of Tualatin

www.ci.tualatin.or.us

Approved By Tualatin City Council

Date February 23, 2009

Recording Secretary G. Kirby

TUALATIN CITY COUNCIL WORK SESSION MINUTES OF JANUARY 26, 2009

PRESENT: Mayor Lou Ogden, Councilors Chris Barhyte, Monique Beikman, Joelle Davis, and Jay Harris; Sherilyn Lombos, City Manager; Brenda Braden, City Attorney; Mike McKillip, City Engineer; Carina Christensen, Assistant to the City Manager; Doug Rux, Community Development Director; Paul Hennon, Community Services Director; Kent Barker, Chief of Police; Eric Underwood, Development Coordinator; Dan Boss, Operations Director; Nancy McDonald, Human Resources Director; Don Hudson, Finance Director; Aquilla Hurd-Ravich, Senior Planner; Colin Cortes, Assistant Planner; Cindy Hahn, Assistant Planner; Ginny Kirby, Recording Secretary

ABSENT: [* denotes excused]

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

A. CALL TO ORDER

Mayor Ogden called the work session to order at 4:02 p.m.

Councilor Truax arrived at 4:40 p.m.

Councilor Maddux arrived at 6:24 p.m.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

Mandatory Business Recycling Program

Dan Boss, Operations Director, introduced Matt Kotot and Marta McGuire, Metro representatives. Mr. Kotot noted that Metro is aware they need to be cognizant of business expenses in these economic times. Metro was sensitive to that when they developed new requirements for businesses. Mr. Kotot and Ms. McGuire gave a PowerPoint presentation that addressed the current recycling system, impacts on businesses, benefits of recycling, the role of local government, and business recycling policy development.

The mandatory program basically consists of three requirements: provide recycling containers, post signs and labels, and recycle. Ms. McGuire noted that most businesses already follow a recycling program; the mandatory recycling will have the biggest effect on those businesses that do not have a program currently in place.

Councilor Harris questioned why Metro is going to local governments vs. directly to the haulers. Mr. Kotot explained that Metro has "government to government" jurisdiction; not jurisdiction over private businesses (the haulers). Discussion followed regarding the funding available to help cities offset costs and compliance timing issues. Mayor Ogden asked what was impeding businesses from following recycling programs; discussion followed. It was noted that some agencies plan to add recycling program questions on their business license application form as a method to ascertain if a business has a recycling program in place.

It was reiterated that Metro has rough information regarding how many businesses in Tualatin are recycling; the best place to get this information is the garbage haulers. Mayor Ogden reiterated that the community has a strong interest in recycling.

Debrief on Artic Blast 2008

Dan Boss, Operations Director, reminded Council that a few years ago the cost of a plow went before the Budget Committee and was denied; just not enough snow on a regular basis. The 2008 snow storm was an unusual event. The City made a conscious decision in the past to not purchase plows; therefore, it wasn't a failure to plow, the decision had been made to NOT plow. Discussion followed regarding what could have made a real impact in an event such as the 2008 Artic Blast event. A single snow plow just would not have made much of an impact. Washington County loaned the City a piece of equipment one day; ODOT loaned two snow plows another day.

Mr. Boss noted he spoke to City of Bend regarding their procedures for handling of snow events. Bend typically receives 40-inches of snow per year; their snow removal costs are approximately \$1 million per year (Bend is approximately twice the size of Tualatin). Discussion continued regarding level of service (especially for residential streets), trigger points for response, and potential costs for snow removal. Mayor Ogden suggested a potential way to have funds for a snow event, flood event, or wind event would be to possibly add a small "fee" on the utility bills. Council would like staff to look into the cost of a blade (or two) that could be attached to existing City trucks. Councilor Beikman noted she was proud of the way the City handled the recent snow event.

Street Tree Replacement Policy

Colin Cortes, Assistant Planner, noted this topic was last before Council in October 2008. The subcommittee has met to discuss the issue. Mr. Cortes gave a PowerPoint presentation that showed examples of newly planted trees, trees several years in age, and mature street trees. Mayor Ogden noted that the subcommittee visited several neighborhoods to view tree canopies. Discussion followed regarding current policy vs. proposed policy. Councilor Truax noted he would be in favor of a one-for-one street tree policy; not for a street tree to be replaced by a tree in the homeowners yard. He was also in favor of developing a policy to go back and replace removed trees that are yet to be replaced. More discussion followed regarding reasons tree removal would be allowed and exceptions from replacement. Exceptions for replacement would include: extensive existing canopy, location originally overplanted, and conflicts with public works issues (utility conflicts, etc). Council was in favor of the one-for-one tree replanting with the few exceptions.

Ms. Lombos clarified with Council what she was hearing them request - they would like the City to inventory street trees and do an extensive "tree for a fee" door hanger program over the next two to three years.

Fence Standards

Ms. Lombos noted that fence materials will not be discussed this evening; the two issues before Council are fences next to the freeway and vision clearance. Cindy Hahn, Assistant Planner, noted this topic was previously brought to Council October 13, 2008. Ms. Hahn gave a PowerPoint presentation that briefly went over background, (which includes typical sound levels, noise barrier height, effects of height and grade, and noise barrier length), noise barrier options, outcomes of evaluated mitigation,

average construction costs of various materials, vision clearance area, vision clearance area survey results, and vision clearance area triangles. Brief discussion followed.

Ms. Hahn stated the three existing neighborhoods that abut a freeway are Tualatin Woods, Venetia, and Sequoia Woods. If homes sit at least 200' back from the freeway, barriers would most likely not be needed as they wouldn't be effective. Councilor Barhyte questioned what would be possible to require as a visual barrier/fence in different areas; could the City require different heights of fences depending upon the roadway/area. Discussion followed regarding fence heights on roadways other than arterials and collectors. Council would like staff to investigate areas where fences would be reasonable along "highways and byways".

Ms. Hahn continued her PowerPoint presentation which covered Vision Clearance Areas. Discussion followed. The City does not do an inventory; the current policy is enforced on a complaint-driven basis. After further discussion, Council said they are happy with the current policy; no changes needed at this time.

Council Communications & Roundtable

Councilor Beikman stated that she attended the recent Community Action Organization meeting. They noted that they receive most of their calls at the first of each month as that is when eviction notices are issued. The calls have been increasing; August and September averaged 450 calls per month; thus far in January they have received over 900 calls. Councilor Beikman suggested the Tualatin Food Pantry fund raising that Council is going to do needs to move forward. Ms. Lombos noted that the City gives out the information for assistance (people can call 2-1-1). Also, City employees have the "donate a dollar" program to which they can contribute.

Councilor Maddux said she attended a meeting of the Washington County Gang Summit last week. Over 100 people were in attendance, including three Tualatin police officers and two YAC members.

Councilor Barhyte noted MACC has hired an attorney to research the possibility of collecting franchise fees from cable companies. Councilor Harris and Ms. Lombos said they attended a 9-1-1 Funding Summit; they are looking at alternate funding sources.

Clackamas County Cities Committee meeting was attended by Carina Christensen, Assistant to the City Manager. Ms. Christensen noted the Committee elected new officers and discussed the Artic Blast 2008.

Mayor Ogden said he and Councilor Beikman attending an I-5 Connector meeting. He would like that to be a topic for a future meeting. Mayor Ogden also noted he attended an Urbanization Forum, which was mostly staged because of other mayors and their objection to urbanization in some rural areas. Brief discussion followed.

Councilor Maddux said there will be a Commission On Children and Families Special Session on Thursday, February 5, 2009 because of necessary budgetary cuts.

C. CITIZEN COMMENTS

Not applicable.

D. CONSENT AGENDA

The Consent Agenda was reviewed by Council.

E. PUBLIC HEARINGS - Legislative or Other

Not applicable.

F. PUBLIC HEARINGS - Quasi-Judicial

Not applicable.

G. GENERAL BUSINESS

None.

H. ITEMS REMOVED FROM CONSENT AGENDA

Not applicable.

I. COMMUNICATIONS FROM COUNCILORS

None.

[Work Session recessed at 6:57 p.m.]

[Work Session reconvened at 7:53 p.m. to go into Executive Session].

J. EXECUTIVE SESSION

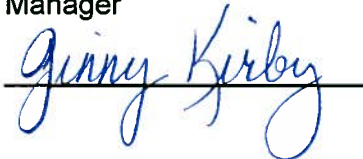
Council went into an Executive Session at 7:53 p.m. pursuant to ORS 192.660(2)(d) to discuss labor relations.

K. ADJOURNMENT

The meeting adjourned at 8:15 p.m.

Sherilyn Lombos, City Manager

Recording Secretary

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



City of Tualatin

www.ci.tualatin.or.us

Approved By Tualatin City Council

Date February 23, 2009

Recording Secretary J. Kirby

TUALATIN CITY COUNCIL MEETING MINUTES OF JANUARY 26, 2009

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

ABSENT: [* denotes excused]

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

A. CALL TO ORDER

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

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. Proclamation Declaring January 27, 2009 as *Fire Service Appreciation Day*
Chief Johnson, Assistant Chief Dyke. Chief Johnson said they feel well treated by this community and are proud to serve the area. He noted they have a new "rating" that should help lower insurance rates for area residents. Chief Johnson complimented the City; he said we have an excellent Police Chief in Chief Barker and a good City Manager. Tualatin is a wonderful partner with TVF&R. The Mayor stated the Tualatin fire station is unique in that it houses half the hazardous material team for the State, a Battalion Chief, and advanced life support equipment. Mayor Ogden thanked TVF&R for their commitment to serving this community.

Mayor Ogden read the Proclamation declaring January 27th as Fire Service Appreciation Day and then thanked Chief Johnson, Assistant Chief Dyke, and all of TVF&R for their service.

2. 20-Year Service Award - *Doug Rux*
Sherilyn Lombos, City Manager, awarded a 20-year service award to Doug Rux, Community Development Director. Ms. Lombos noted that Mr. Rux started his career in City of Springfield; he came to the City of Tualatin in 1989. Ms. Lombos presented the hydrometer/thermometer/clock oak plaque and 20-yr service certificate to Mr. Rux. Mayor Ogden thanked Mr. Rux for all his work and said he is proud to have him as part of Tualatin.

3. Mike McKillip, City Engineer, announced that the SW 108th Avenue improvement project is now substantially complete. There will be a ribbon cutting ceremony on Saturday, January 31, 2009, at 11:00 a.m. on-site. Councilor Maddux noted the project is having a tremendous effect on the area; it is a huge benefit.

C. CITIZEN COMMENTS

Kathy Newcomb, Cheyenne Way, Tualatin. Ms. Newcomb stated she was here tonight because she was involved in a project in the Ashland area in the 1970's with youth and alcoholism. A recent local article in the newspaper about youth and a large party involving underage drinking brought this all back to mind. Ms. Newcomb stated her church recently held a workshop addressing teenage heavy drinking and driving. She shared some statistics given in the workshop. She feels it would not be a good idea to lower the drinking age to 18 years of age, as the brain develops until about the age of 20. Ms. Newcomb said she would like to spread the word about the dangers of heavy teenage drinking and was seeking the best avenue. Mayor Ogden suggested that Chief Barker and the high school would be good contacts. Mayor Ogden thanked Ms. Newcomb for coming before Council this evening with this important topic.

D. CONSENT AGENDA

MOTION by Councilor Barhyte, SECONDED by Councilor Maddux to adopt the Consent Agenda as read:

1. Approval of Minutes for the Meeting of January 12, 2009
2. Resolution No. 4860-09 Authorizing Reimbursement of Unused Fees for PMA 08-03
3. Resolution No. 4861-09 Authorizing a Two-Year Intergovernmental Agreement with Washington County for Coordinated Mosquito Reduction and Information Coordination on West Nile Virus
4. Resolution No. 4862-09 Approving Westside Commuter Rail Project TriMet and City of Tualatin Cooperative Maintenance Agreement
5. Resolution No. 4863-09 Authorizing a Temporary Construction Easement and Permanent Easement Associated with Clean Water Services Lower Tualatin Pump Station Project at Tualatin Community Park

MOTION CARRIED.

E. PUBLIC HEARINGS - Legislative or Other
None.

F. PUBLIC HEARINGS - Quasi-Judicial
None.

G. GENERAL BUSINESS

1. 2008 Annual Report of the Tualatin Parks Advisory Committee (TPARK)
Paul Hennon, Community Services Director, noted that ultimately they are seeking that Council accept the annual report. Travis Dunford, D.J. DeAustria, and Jill Anderson are here tonight to present the Annual Report of TPARK to Council. Mr. Dunford stated 2008 was the 31st anniversary of TPARK. He gave a summary of the key issues that TPARK was involved in during 2008, which included: recreation bond measure feasibility study, a dog park, the Heritage Center patio-phase 2, the Lower Tualatin Pump Station final design, Herman Road off-site mitigation at Little Woodrose Nature Park, some land acquisition, Tualatin Commons Park, policy and program issues, Arbor Week/Tree City USA/Heritage Tree programs, special events (Spring Fling, Giant Pumpkin Regatta, Starry Nights and Holiday Lights), and Tree Board (reviewed street tree removal/replacement policy).

In 2009 the committee will be working on several projects, including: review of capital projects, providing input on special events and recreation programming, and policy input.

Mayor Ogden thanked the committee for all their work. The Mayor asked what is needed for the update of the Parks Master Plan, which was originally written in 1983. Mr. Hennon noted that the demographics of the population is changing and an update would address the potential changes the new demographic would desire. They are currently looking at what it would take to update the Master Plan.

MOTION by Councilor Beikman, SECONDED by Councilor Barhyte to accept the 2008 Annual Report of the Tualatin Parks Advisory Committee. MOTION CARRIED.

H. ITEMS REMOVED FROM CONSENT AGENDA
None.

I. COMMUNICATIONS FROM COUNCILORS

Councilor Davis stated that she attended the Mr. Timberwolf Pageant at Tualatin High School last weekend; Kevin Oliver is the new Mr. Timberwolf.

Councilor Truax noted he and Mayor Ogden have been longtime members of the Rotary Club. This week they suffered a large loss when a group of exchange students were amongst those shot at a downtown Portland club. He wanted to say that our hearts and prayers go out to the families of the students killed.

The Student Visual Chronicle event will be held this Wednesday evening at the Heritage Center. This will be a great opportunity to see the art of local students.

J. EXECUTIVE SESSION

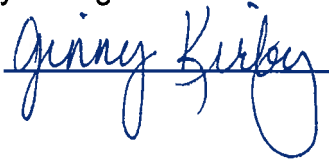
None.

K. ADJOURNMENT

The meeting adjourned at 7:51 p.m.

Sherilyn Lombos, City Manager

Recording Secretary

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



City of Tualatin

www.ci.tualatin.or.us

Approved By Tualatin City Council
Date February 23, 2009
Recording Secretary G. Kirby

TUALATIN CITY COUNCIL SPECIAL WORK SESSION MINUTES OF JANUARY 27, 2009

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

ABSENT: [* denotes excused]

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

A. CALL TO ORDER

Mayor Ogden called the meeting to order at 6:06 p.m.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

Five-year Financial Forecast

Don Hudson, Finance Director, gave a PowerPoint presentation addressing the 5-year plan (see attached copy of presentation slides). The reasons the City does a 5-year plan are: 1) Stimulate long-term "big picture thinking", 2) Raise/identify specific issues, 3) Impose discipline, and 4) Provide guidance for the budget process.

The Assumptions - General being made are: 1) No population growth, 2) Maintenance of effort planning (continue doing what we are currently doing/no new programs/no additional positions), 3) Capital outlay for replacement of existing assets (per replacement schedules).

The Assumptions – General Fund (GF) Revenues:

Revenues categorized by major GF revenue sources

- Property taxes – 3%
- Franchise fees – 8% first year; 4% thereafter
- Library levy (WCCLS) – 2%
- Transfers – 3.5%
- Others – 2%

Mayor Ogden asked why the increase in franchise fees. Mr. Hudson noted fees have increased over the past few years, mainly due to rate hikes.

The Assumptions – GF Expenditures:

Personnel Costs (approx 74% of GF budget)

Salaries – 6%

Health insurance – 10%

PERS – 0% next 2 years; 3% thereafter

Payroll taxes – 6%

Materials and Services

3.5% base assumption

Periodic review process (larger increased in early years)

Capital Outlay – 5%

Councilor Barhyte questioned the 3% for PERS and what the City would do if it rises quickly in the next few years; staff will make a call to PERS to ask for better numbers and get back to Council with that information.

GF Revenue and Expenditures

Mr. Hudson summarized the revenues, expenditures, and net revenue figures for the next five fiscal years. Discussion followed. Councilor Maddux questioned when the City last had an actual net revenue. Further discussion followed regarding how the City used to do the budgeting compared to the current process.

GF Contingency / Reserves

This was the next slide. It was noted that contingency equals 3% of total expenditures; reserves equals 12% of total expenditures.

Other Funds

Engineering and Building and Operations, personnel expense assumptions same as GF Assumptions built upon unfunded capital projects

Engineering and Building:

Revenues projected to decrease approximately 3.4% and remain constant for remaining years

Transfer from utility and capital funds increase 3.5% in first 2 years and decrease beginning year 3

Materials and Services expenditures increase 3.5%

Building Division contingency remains at 6 months of expenses

Reserves decrease each year

Operations:

Transfers from other funds increase 3.5%

Other revenues increase 3%

Materials and Services increase 3.5%, except in Water Division (due to increase costs for ASR)

Capital outlay expenditures related to scheduled replacement vehicles and unimproved roadway maintenance (Operations Center master plan capital not included)

Reserves continue to decrease, ending in year 4

Utility Funds:

Revenues remain flat (due to assumption of no population increases)

No water rate increases assumed (increases in sewer & storm drain rates projected for local rate to supplement CWS rate, under CWS rate model)

No transfers to development (SDC) funds assumed for non-SDC projects

Contingencies remain, but unfunded projects not included

Road Gas Tax:

- No revenue growth from projected FY 08/09 actual receipts
- Current year projected materials & services remaining flat, will allow for minimal capital projects in year 1, but expenditures exceed revenues in the following years

Road Utility Fund:

- Flat revenue projection due to population growth assumption
- Maintains funding for pavement maintenance, sidewalk/tree and reverse frontage programs
- Maintains contingency funds for road maintenance

Capital Development (SDC) Funds:

- SDC revenues down due to slowdown in construction
- No new projects on SDC lists projected

Summary

- 1) Salaries and benefits continue to be approximately 75% of total expenditures
- 2) Current revenue sources are not sufficient to cover projected expenditures and capital needs
- 3) GF reserves remain at 12% of expenditures for first 2 years and then starts to fall below the recommended level

Mr. Hudson stated that many factors will influence assumptions used over the timeframe of the plan.

Councilor Harris questioned possible solutions to 75% of the budget going to salaries and benefits – could contracting out be a potential answer, depending upon the particular situation. Discussion followed. Ms. Lombos noted that staff will come back to Council for further budget discussion before Budget Committee meets; probably in April. Mayor Ogden expressed concerns towards the timeline and decisions that need to be made. Ms. Lombos said there will be a mid-year budget discussion at the February 23 Council meeting.

Councilor Barhyte felt it may be helpful for Council to have another discussion(s) regarding projections and possible actions. Concerns were expressed to not overreact, but to also be careful about under-reacting, as well. Councilor Davis noted that one thing the State is looking at is not giving COLA for the next biennium; it may be possible to look at that possibility for the City. She then asked about the possibility of a motel/hotel tax. A restaurant tax was also mentioned as a possibility. Discussion followed. A special study session will be scheduled, most likely in March, to discuss budget issues further.

Council Retreat Follow-up

Ms. Lombos said she would like to confirm the first few pages of the Strategic Management document, "A Vision for the Future", covering the vision, strategic focus areas, and goals (copy attached). She questioned if Council wanted something added about visually appealing; consensus was yes... *"Aesthetically pleasing surroundings"* was added to the list.

Ms. Lombos reviewed Strategic Focus Areas, Proposed Long-term Goals, and Basic Operating Principles. Councilor Maddux asked what exactly was meant by "Pursuing social sustainability" (Basic Operations Principles). After brief discussion, it was stated that social means community.

Goal Implementation Action Plans was the next topic reviewed. Ms. Lombos went over each goal to make sure Council either approved the existing document or would like changes/additions.

Goal No. 1 – Enhance mobility and achieve reduction of congestion throughout the City. Ms. Lombos reviewed the 11 objectives, the following revisions were made:

1. No monies needed other than staff time.
2. Change *Money needed to complete* from none to *Lots to implement*
3. Okay after brief discussion
4. Discussion regarding timing of signals. I-5 with a “low noise” mix
5. Expand local transit service (not to start/build our own, but to advocate with TriMet). Councilor Beikman noted that TriMet is working on this for businesses and employees – not expanded service for residents. It was decided to add: strategic, collaborative with other partners. Developing options and advocating for expanding local service. *Other Departments Involved* – add Chamber of Commerce and Tualatin Tomorrow.

Council stated that 6. through 11. were fine as read.

Goal No. 2 – Manage development, redevelopment, and projected change that will occur within the City to maintain Tualatin's quality and what the citizens value as a community.

After Ms. Lombos reviewed the 11 objectives, Council agreed with 1. through 11. as read.

Goal No. 3 – Achieve economic vitality in all sectors of the community and ensure a sustainable economic and revenue base for the City.

Ms. Lombos read all seven objectives; Council thought all were good as stated.

Goal No. 4 – Enhance the City's quality of life; seek to make Tualatin a great city.

After reviewing the six objectives, Council felt no changes were needed.

Goal No. 5 – Preserve Tualatin's unique and important natural features and resources.

Ms. Lombos reviewed all five objectives; Council agreed all were okay.

Goal No. 6 – Ensure people feel safe in our community.

The eleven objectives were read; Council made no revisions.

Goal No. 7 – Seek marked achievements and maintain established green sustainability standards and criteria.

Ms. Lombos reviewed the five objectives; Council felt no revisions were needed.

Goal No. 8 – Continue to develop and expand opportunities for citizen awareness and active civic involvement in Tualatin, both at the community and neighborhood levels.

The six objectives were reviewed; no changes were made.

Ms. Lombos stated that the next steps included affirming that this is a valid guidepost for staff as the City goes through the budget process; also understanding there are challenges in achieving these goals. Staff will bring back progress reports to Council.

Mayor Ogden said there seemed to be three categories on the goal list: on-going (already started), could be done if money available, and questionable issues that involve finding money and staff/resources to accomplish. Discussion followed regarding possible modifications to the goal list. Mayor Ogden asked that staff come back with a list that shows what can be done and those things that can't could possibly be moved to the "parking lot" area; not completely forgotten. Discussion continued on clarification of timeframes listed.

Councilor Davis asked for clarification on some of the objectives listed under Goal No. 5 and whether they needed to be listed separately. Brief discussion followed. Mayor Ogden expressed concern with regard to getting the community involved in conversations regarding the Urban/Rural Reserves program; not sure they realize what is going on right now and the decisions that must be made. Ms. Lombos said she felt Council needs to have more in-depth discussions regarding Urban Renewal and CURD. It was noted that the Tualatin Tomorrow Forum (April 30, 2009) may be a good time to get information dispersed to the public.

Ms. Lombos said staff will bring back another discussion on goals that will focus on resources. She noted that her plan is to put the 8 categories of goals in the budget document. It was suggested that the information be made available on the City's website. It was also suggested that information on the entire plan be brought back to Council at least twice a year.

Mayor Ogden asked if Council would like to schedule non-agenda meetings, possibly quarterly, to discuss issues. Discussion followed. It was decided to try it once, with time limits (possibly just 90 minutes in length), each Councilor has an opportunity to speak, and it would be a stand-alone event.

C. CITIZEN COMMENTS

Not applicable.

D. CONSENT AGENDA

Not applicable.

E. PUBLIC HEARINGS - *Legislative or Other*

Not applicable.

F. PUBLIC HEARINGS - *Quasi-Judicial*

Not applicable.

G. GENERAL BUSINESS

Not applicable.

H. ITEMS REMOVED FROM CONSENT AGENDA

Not applicable.

I. COMMUNICATIONS FROM COUNCILORS

None.

J. EXECUTIVE SESSION

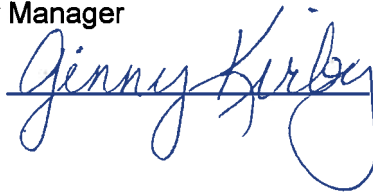
None.

K. ADJOURNMENT

Meeting adjourned at 8:35 p.m.

Sherilyn Lombos, City Manager

Recording Secretary

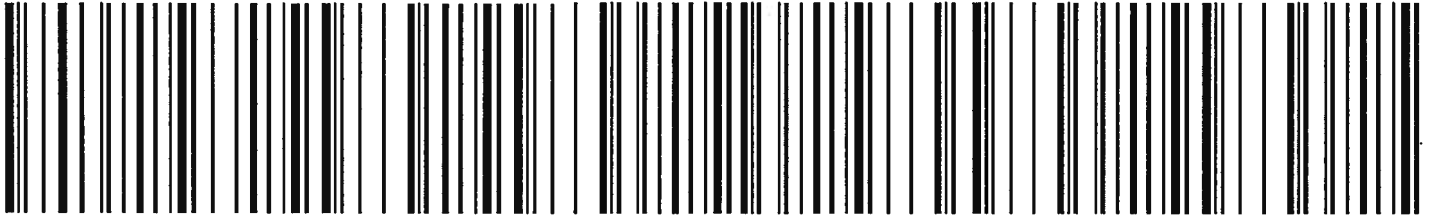
A handwritten signature in blue ink, appearing to read "Ginny Kirby", is written over a horizontal line.

Attachments: PowerPoint Slides – Five-Year Financial Forecast
Strategic Management document, "A Vision for the Future"

City of Tualatin



Five Year Plan Fiscal Year 2010 – 2014



Why do a 5 year plan...

- ◆ Stimulate long-term, “big picture” thinking
- ◆ Raise/identify specific issues
- ◆ Impose discipline
- ◆ Provide guidance for budget process
 - Budget process assumptions/direction likely to differ from planning model
- ◆ Caution: Crystal ball using current assumptions, not meant to paint gloom and doom picture



Assumptions - General



- ◆ No population growth
- ◆ Maintenance of effort planning
 - Continue doing what we are doing today, with no new programs or additional positions
- ◆ Capital outlay for replacement of existing assets, per replacement schedules
 - Does not include master plan capital projects

Assumptions – GF Revenues

- ◆ Revenues categorized by major GF revenue sources
 - Property Taxes – 3%
 - Impact of Urban Renewal Districts
 - Franchise Fees – 8% first year, 4% thereafter
 - Library Levy (WCCLS) – 2%
 - Assumes renewal of levy
 - No participation in Clackamas County Library District
 - Transfers – 3.5%
 - Others – 2%

Assumptions – GF Expenditures

- ◆ Personnel Costs (roughly 74% of GF Budget)
 - Salaries – 6% (contractual cost of living allowances and step increases)
 - Health Insurance – 10%
 - PERS – 0% next two years, 3% thereafter
 - Payroll taxes – 6%
- ◆ Materials and Services
 - 3.5% base assumption
 - Periodic review process - larger increases in early years
- ◆ Capital Outlay – 5.0%

GF Revenue & Expenditures

	2009 - 2010	2010 - 2011	2011 - 2012	2012 - 2013	2013 - 2014
Revenues					
Property Taxes	\$ 5,944,405	\$ 6,645,845	\$ 6,712,303	\$ 6,913,672	\$ 7,121,083
Franchise Fees	\$ 2,458,080	\$ 2,556,403	\$ 2,658,659	\$ 2,765,006	\$ 2,875,606
WCCLS Library Levy	\$ 1,181,495	\$ 1,205,124	\$ 1,229,227	\$ 1,253,811	\$ 1,278,888
Transfers	\$ 1,935,474	\$ 2,003,215	\$ 2,073,328	\$ 2,145,894	\$ 2,221,001
Other Revenue	\$ 1,925,529	\$ 1,964,040	\$ 2,003,321	\$ 2,043,387	\$ 2,084,255
Total Revenues	\$ 13,444,983	\$ 14,374,628	\$ 14,676,838	\$ 15,121,771	\$ 15,580,832
Expenditures					
Salaries	\$ 7,163,472	\$ 7,593,280	\$ 8,048,877	\$ 8,531,809	\$ 9,043,718
Benefits	\$ 3,173,112	\$ 3,348,297	\$ 3,573,234	\$ 3,816,449	\$ 4,079,589
Materials and Services	\$ 3,458,353	\$ 3,645,802	\$ 3,529,996	\$ 3,546,842	\$ 3,667,443
Capital Outlay	\$ 374,056	\$ 392,759	\$ 412,397	\$ 433,017	\$ 454,668
Total Expenditures	\$ 14,168,993	\$ 14,980,137	\$ 15,564,503	\$ 16,328,117	\$ 17,245,418
Net Revenue (Expenditure)	\$ (724,010)	\$ (605,510)	\$ (887,665)	\$ (1,206,346)	\$ (1,664,586)

GF Contingency/Reserves

	2009 - 2010	2010 - 2011	2011 - 2012	2012 - 2013	2013 - 2014
Ending Cash Balance	\$ 3,420,669	\$ 2,815,159	\$ 1,927,494	\$ 721,148	\$ (943,438)
Contingency	\$ 425,070	\$ 449,404	\$ 466,935	\$ 489,844	\$ -
Reserves	\$ 1,700,279	\$ 1,797,616	\$ 1,460,559	\$ 231,305	\$ -
Unappropriate Fund Balance	\$ 1,295,320	\$ 568,139	\$ -	\$ -	\$ -

Contingency = 3% of total Expenditures

Reserves = 12% of total Expenditures

Other Funds

- ◆ Engineering & Building and Operations, personnel expense assumptions same as GF
- ◆ Assumptions built upon unfunded capital projects
 - Capital projects will need to be reviewed for funding through rate increases or other available funds

Other Funds – Engineering & Building

- ◆ Revenues projected to decrease approx 3.4% and remain constant for remaining years
- ◆ Transfers from utility and capital funds increase 3.5% in first two years and decrease beginning in year 3
- ◆ Materials and Services expenditures increase 3.5%
- ◆ Building Division contingency remains at 6 months of expenses
- ◆ Reserves decrease each year

Other Funds – Operations Fund

- ◆ Transfers from other funds increase 3.5%
- ◆ Other revenues increase 3%
- ◆ Materials and Services increase 3.5%, except in Water Division, due to increase costs for ASR
- ◆ Capital outlay expenditures related to scheduled replacement vehicles and unimproved roadway maintenance. Operations Center master plan capital not included
- ◆ Reserves continue to decrease, ending in year 4

Other Funds – Water/Sewer/Storm Drain

- ◆ Revenues remain fairly flat, due to assumption of no population increases
- ◆ No water rate increases assumed. Increases in sewer and storm drain rates projected for local rate to supplement CWS rate, under CWS rate model
- ◆ No transfers to development (SDC) funds assumed for non-SDC projects
- ◆ Contingencies remain, but unfunded projects not included.

Other Funds – Road Gas Tax

- ◆ No revenue growth from projected FY 08/09 actual receipts
- ◆ Current year projected materials and services, remaining flat, will allow for minimal capital projects in year 1, but expenditures exceed revenues in the following years



Other Funds – Road Utility Fund



- ◆ Flat revenue projection, due to population growth assumption
- ◆ Maintains funding for pavement maintenance, sidewalk/tree and reverse frontage programs.
- ◆ Maintains contingency funds for road maintenance



Other Funds – Capital Development (SDC) Funds

- ◆ SDC revenues down due to slowdown in construction.
- ◆ No new projects on SDC lists projected

Summary

- ◆ Salaries and benefits continue to be around 75% of total expenditures
- ◆ Current revenue sources are not sufficient to cover projected expenditures and capital needs
 - Additional revenue sources will need to be explored
 - Capital projects will need to be analyzed for available funding sources
- ◆ General Fund reserves remain at 12% of expenditures for first two years and then starts to fall below the recommended level

Welcome
to the City of Tualatin

A Vision for the Future

In the Year 2018, the City of Tualatin enjoys:

- vibrant neighborhoods and neighborhood connections.
- being focused around the Tualatin River.
- downtown mixed-use development.
- multi-modal transportation options including enhanced pedestrian and bike-friendly opportunities and other transit options.
- being a family-oriented city with safe schools.
- a community/recreation center that provides activities and acts as a gathering place for residents of all ages.
- vibrant parks and natural spaces that includes a dog park and greenway trails that provide seamless movement throughout the city.
- expanded healthcare facilities and excellent healthcare options within Tualatin.
- additional connections between I-5 and highway 99W to ease traffic congestion and divert truck traffic from Tualatin-Sherwood Road.
- a vibrant Town Center.
- being a community dedicated to protecting and enhancing its tree canopy.
- a population of between 30,000 and 35,000.

(note from staff: what about “visually appealing?”)

Strategic Focus Areas

The following strategic focus areas will shape the nature and quality of the future envisioned for the City of Tualatin:

- Transportation
- Well-managed development and redevelopment
- The community's economic vitality
- Quality recreational, leisure, and cultural amenities
- Strong civic engagement by its citizens and neighborhoods
- Preservation of the community's natural resources; i.e., river, green spaces, etc.
- Sustaining a safe community
- Environmental sustainability.

PROPOSED LONG-TERM (5-YEAR) GOALS

(These long-term goals are related to the Strategic Focus Areas listed above. All goals are considered equally important; numbering is for identification purposes only).

- Goal No. 1: Enhance mobility and achieve reduction of congestion throughout Tualatin.
- Goal No. 2: Manage development, redevelopment, and projected change that will occur within the city to maintain Tualatin's quality and what the citizens value as a community.
- Goal No. 3: Achieve economic vitality in all sectors of the community and ensure a sustainable economic and revenue base for Tualatin.
- Goal No. 4: Enhance the city's quality of life; seek to make Tualatin a great city.
- Goal No. 5: Preserve Tualatin's unique and important natural features and resources.
- Goal No. 6: Ensure people feel safe in our community.
- Goal No. 7: Seek marked achievements and maintain established green sustainability standards and criteria.
- Goal No. 8: Continue to develop and expand opportunities for citizen awareness and active civic involvement in Tualatin, both at the community and neighborhood levels.

BASIC OPERATING PRINCIPLES

The Tualatin City Council and Management Team are committed to the following Basic Operating Principles in their continuous pursuit of excellence in leadership and management for the City of Tualatin:

- Providing good governance and community leadership.
- Achieving economic sustainability in all the City's undertakings and programs.
- Ensuring environmental sustainability throughout the Tualatin community.
- Pursuing social sustainability.
- Achieving effective intergovernmental relationships with entities with whom the City of Tualatin must partner in achieving programs that benefit both the city and the surrounding regional community.

GOAL IMPLEMENTATION ACTION PLANS

The information below reflects short-term (2-year) Specific Performance Objectives to be pursued toward the achievement of each of the eight long-term goals.

Goal No. 1.

Enhance mobility and achieve reduction of congestion throughout the City of Tualatin.

Two-Year Performance Objectives:

1. Complete the alternative selection process for the I5-99W connector project.
Department assigned: Engineering & Building
Priority: Currently working on
Other departments involved: Community Development, Manager's Office, Legal
Money needed to complete: None – staff time
2. Develop and implement a traffic signal operation/optimization plan.
Department assigned: Engineering & Building
Priority: Doable in a 2-year time frame
Other departments involved: None
Money needed to complete: None
3. Optimize travel time on Tualatin-Sherwood Road between Avery and I-5.
Department assigned: Engineering & Building
Priority: Currently working on
Other departments involved: Police
Money needed to complete: None from City (County, MTIP, State)
4. Follow regional transportation issues.
Department assigned: Engineering & Building
Priority: Currently working on / ongoing
Other departments involved: Community Development, Community Services (bike lanes, trails, etc.), Operations (utility funding), Legal
Money needed to complete: None
5. Expand local transit service.
Department assigned: Community Development
Priority: Currently work on / ongoing
Other departments involved: Engineering
Money needed to complete: Unknown (\$50,000-\$80,000 for shuttle; \$\$ implications for TriMet)

6. Evaluate truck issues; i.e., through routes, right-lane only, etc.
Department assigned: Engineering & Building
Priority: Doable in a 2-year period
Other departments involved: Legal, Police, Operations
Money needed to complete: None
7. Update on/off street bike/pedestrian plans.
Department assigned: Community Services
Priority: Doable in 2-year time frame; see Park & Recreation Master Plan Update (4.1)
Other departments involved: Community Development, Legal, Engineering, Operations, Police
Money needed to complete: see 4.1 – Park & Recreation Master Plan
8. Complete feasibility study for a bike and pedestrian bridge near 50th.
Department assigned: Community Services
Priority: Doable in 2-year time frame
Other departments involved: Legal, Engineering & Building, Operations, Police
Money needed to complete: Already funded (\$10,000)
9. Complete the Tonquin Trail Master Plan.
Department assigned: Community Services
Priority: Currently working on
Other departments involved: Engineering & Building, Operations, Police, Community Development
Money needed to complete: None
10. Participate in metropolitan area discussion about establishment of a regional system for trails and natural areas.
Department assigned: Community Services
Priority: Currently working on / ongoing
Other departments involved: Legal, Finance, Operations, Community Development
Money needed to complete: None
11. Develop train horn noise reduction funding mechanism.
Department assigned: Engineering & Building
Priority: Currently working on
Other departments involved: Engineering & Building, Manager's Office, Finance
Money needed to complete: \$4 - \$5 million

Goal No. 2.

Manage development, redevelopment, and projected change that will occur within the city to maintain Tualatin's quality and what the citizens value as a community.

Two-Year Performance Objectives:

1. Complete the Town Center Plan.
Department assigned: Community Development
Priority: Currently working on
Other departments involved: Engineering & Building, Operations, Community Services, Police, Finance
Money needed to complete: \$40,000 (applied for state grant)
2. Complete and adopt the Southwest Concept Plan.
Department assigned: Community Development
Priority: Currently working on
Other departments involved: Engineering & Building, Operations, Community Services, Police, Finance
Money needed to complete: None
3. Develop and adopt the South Tualatin Concept Plan.
Department assigned: Community Development
Priority: Currently working on
Other departments involved: Engineering & Building, Operations, Community Services, Police, Finance
Money needed to complete: \$90,000 (\$360,000 already funded) – can cost share with Wilsonville
4. Adopt the periodic review work plan (including the Transportation System Plan).
Department assigned: Community Development
Priority: Doable in a 2-year time frame
Other departments involved: Manager's Office, Community Services, Engineering & Building, Police, Operations
Money needed to complete: None
5. Adopt phase II of the tree program (street trees).
Department assigned: Community Development
Priority: Currently working on
Other departments involved: Community Services, Engineering & Building, Legal, Operations, Manager's Office
Money needed to complete: None

6. Adopt phase III of the tree program (new development – protecting stands of groves and trees, cutting restrictions, heritage tree program). May have some overlap with 5.5.
Department assigned: Community Development
Priority: Doable in a 2-year time frame
Other departments involved: Community Services, Operations, Engineering & Building, Legal, Manager's Office
Money needed to complete: None
7. Adopt phase II of fence regulations (freeway fences, vision clearance, fence materials).
Department assigned: Community Development
Priority: Doable in a 2-year time frame
Other departments involved: Engineering & Building, Legal, Manager's Office
Money needed to complete: None
8. Update "Tool Boxes" to align with focus areas (Municipal Code, Development Code, Public Works Code). Tied in with periodic review and other planning policy implementation – these pieces come as the others are adopted
Department assigned: Legal
Priority: Tied in with other pieces
Other departments involved: Everyone
Money needed to complete: None
9. Review the historic ordinance.
Department assigned: Community Development
Priority: Currently working on
Other departments involved: Legal, Manager's Office
Money needed to complete: None
10. Monitor the Urban/Rural Reserves program throughout 2009.
Department assigned: Community Development
Priority: Currently working on
Other departments involved: Engineering & Building, Legal, Community Services, Manager's Office
Money needed to complete: None
11. Adopt a Central Urban Renewal Plan.
Department assigned: Community Development
Priority: Currently working on
Other departments involved: Legal, Engineering & Building, Community Services, Finance
Money needed to complete: \$30,000

Goal No. 3.

Achieve economic vitality in all sectors of the community and ensure a sustainable economic and revenue base for the City.

Two-Year Performance Objectives:

1. Develop an economic development opportunity analysis (work element of period review).
 Department assigned: Community Development
 Priority: Doable in a 2-year time frame
 Other departments involved: Engineering & Building, Community Services, Finance
 Money needed to complete: \$70,000
2. Develop and implement a marketing plan.
 Department assigned: City Manager's Office
 Priority: Doable in a 2-year time frame
 Other departments involved: Finance and all others
 Money needed to complete: \$20,000
3. Evaluate the feasibility of enterprise zones.
 Department assigned: Community Development
 Priority: Doable in a 2-year time frame
 Other departments involved: Finance, Legal
 Money needed to complete: \$10,000
4. Evaluate current and new revenue sources for the City of Tualatin.
 Department assigned: Finance
 Priority: On-going
 Other departments involved: All departments
 Money needed to complete: None
5. Develop a community conversation strategy focused on educating residents about: city services, growth management, finances (taxes)
 Department assigned: City Manager's Office
 Priority: Doable in a 2-year time frame
 Other departments involved: All departments
 Money needed to complete: \$20,000
6. Analyze a Southwest Urban Renewal plan (TS&G area).
 Department assigned: Community Development
 Priority: Doable in a 2-year time frame
 Other departments involved: Finance, Legal, Engineering & Building, Community Services
 Money needed to complete: \$50,000

7. Review tools to deal with residential blight within the City of Tualatin.
Department assigned: Community Development
Priority: Doable in a 2-year time frame
Other departments involved: Police, Engineering & Building, Legal, Community Services
Money needed to complete: None

Goal No. 4.

Enhance the City's quality of life; seek to make Tualatin a great city.

Two-Year Performance Objectives:

1. Update the Park and Recreation Master Plan.
Department assigned: Community Services
Priority: Doable in a 2-year time frame
Other departments involved: Everyone
Money needed to complete: \$150,000
2. Increase recreation and cultural programming (including the Commons, rivers, fields and facilities).
Department assigned: Community Services
Priority: Doable in a 2-year time frame
Other departments involved: Finance, Operations
Money needed to complete: \$100,000
3. Secure supplemental funding for deferred park maintenance (*and renovations*).
Department assigned: Community Services
Priority: Currently working on / doable in a 2-year time frame
Other departments involved: Finance, Operations, Legal
Money needed to complete: None (for study); \$10,000 to enact
4. Evaluate feasibility of water activities in Commons Lake; i.e., wading, swimming.
Department assigned: Community Services
Priority: Achievable in 3-5 years
Other departments involved: Operations, Engineering & Building, Community Development
Money needed to complete: \$15,000
5. Increase visible art in the City of Tualatin, including: public and private buildings, overpasses, entrances (gateways).
Department assigned: Community Services
Priority: Doable in a 2-year time frame
Other departments involved: Operations, Legal, Finance, Community Development, Engineering & Building
Money needed to complete: \$30,000
6. Complete pathway construction where joint opportunities exist with utilities.
Department assigned: Community Services
Priority: Doable in a 2-year time frame
Other departments involved: Operations, Engineering & Building, Legal, other agencies (CWS, ODOT)
Money needed to complete: \$900,000

Goal No. 5.

Preserve Tualatin's unique and important natural features and resources.

Two-Year Performance Objectives:

1. Develop council's vision for the river and creeks.
Department assigned: Community Services & Community Development
Overlaps with/refer to Park & Rec Master Plan (4.1) and Town Center Plan (1.1), perhaps CURD (1.11)
2. Identify Tualatin River stakeholders.
Department assigned: Community Services & Community Development
Overlaps with/refer to Park & Rec Master Plan (4.1) and Town Center Plan (1.1), perhaps CURD (1.11)
3. Engage in conversations with stakeholder's reference to the council's vision for the river and creeks.
Department assigned: Community Services & Community Development
Overlaps with/refer to Park & Rec Master Plan (4.1) and Town Center Plan (1.1), perhaps CURD (1.11)
4. Pursue purchase of riverfront property as available.
Department assigned: Community Services
Priority: Currently working on / ongoing
Other departments involved: Engineering & Building, Operations, Legal
Money needed to complete: Unknown
5. Review the development code to ensure preservation of green spaces and trees in development and redevelopment areas (suggest possible amendments to City Codes).
Department assigned: Legal
Tied to Phase III of tree program (1.6), Park & Rec Master Plan (4.1)

Goal No. 6.

Ensure people feel safe in our community.

Two-Year Performance Objectives:

1. Create a community feedback mechanism to determine residents' safety concerns.
Department assigned: City Manager's Office
Priority: Doable in a 2-year time frame
Other departments involved: Police
Money needed to complete: \$25,000
2. Conduct traffic study on four additional intersections to determine photo red light needs.
Department assigned: Engineering & Building
Priority: Currently working on
Other departments involved: Police
Money needed to complete: None
3. Explore safe routes to schools program and funding options.
Department assigned: Engineering & Building & Community Services
Priority: Doable in a 2-year time frame
Other departments involved: Operations, Community Development, Police, Volunteers
Money needed to complete: \$20,000
4. Evaluate a Tualatin K-9 program.
Department assigned: Police
Priority: Doable in a 2-year time frame
Money needed to complete: None
5. Develop a cooperative approach to safety between the Tigard-Tualatin School District and the City of Tualatin (addressing the school drugs and alcohol use issues).
Department assigned: Police
Priority: Ongoing
Other departments involved: School District, other Police agencies
Money needed to complete: None
6. Evaluate a retention program/policy for the Tualatin Police Department to maintain full staffing levels.
Department assigned: Human Resources
Priority: Doable in a 2-year time frame
Other departments involved: Police
Money needed to complete: None to evaluate; Unknown to implement

7. Review Youth Peer Court.
Department assigned: Finance
Priority: Doable in a 2-year time frame
Other departments involved: Legal, Police, Community Services/YAC
Money needed to complete: None to review / evaluate. Unknown cost to implement
8. Increase security presence in the City's parks.
Department assigned: Police
Priority: Doable in a 2-year time frame
Other departments involved: Operations, Community Services, Volunteers
Money needed to complete: \$40,000 to unknown
9. Explore creation of a Citizen Police Academy.
Department assigned: Police
Priority: Currently working o
Money needed to complete: None
10. Explore Police/Youth Mentoring Programs; a.k.a. Activity League, etc.
Department assigned: Police
Priority: Doable in a 2 year time frame
Other departments involved: Community Services, Volunteers
Money needed to complete: None
11. Inventory of lighting for streets, parks and trails throughout the City of Tualatin.
Department assigned: Operations
Priority: Doable in a 2-year time frame
Other departments involved: Engineering & Building, PGE, Community Services
Money needed to complete: None

Goal No. 7.

Seek marked achievements and maintain established green sustainability standards and criteria.

Two-Year Performance Objectives:

1. Create a City organizational sustainability plan.
Department assigned: City Manager's Office
Priority: Doable in a 2-year time frame
Other departments involved: All
Money needed to complete: Unknown
2. Define what environmental sustainability means and is in the City's operations.
Department assigned: City Manager's Office
Priority: Doable in a 2-year time frame
Other departments involved: Operations, all others
Money needed to complete: None
3. Review the city's codes for opportunities to insert sustainability
Department assigned: Legal
Tied to 7.1 and 7.2.
4. Continue to support the Partners for a Sustainable Washington County Community (PSWCC) board and programs for sustainability in existing uses (commercial, residential, industrial, etc.).
Department assigned: City Manager's Office
Priority: Currently working on / ongoing
Other departments involved: Operations
Money needed to complete: \$5,000
5. Take advantage of what other groups and programs are doing relative to environmental sustainability issues.
Department assigned: City Manager's Office
Priority: Currently working on / ongoing
Other departments involved: All departments / green team
Money needed to complete: None

Goal No. 8.

Continue to develop and expand opportunities for citizen awareness and active civic involvement in Tualatin, both at the community and neighborhood levels.

Two-Year Performance Objectives:

1. Support and promote double the number of National Night Out Events in summer 2009.
Department assigned: Police
Priority: Currently working on
Other departments involved: All departments
Money needed to complete: \$500
2. Explore and develop a Geographic Neighborhood Program (city to act as facilitator).
Department assigned: City Manager's Office
Priority: Doable in a 2-year time frame
Other departments involved: Engineering & Building, Community Development, Community Services
Money needed to complete: Unknown
3. Implement regular Meet-n-Greet Program.
Department assigned: Council / City Manager's Office
Priority: Doable in a 2-year time frame
Money needed to complete: Unknown
4. Explore and implement opportunities to educate and promote civic involvement (advisory committees, etc.) with a "how to get involved" component.
Department assigned: City Manager's Office
Priority: Doable in a 2-year time frame
Other departments involved: Volunteers, Community Services
Money needed to complete: \$5,000
5. Explore Face Book page.
Department assigned: City Manager's Office
Priority: Doable in a 2-year time frame
Other departments involved: Website/GIS, Community Services/Library, IS, Police
Money to complete: Unknown
6. Explore and expand media/TV opportunities and program resources (e.g., Tualatin Tomorrow as a 30-minute show).
Department assigned: City Manager's Office
Priority: Doable in a 2-year time frame (exploration)
Other departments involved: All departments, MACC, TVCTV
Money needed to complete: Unknown

[illegible]




Approved By Tualatin City Council
Date February 23, 2009
Recording Secretary J. Kirby

STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

FROM: Sherilyn Lombos, City Manager 

DATE: February 23, 2009

SUBJECT: APPROVAL OF 2009 LIQUOR LICENSE RENEWALS

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve liquor license renewal applications for 2009. 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 renewals for 2009:

- Applebee's Neighborhood Grill & Bar
- Baja Fresh Mexican Grill
- Birra Deli
- Blue Tangerine Restaurant
- Boones Ferry Chevron
- Bushwhackers
- Cascade Trade, Inc.
- C.I. Bar & Grill
- Chipotle Mexican Grill
- Claim Jumpers Restaurant
- El Sol De Mexico
- Fiorano's Restaurant
- Fred Meyer #00393
- Get Your Game On Inc dba Players
- Grampy's Deli
- Haggen Foods & Pharmacy
- Hayden's Lakefront Grill
- Hot Seat Bar & Grill
- Jackson's dba Shell
- Kmart
- Lee's Kitchen
- Outback Steakhouse
- Pacific Foods of Oregon
- Pastini Pastaria
- PF Chang's China Bistro
- Pizza Hut #2878
- Plaid Pantry Market #160
- Qdoba Mexican Grill
- Royal Panda Restaurant
- Safeway Store #1047
- 7-11 Food Store
- Shari's of Tualatin
- Sushi & Teriyaki Restaurant
- Sushi Train
- Taco Del Mar
- Taste of Wine
- Thai Cuisine
- Tualatin Chevron
- Tualatin Country Club
- Tualatin Food Store
- Tualatin Gas & Food Services
- Tualatin Island Grill
- Tualatin Space Age Gas Station
- Tualatin Valley Elks #2780

STAFF REPORT: Approval of 2009 Liquor License Renewals

February 23, 2009

Page 2 of 2

- Whole Foods Pacific NW Market
- Wong's Chinese Restaurant
- Wine Styles
- Wu's Open Kitchen
- Zao Noodle Bar

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 each applicant.



REMOVED FROM AGENDA

~~Approved By Tualatin City Council~~

Date: February 23, 2009

Recording Secretary: [Signature]

STAFF REPORT CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

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

FROM: Brenda Braden, City Attorney

DATE: February 23, 2009

SUBJECT: RESOLUTION AFFIRMING THE DECEMBER 19, 2008 HISTORIC LANDMARK DEMOLITION DECISION OF THE GERALD AVERY BUILDING LOCATED AT 19945 SW BOONES FERRY ROAD (2S123DD 500) (HIST-08-01)

ISSUE BEFORE THE COUNCIL:

The Council will consider a resolution that would affirm the December 19, 2008 Historic Landmark Demolition Decision of the Gerald Avery Building located at 19945 SW Boones Ferry Road, described as 2S123DD 500 (HIST-08-01).

RECOMMENDATION:

Staff recommends that the City Council approve the resolution affirming HIST-08-01.

EXECUTIVE SUMMARY:

On February 9, 2009, the City Council held a quasi-judicial public hearing (HIST-08-01) to decide whether to affirm the Community Development Director's decision that approved an Historic Landmark Demolition Certificate of Appropriateness for the Gerald Avery and Gymnasium located at 19945 SW Boones Ferry Road. At the conclusion of the public hearing, the Council affirmed the Community Development Director's Decision, (Vote 4-3) with Mayor Ogden, Councilors Truax, Maddux and Beikman voting to affirm, and Councilors Barhyte, Harris and Davis in opposition, and directed Staff to bring back a resolution affirming HIST-08-01.

FINANCIAL IMPLICATIONS:

Revenue for Historic Landmark Demolition Certificates of Appropriateness has been budgeted for Fiscal Year 08/09.

Attachments: Resolution

RESOLUTION NO. _____

A RESOLUTION AFFIRMING THE DECEMBER 19, 2008 HISTORIC LANDMARK DEMOLITION DECISION TO APPROVE THE DEMOLITION OF THE GERALD AVERY BUILDING LOCATED AT 19945 SW BOONES FERRY ROAD (2S123DD 500) (HIST-08-01).

WHEREAS a quasi-judicial public hearing was held before the City Council of the City of Tualatin on February 9, 2009 upon an appeal filed by Ms. Yvonne Addington, on behalf of the Tualatin Historical Society, of the Community Development Director's decision of December 19, 2008. That decision approved an Historic Landmark Demolition Certificate of Appropriateness for the Gerald Avery Building and Gymnasium located at 19945 SW Boones Ferry Road (2S123DD 500); and

WHEREAS notice of public hearing was given as required by the Tualatin Development Code by mailing a copy of the notice to affected property owners located within 300 feet of the property, which is evidenced by the Affidavit of Mailing marked "Exhibit A," attached and incorporated by this reference, and by posting a copy of the notice in two public and conspicuous places within the City, which is evidenced by the Affidavit of Posting marked "Exhibit B," attached and incorporated by this reference; and

WHEREAS the Council heard and considered the testimony and evidence presented on behalf of the applicant, the City staff, and those appearing at the public hearing; and

WHEREAS after the conclusion of the public hearing the Council vote resulted in the Council affirming the decision approving the Historic Landmark Demolition Certificate of Appropriateness by a vote of 4-3, with Mayor Ogden and Councilors Truax, Maddux and Beikman in favor and Councilors Barhyte, Harris, and Davis in opposition; and

WHEREAS based upon the evidence and testimony heard and considered by the Council, the Council makes, enters, and adopts as its findings of fact the findings and analysis in the City staff report, dated February 9, 2009, marked "Exhibit C," which is attached and incorporated by reference; and

WHEREAS based upon the foregoing Findings of Fact, the Council finds that the applicant has provided sufficient evidence to demonstrate that all of the requirements of the Tualatin Development Code relative to an Historic Landmark Demolition Certificate of Appropriateness have been satisfied and that affirming the Community Development Director's decision is in the best interests of the residents and inhabitants of the City, the applicant, and the public generally.

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

Section 1. In addition to the findings in the February 9, 2009 Staff Report, the City Council also finds that:

- (a) The Tigard/Tualatin School District, the current owner of the Gerald Avery Building and Gymnasium, actively sought to find a buyer for the property that would purchase and renovate, reuse, or relocate the historic landmark but was unsuccessful.
- (b) The Tigard/Tualatin School District has been unable to find any purchaser for the property, except Marquis Development, because potential purchasers decided that the condition of the Gerald Avery Building made the property less valuable than if the land were vacant.
- (c) The Tigard Tualatin School District has demonstrated it has thoroughly examined all uses or adaptive uses of the building and that there would be no reasonable, long-term economic benefit to the District as property owner from preservation of the landmark, Gerald Avery Building.
- (d) The criterion listed in TDC 68.060(2)(b) has been met.
- (e) With the evidence on the record that there is no viable, economically feasible use of the Gerald Avery Building, there is greater benefit to the community to allow the Gerald Avery Building to be demolished to allow other potential uses proposed for the site.
- (f) The criterion listed in TDC 68.060 (1)(c) has been met.

Section 2. The City Council denies the appeal and affirms the Community Development Director's decision to approve a Certificate of Appropriateness allowing the demolition of the Gerald Avery Building proposed in HIST-08-01, subject to the following conditions:

- HIST -1 To meet the requirements of TDC 68.080(5)(a), list the landmark for sale with a real estate agent for a period of not less than 90 days. The landmark shall be advertised in at least one local or state newspaper of general circulation in the City for a minimum of 10 days over a 5-week period. A copy of the advertisement shall be submitted to the Planning Division prior to issuance of a demolition permit from the Building Official.
- HIST -2 To meet the requirements of TDC 68.080(5)(b), post a notice provided by the City offering the building "For Sale" as follows: HISTORIC BUILDING TO BE DEMOLISHED – FOR SALE. The sign shall be posted by the applicant in a prominent and conspicuous place within ten feet of a public street on the parcel on which the landmark is located. The applicant is responsible for

assuring that the sign is posted for a continuous 90-day period in conjunction with the requirements of 68.080(5)(a) above. Marketing conducted by the applicant or property owner prior to application for demolition or relocation, which meets the requirements of (5)(a) and (b) above may be applied towards meeting the requirements.

- HIST -3 To meet the requirements of TDC 68.080(5)(c), prepare and make available through the City any information related to the history and sale of the property to all individuals, organizations and agencies who inquire.
- HIST - 4 To meet the requirement of TDC 68.050(5)(d), the applicant shall prepare photographic documentation of the building's exterior and interior, provide copies of the building's original and subsequent architectural drawings, and other graphic data or history of the school, the building and its uses to preserve an accurate record of the landmark. The documentation and historic information shall be submitted to the Community Development Director prior to issuance of a Demolition Permit.
- HIST -5 The applicant shall obtain all necessary permits prior to demolition.
- HIST -6 The approval shall be void after one year unless: (1) A building permit has been issued and substantial construction under the permit has taken place as defined by the State Uniform Building Code; or (2) The Community Development Director finds that there have been no changes in any ordinances, standards, regulations or other conditions affecting the previous approval that would warrant a new review.

INTRODUCED AND ADOPTED this 23rd day of February, 2009.

CITY OF TUALATIN, Oregon

By



Mayor

APPROVED AS TO LEGAL FORM



CITY ATTORNEY

ATTEST:

By

City Recorder


ITEMS REFERRED TO AS EXHIBITS IN THE FOREGOING RESOLUTION ARE ATTACHED TO THE ORIGINAL. THEY HAVE BEEN OMITTED FROM THE COUNCIL PACKET AS A CONSERVATION MEASURE. IF THESE EXHIBITS NEED TO BE EXAMINED, PLEASE CONTACT THE CITY RECORDER.




Approved By Tualatin City Council
Date February 23, 2009
Recording Secretary J. Kerby

STAFF REPORT CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager 

FROM: Kent W. Barker, Chief of Police 

DATE: February 23, 2009

SUBJECT: A RESOLUTION TO ADOPT AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE TIGARD-TUALATIN SCHOOL DISTRICT AND THE CITY OF TUALATIN FOR SAFE SCHOOLS AND HEALTHY STUDENTS

ISSUE BEFORE THE COUNCIL:

The adoption of this resolution will approve an Intergovernmental Agreement with the School District that will allow the City of Tualatin to accept grant funds for School Resource Officer services to the School District.

RECOMMENDATION:

It is recommended that this agreement be approved to allow the police services and cooperation with the School District to continue in an effort to keep students safe and healthy.

EXECUTIVE SUMMARY:

The Tualatin Police Department currently partners with the Tigard-Tualatin School District by providing three (3) School Resource Officers during the school year to help keep the schools safe through crime prevention activities. Our officers also provide Drug and Alcohol Resistance Education (D.A.R.E.) training and Gang Resistance Education and Training (GREAT) programs to Tualatin students.

The School District received a four-year federal grant of \$1,468,579 to continue the programs that have been in place and further enhance and improve programs to keep students safe and healthy in the public schools.

This grant does not require the addition of more police officers; however, the officers who are currently assigned to the schools during the school year would actively participate with risk assessments and provide further training and assistance to the School District to establish the goals as outlined in the attached agreement.

FINANCIAL IMPLICATIONS:

This grant would provide the City of Tualatin with average revenue of \$90,000 per year for a period of four (4) years.

The City of Tualatin would receive an amount not to exceed \$93,650 for the first year, July 1, 2008 through June 30, 2009, to reimburse expenses for:

- One (1) Police Officer Salary
- Officer Benefits (payroll fringes and health insurance)
- Materials/Curriculum used for programs
- Training for Officer

Attachments:

- A. Resolution
- B. Intergovernmental Agreement

RESOLUTION NO. 4865-09

RESOLUTION TO ADOPT AN INTERGOVERNMENTAL
AGREEMENT BETWEEN THE TIGARD-TUALATIN SCHOOL
DISTRICT AND THE CITY OF TUALATIN FOR SAFE SCHOOLS
AND HEALTHY STUDENTS

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

Section 1. The attached Intergovernmental Agreement is hereby approved and accepted.

Section 2. The Mayor and the City Recorder are authorized and directed to execute the Intergovernmental Agreement for on behalf of the City of Tualatin.

Section 3. The Mayor or his designee is further authorized to enter into a memorandum of understanding relating to the provision of the Intergovernmental Agreement with Washington County so long as the terms of any such memorandum of understanding are consistent with the terms of the Agreement and all of the parties to the understanding are other units of local government that have agreed to be bound by the terms of the attached agreement.

INTRODUCED AND ADOPTED this 23rd day of February 2009.

CITY OF TUALATIN, OREGON

By: 
Mayor Pro tem

ATTEST:

By: 
City Recorder

APPROVED AS TO LEGAL FORM


CITY ATTORNEY

Resolution No. 4865-09

SAFE SCHOOLS / HEALTHY STUDENTS INTERGOVERNMENTAL AGREEMENT

The parties to this agreement ("Parties") are Tigard-Tualatin School District No. 23J, a school district of the State of Oregon ("District"), and the City of Tualatin, a political subdivision of the State of Oregon. The parties enter into this agreement pursuant to authority granted in ORS Chapter 190 (Intergovernmental Cooperation).

RECITALS

A. The District has received a four-year grant, in which the first year has an allocation of \$1,468,579.00, from the United States Department of Education, the Substance Abuse and Mental Health Services Administration, and the United States Health & Human Services Department for the purpose of instituting a Safe Schools/Healthy Students Program ("SS/HS Grant"), called the Tigard Tualatin Alliance for Successful Kids ("TTASK" Force). The TTASK Force is made up of the District and all our agency partners including Washington County, and the cities of Tigard and Tualatin and their respective police departments. The Tualatin Police Department (PD) has the experience and expertise to help the District implement the program.

B. The parties believe that partnership and collaboration are essential to the success of the Program and desire to enter into this Intergovernmental Agreement ("Agreement") to accomplish this purpose.

AGREEMENT

I. PROGRAM DESCRIPTION

The District and its partners propose an integrated, comprehensive, community-wide, and community-specific plan to address the problems of school violence and alcohol and other drug abuse. This plan is focused on five elements:

- Element 1: Safe school environments and violence prevention activities.
- Element 2: Alcohol and other drug prevention activities.
- Element 3: Student behavioral, social, and emotional supports.
- Element 4: Mental health services.
- Element 5: Early childhood social and emotional learning programs.

The overarching goals of the project are to:

1. Create an inclusive, supportive, respectful school culture and secure environment, so that Tigard-Tualatin students and staff feel physically and emotionally safe.
2. Provide every child with the support and skills to resist alcohol, tobacco, and other drug use.
3. Ensure each student will have the support and skills to be healthy, productive members of the school community.

4. Provide all children with identified mental health needs access to comprehensive services.
5. Ensure children enter school with the social and behavioral skills needed to be successful learners.

The TTASK Force partners are dedicated to improving outcomes for children and their families through building a dynamic community-owned coalition made up of the Tigard-Tualatin School District, the Washington County Juvenile and Conciliation Services, Washington County Commission on Children and Families, Washington County Health and Human Services, the Tigard Police Department, and the Tualatin Police Department. The project will transform the current system by challenging the status quo and taking new and creative approaches to infrastructure development and service delivery.

II. RESPONSIBILITIES OF THE TUALATIN POLICE DEPARTMENT

A. Services to be performed by the Tualatin Police Department

1) Act as a partner in the development and implementation of the project; 2) provide support to the schools in the development of safe, crime free environments; 3) continue to provide youth with positive relationships with law enforcements officers; 4) continue the GREAT project during the term of this agreement; 5) hire 1.0 additional School Resource Officer to bring the total to three School Resource Officers for the Tualatin Police Department; and, 6) assist Tualatin Schools in the assessment of the adequacy of school safety and crisis plans and development of staff competency in implementation of such plans.

The Tualatin PD agrees to assign a rank of Captain or higher to participate on the *TTASK Force Coordinating Council* to ensure the project results in sustainable, effective, efficient, and flexible systems of support for children and families of our community. The Coordinating Council will meet monthly to address policy, direction, design, and coordination, and provides the Project Director with on-going support in the development, implementation, review, and on-going modification of the program.

The implementation of the project will primarily be accomplished through the *TTASK Force Operations Team*, which will meet twice-monthly to accomplish the immediate work of the project. Tualatin PD agrees to participate. The coordination and communication of these groups will be a model for the collaboration and community wide outcomes of the TTASK Force.

The Tualatin PD recognizes that participation by those who will benefit from the programs is essential and endorses the inclusion of the work of the *Family and Youth Advisory Council*. In addition, quarterly *Community Forums* will be held to provide an opportunity for the sectors of the community (faith community, private schools, entities representing the diversity of the community, the business community) that participated in the project to continue to assist in the development and implementation of its components. The Tualatin PD agrees to participate quarterly in both the *Family and Youth Advisory Council* and the *Community Forums*.

The Tualatin PD will provide monthly reports on the 20th day of the following month, of progress towards project goals. These goals will be solidified together with the Outside Program Evaluator, the TTASK Force Project Director and representatives from all partner agencies and will be added to this Agreement in addendum form by January 2009; however, the goals are specified in the original grant proposal dispensed to the County's liaison with TTSD.

B. Compliance with SS/HS Grant. The Tualatin PD will perform work relative to achieving goals and objectives stated in the District SS/HS Grant application (attached).

C. Background Checks. The Tualatin PD will meet the federal requirements of criminal background checks and compliance, and with the District's criminal history verification and fingerprinting requirements at the Tualatin PD's expense for all employees who will have unsupervised contact with students as a result of the provision of services under this Agreement. The Tualatin PD and its contractors will ensure compliance with this requirement by each employee before that employee may begin providing services under this Agreement.

D. Confidentiality. The Tualatin PD shall require that its employees and contractors maintain the confidentiality of student information under FERPA and Oregon Student Records Regulations. The Tualatin PD will work collaboratively with the District to provide information and training on confidentiality to staff and contractors.

E. Invoicing and Payment

- Submit invoices quarterly:
 - September 30 - by the 20th day of the next month
 - December 31 - by the 20th day of the next month
 - March 31 - by the 20th day of the next month
 - June 30 – by the 20th day of the next month
- Summarize all hours, gross salaries and benefits by individual.
- Summarize all expenditures by individual.
 - Mileage, activity and date (current federal IRS per diem rate)
 - Cell phone – quarterly usage
- Payment is made only for services delivered and itemized
- Send invoices attention to Grant Accountant – Ray Grosenbach
- Invoices can be transmitted via e-mail, fax, or postal mail
 - Fax No. (503) 431 – 4037
 - E-Mail: rgrosenbach@ttsd.k12.or.us
 - Postal mail: Larry Hibbard Administration Center
Attention: Grant Accountant – Ray Grosenbach
Tigard-Tualatin School District
6960 SW Sandburg St.
Tigard, OR 97223

- The maximum allowed charges against this contract for the period from July 1, 2008 through June 30, 2009 shall be:
 - a. The Tualatin PD = \$93,650.00
 - i. Includes:
 - 1. salary,
 - 2. benefits (payroll fringes and health),
 - 3. materials/curriculum (includes ALL materials and curriculum necessary to execute programs referenced in Section IIA), and
 - 4. ALL other expenditures not referenced in Sections IIIA and IIIB (including use of any subcontractor's email/technology system and limited office space utilization).

F. Audit. The Tualatin PD agrees to comply with audit requirements of the SS/HS Grant and to provide copies of its annual report and any other reports from agency audits performed during this Agreement.

G. Records. The Tualatin PD agrees to maintain program and fiscal documentation for services rendered. Such documentation shall be maintained in accordance with applicable federal and state laws and implementing regulations. All program and fiscal documentation is subject to audit. The Tualatin PD assumes fiscal responsibility for preparation of program and fiscal documentation, supplies and materials.

III. RESPONSIBILITIES OF DISTRICT

A. Services to be performed by The Tigard-Tualatin School District.

1) Provide leadership in the development and implementation of the project; 2) work with partners to improve aspects of the project as it progresses; 3) act as fiscal agent for the project; 4) hire a Project Director and Administrative Assistant; 5) manage and convene meetings of the project Coordinating Council, Community Forums, Parent and Youth Advisory Council, and Operations Team; 6) coordinate the development of necessary Intergovernmental Agreements; 7) oversee the evaluation of the project and provide program evaluation data to all partner agencies; 8) hire, support and supervise 3.5 Strategic Tutors; 9) hire, support and supervise .5 Effective Behavior and Instructional Support Coach; 10) hire, support and supervise 1.0 Intercambio Activities Director; 11) expand the district's training in cultural competency; 12) assign leadership for the Youth Services Team; 13) purchase, and provide training for, adopted violence and drug/alcohol prevention curricula; and, 14) coordinate community-wide early childhood screening and identification activities.

B. Provision of Space and Necessary Materials.

All equipment and materials purchased with TTASK Force grant funds are the property of the district upon termination of contract.

C. Payment.

- Allow ten days after TTSD receives invoice for payment
 - The Tualatin PD is responsible for specifying to whom in their organization payments will be remitted.

IV. GENERAL PROVISIONS.

A. Term. The term shall be July 1, 2008 through June 30, 2009. This agreement must be renewed each year, for a maximum of four years, by written agreement of the TTASK Force partners.

B. Termination.

1. Termination for Convenience. This Agreement may be terminated at any time by any party upon thirty (30) days written notice.
2. Termination for Cause; Cure. This Agreement may be terminated for cause by any party by providing thirty (30) days notice of breach of contract to the breaching party. This Agreement will not be terminated if the breaching party cures the breach prior to conclusion of the notice period.
3. Termination for Lack of Funding. This Agreement is contingent upon the availability of adequate funding.
4. Compensation at Termination. In the event of termination, District shall compensate The Tualatin PD for services performed up to the date of termination.

C. Indemnification. Subject to the conditions and limitations of the Oregon Constitution and the Oregon Tort Claims Act, ORS 30.260 through 30.300, the Tualatin PD shall indemnify, defend and hold harmless the District from and against all liability, loss, and costs arising out of or resulting from the acts of the Tualatin PD, its officers, employees and agents, in the performance of this agreement, and the District shall indemnify, defend and hold harmless the Tualatin PD from and against all liability, loss, and costs arising out of or resulting from the acts of the District, its officers, employees and agents, in the performance of this agreement.

D. Insurance. The Tualatin PD and District agree to each maintain insurance or self-insurance consistent with provisions of the Oregon Tort Claims Act, ORS 30.270 and customary for public agencies of the same size and type.

E. Adherence to Law. Each party shall comply with all federal, state and local laws and ordinances applicable to this agreement.

F. Non-discrimination. Each party shall comply with all requirements of federal and state civil rights and rehabilitation statutes and local non-discrimination ordinances.

G. Access to Records. Each party shall have access to the books, documents and various records of the other party, which are related to this agreement for the purpose of examination, copying, and audit, unless otherwise limited by law.

H. Subcontracts and Assignment. No party will further subcontract or assign any part of this agreement without the written consent of the other party. All TTASK Force partners that plan on subcontracting services must adhere to regulations specified in Section 80.36 in EDGAR.


I. This is the entire agreement. This Agreement constitutes the entire and integrated agreement between the Parties and may be modified or amended only by the written agreement of the Parties.

TIGARD-TUALATIN SCHOOL DISTRICT
NO. 23J

DATE: _____

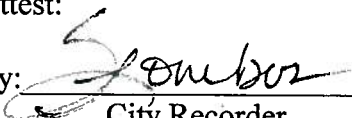
By: _____
Rob Saxton, Superintendent

CITY OF TUALATIN, OREGON

By:  _____
Mayor Pro tem

DATE: February 23, 2009

Attest:

By:  _____
City Recorder

Sent for Signatures
By: Police - Kent

APPROVED AS TO LEGAL FORM


CITY ATTORNEY



Approved By Tualatin City Council
Date February 23, 2009
Recording Secretary [Signature]

STAFF REPORT CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager [Signature]

FROM: Donald A. Hudson, Finance Director [Signature]

DATE: July 28, 2008

SUBJECT: RESOLUTION TO APPROVE SETTLEMENT AGREEMENT WITH QWEST, AS PART OF THE OREGON MUNICIPAL AUDIT AND REVIEW COMMITTEE (OMARC) AUDIT

ISSUE BEFORE THE COUNCIL:

Whether to approve the settlement agreement brokered by OMARC related to the audit of telecommunications fee revenues payable by Qwest.

RECOMMENDATION:

Staff recommends adoption of the attached resolution approving the Settlement Agreement.

EXECUTIVE SUMMARY:

In 2002, the Oregon Municipal Audit Review Committee (OMARC) was formed to facilitate the audits of Qwest and Verizon for franchise fee payments. On January 27, 2003, the City Council approved an intergovernmental agreement with other Oregon municipalities for the purpose of hiring a consultant for reviewing and analyzing franchise fees paid by Qwest and Verizon. Fifty-two Qwest and twenty-six Verizon cities throughout Oregon entered into the original IGA in order to act as one when dealing with the telecommunications companies. The Cities of Portland and Hillsboro were assigned as the Joint Lead Agencies. The original term of the IGA was 5 years, or completion of the audits, whichever was earlier and expired on December 31, 2007, but was renewed by the City Council in 2008.

The audits were to look at a number of areas in Qwest's and Verizon's franchise payments, including:

- Comparison of addresses in Tualatin against the addresses the companies provided as within the city. Exceptions would indicate possible underpaid franchise fees.
- Bundled services for which they collected franchise fees but did not remit to cities. That means more franchise fees to the City.
- A couple of minor items, such as pay phones that were not included in franchise fees and the exclusion of government lines that should have been included.

In 2007, OMARC discovered that Qwest probably had not improperly excluded lines of revenues from the franchise fee calculation, and that any it may have excluded were likely so small as to be not worth the cost of pursuing. Qwest's own consultant, charged with coding every service address in Oregon to its underlying tax jurisdiction in 2005, found a statewide discrepancy rate of 2%. In 2008, Qwest offered to settle the audit for an equivalent amount through the specified audit period. Several of the participating cities tested the elements underlying Qwest's offer, and determined that the settlement offer was reasonable. All of the participating OMARC cities have indicated an interest in accepting the settlement offer.

OUTCOMES OF DECISION:

This action approves the settlement with Qwest.

FINANCIAL IMPLICATIONS:

Due to the fact that Qwest serves only a small part of Tualatin residents (FY01/02 franchise fee revenues from Qwest totaled \$1,706, or 0.02% of total Qwest franchise fees of OMARC participants), our portion of the settlement agreement is \$211.

Attachments: A. Resolution
 B. Settlement Agreement

RESOLUTION NO. 4866-09

A RESOLUTION TO APPROVE SETTLEMENT AGREEMENT WITH QWEST,
AS PART OF THE OREGON MUNICIPAL AUDIT AND REVIEW COMMITTEE
(OMARC) AUDIT

WHEREAS, in 2002, the City of Tualatin ("City") entered into an Intergovernmental Agreement to hire one or more consultants to review and analyze revenues received from incumbent local exchange carriers as compensation for the rights and privileges to operate in the public right-of-way ("Telecommunications Financial Review Services");

WHEREAS, Qwest has offered to settle the audit based upon their statewide discrepancy rate of 2% for the specified audit period; and

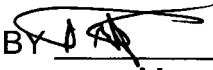
WHEREAS, some OMARC cities have tested the elements underlying the proposed settlement and found them to be reasonable.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF TUALATIN that:

Section 1. The City Manager is authorized to execute the Settlement Agreement, attached hereto as Exhibit A.

Section 2. This resolution is effective immediately following adoption by the City Council and signature by the Mayor.

INTRODUCED AND ADOPTED this 23rd day of February, 2009.

BY  _____
Mayor

ATTEST:

BY  _____
City Recorder

APPROVED AS TO LEGAL FORM


CITY ATTORNEY

SETTLEMENT AGREEMENT

This Settlement Agreement ("Agreement") is between Qwest Corporation ("Qwest"), a Colorado corporation, and Tualatin ("City"), an Oregon municipal corporation. Qwest and the City are referred to collectively herein as "the Parties."

RECITALS

- A. Qwest pays a communication franchise fee of 4% of gross local service revenues.
- B. A group of Oregon cities formed the Oregon Municipal Audit and Review Committee ("OMARC"), to review and analyze Telecommunications Fee revenues received from Qwest ("Review").
- C. OMARC formed the OMARC Steering Committee ("Steering Committee") to make certain administrative decisions on behalf of the Oregon Cities in undertaking the Review.
- D. On January 22, 2003, the Steering Committee sent Qwest a notice of intent to review Qwest's payment of the City's Telecommunications Fee on behalf of the members of OMARC.
- E. Qwest and the City have not yet undertaken the Review, and no final determination has been made with respect to whether Qwest underpaid the Telecommunications Fee to the City during a review period commencing on January 1, 2000 and continuing through December 31, 2005 ("Review Period"), which, if underpaid, would constitute a debt to the City.
- F. Qwest and the City are desirous of avoiding further expense in undertaking the Review, and desire and agree to provide for payment, in accordance with the terms of this Agreement, and thereby to settle and resolve any and all potential claims and disputes between them with respect to the Telecommunications Fee during the Review Period ("the Claim").

G. Qwest and the City have reached an amicable resolution of the outstanding issues and wish to effectuate a payment by Qwest, with such actions resulting in full satisfaction and settlement of all outstanding claims for the Telecommunications Fee during the Review Period.

NOW, THEREFORE, the Parties, through their undersigned representatives who are fully authorized to take the actions contemplated herein, pursuant to the foregoing recitals and in consideration of the following mutual promises, covenants and agreements, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, agree as follows:

AGREEMENT

1. Telecommunications Fee. The City and Qwest agree that, in consideration for the payment of the Claim, in the amount set forth in Section 3 hereof, that Qwest shall be deemed to, and shall have paid all of the Telecommunications Fee that was due and owing for the Review Period, including interest or penalties, and, that upon payment of such amount, the City shall not undertake any collection activity with respect to the Telecommunications Fee for the Review Period.

2. Effective Date. The Effective Date of the Agreement shall be the date of the last signature hereon, however, it is the intent of Qwest to enter into a similar agreement with 47 other Oregon cities listed in Exhibit A and notwithstanding the date of the last signature in this Agreement, this Agreement will not be effective until the date of the last signature on all 48 Agreements with each of the Oregon cities listed in Exhibit A. Should an Agreement not be secured by Qwest with any one of the 48 Oregon cities listed in Exhibit A, this Agreement will not be effective.

3. Amount. Qwest agrees to pay the City, and the City agrees to accept from Qwest, as full satisfaction of the Telecommunications Fee for the Review Period, within 30 days of the Effective Date, the total amount of \$211.00 ("the Amount"). The City agrees that no further Telecommunications Fee, including interest or penalties thereon, shall be assessed for the Review Period by the City, and the City agrees to take no further action in any administrative or

judicial proceeding to collect such Telecommunications Fee, with respect to any Telecommunications Fee accruing during the Review Period. Receipt by the City of payment of the Amount shall constitute a release by the Parties of all claims, known and unknown, that each party may have against the other with respect to the Telecommunications Fee for the Review Period ("Released Claims"). Payment shall be made at the address provided for notices in Section 9 of this Agreement.

4. This Agreement does not apply to, or release Qwest from payment of any taxes or fees, other than those described in the First Recital of this Agreement.

5. **No Admission.** The Parties agree that this Agreement is a full and complete compromise of the Claim and is made solely for purposes of settlement and that by entering into this Agreement none of the Parties are making any admissions as to the substantive factual or legal issues regarding the Claim, and that in the event of future disputes regarding payment of the Telecommunications Fee that become due and owing after the Review Period, that this Agreement may not, and shall not, be introduced into evidence in any administrative or judicial action.

6. **Voluntarily Entered.** The Parties represent and warrant that this Agreement is entered into voluntarily by the Parties with full knowledge of the consequences and implications of the obligations set forth herein. The Parties also represent and warrant that they have had the opportunity to be represented by counsel of their choice throughout the negotiations which preceded the execution of this Agreement, and in connection with the preparation and execution of this Agreement, and that they have carefully and thoroughly reviewed this Agreement in its entirety.

7. **Exclusive Purpose.** The terms and conditions of this Agreement are made solely for the purpose of resolving outstanding claims for the Telecommunications Fee during the Review Period, do not constitute an admission of fact, and may not be used by either party in any other action or proceeding.

8. Entire Agreement. This Agreement constitutes the entire agreement between the Parties with respect to the subject matter of this Agreement and may be amended or modified only by a writing signed by the Parties hereto.

9. Notices. All notices required or permitted to be given or to be made upon any party hereto shall be in writing and shall be personally delivered or telecopied, and also sent by registered or certified mail, postage prepaid, return receipt requested, and shall be deemed to have been received for purposes of this Agreement on the day the notice is personally delivered or telecopied and deposited in the mail.

(a) All notices to Qwest regarding this Agreement should be sent to:

Andrew E. Ottinger, Vice President – Corporate Tax
Qwest Corporation
1801 California Street, 25th Floor
Denver, Colorado 80202
Fax: (303) 672-5902

(b) All notices to the City regarding this Agreement should be sent to:

Sherilyn Lombos, City Manager
City of Tualatin
18880 SW Martinazzi Avenue
Tualatin, OR 97062

10. Waiver of Costs, Etc. In connection with this Agreement, each party shall bear its own costs related thereto, including, but not limited to, attorney fees and each party waives any claim for any award of costs, disbursements or attorney fees in this matter.

11. Governing Law; Venue. The terms, provisions, interpretations and enforcement of this Agreement shall be governed by the laws of the State of Oregon, without regard to conflict of laws analysis. Any litigation between the Parties arising out of or related to this Agreement shall be brought and maintained in the Circuit Court for Washington County, Oregon. Provided, if any litigation arising under this Agreement is brought in a federal forum, it shall be brought and maintained in the United States District Court for the District of Oregon in Portland, Oregon.

12. Binding Obligation. The obligations of the Parties set forth in this Agreement shall be binding on the Parties, their successors and assigns.

13. Warranty of Authority. Each party to this Agreement hereby covenants and represents that the individual signing on its behalf is fully empowered to bind the party to the obligations and commitments set forth herein.

14. Counterparts. This Agreement may be executed in counterparts and by facsimile, and, if so executed, will be effective as if simultaneously executed at the time of receipt of the last executed counterpart.

15. Final Agreement. This Agreement is final and conclusive in all respects and all right to question the same by appeal or otherwise, is hereby waived.

16. No Party Deemed Drafter. The settling Parties agree that this Agreement has been negotiated by the settling Parties, by and through their respective counsel, all of whom have participated in the drafting hereof. The Parties agree that any rule of construction which provides that a document is to be construed against the draftsperson shall not apply.

17. Severability. In case any one or more of the provisions of this Agreement shall be found to be invalid, illegal or unenforceable in any respect, the validity, legality and enforceability of the remaining provisions contained in this Agreement shall not in any way be affected or impaired. Further, any provision found to be invalid, illegal or unenforceable shall be deemed, without further action on the part of the Parties to this Agreement, to be modified, amended and/or limited to the minimum extent necessary to render such clauses and/or provisions valid and enforceable.

18. No Assignment. City represents and warrants that it has not previously pledged, encumbered, assigned or transferred, or purported to pledge, encumber, assign or transfer any Released Claims.

IN WITNESS WHEREOF, the undersigned Parties have duly executed this Agreement to be effective on the date as set forth in Section 2 hereof.

QWEST CORPORATION


By: _____
(signature)

Name: _____
(print)

Title: _____

Date: _____

CITY OF Tualatin

By:  _____
(signature)

Name: Chris Barthel _____
(print)

Title: Mayor Pro tem _____

Date: February 23, 2009 _____

Sent for Signatures
By: Finance - Don

EXHIBIT A

List of Oregon Cities participating in this Settlement Agreement, collectively referred to as the "Oregon Cities":

CITY OF ADAIR VILLAGE
CITY OF ALBANY
CITY OF ASHLAND
CITY OF ATHENA
CITY OF BAKER CITY
CITY OF BEND
CITY OF CANNON BEACH
CITY OF COLUMBIA CITY
CITY OF CORVALLIS
CITY OF COTTAGE GROVE
CITY OF DALLAS
CITY OF EUGENE
CITY OF FALLS CITY
CITY OF FLORENCE
CITY OF GLADSTONE
CITY OF GRANTS PASS
CITY OF GRESHAM
CITY OF HAPPY VALLEY
CITY OF HERMISTON
CITY OF INDEPENDENCE
CITY OF IRRIGON
CITY OF JEFFERSON
CITY OF KLAMATH FALLS
CITY OF LAKE OSWEGO


CITY OF MADRAS
CITY OF MILTON-FREEWATER
CITY OF MILWAUKIE
CITY OF NEWPORT
CITY OF NORTH PLAINS
CITY OF OREGON CITY
CITY OF PENDLETON
CITY OF PHOENIX
CITY OF PORTLAND
CITY OF REDMOND
CITY OF ROGUE RIVER
CITY OF ROSEBURG
CITY OF SALEM
CITY OF SEASIDE
CITY OF SISTERS
CITY OF SPRINGFIELD
CITY OF ST. HELENS
CITY OF STANFIELD
CITY OF TALENT
CITY OF TIGARD
CITY OF TUALATIN
CITY OF WARRENTON
CITY OF WEST LINN
CITY OF WOODBURN




Approved By Tualatin City Council
Date February 23, 2009
Recording Secretary J Kirby

STAFF REPORT CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager 

FROM: Donald A. Hudson, Finance Director 

DATE: February 23, 2009

SUBJECT: PUBLIC HEARING ON PROPOSED SUPPLEMENTAL BUDGET
AND CHANGES TO THE ADOPTED 2008-2009 BUDGET

ISSUE BEFORE THE COUNCIL:

Public Hearing to discuss the proposed supplemental budget.

RECOMMENDATION:

Staff recommends adopting the attached Resolution after conducting the required public hearing.

EXECUTIVE SUMMARY:

Occasionally, it becomes necessary after the budget is adopted to increase the total expenditures of a fund. Oregon Revised Statutes (ORS) 294.480, *Supplemental budget in certain cases; no increase in property taxes permitted*, allows for an increase under certain circumstances. One such circumstance is for an occurrence or condition, which had not been ascertained at the time of the preparation of the budget.

ORS 294.480 spells out the process for adopting a supplemental budget. There are two cases described below, that require passage of a supplemental budget. One is related to the transfer of a general account reserve in the current year and the second is the adjustment of a current budget fund by 10% or more of the expenditures of that fund. Therefore, the City Council can adopt the supplemental budget at a regular meeting of the governing body by resolution, after holding a public hearing on the supplemental budget. Notice of the public hearing is required to be published as required by Budget Law. This notice was published on February 12, 2009.

Additionally, it occasionally becomes necessary after the budget is adopted to increase the total expenditures of a category within a fund. ORS 294.450, *Transfers of appropriations within fund or from one fund to another; appropriation of pass-through revenues*, allows for the transfer of existing appropriations within the same fund. A transfer of appropriation is a decrease of one existing appropriation and a corresponding increase of another existing appropriation. In this case, the net effect to the fund is zero. To transfer an appropriation, the governing body must pass a resolution authorizing the transfer. An appropriation transfer does not require a public hearing be held.

The public hearing this evening is necessary due to increased expenditures in the Library Improvement Fund and the transfer of reserves from the Infrastructure Reserve Fund to cover unanticipated sewer projects. The Library Development Fund projected \$36,870 of expenditures to occur prior to June 30, 2008, so did not include them in the current budget. Since the expense was not incurred prior to June 30th, the current fiscal year beginning cash balance was \$36,870 higher than projected in the budget. Additionally, the Library project received reimbursement from the Energy Trust of Oregon for the energy efficient lighting in the new Library building. These funds were used to pay additional project costs. Since the total increase of the fund budget is greater than 10% of the adopted budget, Local Budget Law requires a public hearing be held before authorizing the budget increase. In the Sewer Fund, two projects, one on 124th Avenue and the other on Seneca Street, need to be added due to repair needs and new development projects, which were originally anticipated to be done in future years. Since the extra funds are held in a reserve line item in the Infrastructure Reserve Fund, Local Budget Law requires a public hearing be held before authorizing the transfer of funds from this account.

Not required to be part of the public hearing, but included in the resolution are the following budget changes:

Transfers out of Contingency in the General Fund for Stars Cabaret outside legal counsel, impact of a PERS legislation change, and city Core Area Parking fees. Project related contingency transfers are needed for the TSR/124th Avenue traffic signal in the Road Development Fund, the water line project for SW 124th Avenues in the Water Development Fund and for the 105th Avenue and Saum Creek repair projects in the Storm Drain Fund.

The last budget change recommended this evening is to transfer printing budget from the Council and Legal budgets into the Administration budget. This appropriation transfer is necessary to accommodate changes, which occurred when the Administration Department moved into the Seneca Building.

OUTCOMES OF DECISION:

Failure to pass the resolution puts the City in danger of not complying with Local Budget Law.

FINANCIAL IMPLICATIONS:

In most cases, the net effect to the affected funds is zero, as it is simply a transfer of already approved appropriations or appropriations of additional revenues received. The Infrastructure Reserve Fund is reduced by \$330,000 to accommodate the transfer to the Sewer Fund for the necessary sewer projects.

Attachments:

- A. Resolution
- B. Exhibit A to the Resolution

RESOLUTION APPROVING CHANGES TO THE ADOPTED 2008-2009
BUDGET

WHEREAS after the budget process for the 2008-2009 fiscal year was completed, an occurrence or condition arose that could not have been ascertained at the time of the budget preparation; and

WHEREAS revenues in excess of the budgeted amount will be received in the 2008-2009 fiscal year to cover the additional expenses;

WHEREAS in order to lawfully comply with the requirements of Local Budget Law, a supplemental budget, including transfers of appropriations and receipt of new revenue, is necessary; and

WHEREAS Oregon Revised Statutes (ORS) 294.480 allows for the preparation and adoption of a supplemental budget and ORS 294.450 allows for the transfer of appropriations decreasing an existing appropriation in a fund and increasing an existing appropriation in the same fund.

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

Section 1. The City Council wishes to comply with Local Budget Law, adopt a supplemental budget for the 2008-2009 fiscal year, transfer existing appropriations within the same fund and authorize spending of additional grant funds; and

Section 2. Additions to the budget and appropriation transfers should be made as detailed in Exhibit A to this Resolution.

INTRODUCED AND ADOPTED this 23rd day of February, 2009.

CITY OF TUALATIN, OREGON

BY 

Mayor Pro tem

APPROVED AS TO LEGAL FORM


CITY ATTORNEY

ATTEST:

BY 

City Recorder

Exhibit A

City of Tualatin Fiscal Year 2008 - 2009 Budget Changes, February 2009

To	Amount	From	Amount	Notes
Pension - Library	\$ 16,780	Contingency - General Fund	\$ 38,800	PERS Legislation Change
Pension - Planning	\$ 7,860			Core Area Parking Fees
Membership/Dues	\$ 8,960			Stars Cabaret Outside Counsel
Legal	\$ 5,200			
Printing/Postage - Admin	\$ 1,300	Printing/Postage - Council	\$ 400	Printing costs combined due
		Printing/Postage - Legal	\$ 900	to all divisions in same building
Transfer to Sewer Operating	\$ 330,000	Reserve for Future Years Projects	\$ 330,000	Project #SW0901 and SW0902
Fund Projects	\$ 200,000	Contingency - Road Development	\$ 200,000	RD0602 - TSR/124th Ave Signal
Fund Projects	\$ 200,000	Contingency - Water Development	\$ 200,000	WD0903 - 12" Waterline/SW 124th
Fund Projects	\$ 70,000	Systems	\$ 25,000	105th Ave & Saum Creek Repair
		Contingency - Storm Drain	\$ 45,000	
Increase - Revenue	Amount	Increase - Expenditure	Amount	Notes
Library Development Fund	\$ 36,870	Fund Project	\$ 48,313	Increase in Beg. Cash due to timing
Beginning Cash Balance	\$ 11,443			of expense. Increased revenue due
Other Misc. Income				to energy efficient lighting grant.
Sewer Operating Fund	\$ 330,000	Fund Projects	\$ 330,000	Project #SW0901 and SW0902
Transfer In - Infrastructure Reserve	\$ 013-0000-492.13-00			



STAFF REPORT

CITY OF TUALATIN

Approved By Tualatin City Council

Date February 23, 2009

Recording Secretary J. Kirby

TO: Honorable Mayor and Members of the City Council

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

FROM: Paul Hennon, Community Services Department *[Signature]*
Abigail Elder, Library Manager *[Signature]*

DATE: February 23, 2009

SUBJECT: AN ORDINANCE RELATING TO THE LIBRARY RULES OF CONDUCT; AND AMENDING TMC 5-1-010, 5-1-030, 5-1-050, 5-1-060, 5-1-070, 5-1-080, 5-1-090, AND 5-1-100

ISSUE BEFORE THE COUNCIL:

The Council will consider amendments to update an ordinance governing the library rules of conduct for operations in the new library building.

RECOMMENDATIONS:

The Tualatin Library Advisory Committee (TLAC) recommends approval of the attached ordinance.

The staff respectfully recommends approval of the attached ordinance.

EXECUTIVE SUMMARY:

The Library Rules of Conduct need to be updated to reflect the current conditions. The policies were last updated in 1999. Since then, the library and the parks and recreation departments have merged into the Community Services Department, the library has been expanded and now includes areas and functions that were not available in the old library, and the Washington County Cooperative Library Services (WCCLS) has modified several policies that are included in the Library Rules of Conduct and are now outdated.

Significant changes include:

- 1) Allowing consumption of food and drink inside the library,

Staff Report: AN ORDINANCE RELATING TO THE LIBRARY RULES OF CONDUCT;
AND AMENDING TMC 5-1-010, 5-1-030, 5-1-050, 5-1-060, 5-1-070, 5-1-080, 5-1-090,
AND 5-1-100

February 23, 2009

Page 2 of 3

- 2) Allowing animals in the library for library-sponsored programs, such as "Read to Your Dog" programs,
- 3) Allowing the use of alcohol at City-sponsored events to enable functions such as the Library Foundation to serve alcohol at fund raising events, and
- 4) Raising the amount of accrued fines or charges from \$5 to \$10 that result in a denial of privileges of checking out and reserving materials to comply with current WCCLS policy and fee schedule.

FINANCIAL IMPLICATIONS:

The financial implications of these changes are minor and will not impact the adopted budget.

DISCUSSION:

Specific changes include:

1. Policy: Clarify that the Library Rules of Conduct apply to the library and not the City Offices, which formerly shared lobby space with the library.
2. Definitions:
 - a. Add the plaza to the definition of library so the library rules apply to the outdoor plaza.
 - b. Simplify the definition of "Disabled Person" by striking a reference to a specific public law.
 - c. Change position titles to comply with current organizational structure, fix typographic errors, and modify descriptive language to comply with current terminology. (Title changes are made throughout the ordinance.)
 - d. Amend the definition of "Library employee" to include temporary employees so their directions can be enforced.
 - e. Simplify the definition of "Library materials" to be broader and not reference outdated media.
 - f. Amend the definition of "Renew" to comply with current WCCLS policy to validate addresses of library cardholders on a bi-annual basis rather than an annual basis.
3. Rules:
 - a. Allow the use of alcohol at City-sponsored events to enable functions such as the Library Foundation to serve alcohol at fund raising events.
 - b. Include the use of tobacco products other than those that are smoked as prohibited.
 - c. Allow animals in the library for library-sponsored programs, such as "Read to Your Dog" programs.

**Staff Report: AN ORDINANCE RELATING TO THE LIBRARY RULES OF CONDUCT;
AND AMENDING TMC 5-1-010, 5-1-030, 5-1-050, 5-1-060, 5-1-070, 5-1-080, 5-1-090,
AND 5-1-100**

February 23, 2009

Page 3 of 3

- d. Include blocking access while sleeping as a prohibited activity to enable full use of the library by other patrons.
 - e. Add violation of library policies and failure to follow the reasonable directions of a Library employee as grounds for exclusion from the library for a period not to exceed six months.
 - f. Update references to ordinance numbers to refer to the Tualatin Municipal Code since City ordinances are now codified.
4. Fines and Charges:
- a. Clarify the refund policy for items that were lost and paid for, and are later found and returned, and delete a reference to the Tualatin Municipal Court that is not needed.
 - b. Amend the dollar amount of accrued fines or charges from \$5 to \$10 that results in denial of privileges of checking out and reserving materials to comply with the current WCCLS policy and fee schedule.

Attachments: A. Ordinance relating to Library Rules of Conduct

AN ORDINANCE RELATING TO THE LIBRARY RULES OF
CONDUCT; AND AMENDING TMC 5-1-010, 5-1-030, 5-1-050,
5-1-060, 5-1-070, 5-1-080, 5-1-090, AND 5-1-100

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. TMC 5-1-010 is amended to read as follows:

Section 5-1-010 Policy.

The City of Tualatin may improve, operate and maintain the Library, ~~the City Center lobby~~ and other related premises ~~related to the Library~~ in a manner that ~~which~~ will best afford the public with necessary and convenient use. In order to protect such areas, protect the health, safety and well-being of the public, and insure the greatest use and enjoyment for all Library users of the benefits from such facilities, it is necessary to adopt regulations and enforcement provisions as the City Council deems necessary.

Section 2. TMC 5-1-030 is amended to read as follows:

Section 5-1-030 Definitions.

Unless the context clearly indicates a different meaning, the following terms shall be defined as follows:

- (1) "Adult" means a person who is 18 years or older.
- (2) "Assault" has the meaning provided in ORS 163.160 through 163.185.
- (3) "Attended" means a parent, guardian, or designated and responsible adult is at all times, while in the Library, within 12 feet of his or her child who is five years or younger.
- (4) "Controlled substance" has the meaning provided in ORS 167.203.
- (5) "Council" means the Tualatin City Council.
- (6) "Criminal negligence" means that a person fails to be aware of a substantial and unjustifiable risk that the result will occur or that the circumstance exists. The risk must be of such nature and degree that the failure to be aware of it constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation. Where the definition of an offense prescribes criminal negligence as the culpable mental state, it is also established if a person acts intentionally or knowingly.
- (7) "Disabled person" means a person who has a physical or mental impairment which substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment, and not otherwise disqualified under the Americans with Disabilities Act, ~~Public Law 101-336 and its implementing regulations.~~
- (8) "Disorderly conduct" has the meaning provided in ORS 166.025.
- (9) "Fee" means a monetary charge imposed by the Library for specific items, such as the replacement of lost materials.
- (10) "Fine" means a monetary charge imposed by the Library upon a patron for overdue materials.
- (11) "Harassment" has the meaning provided in ORS 166.065.
- (12) "Library" includes the City's public library, related offices, lobby, restrooms, ~~and~~ entryways, and plaza.

(13) "Library ~~Manager~~Director" or "~~Manager~~Director" means the individual designated by the City Manager to be in charge of the City of Tualatin Library or the person designated by the ~~Manager~~Director to perform some or all of the functions of that position.

(14) "Library employee" means a regular or temporary employee of the City who has been assigned to the Library Department.

(15) "Library materials" or "materials" means books, ~~periodicals, books on audio tape, video tapes~~ and other items which may be borrowed from the Library, whether owned by the Tualatin Library or another library, so long as they are borrowed from or disbursed by the Tualatin Library.

(16) "Lost item" means an item which has been overdue for 45 days or longer, or which upon return to the Library is in an unusable condition.

(17) "Mischief" has the meaning provided in ORS 164.345, 166.354 and 166.365.

(18) "Renew" means, with respect to a library card, the biannual reinstatement of library privileges. ~~Renewal may occur automatically by computer.~~

(19) "Supervised" means a parent, guardian or designated and responsible adult is on the Library premises and accompanying his or her child who is over five and less than eight years old, and monitoring such child's behavior, but are not necessarily located within 12 feet of the child.

(20) "Theft" has the meaning provided in ORS 164.015.

(21) "Washington County Cooperative Library Services" or "WCCLS" means the administrative agency for Washington County and county-wide library services. For purposes of this ordinance, any act taken by the WCCLS Executive Board ~~Cooperative Library Advisory Board~~ in its official capacity shall be considered as having been taken by the WCCLS.

Section 3. TMC 5-1-050 is amended to read as follows:

Section 5-1-050 Specific Library Rules.

(1) Whenever there is reasonable cause to believe that an individual has committed any of the following acts in or upon Library premises, such individual may be directed to leave the Library. A warning need not be given in advance. Such conduct may be reported to the police. Violation of any of the prohibitions of this subsection may result in exclusion from the library for period not to exceed one year.

It is unlawful to:

- (a) Commit or attempt to commit an assault;
- (b) Commit or attempt to commit a theft;
- (c) Commit or attempt to commit mischief;
- (d) Destroy, damage or deface library property;
- (e) Engage in sexual activity including solicitation of prostitution, harassment or indecent exposure;
- (f) Use, give away, sell or be under the influence of:
 - (i) a controlled substance; or
 - (ii) intoxicating liquor except at City-sponsored events; or
- (g) Commit or attempt to commit disorderly conduct or harassment.

(2) Whenever there is reasonable cause to believe that an individual has committed any of the following acts, such individual shall be given one warning and if the conduct which led to the warning reoccurs, even on a different day, then such individual may be directed to leave the Library for the remainder of the day. Violation of two or more of the prohibitions of

this subsection, each of which results in a directive to leave the Library, within any six month period may also result in exclusion from the Library for a period not to exceed six months.

It is unlawful to:

- (a) Use abusive language or behavior which disturbs the quiet atmosphere of the library;
- (b) Solicit, petition, distribute written materials or canvass for political, charitable or religious purposes;
- (c) Interfere with free passage on Library Premises, which includes restricting passage with or use of a bicycle, skateboard, rollerblades, cart or large backpack, or anything that creates an obstacle or takes up seating, except an assistive device, such as a wheelchair or walker, being used by a person with a disability;
- (d) Smoke, or use tobacco products ~~eat or drink~~ inside the Library, except as expressly allowed by the Library Manager ~~Director~~ in the course of a Library-approved event;
- (e) Bring an animal into the Library, except a seeing eye or service animal ~~hearing ear dog~~, or any other animal specifically trained to assist such person with a disability; or as part of a Library-sponsored event;
- (f) Sleep in the library in a manner that occupies additional seating, ~~or creates an audible disturbance,~~ or blocks access;
- (g) Improperly use a restroom, including but not limited to bathing, shaving or washing hair;
- (h) Play audio equipment at a volume which is plainly audible by others in the Library;
- (i) Allow a child age five or under to be unattended in the Library, unless the child is attending a Library-sanctioned activity;
- (j) Allow a child under age eight to be unsupervised in the Library, unless the child is attending a Library sanctioned activity; ~~or~~
- (k) Fail to leave the Library at closing time; ~~or~~
- (l) Violate library policies; or
- (m) To follow the reasonable direction of a library employee.

(3) When there is reasonable cause to believe that an individual has committed any of the following acts, such individual may be directed to leave the Library until the problem is corrected.

It is unlawful to enter or remain on library premises without wearing shoes or sandals and a shirt or other similar clothing, except for children three years or younger.

(4) When a person is excluded from another Library which is a member of the WCCLS program due to conduct which would be sufficient reason to result in exclusion from the Tualatin Library, upon receiving notice from the City of Tualatin as provided in TMC 5-1-080 ~~5-1-080~~, such person shall be excluded from the Tualatin Library for the period of time specified in TMC 5-1-050 ~~5-1-050~~, but not exceeding the period for which such person was excluded from the other library.

Section 4. TMC 5-1-060 is amended to read as follows:

Section 5-1-060 Fines and Charges.

(1) It is unlawful for a person to withhold or fail to return any library materials that are due for return. The due date for return shall be established by the Library Manager ~~Director~~, considering the anticipated demand by borrowers and the available supply ~~sup-ply~~ of such materials.

(2) The WCCLS or its Board of Directors shall establish a charge, called a "fine", to be assessed by a member library, including the Tualatin Library, against a borrower for each day

after the return due date that an item of Library materials has not been returned. A person who withholds or fails to return any library materials following 45 days after they are due for return shall be subject to an assessment on each overdue item for the replacement cost, the overdue charges and a ~~processing~~service charge to be established by the WCCLS. If the materials are returned to the Library undamaged within one year from the date such ~~assessments were paid~~items were declared lost, the person paying such assessments shall receive a credit for the replacement cost, but not the ~~overdue or service~~processing charges. ~~Unpaid assessments may be enforced in the Municipal Court as civil infractions or in state court pursuant to ORS 30.310 or 30.315.~~

(3) Patrons who accrue fines or charges totaling ~~\$5~~10 or more will be denied the privileges of checking out and reserving additional materials and of obtaining a replacement card at the Library and all other member libraries of the WCCLS until fines and charges are brought below ~~\$5~~10.

~~(4) Patrons who accrue fines or charges cannot renew their library cards at the Tualatin Library or other member libraries of the WCCLS until all fines and charges are paid.~~

~~(5) Fees and fines imposed directly on a patron by another member library of WCCLS or by the Tualatin Library may be resolved at a member library of WCCLS. Payment for lost items may be made at a member library of the WCCLS; however, such payment and subsequent bookkeeping, including computer recording will not result in restoration of privileges denied under subsections (3) or (4) of this section until payment is received by the member library to which payment is owing.~~

Section 5. TMC 5-1-070 is amended to read as follows:

Section 5-1-070 Rules of Conduct.

(1) The Library ~~Manager~~Director shall adopt administrative rules for the enforcement of the Rules of Conduct set forth in this ordinance, for the administration of special events, and for participation in City programs in library areas. The Rules of Conduct shall be administered by the Library ~~Manager~~Director, Library employees, or persons employed by the City of Tualatin. Except in cases where the Municipal Court in exercising its jurisdiction is presented with an interpretation issue under this ordinance, where the provisions of this ordinance are determined by the Library ~~Manager~~Director to be unclear or ambiguous, the Library ~~Manager~~Director may interpret the provisions in a manner consistent with Library policy. Such interpretation by the Library ~~Manager~~Director may be appealed to the City Manager, whose decision is final.

(2) ~~The City Council, City Manager, or designee and the Library Director may close all or portions of the Library to the public at any time and without notice for any reasonable and necessary circumstance, including but not limited to construction, maintenance or any condition which poses a risk of bodily injury or damage to the public.~~

(3) The Library ~~Manager~~Director, library employees designated by the Library ~~Manager~~Director, and City police officers may obtain compliance by the public with these rules and to issue reasonable directions in furtherance of these rules. If an individual fails to obey or disregards this ordinance or an order or directive given to obtain compliance with this ordinance, that individual is subject to immediate ejection and temporary suspension of library use privileges. An individual who fails to leave or remain off library premises or designated portions of the library after being so lawfully directed shall be subject to criminal trespass charges.

(4) Notwithstanding the foregoing regulations, upon prior request the Library ~~Manager~~Director may allow temporary, minor deviations from the strict requirements of this

ordinance where the harm to library facilities and the risk to library users areis negligible or non-existent.

Section 6. TMC 5-1-080 is amended to read as follows:

Section 5-1-080 Excluding a Person from the Library.

(1) In addition to other measures provided for violation of this ordinance, or the laws of the State of Oregon, any peace officer, the Library ~~Manager~~Director or any authorized library employee may exclude from all or part of the Library a person who violates this ordinance or law of the State of Oregon while in the Library, for a period not to exceed the time periods established in TMC ~~5-1-0505-1.050~~, or in the absence of a specific time period, one year.

(2) A person excluded under this section may not enter or remain upon any part of the Library from which the person is excluded during the period of exclusion. Where an order for exclusion does not specify a particular portion of the Library, such exclusion shall be deemed to apply to all portions of the Library. An excluded person who enters or remains upon any part of the Library from which the person has been excluded commits the offense of trespass and in addition to being the subject of a civil proceeding, may be arrested and prosecuted for the crime of Criminal Trespass in the Second Degree (ORS 164.245).

(3) Written notice signed by the issuing party shall be issued to a person excluded from the library. The notice shall specify the reason for and duration of exclusion, and the consequences for failure to comply with the notice. The notice shall be given either by personal delivery or by certified mail, return receipt requested. Unless otherwise expressly set forth in the notice, the exclusion shall commence immediately upon delivery of the notice to the excluded person and shall constitute an order or directive of the City.

~~(4) The Library Director is authorized to prepare a form of notice to be used in connection with excluding a person from the library and to include such additional materials as are considered necessary for administrative purposes.~~

Section 7. TMC 5-1-090 is amended to read as follows:

Section 5-1-090 Appeals.

(1) The procedures contained in this section apply to orders of the Library ~~Manager~~Director, police officers, or authorized library employees excluding a person from the library. Failure to follow these procedures constitute a waiver of the person's right to bring an appeal of such order.

(2) Not later than ten days after commencement of an order excluding a person from the Library, the affected person may appeal in writing to the Tualatin Municipal Court for de novo review of the order or may petition the Tualatin Municipal Court to rescind or alter the order, or reduce the duration of exclusion. An appeal shall contain a copy of the order issued by the Library ~~Manager~~Director, police officer, or authorized library employee, a request for a hearing or request for written review without a hearing, and a statement setting forth the reason that the order is invalid, otherwise improper or why it should be changed. Failure to raise an issue with sufficient specificity to afford the Library ~~Manager~~Director, police officer, or authorized library employee an opportunity to respond to the issue precludes appeal to the Municipal Court on that issue.

(3) If, as part of the written appeal, the person requests a hearing, a hearing will be conducted by the Tualatin Municipal Court or designee, within 30 days after receipt of the

appeal, and unless otherwise ordered, the Municipal Court will render a decision within ten days after the hearing.

(4) Except as otherwise provided in this ordinance, the procedure to be followed for a hearing by the Municipal Court under this section shall be as provided in cases of civil infractions in the City. The Municipal Court may question witnesses and review all documentation referred to by the witnesses. Unless the Municipal Court for good cause orders otherwise, there shall be no continuance or reopening of the hearing.

(5) At any time during an exclusion, an excluded person may petition in writing to the City Manager or designee, for a temporary waiver of the exclusion for good reason.

Section 8. TMC 5-1-100 is amended to read as follows:

Section 5-1-100 Remedies.

(1) Except as otherwise provided, a violation of this ordinance is a civil infraction and shall be punishable by a fine not to exceed \$500. Each violation of this ordinance constitutes a separate offense, and each day that a violation of this ordinance is committed or permitted to continue constitutes a separate offense. In addition to any other forfeiture, remedy, order or penalty provided by law or city ordinance, the court, upon a determination of a violation, may order the exclusion of a person from the Library for such period as may be specified for such violation under TMC ~~5-1-0505~~ 4.050, but not to exceed one year.

(2) The remedies provided by this ordinance for violations are cumulative and the pursuit of one remedy shall not preclude the use of another. In addition, where an offense defined under this ordinance is also punishable under State law or TMC Chapter 4-6, the use of a remedy or remedies provided by this ordinance shall not be construed as an election of remedies or otherwise preclude the use of additional or alternative remedies or penalties provided by law.

(3) Where a person has been refused Library privileges by order of the Library ~~Manager~~ Director, and such refusal is not in connection with an order otherwise appealable to the Municipal Court under TMC ~~5-1-0805~~ 4.080, an aggrieved person may petition in writing to the City Manager or designee for reconsideration of such refusal.

INTRODUCED AND ADOPTED this 26th day of January 2009.

CITY OF TUALATIN, Oregon

BY 

Mayor Pro tem

APPROVED AS TO LEGAL FORM


CITY ATTORNEY

ATTEST:

BY 

City Recorder



STAFF REPORT CITY OF TUALATIN

Approved By Tualatin City Council
Date February 23, 2009
Recording Secretary J. Kirby

TO: Honorable Mayor and Members of the City Council

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

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

DATE: February 23, 2009

SUBJECT: RESOLUTION AUTHORIZING A REVOCABLE PERMIT TO
ALLOW A FENCE IN TRACT Q IN THE VICTORIA WOODS
NO. 3 SUBDIVISION

ISSUE BEFORE THE COUNCIL:

Council will consider whether to authorize a revocable permit to continue to allow a fence in Tract Q, the public pedestrian easement in the Victoria Woods No. 3 subdivision. Tract Q is intended to be a pedestrian connection between SW Chilkat Terrace and the area to the northwest that is currently a private driveway.

RECOMMENDATION:

There is no staff recommendation associated with this issue.

EXECUTIVE SUMMARY:

The Victoria Woods No. 3 subdivision plat established Tract Q as a public pedestrian easement between lots 96 and 97. Tract Q is a pedestrian connection between SW Chilkat Terrace and the private driveway to the northwest that will redevelop someday. The homeowner of lot 97 (Michael K. Hulsman at 22395 SW Chilkat Terrace) has had trouble with people using Tract Q as a cut-through and using it as an access to trespass on his property. To solve the problem he erected a six-foot high wooden fence to block the cut-through foot traffic.

The attached Revocable Permit:

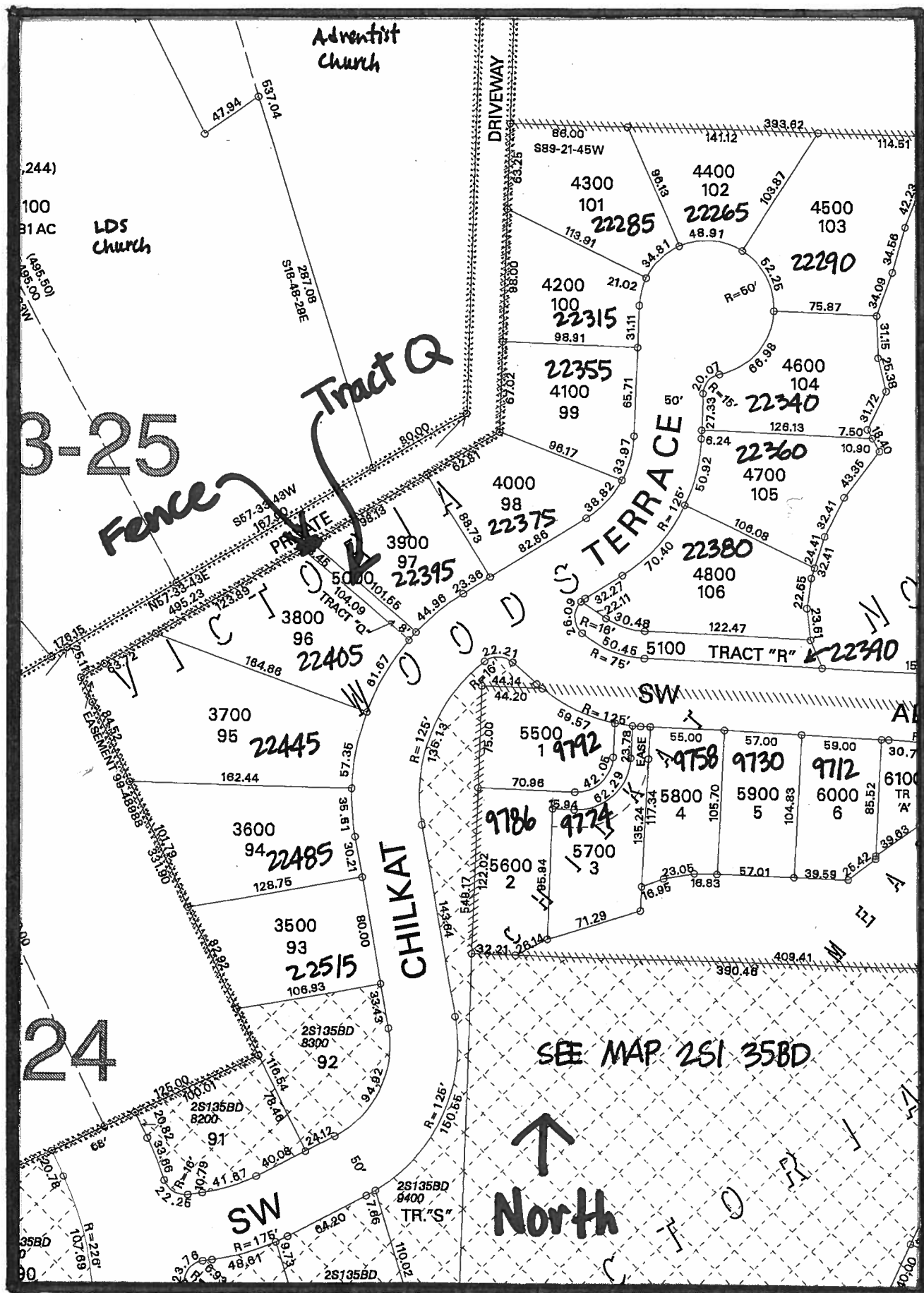
- Allows Tract Q to be blocked by the Permittee's fence at the northwest end until the Council determines the need for Tract Q to be used for public purposes
- Will be non-transferable

- Makes the Permittee responsible for maintaining the fence.
- Makes the Permittee responsible for any claims against the City as a result of the fence being in Tract Q.
- Requires the Permittee to keep the fence in good condition and free of tack strips, nails, screws, barbed wire, and similar materials.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this revocable permit.

Attachments: A. Vicinity Map
 B. Resolution
 C. Revocable Permit



RESOLUTION NO. 4868-09

RESOLUTION AUTHORIZING A REVOCABLE PERMIT TO
ALLOW A FENCE IN TRACT Q IN THE VICTORIA WOODS
NO. 3 SUBDIVISION

WHEREAS the attached Revocable Permit is for the purpose of allowing a fence in Tract Q in the Victoria Woods No. 3 subdivision, and

WHEREAS the property owner, Michael K. Hulsman, appeared at the October 13, 2008 City Council meeting, and

WHEREAS the property owner, Michael K. Hulsman, indicated erecting the fence had reduced the incidents of trespass and vandalism on his property, and

WHEREAS the City Council directed staff to find a mechanism to allow the fence to remain in Tract Q.

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

Section 1. The attached Revocable Permit is approved and the Mayor is authorized to sign the permit for the purposes stated in this resolution.

Section 2. This Revocable Permit will be automatically relinquished after the City Council determines a need for Tract Q to be used for public purposes.

INTRODUCED AND ADOPTED this 23rd day of February, 2009.

CITY OF TUALATIN, OREGON

By  _____
Mayor Pro tem

ATTEST:

By  _____
City Recorder

APPROVED AS TO FORM:


City Attorney

Resolution No. 4868-09

REVOCABLE PERMIT

The City of Tualatin, Oregon ("City") grants a revocable permit to Michael K. Hulsman ("Permittee") who lives at 22395 SW Chilkat Terrace, Tualatin, OR for Tract Q in the Victoria Woods No. 3 subdivision located in the City of Tualatin, Washington County, State of Oregon, as shown on Exhibit "A" (Victoria Woods No. 3 subdivision plat, sheet 1 of 4) that is attached and incorporated by this reference, for the purposes of and subject to the conditions stated.

This permit is granted for the specific and limited purpose of allowing Permittee to place and maintain a fence in Tract Q in the Victoria Woods No. 3 subdivision. This permit shall be automatically relinquished at such time as the City Council determines that Tract Q is needed for public purposes.

This permit is granted subject to the following conditions:


- (1) Permittee shall not construct, place or locate or allow others to construct, place or locate any other structures within Tract Q, except improvements approved by City.
- (2) Permittee may block the northwest end of Tract Q with a 6' high wooden fence.
- (3) This permit is non-transferable.
- (4) Permittee shall maintain the fence within Tract Q.
- (5) Permittee shall indemnify and hold the City harmless for any claims against the City as a result of the fence located Tract Q.
- (6) Permittee shall keep the fence in good repair and free of tack strips, nails, screws, barbed wire, and similar materials.


This Permit shall be automatically revoked by the City at such time as the City Council determines that Tract Q is needed for public purposes.

If the City Council revokes this permit for a violation of subparagraph (1), the written declaration shall be mailed to Permittee at the Permittee's address shown on the records of the Washington County Department of Assessment and Taxation. The revocation shall be effective ten (10) days after the date of the written declaration. All rights and interests of the Permittee shall automatically terminate upon the effective date of the revocation.


IN WITNESS WHEREOF, the parties have executed this instrument on the date indicated below.

CITY OF TUALATIN, OREGON

BY 
Mayor Pro tem
February 23, 2009
Date

BY 
Michael K. Hulsman
2-11-2009
Date

ATTEST:

BY 
City Recorder
February 23, 2009
Date

APPROVED AS TO LEGAL FORM


CITY ATTORNEY