



**TUALATIN CITY COUNCIL  
AND  
TUALATIN DEVELOPMENT COMMISSION**  
**Monday, June 22, 2009**

City Council Chambers  
18880 SW Martinazzi Avenue, Tualatin, Oregon

**WORK SESSION begins at 5:30 p.m.**

REGULAR MEETING begins at 7:00 p.m.

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**Mayor Lou Ogden**

**Council President Chris Barhyte  
Councilor Monique Beikman  
Councilor Joelle Davis**

**Councilor Jay Harris  
Councilor Donna Maddux  
Councilor Ed Truax**

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

Copies of staff reports or other written documentation relating to each item of business referred to on this agenda are available for review on the world wide web at [www.ci.tualatin.or.us](http://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. 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](http://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 FOR PUBLIC HEARINGS

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 5 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**

**Page No.**

1. *Tualatin Tomorrow* Presentation – Governance, Leadership & Community .....  
Engagement – *Ed Casey*
2. Proclamation Declaring the Month of July 2009 as National Recreation and Parks Month.....
3. Hedges Creek Wetlands Enhancement Project Update – *Esther Lev*
4. 2009 Tualatin Crawfish Festival Presentation – *Chamber of Commerce*

**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 – 10)**

**Page No.**

*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." 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 the Minutes of the Work Sessions and Meetings of May 26, 2009,.....  
and June 8, 2009
2. Resolution No. 4900-09 Accepting Public Improvements for JC Ventures .....
3. Resolution No. 4901-09 Authorizing Police Management Salary Schedule Adjustments .....  
and Benefit Changes for the City's Management, Professional  
and Confidential Staff for Fiscal Year 2009-10
4. Resolution No. 4902-09 Approving and Authorizing the Provisions of Workers' .....  
Compensation Insurance Coverage for Volunteers and  
Repealing Resolution No. 4803-08
5. Resolution No. 4903-09 Ratifying a Collective Bargaining Agreement Between the .....  
City of Tualatin and the Tualatin Employees Association and  
Authorizing the City Manager to Execute the Agreement
6. Resolution No. 4904-09 Awarding the Bid for the Blue Lot Pedestrian Bridge .....
8. Resolution No. 4905-09 Approving Changes to the Adopted 2008-2009 Budget .....

**D. CONSENT AGENDA – [continued from previous page]**

9. Authorizations for the 2009 Crawfish Festival .....
9. Approval of a Change of Ownership Liquor License Application for Juan Colorado Restaurant .....
10. Resolution No. 4906-09 Approving Washington County Urbanization Forum Actions.....

**E. PUBLIC HEARINGS – Legislative or Other****Page No.**

1. Resolution No. 4907-09 Adopting the City of Tualatin Budget for the Fiscal Year.....  
Commencing July 1, 2009, Making Appropriations, Levying  
Ad Valorem Taxes, and Categorizing the Levies

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

None.

**G. GENERAL BUSINESS (Item Nos. 1 – 2)****Page No.**

1. Resolution No. 4908-09 Consenting to the Annexation of the Clackamas County .....  
Portion of the City of Tualatin to the Clackamas County  
Library Service District
2. Ordinance No. 1284-09 Relating to Changing the Planning District from Low-Density .....  
Residential (RL) to Medium Low-Density Residential (RML)  
at 19945 SW Boones Ferry Road; and Amending  
Community Plan Map 9-1 (PMA-09-01)

**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 SIGN-UP SHEET

DATE: June 22, 2009

PLEASE COMPLETE TO GIVE TESTIMONY

LIMIT TESTIMONY TO THREE MINUTES

	(PLEASE PRINT CLEARLY) Name	Address	E-mail	Representing	Agenda Item(s) or Citizen Comments
1.	Kathy Newcomb	17515 Cheyenne Way		—	E. Budget
2.	Tim Thorburn	19291 SW CHESAPEAKE	THORNBURNC@COMCAST.NET		STAFFERS STUDY CUP
3.	Julie Sep	19065 SW Mobile	jsepp@hotmail.com		Citizen Comment
4.	JOE LIPSCOMB	8710 SW Walnut		POHLE CHAUTEN	
5.	<del>Debra</del> Dawn Parr	Twalein Or 5393 SW Wichita	bkparr@comcast.com		Citizen
6.					
7.					
8.					



DEPARTMENT OF THE ARMY  
PORTLAND DISTRICT, CORPS OF ENGINEERS  
P.O. BOX 2946  
PORTLAND, OREGON 97208-2946

JUN 18 2009

Submitted for the record  
by Julie Sepp@ the  
6/22/09 "Citizen  
Comments" portion of  
the meeting re  
Stafford Hill Racquet  
Club

REPLY TO  
ATTENTION OF:  
Operations Division  
Regulatory Branch  
Corps No.: NWP-2008-636

Mr. Jim Zupancic  
Zupancic Group  
5335 Meadows Road, Suite 161  
Lake Oswego, OR 97035

Dear Mr. Zupancic:

Reference is made to your Department of the Army (DA) permit application submitted to the U.S. Army Corps of Engineers (Corps) requesting authorization to construct a private racquet club and discharge fill into waters of the United States. The application has been assigned Corps ID NWP-2008-636.

The comment period for the Public Notice ended June 8, 2009. The issues listed below were raised during the public notice comment period. Please review and provide a written response to these issues.

1. General issues: reduced wetland function, increased wildlife impacts, floodplain concerns, increased runoff, tree removal in uplands, insufficient wetland mitigation, Brown's Ferry Nature Park impacts, local zoning codes, exacerbation of Nyberg Lane flooding, spring impacts, increase use of herbicides and pesticides, increased wildlife mortality due to increased traffic in high wildlife use areas, light pollution, noise pollution, security concerns, and indirect effects to wetlands and a pond east of the site.
  - a. Julie Sepp – adjacent landowner letter (enclosure 1)
  - b. Janice and Bob Dove – adjacent landowner (enclosure 2)
  - c. Douglas Rasmussen – adjacent landowner (enclosure 3)
2. Oregon Department of Environmental Quality (enclosure 4):
  - a. OAR 340-048-0020  
([http://arcweb.sos.state.or.us/rules/OARs\\_300/OAR\\_340/340\\_048.html](http://arcweb.sos.state.or.us/rules/OARs_300/OAR_340/340_048.html)) identifies the required elements for a complete application for 401 Water Quality Certification. Although the applicant has met the requirement for submitting many of the required components through the Joint Permit Application, DEQ requires further information in order to assess water quality concerns with regard to the proposal.



The applicant is required to consider and describe potential water quality impacts which could result from implementing the proposal, evaluate whether the proposal would cause or contribute to violations of each applicable water quality standard adopted pursuant to OAR chapter 340 division 041 ([http://arcweb.sos.state.or.us/rules/OARs\\_300/OAR\\_340/340\\_041.html](http://arcweb.sos.state.or.us/rules/OARs_300/OAR_340/340_041.html)), and identify actions to avoid or mitigate degradation of water quality.

- b. Water Quality listings: Nyberg Creek is tributary to the Tualatin River. The Tualatin River is classified as water quality limited under the Clean Water Act for the parameters of: Flow Modification and Habitat Modification; and has a US Environmental Protection Agency (EPA) approved Total Maximum Daily Load (TMDL) that has been developed for the parameters of: Ammonia; Chlorophyll a; Phosphorus and Temperature. In addition, the Tualatin River is on Section 303(d) list of impaired water bodies for the parameters of: Iron and Manganese, and is listed with potential concern for the parameters of: Alkalinity and Phosphate Phosphorus. Projects that may exacerbate listed parameters are not permissible.
- c. DEQ supports Low Impact Development (LID) opportunities that could be incorporated into the design of this proposal; including infiltration of stormwater and minimizing impervious area run-off. Please refer to the EPA link on these techniques: <http://www.epa.gov/OWOW/nps/lid/>.
- d. Stormwater Management Plan: DEQ requires submittal of a post construction stormwater management plan (SWMP) for determination if proposed stormwater treatment components meet design requirements per an accepted manual. The document is available at: <http://www.deq.state.or.us/wq/sec401cert/docs/stormwaterGuidlines.pdf>. Please include documentation of the party responsible for the operations and maintenance of these treatment facilities. In addition, discuss how off-site stormwater flows and/or waterways are managed through this area; discuss the relationship to the development's stormwater conveyance improvements along Nyberg Road, which may also be a requirement for this development. Furthermore, it is unclear how much of the proposal will be impervious surfaces due to the type of development. Will the outside tennis courts have subsurface drainage, need use of chemicals to maintain grasses, etc. Please describe if this is applicable to the proposal.
- e. DEQ has concern with regards to the proposed stormwater discharges and how this additional water will not degrade existing wetland functions. How will hydrologic impacts be minimized and/or detained to avoid drowning of avoided and mitigated wetlands?

- f. It appears the avoided wetland areas contain a fairly significant area of invasive species (specifically, reed canary grass); however, the proposed mitigation does not address removal or control. How will proposed compensatory mitigation meet functional replacement and long term success if this is outside the scope of the compensatory plan?
- g. The applicant is required to obtain a National Pollutant Discharge Elimination System (NPDES) 1200-C permit. Please contact DEQ Northwest Regional Office at (503-229-5937) for more information. Applicable NPDES permits must be obtained prior to any disturbance taking place.
- h. Lastly, DEQ has received several public comments on this proposal with regards to potential flooding of adjacent properties, along with concerns regarding impacts and proposed mitigation. Therefore, DEQ has attached a copy of these comments for record.
- i. DEQ appreciates the opportunity to provide comments to USACE and DSL on the proposal. DEQ is providing a copy of comments directly to the applicant's representative to facilitate the review process. Please contact me directly to resolve these issues during evaluation of the proposal for 401 Water Quality Certification

The Corps received your response to several issues raised in enclosures 1, 2, and 3 on June 15, 2009. Please respond in writing to each of the unaddressed issues from the Public Notice. Please continue to copy the Corps on formal responses between you and the adjacent landowners and DEQ regarding their issues.

In addition to the issues above, the Corps has the following concern with the project as proposed:

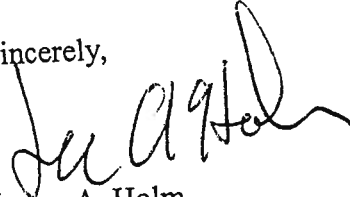
- 2. Please provide the previously requested Cultural Resource Survey Report for the portions of the site that will have native sediments disturbed. Submit one unbound hardcopy and one electronic copy of the report to the Corps.
- 3. Please provide a copy of the City of Tualatin approved site plan.

The above information must be provided for us to complete our public interest review. Any other information you feel may be helpful in order to fully justify the project should also be submitted at this time. Your application will be held in abeyance for 30 days pending receipt of your response. If we do not hear from you within 30 days, we will initiate final action without your response.



Final action may be issuance or denial of your Department of the Army permit application. If you require further information or have any questions regarding this letter, please contact me at the letterhead address or by telephone at (503) 808-4385.

Sincerely,



James A. Holm  
Project Manager, Regulatory Branch

Enclosures

Copy Furnished:

Oregon Department of State Lands (Sarah Kelly)  
Oregon Department of Environmental Quality (Corey Saxon)  
Oregon Department of Fish and Wildlife (Isaac Sanders)  
SWAC Environmental Consultants (Reed) (with enclosures)  
~~Adjacent Property Owner (Julia Sepp)~~  
Adjacent Property Owner (Janice and Bob Dove)  
Adjacent Property Owner (Douglas Rasmussen)

Submitted by Tim  
Thornburg at the  
6/22/09 Council meeting  
under "Citizen Comments"

## CLUB COMPARISONS

CLUB CHARACTERISTICS	STAFFORD HILLS	WEST HILLS	MT. PARK	NOTE
TOTAL CLUB SQ FOOTAGE	100,000			N/A for comp clubs but GM est. not even close
CLUB HOUSE SQUARE FOOTAGE	16,000			
FITNESS AREA SQUARE FOOTAGE	8,000-8600	4,000	1,600	SHR&FC nearly double others combined
NUMBER OF MEMBERSHIPS	?	600	675	
NUMBER OF FITNESS MEMBERS	?	380 (includes pool)	80	
NUMBER OF PARKING SPOTS	120	113	96	Club Sport has approx 480 for 140,000 SQ FT.
NUMBER OF TOTAL EMPLOYEES	30	50	40	
NUMBER OF EMPLOYEES ON SITE @ A TIME	?	15 Winter/25 Summer	15 all season	
NUMBER OF INDOOR COURTS	7	8	9	
NUMBER OF OUTDOOR COURTS	4	6	6	
NUMBER OF TENNIS PRACTICE "ALLEYS"	4	0	0	Not included in our estimated trip projection
POOL	YES	YES	NO	Significant use in traditional summer months
BLOCKS OF COURT TIME	75 min. assumed	75 min.	75 min.	
% OF TIME DOUBLES	80% assumed	80%	80%	
FOOD	safe/cabana/bbq are	deli	snack counter	minimal items served at West Hills and Mt. Park
NUMBER OF SHOWERS	?	6-8 women & 6-8	3 W & 4 M	Indicator of member use.

NOTE: THE JANUARY 6, 2009 ANALYSIS OF MT. PARK AND WEST HILLS WAS DONE WHEN OUTDOOR TENNIS COURTS WERE CLOSED AND THERE WAS MINIMAL USE OF THE POOL AND WEST HILLS. ONE DAY IN THE MIDDLE OF JANUARY SHOULD NOT BE INDICATIVE OF REGULAR CLUB USE.

## IMPACT OF TRAFFIC FLOW BASED ON EXPECTED USE

Estimated trips based on traffic study from April 27th meeting 1017

The above traffic study and trips was based on a faulty methodology we would like to see a new traffic study based on a similar club. A new traffic study will show that the neighborhood impact will significantly "alter the character of the surrounding area" as defined in criteria 4

### More realistic traffic analysis based on some basic facts.

ACTIVITY	EXPECTED TRIPS	BASIS
SINGLES TENNIS	528	132 court turns X 75 min sessions X 2 people per court= 528 trips
80 % Doubles & 20% Singles	952	422 people playing doubles and 54 playing singles during the 132 court turns.
POOL	400	Based on 200 people per day. Conservative based on comparative club feedback and non inclusive of summer sessions and frequent trips by families to drop off and pick up. This is also conservative based on high volume of a more comparable club, Club Sport. This club
TENNIS ALLEY	48	4 Tennis Alleys - We based only 1.5 allies used on average per hour
FITNESS	480	Based on at least 15 visitors an hour in the fitness area
EMPLOYEES	60	Based on 30 employees a day
DELIVERIES	40	Based on estimated food, beverage and parcel deliveries each day (est. 20 vendors a day)
Total estimated trips - Singles Tennis	1556	Increase above presented trips
Total estimated trips - Doubles	1980	Increase above presented trips



## Governance, Leadership and Community Engagement (GLC) Focus Area Report Card

Ed Casey, Focus Area Lead

### Strategy Progress

Number	Description of Vision/Strategy/Action	Lead Partner	Complete	Underway	Ongoing	Not Started
1.1	Regional Policy Discussion	City			✓	
1.2	Bi-County Service Delivery	City			✓	
2.1	Collaborating with Surrounding Cities	City			✓	
3.1	City Budget/Finance Public Awareness	City		✓		
3.2	Limited Taxes Impact Awareness	City				✓
5.1	Employment Enhancement Strategies	City			✓	
5.2	Proactive Hiring and Retention Plan	City			✓	
6.1	Targeted Leadership Recruitment	Chamber			✓	
7.1	City and School Interactions	City/TTSD			✓	
8.1	Annual Council Report	TT VIC	✓		✓	
9.1	Quality of Family/Life	City			✓	
9.2	Family and Youth Programs	City			✓	
9.3	Community Amenities	City		✓		
10.1	Campaign for Civic Engagement	City		✓		
10.2	Neighborhood Associations Network	City				✓
10.3	Neighborhood Night Out	City		✓	✓	
11.1	Community Participation	City			✓	
11.2	Cultural Groups Outreach	City				✓
11.3	Town Center Monument	City				✓
12.1	Website Enhancement	City		✓	✓	
13.1	City Open House	City		✓		
13.2	Council Action Notices	City		✓		
13.3	City Operations and Communications	City		✓		
14.1	Targeted Outreach	City				✓
16.1	Diverse City Staff And Advisory Members	City		✓		
17.1	City Support for Non-English Speakers	City		✓		

**Legend:** TTSD (Tigard-Tualatin School District, **City** (City of Tualatin), **Chamber** (Tualatin Chamber of Commerce) TT VIC (Tualatin Tomorrow Vision Implementation Committee).

# Proclamation

## *Proclamation Declaring the Month of July 2009 as "National Recreation and Parks Month" in the City of Tualatin*

WHEREAS parks and recreation programs provide essential benefits to the Tualatin community by creating opportunities for positive social interaction, facilitating lifelong learning, encouraging a healthy lifestyle, teaching life skills, building family unity, increasing community involvement, promoting cultural diversity and providing places for enjoyment; and

WHEREAS everyone can enjoy parks and recreation programs regardless of age, race, color, religion, gender, or national origin; and

WHEREAS parks and recreation contribute valuable economic benefits by enhancing the desirability of Tualatin as a location for residential housing, business and industry and also thereby increasing property values; and

WHEREAS thousands of Tualatin residents participate in organized recreation, cultural, and senior programs, use park picnic shelters, sports fields and community centers; and

WHEREAS the "July is National Recreation and Parks Month" campaign supports and promotes good mental, physical, and community health through the encouragement of park and recreation activities.

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

All citizens are urged to recognize the importance of our community's parks and recreation facilities and to learn more about how to support the places and programs that provide our community with so many benefits.

The citizens of the City of Tualatin support the National Recreation and Park Association in their recognition of the value of recreation and parks by proclaiming the month of July 2009 as *Recreation and Parks Month*.

INTRODUCED AND ADOPTED this 22<sup>nd</sup> day of June, 2009

CITY OF TUALATIN, OREGON

BY 

Mayor

ATTEST:

BY 

City Recorder



# STAFF REPORT

## CITY OF TUALATIN

Approved By Tualatin City Council  
Date 6-22-09  
Recording Secretary MSmith

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Sherilyn Lombos, City Manager

**DATE:** June 22, 2009

**SUBJECT:** APPROVAL OF THE MINUTES FOR THE WORK SESSIONS AND MEETINGS OF MAY 26, 2009 AND JUNE 8, 2009

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**ISSUE BEFORE THE COUNCIL:**

The issue before the Council is to approve the minutes for the Work Sessions and Meetings of May 26, 2009 and June 8, 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 6-22-09  
Recording Secretary W Smith

## TUALATIN CITY COUNCIL WORK SESSION MINUTES OF MAY 26, 2009

**PRESENT:** Mayor Lou Ogden, Councilors 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; Kent Barker, Chief of Police; Dan Boss, Operations Director; Nancy McDonald, Human Resources Director; Eric Underwood, Development Coordinator; Paul Hennon, Community Services Director; Will Harper, Associate Planner; Colin Cortes, Assistant Planner; Carina Christensen, Assistant to the City Manager; Ginny Kirby, Recording Secretary

**ABSENT:** Chris Barhyte\* [\* denotes excused]

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

### **A. CALL TO ORDER**

Councilor Truax called the meeting to order at 5:06 p.m.  
Mayor Ogden and Councilor Maddux arrived at 5:09 p.m.

***Work Session recessed at 5:07 p.m. to call to order the TDC Work Session.  
Work Session reconvened at 6:05 p.m.***

### **B. CONSENT AGENDA**

The Consent Agenda for tonight's Council meeting was reviewed by Council. City Manager Lombos noted that a proclamation has been added to the Council agenda for tonight under C. Presentations, Announcements, Special Reports.

### **C. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS**

#### ***Review of Tree Regulations – Phase III***

Doug Rux, Community Development Director, Colin Cortes, Assistant Planner. Due to time constraints and the issues on the agenda tonight, this item will be rescheduled for another work session.

#### ***Request from the Homebuilders Association Regarding the Transportation Development Tax (TDT)***

Mike McKillip, City Engineer. Mr. McKillip stated that the homebuilders are feeling they are getting squeezed by the whole current lending process. They are having to compete with an increasing number of homes that are on the foreclosure market; they are looking for some help or relief. The Homebuilders Association (HBA) made a request to Washington County that addressed three major issues: A) consider deferring TDT effective date and/or adjustment to the phasing plan, B) consider adjustments to the "grandfathering" provisions to include approved plats which are currently not being built because of the economy; and C) consider reducing fees for transit oriented development based on the number of trips they are projected to eliminated.



Mr. McKillip distributed a new memorandum. He said the WCCC decided the best avenue to deal with transit oriented development at this time was to discuss the matter with area Planning Directors and then come back with a decision. Regarding the issue of "grandfathering" the WCCC recommended leaving as is. The County is going back to check with their legal counsel to see if there is a mechanism that would trigger a refund. Industrial and commercial is being "grandfathered"; residential is not. There is a concern that they do not want to ever get the TDT below what the TIF is; this would be a phase-in process. This keeps it flat, and then ramps it up over the next few years. Ms. Lombos noted there has been some trouble collecting TIF due to lack of development.

Discussion followed. Council generally agreed with the WCCC TAC recommendation. It was reiterated that the TDT will go into effect on July 1, 2009. Ms. Lombos noted this does not address land use approvals – extension of approvals. Currently they have one year plus the potential of a 6-month extension. It was noted that this could actually stimulate projects now vs. later as it would be a cost-savings.

This subject will come back for a future work session discussion.

***Council Communications & Roundtable***

None.

**D. CITIZEN COMMENTS**

None.

**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**

None.

**I. COMMUNICATIONS FROM COUNCILORS**

Councilor Harris said he will recuse himself from Item F.2. Stafford Hills Racquet Club (CUP-09-01) as his firm has done work on the project.

Councilor Truax noted that the State just released its water quality report; Tualatin River was rated as poor and getting worse. It is the worst rated river in the State.

Councilor Maddux stated that this Saturday, May 30, 2009, the Washington County Commission is hosting a day-long "bring your family out" service event. There will be family volunteer activities all day, a lunch will be served. Councilor Maddux said she will be sending a flyer to everyone.

(I. **COMMUNICATIONS FROM COUNCILORS** cont.)

City Manager Lombos reminded everyone that Saturday, May 30, 2009, is the City's Spring Fling, 10:00 am to 2:00 pm, at the Commons.

**J. EXECUTIVE SESSION**

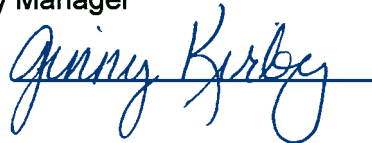
Pursuant to ORS 192.660(2)(d), an executive session to discuss labor relations began at 6:36 p.m.

**K. ADJOURNMENT**

The meeting adjourned at 6:36 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 6-22-09

Recording Secretary W. Smith

## TUALATIN CITY COUNCIL MEETING MINUTES OF MAY 26, 2009

**PRESENT:** Mayor Lou Ogden, Councilors Chris Barhyte (via phone for a portion of the meeting), 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; Kent Barker, Chief of Police; Dan Boss, Operations Director; Paul Hennon; Community Services Director; Don Hudson, Finance Director; Nancy McDonald, Human Resources Director; Will Harper, Associate Planner; Carina Christensen, Assistant to the City Manager; Ginny Kirby, Recording Secretary

**ABSENT:** [\* denotes excused]

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

### **A. CALL TO ORDER**

Mayor Ogden called the meeting to order at 7:03 p.m.  
Councilor Truax led the pledge of allegiance.

### **B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS**

1. *Proclamation Proclaiming Al Turner as "Mr. Patriot" in the City of Tualatin*  
Mayor Ogden noted that Mr. Al Turner is a U.S. Army veteran. Mr. Turner has been a tireless advocate for the VFW and great supporter of Tualatin events, especially those for veterans. Mayor Ogden thanked Mr. Turner for all he does and then read the proclamation.
2. *New Employee Introduction: Brian Miller, Police Officer*  
Kent Barker, Chief of Police, introduced Brian Miller, Tualatin's newest police officer. Brian comes to Tualatin from Grants Pass Department of Public Safety.
3. *Science and Technology Scholarship Recipients*  
Councilor Beikman explained that OKI originally started the Science and Technology Scholarship. This year there are three winners of \$600.00: Anna Hildebrand; Evan Eichelberger; and Dylan Bartholomew. One of the requirements of the scholarship is that the student must attend an Oregon college and major in a technology field. Mayor Ogden congratulated the scholarship recipients.

### **C. CITIZEN COMMENTS**

*Joe Lipscomb, SW Tualatin Road, and Stephen Ricker, SW Ochoco Court.*  
Mr. Ricker stated they are before Council tonight to give a brief summary of what happens at the Juanita Pohl Center. Mr. Ricker is the Steering Committee Chair and Mr. Lipscomb is the Steering Committee Treasurer. Mr. Ricker said they would be submitting

a report to Council at the second meeting of each month, beginning with the April report (which Mr. Ricker distributed to Council – see attached). On average there are five hours of classes at the Center/22 days per month, with an average of 60 people attending classes daily. Loaves & Fishes served 1,322 meals in April; 23 meals per day to people at home through the Meals-on-Wheels program. Mayor Ogden thanked both Mr. Ricker and Mr. Lipscomb for all the work that is being done and activities offered through the Juanita Pohl Center.

**D. CONSENT AGENDA**

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

1. Approval of Minutes for the Work Session and Meeting of May 11, 2009
2. Resolution No. 4884-09 Amending the City of Tualatin Fee Schedule and Rescinding Resolution No. 4877-09
3. Resolution No. 4885-09 Awarding the Bid for the Indian Woods and Indian Meadows Subdivisions Watermain Replacement Project
5. Resolution No. 4886-09 Authorizing Renewal of a Lease for a Portion of the Brown's Ferry Community Center to the Wetlands Conservancy

MOTION CARRIED.

**E. PUBLIC HEARINGS - Legislative or Other**  
None.

**F. PUBLIC HEARINGS - Quasi-Judicial**

1. Industrial Master Plan Request for JAE Oregon, Inc. Property in the Manufacturing Park (MP) Planning District (IMP-09-01)

Mayor Ogden read language required by legislation before a comprehensive plan or land use regulation and opened the public hearing.

Will Harper, Associate Planner, entered the entire staff report into the record. The application is for property on SW Leveton Drive. The primary access is on SW Leveton Drive. Mr. Harper reviewed current and future plans. This does not propose changes to land amounts, building heights, or other requirements. The Engineering Division reviewed the submitted traffic information. Due to required setbacks, the amount of development size would be slightly reduced. In decrease of size, the floor area is reduced and "worst case" scenario for traffic impacts - reduction of over 600 daily average trips. Staff feels with the recommended conditions, the requirements for IMP-09-01 are met. Mr. Harper reviewed the conditions for Council. He did note if any modifications come in that exceed what is currently allowed, they will have to come back to Council for approval. If new access onto Tualatin Road is proposed in

the future, that would have to come back with a traffic evaluation for Council approval.

Staff recommends that Council consider the staff report with conditions and direct staff to prepare a final resolution for approval.

#### PROPONENTS

Kelly Niemeyer, Group Mackenzie, Portland, is here representing JAE. Ms. Niemeyer noted they had worked diligently to meet conditions.

OPPONENTS - None.

#### COUNCIL QUESTIONS

Mayor Ogden asked Ms. Niemeyer about the traffic report and the two accesses shown; he was concerned about how trips would be distributed between the two accesses. The main is the southern access. Ms. Niemeyer said that as part of the future partition, a traffic analysis would be done to determine this. Mr. Harper noted an access is proposed in the northwest corner, which is not a part of the IMP approval. An access would be allowed through the partition process. Terms for evaluation are being set.

Councilor Harris questioned the shared access. Mr. Rux stated that some access issue decisions are made at a staff level, appealable to Council. Councilor Davis questioned if there was a potential project lined up for the parcel; Ms. Niemeyer noted no buyer at this time, this process is queuing up for the eventuality. Further discussion followed regarding access.

Mayor Ogden closed the public hearing.

Council Deliberation – None.

MOTION by Councilor Truax; SECONDED by Councilor Maddux directing staff to prepare a resolution granting approval of IMP-09-01 with the conditions listed in Attachment F. MOTION CARRIED.

2. Conditional Use Permit for the Stafford Hills Racquet & Fitness Club (SHR&F Club) as a Private Club Use and for Additional Building Height in the Low-Density Residential (RL) Planning District at 5916 SW Nyberg Lane (Tax Map 21E19C, Tax Lot 900) (CUP-09-01)

Resolution No. - - - Granting a Conditional Use Permit for the Stafford Hills Racquet & Fitness Club as a Private Club Use and for Additional Building Height in the Low-Density Residential (RL) Planning District at 5916 SW Nyberg Lane (Tax Map 21E19C, Tax lot 900) (CUP-09-01)

***[hearing continued from April 27, 2009]***

*Councilor Barhyte was present for the public hearing via cell phone.*

Councilor Harris recused himself as his company has done some consultant work for this project. Mayor Ogden then continued the public hearing from the April 27, 2009 hearing and immediately closed the public hearing and proceeded to Council Questions.

### COUNCIL QUESTIONS

Councilor Barhyte asked about the references to 75-100 trips per day if there were 372 manufactured homes on the property (packet page 161, top of page) more peak hour trips would be generated. Page 160 subsection 3, if this site and the Brown's Ferry Park site were developed as 372 manufactured homes – more traffic would be generated. Does the 372 homes assume these are on the 5 developable acres or the total 15 acres. For the purpose of this report, the two parcels (5 acres and Brown's Ferry Park) would equal a total of 372 manufactured homes. Councilor Barhyte asked if a developer could appeal to LUBA if the City turns down the racquet ball club; Mr. Rux said this was a difficult question to answer.

Mayor Ogden clarified trips per day if single family. He then asked of the 1,000 average daily trips generated by the racquetball club, how many are a.m. peak and how many are p.m. peak. Mr. Harper clarified that for this site/this development 50 total a.m./100 total p.m.

Discussion followed regarding the conditions and if the applicant meets all criteria, Council is obligated to allow the use. If a decision is made to deny the proposed use, then it must be shown why the criteria are not met. Findings have to be legally defensible.

Councilor Maddux questioned Mr. Rux about the May 4 letter from Zupancic Group. Language of the proposed resolution does not seem to mirror the conditions included in the letter. In May 11<sup>th</sup> hearing, the letter reflected conditions, this resolution has no changes from April 27<sup>th</sup> hearing. Mr. Harper reviewed the 7 additional requirements:

- \* Increased buffer between residential to the east – applicant indicates interest in increasing the buffer space from previously proposed to somewhere between 20- to 25-feet between parking and property lines.

- \* In that same increased buffer space – proposing some type of masonry fence which will serve as a visual and a noise barrier.

- \* Parking layout modifications – change the number of parking stalls, reducing and moving some to the west side of the building, and trying to change center of parking and make it further from residential.

- \* Lighting – committing to a development that has lighting that won't interfere with residential area.

- \* Noise impacts to residential to the east – large open doors to indoor tennis courts will have some limits imposed on door usage.

- \* Proposing to make the tennis building slightly smaller to create more room basically on the west to push the building towards the west and increase the setbacks on the east.

- \* Wildlife habitat impacts – addresses issues previously raised.

#### Council Deliberations

Councilor Davis said she is happy to see the changes that are proposed for moving of the staff parking. There are still concerns that the existing tall vegetation be kept by the masonry fence.

Councilor Barhyte stated he is concerned about the potential noise issues and the impact of early morning or late evening hours. He stated that he understands the “NIMBY” attitude when people bought into an area assuming the open property would most likely be single family residential and now this large project is being proposed.

Discussion followed regarding the term “substantially” and the definition for the purpose of this development. Does this proposed development substantially impair, limit, or preclude the use of the surrounding properties. Councilor Barhyte also questioned how the term is defined. Councilor Maddux questioned the term “use”... does it mean only single family residential as that is what is in this area, does it mean “enjoyment” or does it mean effectively you can still have a home there. More discussion followed regarding terminology and definitions.

Councilor Maddux said this is a very tough call. She must weigh the upwards of 150 jobs that will be created by this proposed development. Also, the recent proposal of a City recreation center that went to the public for a vote and was denied. That did not preclude a developer coming in with private funds and building a facility. Mayor Ogden said from a traffic standpoint, a.m./p.m. peak volumes are not substantially greater than if it were developed as single family residential.

Councilor Truax stated he thinks this may be a great idea, but he feels it is the wrong place for it. He feels it does substantially impair the use of the surrounding area. He feels the overall increase in daily trips is significant; the amount of impervious surface is too great.

MOTION by Councilor Truax, SECONDED by Councilor Barhyte to deny the CUP due to noise pollution to the surrounding neighborhood, light pollution into the surrounding wetlands, increase in traffic in overall trips (not on a.m./p.m. peak) is significant, and increase in impervious surface caused by the building and parking lot is not sufficiently mitigated to protect the wetland.

#### Discussion on Motion

Councilor Maddux said she feels under current code the applicant has met the requirements, legally.

**MOTION FAILED.** *[In Favor: Truax, Barhyte; Opposed: Maddux, Beikman, Davis, Ogden; Recused: Harris]*



MOTION by Councilor Maddux, SECONDED by Councilor Beikman to consider staff report and all supporting attachments, including items submitted into the record which was left open after the April 27, 2009 public hearing on CUP-09-01, and that the attached resolution with the amendments referred to in the May 4, 2009 letter, which would grant CUP-09-01 with the discussed amendments which would allow the private clue use and increase the building height with the proposed conditions.

Discussion on Motion

Councilor Barhyte asked for clarification on which letter contained the additional conditions. It was stated that it was the letter from the applicant dated May 4, 2009.

MOTION CARRIED. [In Favor: Maddux, Davis, Beikman, Barhyte, Ogden; Opposed: Truax; Recused: Harris]

**G. GENERAL BUSINESS**

**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**

None.

**J. EXECUTIVE SESSION**

Pursuant to ORS 192.660(2)(d), an executive session to discuss labor relations was held after work session.

**K. ADJOURNMENT**

The meeting adjourned at 8:55 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.



TUALATIN CITY COUNCIL WORK SESSION MINUTES OF JUNE 8, 2009

PRESENT: Mayor Lou Ogden; Councilors Chris Barhyte, Monique Beikman, Joelle Davis, Jay Harris, and Ed Truax, Sherilyn Lombos [arrived at 5:11 p.m.], City Manager; Brenda Braden, City Attorney; Doug Rux, Community Development Director; Dan Boss, Operations Director; Kent Barker, Police Chief; Don Hudson, Finance Director; Carina Christensen, Assistant to the City Manager; Paul Hennon, Community Services Director; Bob Martin, Parks Maintenance Supervisor; Eric Underwood, Development Coordinator; Maureen Smith, Recording Secretary

ABSENT: Councilor Donna Maddux\* [\* excused]

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

**A. CALL TO ORDER**

The work session began at 4:00 p.m. with the Council attending an open house and tour of the Aquifer Storage and Recovery (ASR) project on 108<sup>th</sup> Avenue.

The remainder of the work session continued beginning at 5:05 p.m.

**B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS**

**1. Water Update**

City Engineer Mike McKillip gave a brief overview of the City's water system. Tualatin purchases water from Portland as part of a ten-year agreement that was entered into in 2006. There is a complicated rate-making process in the agreement, and City Engineer McKillip explained how that process works, particularly the peaking factor. There are 20 wholesalers that gets split up among everyone. Mr. McKillip reviewed the average gallons per day and current peak use. Other jurisdictions in the area except for West Slope and Tualatin, are looking at other water sources.

City Engineer McKillip said also looking to update the City's Water Master Plan with the recent changes that have happened. It was asked about the total capacity that Tualatin can receive and also at buildout. Discussion followed on the projected increase and how it would affect the current pipeline. City Engineer McKillip said there are ways to get to increased capacity without increasing pipe size. Tualatin is running significantly behind projections according to the master plan.

City Engineer McKillip briefly reviewed some of the projects Portland will be doing, such as the decommissioning of the Mt. Tabor reservoirs with another to be constructed at Powell Butte. Also mentioned are some of the surrounding cities' changes in their water sources. Sherwood will be switched over to 100% Willamette River Water by 2012. Tigard will be ready by 2016 for their water source, and have budgeted money for an option with Sherwood. Wilsonville is getting ready to start an expansion of their treatment plant portion of the plant. is planning to go out to bid for a piping system, etc. Council asked if staff could find out the rates Tigard, Sherwood, and Lake Oswego will be charging

2. *Water Management and Conservation Plan*

City Engineer McKillip continued with discussion on water management and conservation. Some issues for consideration is whether Tualatin should adopt a rate structure that increases unit costs as more water is purchased. Also whether to offer rebates to residents for purchase and installation of water efficient appliances. Discussion followed. Landscaping and water conservation was discussed. The other is whether Tualatin should offer technical assistance to large water use customers to audit their water use and identify ways they could reduce usage.

Council asked staff to bring back a program for rebates and technical assistance for anyone who may need it, and to go through a rate study that looks at a tiered rate structure.

3. *Fence Standards – Phase II*

Assistant Planner Cindy Hahn briefly presented information about the existing fence standards. This has also been before the Tualatin Planning Advisory Committee (TPAC), where the vote was unanimous for the proposed changes. Agreement by all Council present of the proposed changes.

4. *Community Arts Enhancement Commendation*

Community Services Director Paul Hennon gave a brief review of this proposal. Brief discussion followed. Council was in agreement with the proposal as presented, by all present.

**C. CITIZEN COMMENTS**

N/A

**D. CONSENT AGENDA**

Council reviewed the Consent Agenda.

3. Resolution No. 4889-09     Awarding the Bid for the Tualatin Interstate 5 / Nyberg Interchange Landscaping Improvements

It was mentioned the City will be receiving funding assistance from ODOT with the landscaping project.

4. Resolution No. 4890-09 Granting a Conditional Use Permit for Stafford Hills Racquet and Fitness Club as a Private Club Use and for Additional Building Height in the Low-Density Residential (RL) Planning District at 5916 SW Nyberg Lane (Tax Map 21E19C, Tax Lot 900) (CUP-09-01)
- 

Councilor Harris noted he will be abstaining from this item as his company has done some work on this project.

Councilor Truax said as is currently presented he will vote "no" when the motion is made for approval of the Consent Agenda items because of this item being on the Consent Agenda. It was suggested and Councilor Truax removed this item from the Consent Agenda to be heard at its regular place on the agenda.

**E. PUBLIC HEARINGS – *Legislative or Other***  
N/A

**F. PUBLIC HEARINGS – *Quasi-Judicial***  
N/A

**G. GENERAL BUSINESS**

1. Resolution No. 4899-09 Approving a Development Agreement Between the City of Tualatin, Tigard-Tualatin School District and Marquis Companies
- 

This item will be moved to be heard before the public hearings portion of the agenda.

**H. ITEMS REMOVED FROM CONSENT AGENDA**  
None.

**I. COMMUNICATIONS FROM COUNCILORS**  
Councilor Harris mentioned the Clackamas County Library District. Discussion followed and Council expressed their frustration with the ongoing discussions on this issue with the County, Council suggested a resolution from Tualatin recommending total funding of the district come from Clackamas County.

**J. EXECUTIVE SESSION**  
None.

**K. ADJOURNMENT**  
The work session adjourned at 6:48 p.m.

Sherilyn Lombos, City Manager

Recording Secretary

  
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# City of Tualatin

[www.ci.tualatin.or.us](http://www.ci.tualatin.or.us)

Approved By Tualatin City Council  
Date 6-22-09  
Recording Secretary M. Smith

## TUALATIN CITY COUNCIL MEETING MINUTES OF JUNE 8, 2009

PRESENT: Mayor Lou Ogden, Councilors Chris Barhyte, Monique Beikman, Joelle Davis, Jay Harris, and Ed Truax; Sherilyn Lombos, City Manager; Brenda Braden, City Attorney; Mike McKillip, City Engineer; Doug Rux, Community Development Director; Dan Boss, Operations Director; Kent Barker, Police Chief; Maureen Smith, Recording Secretary

ABSENT: Councilor Donna Maddux\* [*\* denotes excused*]

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

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

### **A. CALL TO ORDER**

Councilor Davis led the Pledge of Allegiance.

### **B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS**

#### *1. Tualatin Youth Advisory Council Presentation*

Representatives from the Youth Advisory Council (YAC) presented a PowerPoint and gave their annual update of this year's goals and accomplishments and recognizing the departure of the graduating members. The YAC thanked the City Council for all their support this year and all years past. Mayor Ogden recognized and presented a certificate to YAC members present.

#### *2. Library Summer Reading Program*

Library Manager Abigail Elder, Supervisor Tudy Schiveley, and Children's Librarian Jaime Thoresen presented a PowerPoint on the Library's summer reading program and the various activities. The program began June 1<sup>st</sup> and the theme is "Be Creative", and participation is already up 55% from last year. The Library is challenging the community to read 10,000 books. Adults have also been included in the summer reading program. For more information visit the City's website at [www.ci.tualatin.or.us](http://www.ci.tualatin.or.us).

#### *3. "Quiet Zone" Update*

City Engineer Mike McKillip gave an update on the "quiet zone" project. TriMet has entered into an agreement with consultant CH2M Hill to take the City through the planning and process, and the Intergovernmental Agreement (IGA) for WES train horn noise mitigation with TriMet and Washington County is on this evening's agenda. Also noted was the field review that took place on June 5, 2009. There will be a preliminary report back to Council at the July 13, 2009 meeting for Council direction. City Manager Sherilyn Lombos also mentioned her recent trip to Washington DC and meetings she had with congressional leaders on this issue.

**C. CITIZEN COMMENTS**

None.

**D. CONSENT CALENDAR**

Item D-4 was removed from the Consent Agenda at work session by Councilor Truax. Item D-9 was removed in its entirety from the Council Agenda to be placed on a later agenda.

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

1. Resolution No. 4887-09 Certifying City of Tualatin Municipal Services
2. Resolution No. 4888-09 Amending Sewer and Surface Water Management Rates Inside the City of Tualatin and Rescinding Resolutions 4681-07, 4682-07, and 4806-08
3. Resolution No. 4889-09 Awarding the Bid for the Tualatin Interstate 5 / Nyberg Interchange Landscaping Improvements
5. Resolution No. 4891-09 Authorizing a Request for a Revocable License from Washington County to Allow Installation of Photo Red Light Cameras on County Owned Intersections
6. Resolution No. 4892-09 Authorizing an Intergovernmental Agreement with TriMet and Washington County Regarding WES Train Horn Noise Mitigation
7. Resolution No. 4893-09 Authorizing the City to Administer the Washington County Transportation Development Tax Within the City of Tualatin
8. Resolution No. 4894-09 Authorizing the Mayor and Recorder to Sign an Intergovernmental Agreement for Administration of the Countywide Transportation Development Tax (TDT) and Transportation Impact Fee (TIF)
10. Resolution No. 4895-09 Resolution Approving Quitclaim of a Temporary Construction Easement at 18810 SW Boones Ferry Road
11. Resolution No. 4896-09 Approving Quitclaim of an Easement for Utility Lines on Property Located at 18810 SW Boones Ferry Road
12. Community Involvement Committee Appointments
13. Resolution No. 4897-09 Approving an Industrial Master Plan in a Manufacturing Park (MP) Planning District at 11555 SW Leveton Drive (IMP-09-01)

MOTION CARRIED.

**H. ITEMS REMOVED FROM CONSENT AGENDA (*Moved to this portion of the 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.*

4. Resolution No. 4890-09 Granting a Conditional Use Permit for Stafford Hills Racquet and Fitness Club as a Private Club Use and for Additional Building Height in the Low-Density Residential (RL) Planning District at 5916 SW Nyberg Lane (Tax Map 21E19C, Tax Lot 900) (CUP-09-01)
- 

This item was removed from the Consent Agenda at work session.

Councilor Harris noted his abstention, and Councilor Truax said he will be voting "no" on the resolution.

MOTION by Councilor Beikman, SECONDED by Councilor Davis to adopt the resolution approving CUP-09-01. MOTION CARRIED. [Vote: 4-1-1-1; YES – Ogden, Barhyte, Beikman, Davis; NO - Truax; Harris Abstain; Maddux Absent]

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

1. Resolution No. 4898-09 Public Hearing to Consider a Resolution Declaring the City's Election to Receive State Revenue Sharing Funds During Fiscal Year 2009-10
- 

Finance Director Don Hudson presented the staff report and briefly explained the state revenue sharing funds the city receives from the State.

MOTION by Councilor Truax, SECONDED by Councilor Barhyte to adopt the resolution declaring the City's election to receive state revenue sharing funds during fiscal year 2009/10. MOTION CARRIED.

**G. GENERAL BUSINESS (*Moved to this portion of the agenda*)**

1. Resolution No. 4899-09 Approving a Development Agreement Between the City of Tualatin, Tigard-Tualatin School District and Marquis Companies

Community Development Director Rux presented the staff report and entered the entire staff report into the record and noted this is not a public hearing. This is to approve a Non-Statutory Development Agreement for development of a senior living project on a portion of the former Tualatin Elementary School site located on SW Boones Ferry Road.

Staff recommends Council adopt the resolution approving a development agreement between the City of Tualatin, Tigard-Tualatin School District, and Marquis Companies.

MOTION by Councilor Barhyte, SECONDED by Councilor Harris to adopt the resolution as presented in the staff report and approve the Development Agreement between the City of Tualatin, Tigard-Tualatin School District and Marquis Companies for development of a senior living project on a portion of the former Tualatin Elementary School site MOTION CARRIED. [Vote: 6-0-1; Maddux Absent]



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

1. Ordinance No. 1284-09 Changing the Planning District Designation from Low-Density Residential (RL) to Medium Low-Density (RML) at 19945 SW Boones Ferry Road, and Amending the Community Plan Map 9-1 (PMA-09-01)
- 

Mayor Ogden read language required by legislation before a comprehensive plan or land-use regulation [ORS 197.765(5) and (6)] and opened the public hearing.

No bias or ex parte contact noted. Mayor Ogden noted a brief conversation with Community Director Rux on an issue about the project, of which Councilor Barhyte was also present.

Associate Planner Will Harper presented the staff report and entered the entire staff report into the record. The application is to change the planning district designation from Low-Density Residential (RL) to Medium-Low Density (RML) Residential at 19945 SW Boones Ferry Road, and amending the Community Plan Map 9-1. If approved, the developer will submit a conditional use permit, and next step would be the architectural review process. The Tualatin Planning Advisory Committee (TPAC) voted 6-0 to recommend Council approve PMA-09-01.

**PROPOSERS**

*Scott Miller of Marquis Companies Inc.* 4560 SW International Way, Suite 100, Milwaukie, Oregon, and *Kristen Van Loo, of Emerio Design*, 6107 SW Murray Boulevard, Suite 147, Beaverton, Oregon, were present and said staff has done an admirable job presenting the information and have worked with all in the recent months to put this together. Ms. Van Loo noted they are available to answer any questions Council may have.

Yvonne Addington, president of the Tualatin Historical Society, noted the Historical Society is in support of the application of *only* the Marquis Companies development. Ms. Addington said while they were not supportive of the demolition, the project has proceeded to this point and the Historical Society has been meeting with Mr. Miller from Marquis to discuss what can be done to preserve some of the materials on site. It has been positive, supportive and helpful discussions.

**OPPOSERS**

None.

**COUNCIL DISCUSSION**

Discussion on traffic counts and anticipated levels of service for the area, mostly at Sagert and Boones Ferry Road. A question on the AM peak use showing increase/decrease of levels was discussed and Ms. Van Loo explained the analysis and how it plays out during AM peak time. A concern expressed is the future reuse of that property that could happen and the lower trip counts for multi-density and whether local data could be used. Ms. Van Loo said she did not know if there is any local data, but the International Traffic Engineers (ITE) manual has been used for this data.

Mr. Miller of Marquis said they have spent a considerable amount of time looking at the concept of this building, and it is specifically designed for seniors with the hope of operating for many years to come.

It was asked by staff if there would be a way to proceed with the development without rezoning the site. Community Development Director Rux said he did not have an absolute answer to give, and went on to explain what could be done and whether another approach would be less than desirable. Some type of overlay district could be considered, but it would have some of the same consequences as the other.

There was continued concern expressed of what could happen if the development by Marquis would no longer be for retirement use. Discussion followed. It was asked and answered that this application is on the 52<sup>nd</sup> day of the 120-day requirement.

Mayor Ogden closed the public hearing.

#### COUNCIL DELIBERATIONS

MOTION by Councilor Barhyte, SECONDED by Councilor Harris to approve the staff report and supporting attachments, granting PMA-09-01.

#### Discussion on Motion

Councilor Beikman said she believes this development is something that is needed in Tualatin and was brought up as part of the "Tualatin Tomorrow" visioning process.

Councilor Harris said he is in favor of the project, even though he did vote against the demolition permit, and he is happy issues have been worked out between the developer and the Tualatin Historical Society.

Councilor Davis agreed with Councilor Harris, and as project develops, suggested Marquis considers a variety of income levels as part of the senior housing.

Mayor Ogden said he will not support this as he is not in favor of upzoning the property, but he is supportive of the "project". He suggested the project could be approached in a different way.

Councilor Barhyte said he is in favor of the project and upzoning the property, and noted there is a development agreement in place, and questioned whether taking a different approach, as mentioned by Mayor Ogden, would work any better.

It was asked and answered that the suggestion of taking a different approach to the zoning of the property would require a plan map amendment and a minimum of three to four months time.

Councilor Harris agreed with Councilor Barhyte's comment and said it works a lot better within the process that Council is given.

MOTION CARRIED. [Vote: 5-1; YES – Barhyte, Beikman, Davis, Maddux, Truax; NO - Ogden]

**I. EXECUTIVE SESSION**

None.

**J. COMMUNICATIONS FROM COUNCILORS**

None.

**K. ADJOURNMENT**

MOTION by Councilor Barhyte, SECONDED by Councilor Harris to adjourn the meeting at 8:35 p.m. MOTION CARRIED.

Sherilyn Lombos, City Manager

Recording Secretary *Maureen Smith*



# STAFF REPORT

## CITY OF TUALATIN

Approved By Tualatin City Council  
Date 6-22-09  
Recording Secretary M. Smith

**TO:** Honorable Mayor and Members of the City Council

**THROUGH:** Sherilyn Lombos, City Manager *SL*

**FROM:** Michael A. McKillip, City Engineer *McKillip*  
Jon L. Sparks, Engineering Technician II *JLS*

**DATE:** June 22, 2009

**SUBJECT:** RESOLUTION ACCEPTING PUBLIC IMPROVEMENTS  
FOR JC VENTURES

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### ISSUE BEFORE THE COUNCIL:

Acceptance of public improvements constructed in association with JC Ventures, located at 12620-12670 SW Leveton Drive.

### RECOMMENDATION:

Staff recommends that the Council adopt the attached resolution approving and accepting the constructed public improvements.

### EXECUTIVE SUMMARY:

All public improvements were constructed as part of JC Ventures.

The improvements were done as required by the Public Facilities Decision issued on July 10, 2007, and have been satisfactorily completed.

### FINANCIAL IMPLICATIONS:

There are minor impacts on utility funds as a result of this work. Costs to be paid by ratepayers.

**Attachments:** A. Resolution

RESOLUTION NO. 4900-09

RESOLUTION ACCEPTING PUBLIC IMPROVEMENTS  
CONSTRUCTED FOR JC VENTURES

WHEREAS the City of Tualatin, hereinafter referred to as CITY, issued Russell Construction, Inc., hereinafter referred to as DEVELOPER, Public Works Construction Permit No. 07-20 to install a domestic water service, fire line, sanitary sewer connection and commercial drive in association with JC Ventures, said improvements being required by Section IX of CITY Subdivision Ordinance No. 176-70 and the Public Facilities Decision issued on July 10, 2007; and

WHEREAS DEVELOPER has constructed said required public improvements to standards required by CITY, and now desires to have CITY accept said improvements; and

WHEREAS CITY staff has inspected and recommends approval and acceptance of all public improvements; and

WHEREAS it is in the public interest that CITY accept said improvements.

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

Section 1. That the subject improvements are hereby approved and accepted by the CITY.

INTRODUCED AND ADOPTED this 22nd day of June, 2009.


CITY OF TUALATIN, OREGON

By \_\_\_\_\_  
Mayor

ATTEST

By \_\_\_\_\_  
City Recorder

Approved as to Form:

  
City Attorney

Resolution No. 4900-09



# STAFF REPORT

## CITY OF TUALATIN

Approved By Tualatin City Council  
Date 6-22-09  
Recording Secretary MSM

**TO:** Honorable Mayor and Members of the City Council

**THROUGH:** Sherilyn Lombos, City Manager *SL*

**FROM:** Nancy McDonald, Human Resources Director *NM*

**DATE:** June 22, 2009

**SUBJECT:** RESOLUTION AUTHORIZING POLICE MANAGEMENT SALARY SCHEDULE ADJUSTMENTS AND BENEFIT CHANGES FOR THE CITY'S MANAGEMENT, PROFESSIONAL AND CONFIDENTIAL STAFF FOR FISCAL YEAR 2009-10

---

### ISSUE BEFORE THE COUNCIL:

The City Council is to consider a salary adjustment for sworn employees in Police Management and benefits changes for management, professional and confidential staff.

These changes will provide consistency of management compensation packages based on the increases contained in the collective bargaining agreements of the Tualatin Employees Association and the Tualatin Police Officers Association.

### RECOMMENDATION:

Staff recommends the City Council adopt the attached Resolution.

### EXECUTIVE SUMMARY:

Section 1 of the Resolution proposes that the Police Management Salary Schedule and each sworn management employees rate of pay be increased by 4.7%. This is comparable to the negotiated increase for the Tualatin Police Officers Association. This increase will allow the City to maintain the appropriate pay distinction between sworn police management and sworn police officers.

Section 2 of the Resolution would adjust the City's contribution to management health insurance premiums as we have done in past years to be consistent with the rates contained in the Tualatin Employees Association Collective Bargaining Agreement. Any amount exceeding the City's contribution will be the responsibility of the employee.

### FINANCIAL IMPLICATIONS:

Provisions of the salary schedule adjustment including individual salary increases for sworn members of Police management and adjustments to the management health insurance premium contribution are incorporated in the FY 2009-10 budget.

**Attachments:** Resolution

RESOLUTION NO. 4901-09

RESOLUTION AUTHORIZING POLICE MANAGEMENT SALARY  
SCHEDULE ADJUSTMENTS AND BENEFIT CHANGES FOR THE  
CITY'S MANAGEMENT, PROFESSIONAL AND CONFIDENTIAL STAFF  
FOR FISCAL YEAR 2009-10

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

Section 1. Effective July 1, 2009, the Police Management Salary Schedule shall be increased by a 3.7% cost of living allowance and a 1% market adjustment with the pay rates for sworn management employees adjusted accordingly. This increase is consistent with the increase contained in the Tualatin Police Officers Association Collective Bargaining Agreement.

Section 2. Effective July 1, 2009 the City shall adjust the employer's tiered contribution to management health insurance premiums to be consistent with the contribution rates contained in the Tualatin Employee's Association Collective Bargaining Agreement. Any amount exceeding the employer's contribution will vary depending upon individual selection and is the responsibility of the employee.

INTRODUCED AND ADOPTED this 22<sup>nd</sup> day of June, 2009.

CITY OF TUALATIN, OREGON

BY \_\_\_\_\_

Mayor

ATTEST:

BY \_\_\_\_\_

City Recorder

APPROVED AS TO LEGAL FORM

Brenda K. Braden  
CITY ATTORNEY





# STAFF REPORT CITY OF TUALATIN

Approved By Tualatin City Council  
Date 6-22-09  
Recording Secretary W. Smith

**TO:** Honorable Mayor and Members of the City Council

**THROUGH:** Sherilyn Lombos, City Manager *SL*

**FROM:** Nancy McDonald, Human Resources Director *NM*

**DATE:** June 22, 2009

**SUBJECT:** RESOLUTION APPROVING AND AUTHORIZING THE  
PROVISION OF WORKERS' COMPENSATION INSURANCE  
COVERAGE TO VOLUNTEERS AND REPEALING RESOLUTION  
NO. 4803-08

---

## ISSUE BEFORE THE COUNCIL:

The City of Tualatin will provide for workers' compensation insurance coverage to classes of volunteer workers for policy year 2009-2010.

## RECOMMENDATION:

Staff recommends the City Council adopt the attached resolution approving and authorizing the provision of workers' compensation insurance coverage to volunteers of the City of Tualatin and repeal Resolution No. 4803-08.

## EXECUTIVE SUMMARY:

The City Council wishes to protect its volunteers from injuries arising out of, or in the scope of, their service to the City. The City elects, pursuant to ORS 656.031 to provide workers' compensation insurance coverage to volunteers listed on the electronically submitted CIS Volunteer Election form.

**Attachments:** Resolution

RESOLUTION NO. 4902-09

RESOLUTION APPROVING AND AUTHORIZING THE  
PROVISION OF WORKERS' COMPENSATION INSURANCE  
COVERAGE TO VOLUNTEERS OF THE CITY OF  
TUALATIN AND REPEALING RESOLUTION NO. 4803-08

WHEREAS the City of Tualatin elects the following:

WHEREAS pursuant to ORS 656.031, workers' compensation coverage will be provided to the classes of volunteer workers listed on the electronically submitted CIS Volunteer Election form; and

WHEREAS an assumed monthly wage of \$800 per month will be used for public safety volunteers; and

WHEREAS non-public safety volunteers will keep track of their hours and have their assumed payroll reported in the correct class code for the type of work being performed using Oregon minimum wage; and

WHEREAS court-mandated community service workers/inmates on work release may be covered for workers' compensation benefits by the sentencing court. Coverage will be determined prior to work inception and stipulated to in writing between the City of Tualatin and the respective sentencing court. Court-mandated volunteers will keep track of their hours and have their assumed payroll reported in Class Code 7720V using Oregon minimum wage; and

WHEREAS a roster of active volunteers will be provided to City/County Insurance Services (CIS) for their use during year-end audit; and

WHEREAS unanticipated volunteer projects or exposure not addressed herein will be added onto the City of Tualatin's coverage agreement (1) by endorsement, (2) with advance notice to CIS, and (3) allowing two weeks for processing. It is hereby acknowledged that coverage of this type cannot be backdated.

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

Section 1. The City of Tualatin provide for workers' compensation insurance coverage as indicated above for Policy Year 2009-2010.

Section 2. This resolution repeals Resolution No. 4803-08, dated June 23, 2008.

INTRODUCED AND ADOPTED this 22<sup>nd</sup> day of June, 2009.

CITY OF TUALATIN, OREGON

BY

\_\_\_\_\_  
Mayor

ATTEST:

BY

  
\_\_\_\_\_  
City Recorder

APPROVED AS TO LEGAL FORM

  
\_\_\_\_\_  
CITY ATTORNEY




# STAFF REPORT

## CITY OF TUALATIN

Approved By Tualatin City Council  
Date 6-22-09  
Recording Secretary W. Smith

**TO:** Honorable Mayor and Members of the City Council

**THROUGH:** Sherilyn Lombos, City Manager 

**FROM:** Nancy McDonald, Human Resources Director

**DATE:** June 22, 2009

**SUBJECT:** RESOLUTION RATIFYING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF TUALATIN AND THE TUALATIN EMPLOYEES ASSOCIATION AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

---

### ISSUE BEFORE THE COUNCIL:

The City Council is respectfully requested to approve ratification of a successor collective bargaining agreement between the City of Tualatin and the Tualatin Employees Association (TEA). This is a one-year agreement, which will become effective July 1, 2009 and be in effect until June 30, 2010.

### RECOMMENDATION:

Staff recommends the City Council adopt the attached Resolution.

### EXECUTIVE SUMMARY:

There is no cost of living adjustment to TEA classification pay ranges and merit step increases are suspended for the duration of this contract.

The City's tiered monthly contribution toward the cost of health insurance premium rates has been increased a maximum of \$59.18 depending upon the employees level of coverage and choice of providers. Premiums in excess of the City's tiered maximum contribution will be paid by the employee.

### FINANCIAL IMPLICATIONS:

Provision for adjustment to the health insurance premium contribution is incorporated in the FY 2009-10 budget.

**Attachments:** A. Resolution

RESOLUTION NO. 4903-09

A RESOLUTION RATIFYING A COLLECTIVE BARGAINING  
AGREEMENT BETWEEN THE CITY OF TUALATIN AND THE TUALATIN  
EMPLOYEES ASSOCIATION AND AUTHORIZING THE CITY  
MANAGER TO EXECUTE THE AGREEMENT

WHEREAS at the May 26, 2009 City Council meeting the Council gave its tentative approval of the terms of the labor agreement, covering the year July 1, 2009 through June 30, 2010, between the City of Tualatin and the Tualatin Employees Association.

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


Section 1. The Council formally expresses its approval and agreement to the labor agreement, covering the year July 1, 2009 through June 30, 2010, between the City and the Tualatin Employees Association.

Section 2. The Council authorizes the City Manager to sign and execute the agreement.

Section 3. A copy of the signed and executed collective bargaining agreement will be available from the Human Resources Director, as well as from the official City of Tualatin web site.

INTRODUCED AND ADOPTED this 22<sup>nd</sup> day of June, 2009.

CITY OF TUALATIN, OREGON

BY   
Mayor

APPROVED AS TO LEGAL FORM

  
CITY ATTORNEY

ATTEST:

BY   
City Recorder



# STAFF REPORT

## CITY OF TUALATIN

Approved By Tualatin City Council

Date

6-22-09

Recording Secretary

*[Signature]*

**TO:** Honorable Mayor and Members of the City Council

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

**FROM:** Michael A. McKillip, City Engineer *[Signature]*  
Kaaren Hofmann, Civil Engineer *[Signature]*

**DATE:** June 22, 2009

**SUBJECT:** RESOLUTION AWARDING THE BID FOR THE  
BLUE LOT PEDESTRIAN BRIDGE

---

### ISSUE BEFORE THE COUNCIL:

Awarding the Blue Lot Pedestrian Bridge project to Civil Construction Company, Inc.

### RECOMMENDATION:

Staff recommends that the Council adopt the attached resolution awarding the Blue Lot Pedestrian Bridge project and authorizing the Mayor to execute a contract with Civil Construction Company, Inc. in the amount of \$139,893.00.

### EXECUTIVE SUMMARY:

- The budget contains a project to replace the existing culvert in Hedges Creek between the Blue Parking Lot and Community Park.
- The new bridge will allow for fish passage and will allow increased storm drainage capacity through this location.
- The Invitation to Bid was published in the *Daily Journal of Commerce* on May 26 and June 2, 2009.
- The bids for this project were opened on Thursday, April 23, 2009, at 2:30 p.m. Eight bidders responded as follows:

Civil Construction Company, Inc.	\$ 139,893.00
JP Contractors, Inc.	\$ 142,425.00
Todd Construction	\$ 157,728.20
Triad Mechanical, Inc.	\$ 159,891.43
TEK Construction Inc	\$ 215,534.92

- The Engineer's Estimate for the work was \$156,075.70
- The lowest responsible bidder is Civil Construction Company, Inc. at \$139,893.00.

**OUTCOMES OF DECISION:**

Awarding of the contract will result in the following:

1. Construction of the proposed project will provide the following:
  - a. A new pedestrian crossing over Hedges Creek between the Blue Parking Lot and Community Park.
  - b. Increased fish passage through the bridge vs. the existing culvert.

Not awarding the contract will result in the following:

1. All work on the project will stop.

**FINANCIAL IMPLICATIONS:**

Funds are available for this project in the Storm System Development Charge Fund.

---

**Attachments:**      A. Resolution

RESOLUTION NO. 4904-09

RESOLUTION AWARDING BID FOR THE BLUE LOT  
PEDESTRIAN BRIDGE

WHEREAS the project was advertised in the *Daily Journal of Commerce* on May 26 and June 2, 2009; and

WHEREAS five proposals were received prior to the close of the bid period on June 9, 2009; and

WHEREAS Civil Construction Company, Inc. submitted the lowest responsible bid for the project in the amount of \$139,893.00; and

WHEREAS there are funds available for this project in the Storm System Development Charge Fund.

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

Section 1. The contract is awarded to Civil Construction Company, Inc.

Section 2. The Mayor and City Recorder are authorized to execute a contract with Civil Construction Company, Inc. in the amount of \$139,893.00.

Section 3. The City Engineer is authorized to execute Change Orders totaling up to 10% of the original contract amount.

INTRODUCED AND ADOPTED this 22<sup>nd</sup> day of June, 2009.

CITY OF TUALATIN, OREGON

By \_\_\_\_\_  
Mayor

APPROVED AS TO LEGAL FORM

  
CITY ATTORNEY

ATTEST:

By \_\_\_\_\_  
City Recorder

Resolution No. 4904-09





# STAFF REPORT

## CITY OF TUALATIN

Approved By Tualatin City Council  
Date 6-22-09  
Recording Secretary [Signature]

**TO:** Honorable Mayor and Members of the City Council

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

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

**DATE:** June 22, 2009

**SUBJECT:** CHANGES TO THE ADOPTED 2008-2009 BUDGET

---

### ISSUE BEFORE THE COUNCIL:

Proposed changes to the adopted 2008-2009 budget.

### RECOMMENDATION:

Staff recommends adopting the attached Resolution.

### EXECUTIVE SUMMARY:

Occasionally, it 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.

Transfers out of Contingency in the General Fund for unanticipated travel for the Mayor and Council are proposed in the attached resolution.

### OUTCOMES OF DECISION:

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

**FINANCIAL IMPLICATIONS:**

The net effect to the General Fund is zero, as it is simply a transfer of an already approved appropriation.

**Attachments:**      A. Resolution

RESOLUTION NO. 4905-09

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 in order to lawfully comply with the requirements of Local Budget Law, a transfer of appropriations is necessary; and

WHEREAS Oregon Revised Statutes (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.

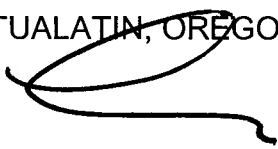
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

Section 1. The City Council wishes to comply with Local Budget Law and transfer existing appropriations within the same fund; and

Section 2. An appropriation transfer should be made decreasing General Fund Contingency (001-1990-511.97-01) by \$6,000 and increasing Conferences and Meetings – Mayor (001-1010-511.52-02) by \$5,000 and Conference and Meetings – Council (001-1010-511.52-02) by \$1,000.

INTRODUCED AND ADOPTED this 22nd day of June, 2009.

CITY OF TUALATIN, OREGON

BY  \_\_\_\_\_  
Mayor

APPROVED AS TO LEGAL FORM

  
CITY ATTORNEY

ATTEST:

BY  \_\_\_\_\_  
City Recorder

Resolution No. 4905-09



Approved By Tualatin City Council  
Date 6-22-09  
Recording Secretary W. Smith

## STAFF REPORT CITY OF TUALATIN

**TO:** Honorable Mayor and Members of the City Council

**THROUGH:** Sherilyn Lombos, City Manager *SL*

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

**DATE:** June 22, 2009

**SUBJECT:** AUTHORIZATIONS FOR THE 2009 CRAWFISH FESTIVAL

---

### ISSUE BEFORE THE COUNCIL:

The Council will consider authorizing the use of City resources and facilities by the Chamber of Commerce for its annual Crawfish Festival.

### RECOMMENDATIONS:

Staff recommends that the Council authorize the use of City resources and facilities as outlined in the Executive Summary (below).

### EXECUTIVE SUMMARY:

The theme for the 59<sup>th</sup> Annual Crawfish Festival is "A Wild, Wild Fest" in honor of Oregon's 150 anniversary. This year's event will be open to the public Friday, August 7 through Sunday, August 9, 2009.

Linda Moholt, Chief Executive Officer of the Tualatin Chamber of Commerce, has submitted the 2009 Crawfish Festival proposal. The proposal requests of the City the following:

*Use of Parks and Park Facilities* – The Chamber requests all day use of all areas of Tualatin Community Park from Thursday, August 6 through Sunday, August 9, 2009 (including the Van Raden Community Center and Senior Center on Saturday, August 9). They also request all day use of the Tualatin Commons on Friday, August 7 and Saturday, August 8, 2009. Council authorization gives the Chamber of Commerce the ability to program these spaces, including the ability to exclude some users, during these times. See Attachment A.

## STAFF REPORT: AUTHORIZATIONS FOR THE 2009 CRAWFISH FESTIVAL

June 22, 2009

Page 2 of 3

*Use of the City's Parking Lots* – The Chamber requests the use of all core area parking lots from Friday, August 7 through Sunday, August 9, 2009. They also request the use of 50 spaces in the police parking lot for their volunteers to park in on Saturday, August 8, 2009 as they have done in previous years. See Attachment B.

*Road Closures* - The Chamber requests road closures for the parade and the Crawfish Crawl 5k race/walk. The parade route will necessitate temporary closures of S.W. Martinazzi Avenue, S.W. Seneca Street, S.W. Nyberg Street, S.W. Lower Boones Ferry Road, S.W. 84<sup>th</sup> Avenue on the morning of Saturday, August 8, 2009 between the hours of 9:30 a.m. and 11:30 a.m. The Crawfish Crawl route will necessitate temporary closures of S.W. Seneca Street, S.W. 84<sup>th</sup> Avenue, S.W. Boones Ferry Road, and S.W. Tualatin Road on the morning of Saturday, August 8, 2009 between the hours of 7:30 a.m. and 9:00 a.m. See Attachment C.

*Financial Assistance* – The Chamber requests a donation of \$5,000.00 to help support the event.

*Alcohol* – The Chamber requests that they be allowed to have alcohol service at the Crawfish Cook-off at the Tualatin Commons on Friday, August 7, 2009 and also in the beer garden in Tualatin Community Park on Saturday, August 8, 2009.

*Signage* – The Chamber requests permission to have a Crawfish Festival banner hung on the City's sign holder on Tualatin-Sherwood Road and on the light poles along S.W. Lower Boones Ferry Road from July 6, 2009 to August 9, 2009. They also request permission to place directional signs on public property to manage vehicle traffic coming to and from events.

*Utilities* – The Chamber requests that the City donate the use of water and electricity at Tualatin Community Park and Tualatin Commons on Friday, August 7 through Sunday, August 9, 2009.

*Staff Time* – The Chamber requests that City donate the time and materials for staff to plan for the events, prepare the sites, hang banners, remove trash, and other work as necessary to support the operation of the events. See Attachment D for Schedule and Events.

**OUTCOMES OF DECISION:**

If the City Council accepts the proposal as presented the Chamber of Commerce will use City resources and facilities for its annual Crawfish Festival as set forth in the Executive Summary. The Parks and Recreation Coordinator will continue to act as the City's liaison to the Chamber of Commerce to facilitate the execution of the authorized proposal, establish functional conditions of approval, monitor compliance with conditions of approval, and ensure the City's parks and facilities are properly used.

**FINANCIAL IMPLICATIONS:**

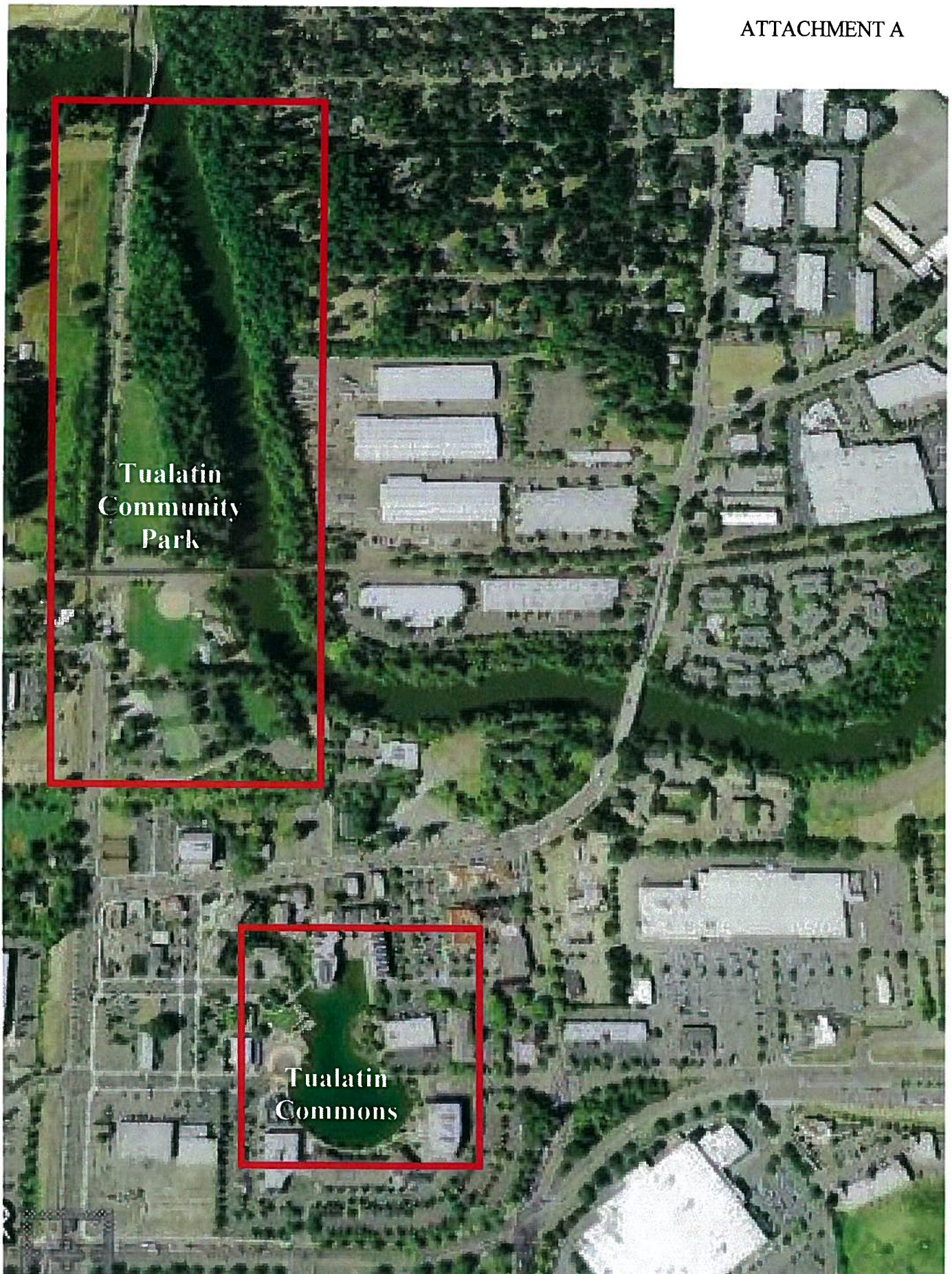
The City will donate many hours of employee time, the cost of small improvements and upgrades to the park system, the cost of electricity and water, and forego rental revenue from park rentals to accommodate the Crawfish Festival. The City is also being asked for a \$5,000 donation.

The City has budgeted for the \$5,000 contribution to the Crawfish Festival and other in-kind support requested of the City.

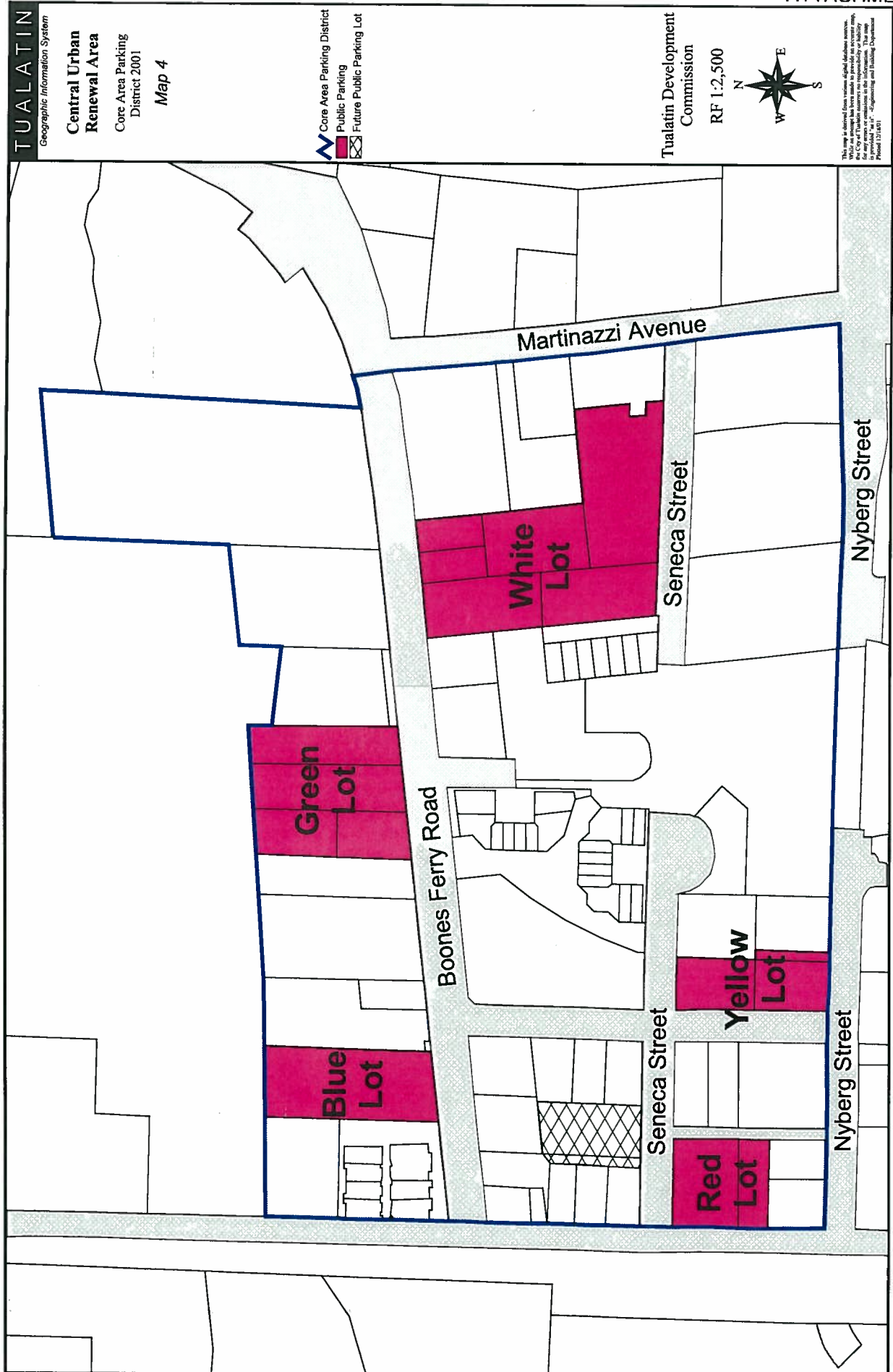
C: Linda Moholt, Chief Executive Officer, Tualatin Chamber of Commerce  
Department Heads

Attachments:      A. Central City Map  
                         B. Parking Lot Map  
                         C. Road Closure Maps  
                         D. Schedule



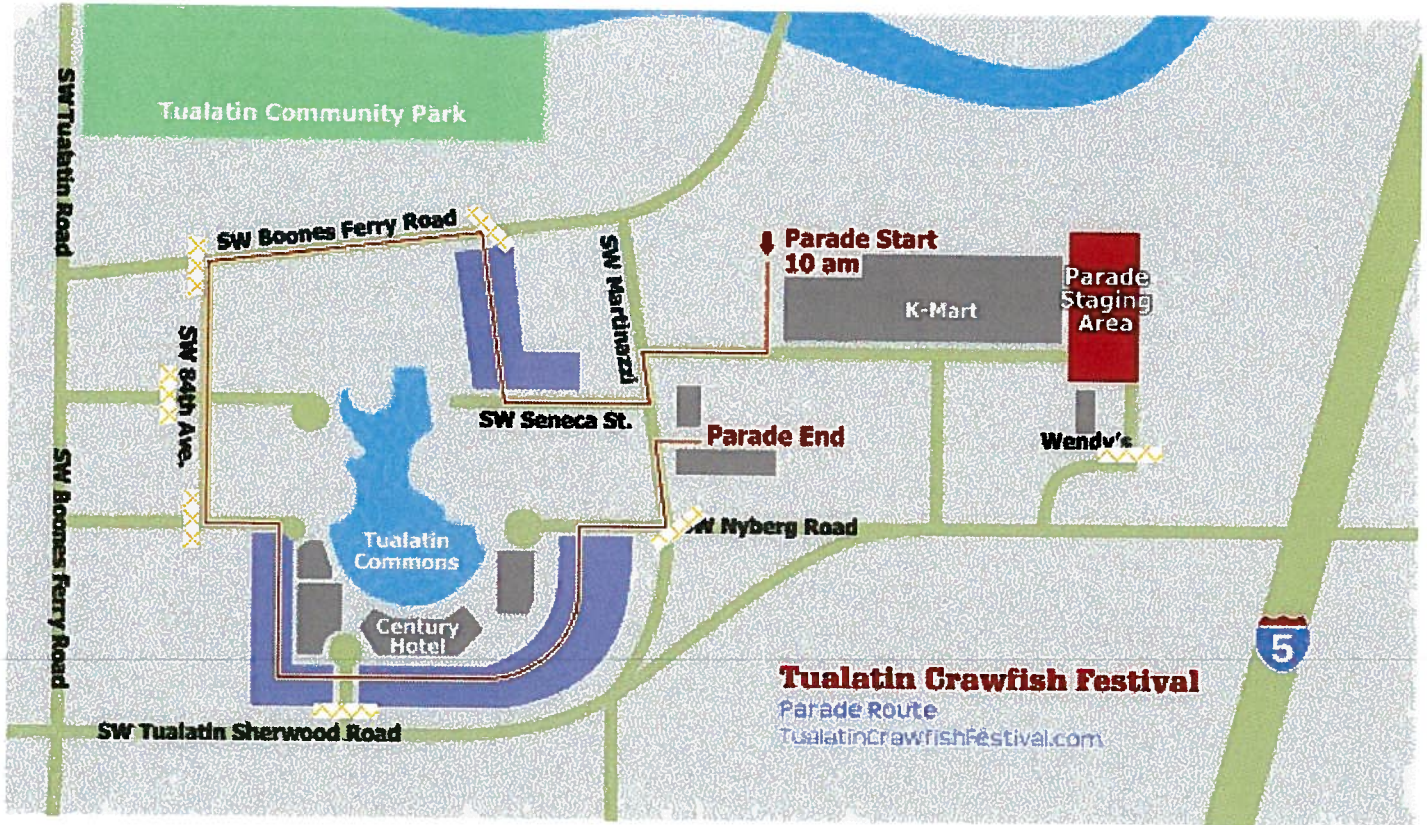




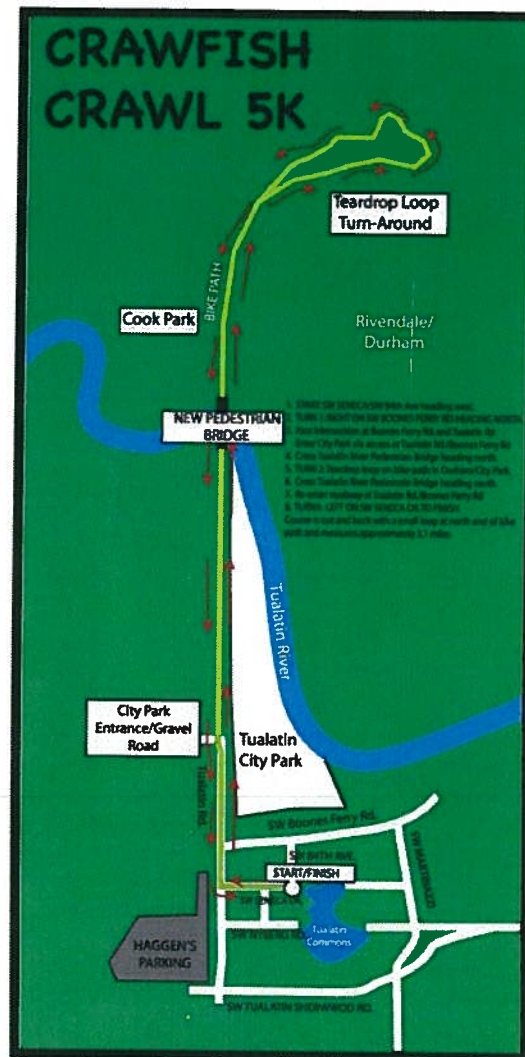




# Parade Route



# Crawfish Crawl Route



## Street Closures:

- Tualatin Rd/Boones Ferry Rd between Seneca and the northern park entrance will be closed north and southbound for 10 minutes starting at 8am
- The northbound lane of Tualatin Rd will be intermittently closed from 8:10am to 8:45am
- The westbound lane of Boones Ferry will be intermittently closed from 8:00am to 8:45am
- North and southbound lanes of 84<sup>th</sup> Ave will be intermittently closed from 8:00am to 8:45am
- Tualatin Rd westbound just west of TCP north entrance (at railroad tracks)

\*Please note this map does not accurately show the final stretch of the race, which circles the lake and ends at the location of the Friday night stage placement.

## ATTACHMENT D

### EVENTS

#### Overview of Friday Events:

**Sponsor Reception** – The sponsor reception at the Cook-Off.

**Friday Night Cook-Off** – Takes place at the Tualatin Commons in the plaza area. Restaurants from the metropolitan area design a special crawfish dish, which is then judged by our panel of experts. Festival attendees may purchase sample size entrees. Our alcohol vendor will be selling beer & wine, and a band plays on the stage in the Plaza. Estimated attendance is 3,000.

**TualaFest** – An established Tualatin event that will be incorporated in the Festival for the 2<sup>nd</sup> time. This will happen at the Community Park and will be a youth focused event.

#### Overview of Saturday Events:

**Pancakes On The Plaza** – Sponsored once again by Shari's Restaurant. Breakfast is served between 7:30am and 9:45am.

**Remote Control Boat Demonstration** – This is held on the Lake of the Commons to entertain people while they are eating breakfast and to encourage them to hang around the Commons after the parade is over, especially while the crowd dissipates. They will be running until 2:00pm.

**Parade** – A community parade. See Attachment G for parade route.

**Crawdad Stage** – This stage will feature children's entertainment demonstrations by local dance schools and live music acts.

**Atsa My Dawg Show** – A non-traditional dog show. The show will be placed in the same location (near main stage) as last year.

**Crawfish Eating Contest** – An adult contest featuring a 15 minute crawfish eating contest.

**Kid's Crawfish Eating Contest** – A 2 minute version of the adult contest.

**Food Vendors** – The food vendors are located in the south end of the main lawn.

**Marketplace Vendors** – The South Marketplace area is open from 10:00am to 6:00pm and consists of booths selling commercial and handmade items, as well as commercial and non-profit organizations handing out literature.

**Kids Art Show** – A coloring contest that is distributed at various locations in Tualatin that are returned to Umpqua Bank.

**Teen Scene** – Featuring a professional skateboard demonstration, youth-focused dance performance and a basketball clinic.

## Overview of Auxiliary Events:

### Saturday & Sunday, August 1 & 2:

- **Tualatin Adult Co-ed Softball Tournament** – This is an Auxiliary Event of the Tualatin Crawfish Festival. The tournament is held each year the weekend before the Tualatin Crawfish Festival. Jeff Taylor-Webber is the key volunteer and he works directly with the Community Services Department to reserve the fields he needs for the tournament.

### Friday, August 7:

- **Kayak Rides** – Kayak rides on the Lake of the Commons. The entrance/exit into the lake will be the northwest end, where the plaza juts out into the lake. (See Attachment E for exact placement). This will be an Auxiliary Event run by Tualatin Riverkeepers. All city rules and regulations regarding water usage of the lake will be complied with.

### Saturday, August 8:

- **Crawfish Crawl** – The Crawfish Crawl is a 5K race/walk that starts and ends at the Tualatin Commons. A map of the race route is included as ATTACHMENT J. The race organizer will make a special effort to inform residents within the race boundaries of street closures with flyers, hung one week before event.
- **Quilt Show** – A quilt display and demonstration held at the Senior Center.

### Sunday, August 10:

- **Car Show** – A car show in Haggen Food's parking lot. There will be no road closures and all signage will be on the Hedges Green property.

## **TENTATIVE 2009 CRAWFISH FESTIVAL OVERALL SCHEDULE**

<b>July</b>	Hang banners/post signs around town to promote Festival
<b>Saturday and Sunday</b> Aug 1-2	Tualatin Adult Co-Ed Softball Tournament
<b>Thursday, August 6</b> 9:00am	Mark vendor spaces in Community Park, set up fencing
<b>Friday, August 7</b> 6:00am 12:00pm 5:00pm  6:00pm  7:00pm 7:30pm 9:30pm  all day	<u><b>Commons Plaza:</b></u> Set up staging/sound at plaza Set up for food vendors Cook-Off Judging Non-crawfish vendor opens Beverage service begins Crawfish Cook-Off Food Court opens (ends at 10:00pm) Kayak rides begin (ends at 8:30pm) Tualafest begins (ends at 9:00pm) Stage announcements begin On-stage musical entertainment begins (ends at 9:30pm) Food Court and beverage service close  <u><b>Community Park:</b></u> Set-up: all sound & staging, vendors and auxiliary events/rides
<b>Saturday, August 8</b> 6:30am	<b>*specific programming times subject to change*</b> Set up for pancake breakfast at Commons Plaza

7:00am	Parade check-in begins
7:30am	Pancakes-on-the-Plaza Breakfast at Tualatin Commons Plaza (ends
9:45am)	
8:00am	Crawfish Crawl begins (ends 8:45am)
10:00am	Parade begins (ends 11:00am)
10:00am	Community Park officially opens
11:00pm	Atsa My Dawg Show begins (ends 1:30pm)
11:30am	Crawdad Stage Entertainment begins (ends 6:00pm)
12:00pm	Main Stage Entertainment begins (ends 8:00pm)
2:15pm	Kids Crawfish Eating contest near Crawdad stage
2:30pm	Adult Crawfish Eating contest near Crawdad stage
3:45pm	Kids Watermelon Eating Contest near Crawdad stage
6:00pm	Announcement on main stage
	Marketplace South vendor area and Crawdad Stage close
8:00pm	Marketplace North vendor area and Main Stage close
8:30pm	Festival officially ends
9:00pm	Community Park closes

**Sunday, August 9**

Morning	Community Park clean up by Boy Scout Troop(s)
All Day	Haggen Foods Car Show





# STAFF REPORT

## CITY OF TUALATIN

Approved By Tualatin City Council  
6-22-09  
Recording Secretary *M. Smith*

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Sherilyn Lombos, City Manager *SL*

**DATE:** June 22, 2009

**SUBJECT:** APPROVAL OF A CHANGE OF OWNERSHIP LIQUOR LICENSE  
APPLICATION FOR JUAN COLORADO RESTAURANT

---

### ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve a new liquor license application for Juan Colorado Restaurant.

### RECOMMENDATION:

Staff respectfully recommends that the Council approve endorsement of the liquor license application for Juan Colorado Restaurant.

### EXECUTIVE SUMMARY:

Juan Colorado Restaurant has submitted a change of ownership liquor license application. The liquor license is for a Full-Premises Sales. The business is located at 18770 SW Boones Ferry Road. The application is in accordance with provisions of Ordinance No. 680-85 which established a procedure for review of liquor licenses by the Council.

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

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

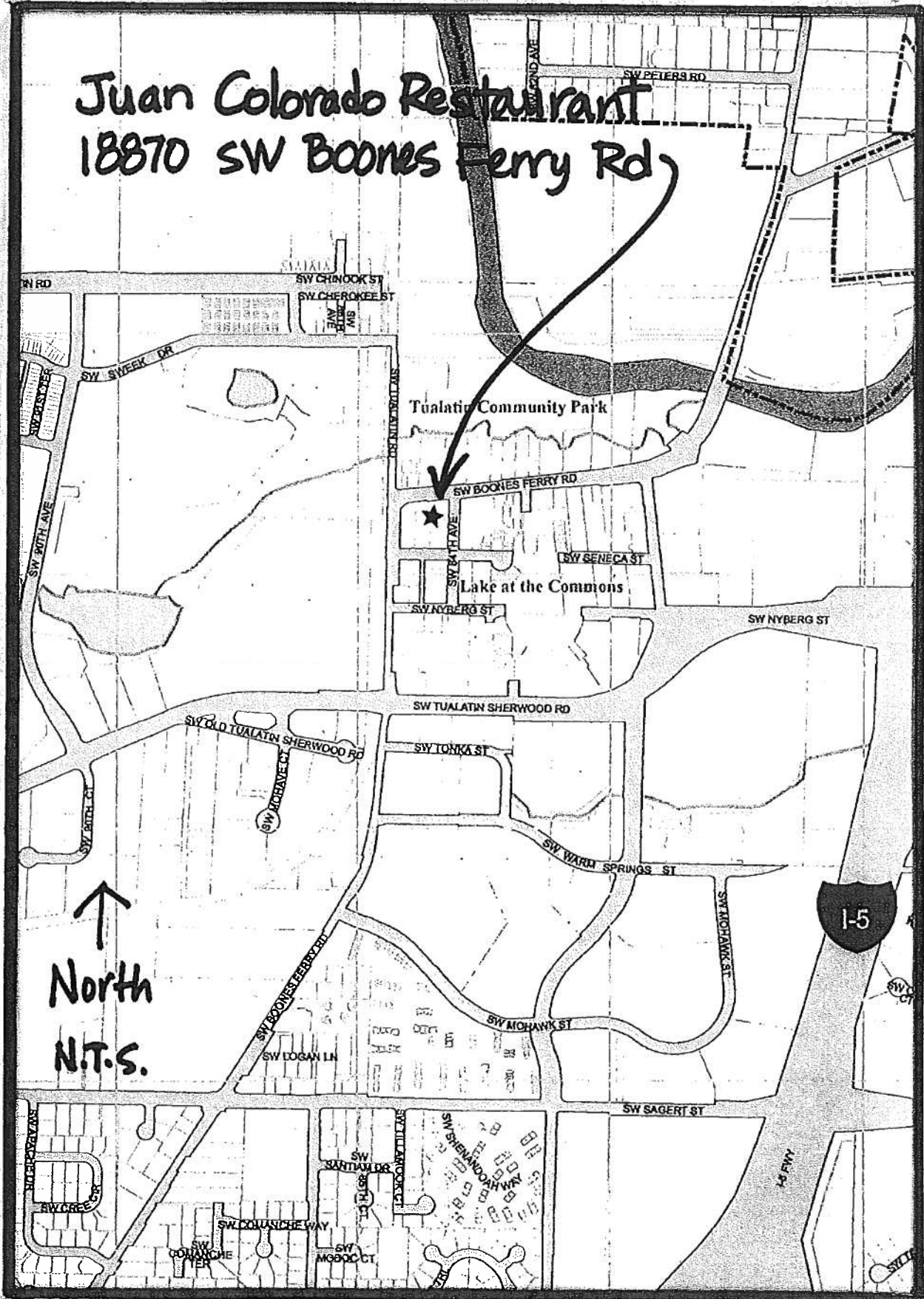
### FINANCIAL IMPLICATIONS:

A fee has been paid by the applicant.

**Attachments:** Vicinity Map

# Juan Colorado Restaurant

18870 SW Boones Ferry Rd





## STAFF REPORT CITY OF TUALATIN

Approved By Tualatin City Council  
Date 6-22-09  
Recording Secretary W. Smith

**TO:** Honorable Mayor and Members of the City Council

**THROUGH:** Sherilyn Lombos, City Manager *SL*

**FROM:** Doug Rux, Community Development Director *DR*

**DATE:** June 22, 2009

**SUBJECT:** RESOLUTION APPROVING WASHINGTON COUNTY  
URBANIZATION FORUM ACTIONS

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### ISSUE BEFORE THE COUNCIL:

Should the City of Tualatin adopt a resolution supporting the Urbanization Forum principals and actions? Does the draft resolution provide adequate guidance on future governance and urban service provisions for Tualatin?

### RECOMMENDATION:

Staff recommends the City Council adopt the attached resolution.

### EXECUTIVE SUMMARY:

- This action does not require a public hearing.
- In 2008 the cities in Washington County, Washington County, Metro and the largest service districts in the county conducted a series of forums, four in total, to discuss future urbanization in the county due to population increases and economic growth expected over the next 5-10-25-50 years. Mayor Ogden held a seat on the Steering Committee establishing the topics and agendas for this program and Councilor Barhyte participated in the forum meetings.
- During the past five decades, Washington County has become one of the fastest growing regions in the state. The City of Hillsboro, in particular, along with other cities working with Washington County have developed the economic engine of the Portland metropolitan area and, as a result, the County has become a popular place to live and work.



- In 1950, Washington County was home to slightly less than 10 percent (61,269 persons) of the population of the tri-county (Multnomah, Clackamas and Washington) region. By 2005, nearly one-third (31.7 percent) of the tri-county population, or 692,835 persons, lived in Washington County.
- Currently cities provide traditional municipal services to their residents, although no two cities provide services in the same manner. Some cities within Washington County rely on service districts for the delivery of most services, while others use service districts for some services, and a few don't use them at all. The unincorporated areas within Washington County receive services from a combination of the County, the Sheriff and service districts.
- The next 50 years will bring another population boom, changing the face of the community. At the center of the debate are the future roles of the County, cities and special districts in delivering urban services to the unincorporated communities and future urban areas of the County.
- The Tualatin City Council met in Work Session on May 26, 2009 to discuss the proposed resolution. One modification proposed was to include language on governance issues for lands brought into the Urban Growth Boundary in 2002 and 2004. That change was made to Section (2) adding the language "...to provide that all 2002 and 2004 Urban Growth Boundary expansions and all future ...". This addresses an issue repeatedly raised by the City of Tualatin during the Urbanization Forum meetings concerning future governance of lands brought into the UGB. The Urbanization Forum Steering Committee had concerns about the proposed language and the item was pulled from the June 8, 2009 City Council agenda.
- The attached resolution incorporates modifications suggested by the Urbanization Forum Steering Committee since June 8, 2009 concerning jurisdiction of rights-of-way (Section 3) and language suggested by the City of Tualatin on future governance of lands south and southwest of Tualatin (Section 2).
- There are no criteria to apply to the proposal.

#### **OUTCOMES OF DECISION:**

Approval of the resolution will result in the following:

1. Commits the City of Tualatin to work with Washington County to amend the Urban Planning Area Agreement (UPAA) to establish governance for lands adjacent to Tualatin added to the UGB in 2002, 2004 and lands added in 2010 or later.
2. Lands annexed by the City of Tualatin that encompasses UGB additions in 2002, 2004 and 2010 or later will include jurisdictional transfer of roadways to the City excluding roadways deemed by the County to be part of the countywide roadway system.
3. Commitment to work with other jurisdictions in Washington County on the need for current and future urbanization.

Not approving the resolution will result in the following:

1. Lands added to the UGB in 2002, 2004 and in 2010 or later adjacent to Tualatin will have to be negotiated individually with the County on governance issues. In effect the process used today would continue into the future.

**ALTERNATIVES TO RECOMMENDATION:**

The alternatives to the staff recommendation for the City Council are:

- Approve the resolution with modifications.
- Not approve the resolution.
- Continue the discussion and return at a later date.

**FINANCIAL IMPLICATIONS:**

Funds have been budgeted in the Planning Division to coordinate and process actions associated with cities within Washington County for fiscal year 2008/2009.

**PUBLIC INVOLVEMENT:**

The four Urbanization Forums conducted in Washington County were noticed by the County and encouraged public involvement.

**Attachments:** A. Resolution

RESOLUTION APPROVING WASHINGTON COUNTY URBANIZATION  
FORUM ACTIONS

WHEREAS in 2008 the Cities of Washington County including mayors and managers, Board of Commissioners of Washington County and managers, the largest Special Districts of Washington County including chief executive officers and board chairs (Tualatin Valley Fire & Rescue (TVF&R); Tualatin Hills Park and Recreation district (THPRD); Tualatin Valley Water District (TVWD); Clean Water Services CWS), and Washington County Sheriff (with respect to all services provided by the Sheriff including the Enhanced Sheriff's Patrol District) convened the Washington County Urbanization Forum and held four (4) public Urbanization Forum meetings in 2008 to discuss key urbanization issues, including receiving public comments on such issues; and

WHEREAS during Urbanization Forum discussion the participants explored issues and conditions pertaining to forming consensus policies for the governance and management of: (1) existing unincorporated urbanized areas in the County that contain approximately 200,000 residents; and, (2) areas added to the regional UGB in the County for future urban development and growth in the County, and (3) imminent growth management issues confronting all Urbanization Forum participants as forecasted population growth in Washington County takes shape; and

WHEREAS Washington County citizens and civic organizations participated in the Urbanization Forum, principally through CPO leadership, in public large group and small group meetings held in April, June, October, November and December of 2008; and

WHEREAS it was determined during Urbanization Forum discussions that the following seven (7) urban unincorporated areas within the existing UGB required an area-by-area approach to determine if any changes are appropriate or desired in current service and governance solutions, and separate area-by-area discussions were conducted in each of these areas:

- (1) Cedar Hills/Raleigh Hills/West Slope/Garden Home;
- (2) Bethany/Rock Creek/North Bethany;
- (3) Cedar Mill;
- (4) Bull Mt/Areas 63&64;
- (5) Metzger;
- (6) Reedville; and
- (7) Aloha;

WHEREAS it was also determined in Urbanization Forum discussions that resolution of matters of urbanization governance and management of areas added to the Urban Growth Boundary in Washington County by Metro requires consensus among the Urbanization Forum participants and Metro on a separate urbanization policy prepared by the Urbanization Forum for these areas; and

WHEREAS the Urbanization Forum formed a Steering Committee and a working group and conducted a series of public meetings to formulate and draft proposed policies pertaining to future governance and urbanization within existing unincorporated urban areas and areas outside the UGB that are added to the UGB by Metro; and

WHEREAS Urbanization Forum participants agree that, while an urbanization policy that assigns to cities the governance and management of new areas added to the UGB engenders different urbanization issues and, accordingly, should be considered distinct from an urbanization policy for existing unincorporated urban areas not likely to become part of a city in the foreseeable future and already governed by Washington County, both urbanization policies are connected in terms of the quality and delivery of public services to such areas by their service providers and governing institutions, and the quality of urban life and amenities of residents and communities in both areas; and

WHEREAS future actions of the jurisdictions within Washington County and Metro will be well served by each jurisdiction considering and adopting the consensus recommendations of the Urbanization Forum to serve as guideposts for decisions of the individual jurisdictions on matters of concern to the Urbanization Forum; and

NOW, THEREFORE, BE IT RESOLVED, the governing body of City of Tualatin, together with the Cities, County and Special Districts which participated in the Urbanization Forum (Cities of Beaverton, Cornelius, Forest Grove, Hillsboro, King City, North Plains, Sherwood, Tigard and Tualatin; Washington County; CWS, THPRD, TVF&R; TVWD), hereby adopts this proposed Urbanization Forum Resolution and hereby commits to undertake and complete the specific actions listed below at the earliest practicable time:

- (1) We expressly recognize and support the process and work of the Urbanization Forum;
- (2) We will join fellow Jurisdictions that participated in the Urbanization Forum in preparing and executing mutually-agreed to amendments by December 2009 to Urban Planning Area Agreements ("UPAA's") and/or executed and pending Urban Service Agreements ("SB 122 Agreements"), as deemed necessary and appropriate by each Jurisdiction's counsel, to provide that all 2002 and 2004 Urban Growth Boundary expansions and all future additions to the applicable Urban Growth Boundary in Washington County during and after 2010 must be governed and urbanized by the interested

City in the County. In this context, "urbanized" means that the interested City has planning responsibility under state law, and land use decision-making authority with respect to the subject territory. The decision as to how urban services will be delivered shall be determined by the interested City in consultation with area service providers in accordance with existing law and applicable agreements. "Interested" in this context includes but is not limited to designations under UPAA's or SB 122 Agreements. The provisions of this Resolution also apply to land south of the City of Tualatin and north of the City of Wilsonville and land southwest of the City of Tualatin brought into the Urban Growth Boundary in 2002 and 2004;

- (3) In conjunction with paragraph (2) we will join fellow Jurisdictions that participated in the Urbanization Forum in commonly supporting actions as appropriate to abide by a policy which ensures jurisdiction of roadways which are deemed by the County to be part of the county-wide road system, shall be under the jurisdiction of Washington County. Concurrent with annexation, the relevant City agrees in good faith to engage in the statutory process for transfer of county roads pursuant to ORS 373.270 and shall request all other roads that are not part of the Countywide Road System be transferred and the County shall transfer these roads;
- (4) We will join fellow Jurisdictions that participated in the Urbanization Forum in commonly urging Metro to expand the existing Urban Growth Boundary only to such areas as are contiguous to incorporated areas of Washington County;
- (5) With respect to those existing areas of urban unincorporated Washington County in which the interested Cities do not pursue annexation activities such that these areas remain under the governance of Washington County, we will join fellow Jurisdictions that participated in the Urbanization Forum in identifying and developing financial tools for Washington County to utilize funds collected from urban unincorporated areas or other funding sources consistent with principles of equity and fairness in aligning services with revenue sources, and legislation attendant thereto as necessary, to provide urban services as needed to such areas while they remain outside the governance of Cities without unduly reducing countywide services paid for by all county residents; and
- (7) We will continue to work with fellow jurisdictions in Washington County and the public through the Urbanization Forum and/or other appropriate mechanisms to explore and discuss on a continuing basis the needs of current and future urbanized Washington County; and

BE IT FINALLY RESOLVED, that a copy of this Resolution adopted this 8th day of June, 2009, be hereby transmitted to all jurisdictions who participated as members of the Washington County Urbanization Forum, Metro, the Washington County CPO's, and other interested civic and community organizations.

INTRODUCED AND ADOPTED this 22<sup>nd</sup> day of June, 2009.

CITY OF TUALATIN, OREGON

BY  \_\_\_\_\_  
Mayor

ATTEST:

BY  \_\_\_\_\_  
City Recorder

Approved as to legal form:

  
City Attorney



# STAFF REPORT

## CITY OF TUALATIN

Approved By Tualatin City Council  
Date 6-22-09  
Recording Secretary [Signature]

**TO:** Honorable Mayor and Members of the City Council

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

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

**DATE:** June 22, 2009

**SUBJECT:** A RESOLUTION ADOPTING THE CITY OF TUALATIN BUDGET FOR THE FISCAL YEAR COMMENCING JULY 1, 2009, MAKING APPROPRIATIONS, LEVYING AD-VALOREM TAXES, AND CATEGORIZING THE LEVIES.

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### ISSUE BEFORE THE COUNCIL:

Adoption of the Fiscal Year 2009 – 2010 budget.

### RECOMMENDATION:

Staff recommends adoption of the attached resolution, which includes the approved Fiscal Year 2009 - 2010 Budget, with additional changes as outlined below.

### EXECUTIVE SUMMARY:

- This is a public hearing to consider public input on the Fiscal Year 2009 – 2010 Budget.
- The Budget Committee approved the proposed budget on May 18, 2009.
- State law requires the City Council adopt a budget prior to July 1, 2009.
- The total of the Fiscal Year 2009 - 2010 Budget is \$60,955,511. This figure includes changes proposed this evening.
- The tax rate for general government would be approved at \$2.2665 per \$1,000 taxable assessed value.
- \$700,873 is to be levied for bonded debt, which is excluded from limitation for local government operations.

### OUTCOMES OF DECISION:

By adopting the budget before July 1st, the City will be able to operate, expend money and incur liabilities for fiscal year 2009 - 2010.

**DISCUSSION:**

The City of Tualatin budget is made up of 23 funds, divided amongst four different categories: Operating Funds, Utility Funds, Debt and Other Funds and Capital Development Funds. Urban Renewal Funds are presented in the Tualatin Development Commission budget, which will be heard in a separate public hearing later this evening. The Operating Funds support general government services through the General Fund, Engineering & Building Fund and the Operations Fund. Utility Funds include the following: Water, Sewer, Storm Drain, Road Utility Fee and Road Gas Tax Funds. These funds account for the infrastructure systems covering water, sewer and streets and their revenues are derived from sources that are specifically earmarked, or restricted for specific purposes. Debt and Other Funds are responsible for the debt service for the City's outstanding bonded debt, as well as miscellaneous funds such as Core Area Parking, Tualatin Science and Technology Scholarship and the 9-1-1 Emergency Communication Tax. Capital Development Funds record capital projects that are funded from bonds, systems development charges or other restricted funds.

The overall City budget of \$60,955,511 breaks down as follows:

- Operating Funds - \$25,111,853
- Utility Funds - \$21,193,434
- Debt and Other Funds - \$2,915,301
- Capital Development Funds - \$11,734,923

In order to minimize the gap between current year revenues and current year expenditures, as well as a general lack of confidence in revenues in the current economic environment, the City departments held expenditures at or below last year's levels wherever possible.

Most General Fund departments, as well as the divisions in the Engineering & Building and Operations Funds with personal services costs, are seeing a decrease in overall expenditures due to the salary freezes, as well as our PERS contribution rate decreasing for the upcoming fiscal year. PERS rates are set every two years, based upon an actuarial study completed the year before the next biennium of rates. We will realize a decrease of 2.5 to 5% in our contribution rate for the next two years, based upon favorable PERS earnings in the previous actuarial period; however, you will notice a \$500,000 PERS Reserve proposed in the budget to offset expected 6% increases in the rate two years from now.

Increases in department budgets are primarily for items that are out of the City's control, including a significant increase in our dispatch contract with WCCCA, an additional police officer paid by a grant from TriMet, and utility rate increases by PGE and NW Natural Gas. There are budgeted dollars for vehicle purchases to replace an aging dump truck and an aging parks service truck. We have also budgeted to replace two needed police patrol vehicles.

In addition to the budget approved by the budget committee, the City Council has the ability to change the approved budget in each fund by no more than 10% of the total



budget. Typical changes that the Council may make are related to unanticipated lags in completion of capital projects that necessitate adjustments to future year budget(s), especially for large construction projects. The majority of the adjustments included in the attached resolution fall into this category. Additionally, an increase in the maximum level of the city contribution to health and dental benefits, part of two separate resolutions considered by the Council earlier this evening, are included in the changes presented in the attached resolution.

The carry-forwards for the capital projects are “self-funding” because the beginning fund balance for 2009 – 2010 is increased by the amount budgeted and not spent in the current fiscal year (2008 - 2009). This increases both the revenue and the expenditure appropriations in the affected fund. The personal services adjustments are offset by adjustments to unappropriated fund balance in the General Fund and reserves/contingencies in the Engineering & Building and Operations Funds.

Changes are proposed in the General Fund, Engineering & Building Fund, Operations Fund, Water Operating Fund, Sewer Operating Fund, Road Utility Fee Fund and the Road Development Fund. None of the carry-forwards exceed 10% of the approved budget and are, therefore, allowed to be added by the Council at the public hearing.

- In the General Fund – the Planning Department has not completed \$71,000 in consultant work for Urban/Rural Reserves, the Town Center Plan, Gateways and the SW Concept Plan. The Police Department has equipment on order, which will not arrive prior to June 30<sup>th</sup>, therefore the funds for these purchases will need to be carried over to the next fiscal year. The total for this equipment equals \$12,030. Additionally, the City has finally received the insurance settlement for the damaged police motorcycle, but the delay in receiving the funds delayed the ordering of the replacement motorcycle. The \$21,670 of insurance proceeds, received in 2008 – 2009, will need to be carried over and added into the 2009 – 2010 police budget. Lastly, the recreation program has received an additional \$2,000 grant, therefore, we propose to increase grant revenue by \$2,000 and program expenditures by \$2,000.
- All organizational units, except non-departmental, in the General Fund, Engineering & Building Fund and the Operations Fund increased for the change in the maximum City insurance contribution. The total by fund is \$31,300 in the General Fund, \$12,800 in Engineering & Building and \$10,900 in the Operations Fund.
- The following funds require appropriations to be carried over due to project delays:
  - Operations Fund – East Parking Lot Expansion, \$220,780
  - Water Operating Fund – Replacement of AC Lines in Indian Woods and Indian Meadows, \$100,000
  - Sewer Operating Fund – Seneca Street Sewer, \$150,000
  - Road Utility Fee Fund – Pavement Maintenance, \$50,000
  - Road Development Fund – Permissive/Protective Signals, \$15,000

Attachments: Resolution

RESOLUTION NO. 4907-09

A RESOLUTION ADOPTING THE CITY OF TUALATIN'S BUDGET  
FOR THE FISCAL YEAR COMMENCING JULY 1, 2009, MAKING  
APPROPRIATIONS, LEVYING AD VALOREM TAXES, AND  
CATEGORIZING THE LEVIES

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

Section 1. The City Council of the City of Tualatin hereby adopts the Budget as approved by the Budget Committee and adjusted by the Council. The total sum of the budget is \$60,955,511 (including \$1,321,653 unappropriated and \$8,735,793 reserves) and is now on file at the City Offices.

Section 2. The amounts for the fiscal year beginning July 1, 2009, and for the purposes shown below, are hereby appropriated as follows:

GENERAL FUND

City Council	\$	83,456	
Administration		934,276	
Finance		823,230	
Legal Services		183,542	
Municipal Court		111,891	
Community Development Planning		670,273	
Police		5,777,252	
Fleet		421,637	
Building Maintenance		708,251	
Parks Maintenance		1,149,236	
Community Services – Admin		400,629	
Community Services – Library		1,584,719	
Community Services – Recreation		258,007	
Non-Departmental		824,904	
Contingency		417,939	
Total GENERAL FUND Appropriations.....			\$14,349,242
Reserves		2,171,756	
Unappropriated		1,067,216	
Total GENERAL FUND		\$17,588,214	

## ENGINEERING & BUILDING FUND

Administration	\$ 648,341
Engineering	738,094
Building	1,030,351
Non-Departmental	162,200
Contingency	863,285
Total ENGINEERING & BUILDING FUND Appropriations .....	\$3,442,271
Reserved Funds	<u>1,001,351</u>
Total ENGINEERING & BUILDING FUND	\$ 4,443,622

## OPERATIONS FUND

Administration	\$ 439,669
Water Division	701,375
Sewer Division	346,395
Street Division	580,502
Non-Department	260,536
Contingency	100,175
Total OPERATIONS FUND Appropriations .....	\$2,428,652
Reserved Funds	<u>651,365</u>
Total OPERATIONS FUND	\$ 3,080,017

## WATER FUND

Material & Services	\$ 2,603,079
Capital Outlay	2,510,000
Transfers	2,094,368
Contingency	1,172,862
Total WATER FUND Appropriations .....	\$8,380,309
Reserved Funds	<u>731,577</u>
Total WATER FUND	\$ 9,111,886

## SEWER FUND

Material & Services	\$ 4,655,716
Capital Outlay	442,000
Transfers	835,667
Contingency	566,676
Total SEWER FUND Appropriations .....	\$6,500,059

### STORM DRAIN FUND

Material & Services	\$ 540,574
Capital Outlay	50,000
Transfers	967,475
Contingency	106,026

Total STORM DRAIN FUND ..... \$1,664,075

### ROAD UTILITY FEE FUND

Material & Services	\$ 879,996
Capital Outlay	550,000
Transfers	147,463

Total ROAD UTILITY FEE FUND Appropriations ..... \$1,577,459

Reserved Funds	<u>603,970</u>
Total ROAD UTILITY FEE FUND	\$ 2,181,429

### ROAD GAS TAX FUND

Material & Services	\$ 525,602
Transfers	1,163,931
Contingency	46,452

Total ROAD GAS TAX FUND ..... \$1,735,985

### CORE AREA PARKING DISTRICT

Material & Services	\$ 24,240
Transfers	41,177
Contingency	5,313

Total CORE AREA PARKING DISTRICT Appropriations ..... \$ 70,730

Reserved Funds	<u>252,530</u>
Total CORE AREA PARKING DISTRICT	\$ 323,260

## TUALATIN SCIENCE AND TECHNOLOGY SCHOLARSHIP FUND

Material & Services	\$	2,000
Total TUALATIN SCHOLARSHIP FUND Appropriations.....	\$	2,000
Principal Reserves		<u>53,288</u>
Total TUALATIN SCHOLARSHIP FUND	\$	55,288

## 9-1-1 EMERGENCY COMMUNICATION TAX FUND

Material & Services	\$	150,000
Total 9-1-1 EMERGENCY COMMUNICATION TAX FUND.....	\$	150,000

## GENERAL OBLIGATION BOND FUND

Debt Service	\$	702,873
Total GO BOND DEBT FUND Appropriations .....	\$	702,873
Reserves		<u>100,897</u>
Total GO BOND DEBT FUND	\$	803,770

## BANCROFT BONDED DEBT FUND

Material & Services	\$	300
Transfers		10,080
Debt Service		109,140
Total BANCROFT BONDED DEBT FUND Appropriations .....	\$	119,520
Reserved Funds		<u>485,796</u>
Total BANCROFT BONDED DEBT FUND	\$	605,316

## ENTERPRISE BOND FUND

Material & Services	\$	300
Debt Service		540,906
Total ENTERPRISE BOND FUND Appropriations .....	\$	541,206
Reserved Funds		<u>436,461</u>
Total ENTERPRISE BOND FUND	\$	977,667

### LOCAL IMPROVEMENT DISTRICT

Material & Services	\$ 52,500
Capital Outlay	100,000
Transfers	7,003
Contingency	315,173

Total LOCAL IMPROVEMENT DISTRICT Appropriations..... \$ 474,676

### WATER DEVELOPMENT FUND

Transfers	\$ 12,805
Capital Outlay	1,160,000
Contingency	249,703

Total WATER DEVELOPMENT FUND Appropriations..... \$1,422,508

### SEWER DEVELOPMENT FUND

Material & Services	\$ 192,000
Transfers	9,151
Contingency	3,687,059

Total SEWER DEVELOPMENT FUND Appropriations ..... \$3,888,210

### ROAD DEVELOPMENT FUND

Transfers	\$ 8,965
Capital Outlay	275,000
Contingency	236,020

Total ROAD DEVELOPMENT FUND Appropriations ..... \$519,985

### STORM DRAIN DEVELOPMENT FUND

Transfers	\$ 13,388
Capital Outlay	220,000
Contingency	328,985

Total STORM DRAIN DEVELOPMENT FUND Appropriations..... \$562,373

## PARK DEVELOPMENT FUND

Material & Services	\$ 15,300
Transfers	17,230
Capital Outlay	1,372,971

Total PARK DEVELOPMENT FUND Appropriations..... \$1,405,501

## WATER RESERVOIR PROJECT FUND

Transfers	\$ 813,012
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Total WATER RESERVOIR PROJECT FUND Appropriations..... \$813,012

## TRANSPORTATION DEVELOPMENT TAX FUND

Contingency	\$ 176,000
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Total TRANSPORTATION DEVELOP TAX FUND Appropriations..... \$ 176,000

## INFRASTRUCTURE RESERVE FUND

Total INFRASTRUCTURE RESERVE FUND Appropriations.....	\$ 0
Reserve for Sewer	2,311,667
Reserve for Road	84,848
Reserve for Storm Drain	76,143
Total INFRASTRUCTURE RESERVE FUND	\$ 2,472,658

TOTAL ..... \$ 50,926,646

TOTAL RESERVES ..... 8,961,649

TOTAL APPROPRIATED ALL FUNDS ..... \$ 59,888,295

TOTAL UNAPPROPRIATED ALL FUNDS ..... \$ 1,067,216

TOTAL BUDGET ..... \$ 60,955,511

Section 3. The City Council of the City of Tualatin hereby imposes the taxes provided for in the adopted budget at the rate of \$2.2665 per \$1,000 assessed value for operations and in the amount of \$700,873 for bonds; and that these taxes are hereby imposed and categorized for tax year 2009-10 upon the assessed value of all taxable property within the district.

General Government Limitation

Excluded from Limitation

General Fund...\$2.2665/\$1,000

Debt Service Fund...\$700,873

Section 4. The Finance Director shall certify to the County Assessors of Washington County and Clackamas County, Oregon, the tax levy made by this resolution; and file with the County Clerks a true copy of the Budget as finally adopted.

INTRODUCED AND ADOPTED this 22nd day of June, 2009.

CITY OF TUALATIN, OREGON

BY

Mayor

ATTEST:

BY

City Recorder

APPROVED AS TO LEGAL FORM

Brenda L. Braden  
CITY ATTORNEY





# STAFF REPORT

## CITY OF TUALATIN

Approved By Tualatin City Council  
Date 6-22-09  
Recording Secretary [Signature]

**TO:** Honorable Mayor and Members of the City Council

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

**FROM:** Paul Hennon, Community Services Department

**DATE:** June 22, 2009

**SUBJECT:** RESOLUTION CONSENTING TO THE ANNEXATION OF THE CLACKAMAS COUNTY PORTION OF THE CITY OF TUALATIN TO THE CLACKAMAS COUNTY LIBRARY SERVICE DISTRICT

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### ISSUE BEFORE THE COUNCIL:

The Council will consider adopting a resolution requesting that the Clackamas County Board of Commissioners place a measure on the November 3, 2009 ballot to provide Tualatin's Clackamas County voters an opportunity to vote on annexation into the Clackamas County Library Services District. The resolution also provides the City of Tualatin's consent to annexation into the Clackamas County Library District, if the measure passes.

### RECOMMENDATION:

The staff respectfully recommends that the Council consider the attached resolution and determine if it is in the City's best interest to be included within the boundaries of the Clackamas County Library Services District and provide direction regarding the terms described in this staff report and attached resolution.

### EXECUTIVE SUMMARY:

Library service to Tualatin's Clackamas County residents will be reduced, effective July 1, 2009, since that area of Tualatin is not included in the new Clackamas County Library Service District and since that part of Tualatin does not pay property taxes to Washington County for the Washington County Cooperative Library Services (WCCLS). The Tualatin Public Library is a member of the WCCLS and receives most of its funding through Washington County.

This report provides background information and outlines the conditions under which the Clackamas County portion of Tualatin could vote on annexation into the Clackamas

STAFF REPORT: RE RESOLUTION CONSENTING TO THE ANNEXATION OF THE  
CLACKAMAS COUNTY PORTION OF THE CITY OF TUALATIN TO THE  
CLACKAMAS COUNTY LIBRARY SERVICE DISTRICT

June 22, 2009

Page 2 of 5

County Library Services District. Inclusion in the Clackamas County Library Services District would restore full library services to the Clackamas County part of Tualatin.

The area of Tualatin located east of 65<sup>th</sup> Avenue is in Clackamas County and about 3,065 Tualatin residents live there. The area of Tualatin west of 65<sup>th</sup> Avenue is in Washington County. About 800 of Tualatin's Clackamas County residents have Washington County Cooperative Library Services library cards (these are the library cards issued by the Tualatin Public Library). The Tualatin Public Library is in Washington County, just over half a mile from the county line and provides library service to people in both Clackamas and Washington counties (see Attachment 1, Chart of Tualatin Public Library patrons).

By serving both the Clackamas and Washington County portions of Tualatin, Tualatin's library is fulfilling its role as a designated Town Center under Metro's 2040 Plan. Town centers are intended to provide local cultural and recreational opportunities for the local population to reduce traffic congestion and to support community identity (See Metro RUGGOs adopted 1995). Tualatin residents who live in Clackamas County should be encouraged to obtain library services from the Tualatin Library to be consistent with Metro and statewide planning goals and to reduce the ever-increasing traffic on county roads.

In 2008, the Clackamas County Board of County Commissioners decided to stop funding library services through the county general fund due to financial constraints and held an election to create a new Clackamas County Library Services District.

The Tualatin Council chose not to put the Clackamas County Library Services District measure on the ballot at that time due to a number of reasons including concerns about the terms offered in the intergovernmental agreement, and with the understanding that there would be an opportunity to put the issue before the voters in the future.

Consequently, effective July 1, 2009, Tualatin residents residing in Clackamas County will not be covered in the Clackamas County Library Service District. In addition, because they do not reside in Washington County they will no longer receive full services at Washington County libraries.

However, because they pay City of Tualatin property taxes, which fund some operational costs of the library along with the costs of the bond measure that was passed to help build the new library, they will continue to have access to the Tualatin Public Library and its collections, programs and services. They will keep their current Washington County Cooperative Library Services library cards, which will be electronically coded for use at the Tualatin Library only.

The Tualatin-only library card cannot be used to checkout materials at other Clackamas County nor Washington County libraries. The ability to checkout materials at those libraries can be purchased for a \$95 annual fee from each county.

STAFF REPORT: RE RESOLUTION CONSENTING TO THE ANNEXATION OF THE  
CLACKAMAS COUNTY PORTION OF THE CITY OF TUALATIN TO THE  
CLACKAMAS COUNTY LIBRARY SERVICE DISTRICT

June 22, 2009

Page 3 of 5

An informational meeting has been scheduled for Wednesday, June 24 at 6:30 PM, at the Tualatin Public Library in the Community Room to provide information and answer questions. See Attachment 2, Letter to Clackamas County residents and Fact Sheet.

After considering the issues and alternatives, the Council now believes that it is the best interests of Tualatin's Clackamas County residents and the City of Tualatin to be in the Clackamas County Library Service District under the following terms:

1. Election Date

The Clackamas County Board of Commissioners shall approve the petition for annexation to allow a measure to be placed on the November 3, 2009 election ballot to provide Tualatin's Clackamas County residents an opportunity to vote on annexation into the Clackamas County Library Services District.

2. Intergovernmental Agreement

Tualatin's participation in the Clackamas County Library Services District shall be defined through an Intergovernmental Agreement with Clackamas County.

3. Boundary

All the portion of the City of Tualatin that is located in Clackamas County shall be incorporated into the Clackamas County Library Services District and designated as the City of Tualatin's Service Area (see boundary map attached to the attached resolution).

4. Distribution of Revenue – Incorporated Area

Tualatin shall be reimbursed (\_\_\_%) of the property taxes collected for the Clackamas County Library Services District within the portion of the City of Tualatin located in Clackamas County as compensation for Tualatin serving as the home library for those Tualatin residents who live in Clackamas County.

5. Distribution of Revenue Upon Annexation of Unincorporated Area

If Tualatin annexes an unincorporated area of Clackamas County into the City, that annexed portion shall become part of the City of Tualatin's Service Area within the Clackamas County Library Services District, and Tualatin shall be reimbursed (\_\_\_%) of the property taxes collected for the Clackamas County Library Services District within the area annexed.

6. Prior Year Recovered Delinquencies and Interest Earned

Tualatin shall be reimbursed (\_\_\_%) of the recovered delinquent taxes (combined with any interest earned) collected for the Clackamas County Library Services District within the portion of the City of Tualatin located in Clackamas County.

STAFF REPORT: RE RESOLUTION CONSENTING TO THE ANNEXATION OF THE  
CLACKAMAS COUNTY PORTION OF THE CITY OF TUALATIN TO THE  
CLACKAMAS COUNTY LIBRARY SERVICE DISTRICT

June 22, 2009

Page 4 of 5

7. Use of Funds

Tualatin shall use such funds to provide public library service consistent with ORS Chapter 451 and to achieve the Service Standards of the Clackamas County Library District.

8. Capital Funds

Tualatin agrees to waive any request for capital funding from Clackamas County.

9. District Advisory Committee

The City of Tualatin will participate on the District Advisory Committee.

10. Effective Date of Service

The Clackamas County Library Services District will discontinue providing Tualatin's Clackamas County residents with library services on July 1, 2009, and will not restore library services unless:

- A. A \$95 Clackamas County Library Services District 'Out-of-District' annual fee is paid, or
- B. Voters approve annexation into the Clackamas County Library Services District.

If voters approve annexation into the Clackamas County Library Services District on November 3, 2009, the Clackamas County Library Services District will restore full library service to Tualatin's Clackamas County residents on December 15, 2009.

11. Clackamas County Permanent Rate

Clackamas County shall continue to provide network services to the Clackamas County Library Services District, a portion of which is funded through the county permanent tax rate paid by Tualatin's Clackamas County residents whether Tualatin is in the Library Services District or not.

**ALTERNATIVES TO RECOMMENDATION:**

- 1. Adopt the attached resolution as presented or modified by Council.
- 2. Adopt a resolution under terms proposed by Clackamas County staff that are different than those presented in the attached resolution.
- 3. Develop an intergovernmental agreement with Washington County to provide library services to Tualatin's Clackamas County residents through WCCLS.
- 4. Take no action at this time.

**STAFF REPORT: RE RESOLUTION CONSENTING TO THE ANNEXATION OF THE  
CLACKAMAS COUNTY PORTION OF THE CITY OF TUALATIN TO THE  
CLACKAMAS COUNTY LIBRARY SERVICE DISTRICT**

June 22, 2009

Page 5 of 5

**FINANCIAL IMPLICATIONS:**

The new tax rate of the Clackamas County Library Services District is \$.3974 per \$1,000 taxable assessed value, equating to approximately \$104 per year based on the average assessed value of houses in the Clackamas County portion of Tualatin.

Tualatin is projected to receive between \$130,000 and \$140,000 per year starting in FY10/11 in reimbursed property taxes if Tualatin annexes into the Clackamas County Library Services District under the terms presented above since the property taxes wouldn't be levied until that fiscal year.

**ATTACHMENTS**

1. Chart of Tualatin Public Library patrons
2. Letter to Clackamas County residents and Fact Sheet
3. Resolution

c: Members of the Tualatin Library Advisory Committee

RESOLUTION NO. 4908-09

RESOLUTION CONSENTING TO THE ANNEXATION OF THE  
CLACKAMAS COUNTY PORTION OF THE CITY OF TUALATIN TO  
THE CLACKAMAS COUNTY LIBRARY SERVICE DISTRICT

WHEREAS the City of Tualatin has more than 3,000 residents that live in the Clackamas County portion of the City; and

WHEREAS Clackamas County formed a Clackamas County Library Service District to fund libraries under ORS 451.010 in November 2008; and

WHEREAS due to unanswered questions regarding the impacts of inclusion into the District on Tualatin's Clackamas County residents and with the assurance that the City could join the District at a later date, the Tualatin City Council declined to participate in the 2008 election for the Library Service District; and

WHEREAS with the formation of the new Library District, Tualatin residents who reside in Clackamas County will have only courtesy library privileges in the Tualatin Public Library and no privileges in the Clackamas County or Washington County libraries because they will not be paying a levy for library services to either county, except that a portion of the Clackamas County permanent tax rate funds network services to the Clackamas County Library District whether or not Tualatin is a part of the District; and

WHEREAS the City of Tualatin's public library currently provides library services to those Clackamas County residents without reimbursement from the County; and

WHEREAS the City Council understands that annexation of the Clackamas County portion of Tualatin into the Clackamas County Library Services District would afford those residents full library privileges; and

WHEREAS by serving both the Clackamas and Washington County portions of Tualatin, Tualatin's library is fulfilling its role as a designated Town Center under Metro's 2040 Plan by providing local cultural and recreational activities for the local population to reduce traffic congestion and to support community identity; and

WHEREAS Tualatin residents who live in Clackamas County should be encouraged to obtain library services from the Tualatin Library to be consistent with Metro and Statewide Planning Goals and to reduce the ever-increasing traffic on county roads; and

WHEREAS the City Council is interested in being annexed into the Library Services District if tax revenues collected on the assessed valuation of the portion of Tualatin in Clackamas County are returned to the City to provide library services to all Clackamas County residents, including Tualatin's Clackamas County residents; and

WHEREAS the territory of the City may only be included within the boundaries of a services district if the City Council adopts a resolution consenting to and proposing annexation to Clackamas County Board of Commissioners; and

WHEREAS it now appears timely for the City to request annexation and, if Clackamas County so orders, ask its Tualatin residents who live in Clackamas County to vote on whether that portion of the City should be annexed into the District to restore full library privileges to those residents effective December 15, 2009.

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

Section 1. The City of Tualatin City Council proposes and consents to the annexation of the Clackamas County portion of the City of Tualatin, shown in the attached Exhibit A, into the Clackamas County Library Services District on the following conditions:

(a) Election Date

The Clackamas County Board of Commissioners shall approve the petition for annexation to allow a measure to be placed on the November 3, 2009 election ballot to provide Tualatin's Clackamas County residents an opportunity to vote on annexation into the Clackamas County Library Services District;

(b) Intergovernmental Agreement

Tualatin's participation in the Clackamas County Library Services District shall be defined through an Intergovernmental Agreement with Clackamas County;

(c) Boundary

All the portion of the City of Tualatin that is located in Clackamas County shall be incorporated into the Clackamas County Library Services District and designated as the City of Tualatin's Service Area (see attached boundary map identified as "Attachment A");

(d) Distribution of Revenue—Incorporated Area

Tualatin shall receive 100% of the tax revenues collected by the Clackamas County Library Services District from Tualatin as compensation for Tualatin serving as the home library for those Tualatin residents who live in Clackamas County;



- (e) Distribution of Revenue Upon Annexation of Unincorporated Area  
If Tualatin annexes an unincorporated area of Clackamas County into the City, that annexed portion shall become part of the City of Tualatin's Service Area within the Clackamas County Library District, and Tualatin shall be reimbursed 100% of the property taxes collected for the Clackamas County Library Services District within the annexed area;
- (f) Prior Year Recovered Delinquencies and Interest Earned  
Tualatin shall be reimbursed 100% of the recovered delinquent taxes (combined with any interest earned) collected for the Clackamas County Library Services District within the portion of the City of Tualatin located in Clackamas County.
- (g) Use of Funds  
Tualatin shall use such funds to provide library service consistent with ORS Chapter 451 and to achieve the Service Standards of the Clackamas County Library District;
- (h) Capital funds  
Tualatin agrees to waive any request for capital funding for the Tualatin Library from Clackamas County;
- (i) District Advisory Committee  
The City of Tualatin will participate on the District Advisory Committee;
- (j) Effective Date of Service  
The Clackamas County Library Services District will discontinue providing Tualatin's Clackamas County residents with library services on July 1, 2009 and will not restore library services unless:
  - (A) A \$95 Clackamas County Library Services District "Out-of-District" annual fee is paid, or
  - (B) Voters approve annexation into the Clackamas County Library Services District. If voters approve annexation into the Clackamas County Library Services District on November 3, 2009, the Clackamas County Library Services District will restore full library service to Tualatin's Clackamas County residents on December 15, 2009.

(k) Clackamas County Permanent Rate

Clackamas County shall continue to provide network services to the Clackamas County Library Services District, a portion of which is funded through the county permanent tax rate paid by Tualatin's Clackamas County residents whether Tualatin is in the Library Services District or not.

Section 2. The Mayor shall send a letter certifying the proposed annexation into the Clackamas County Library Services District to the Clackamas County Board of Commissioners, acting as the governing body for the Clackamas County Library Services District, with this resolution.

INTRODUCED AND ADOPTED this 22<sup>nd</sup> day of June, 2009.

CITY OF TUALATIN, OREGON

By  \_\_\_\_\_  
Mayor

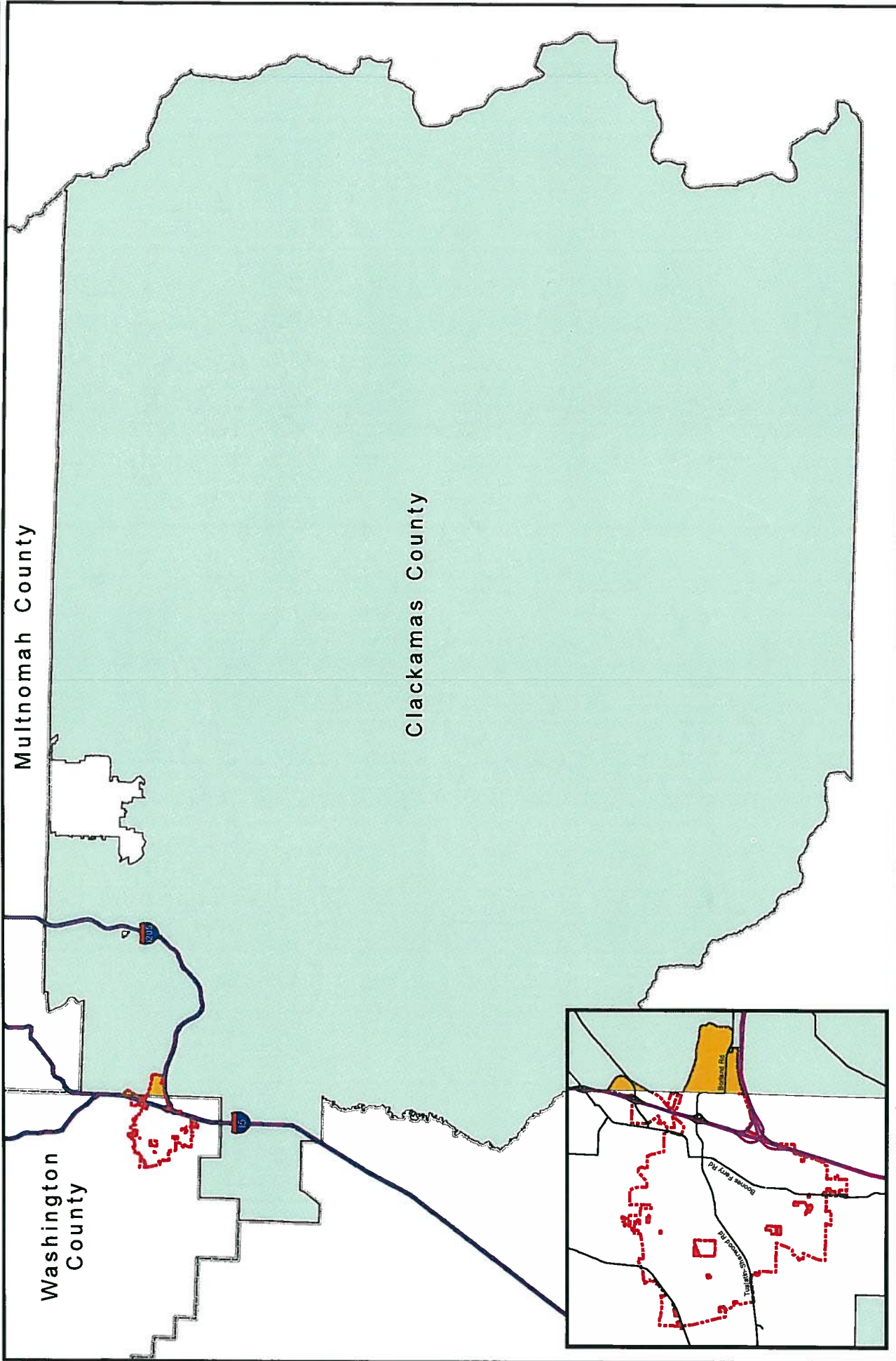
ATTEST:

By  \_\_\_\_\_  
City Recorder

APPROVED AS TO LEGAL FORM

  
CITY ATTORNEY

# Proposed Addition to Clackamas County Library District



This map is derived from various digital database sources. While an attempt has been made to provide an accurate map, the City of Tualatin, OR assumes no responsibility or liability for any errors or omissions in the information. This map is prepared by the City of Tualatin Engineering and Building Dept. Printed 5/1/2009



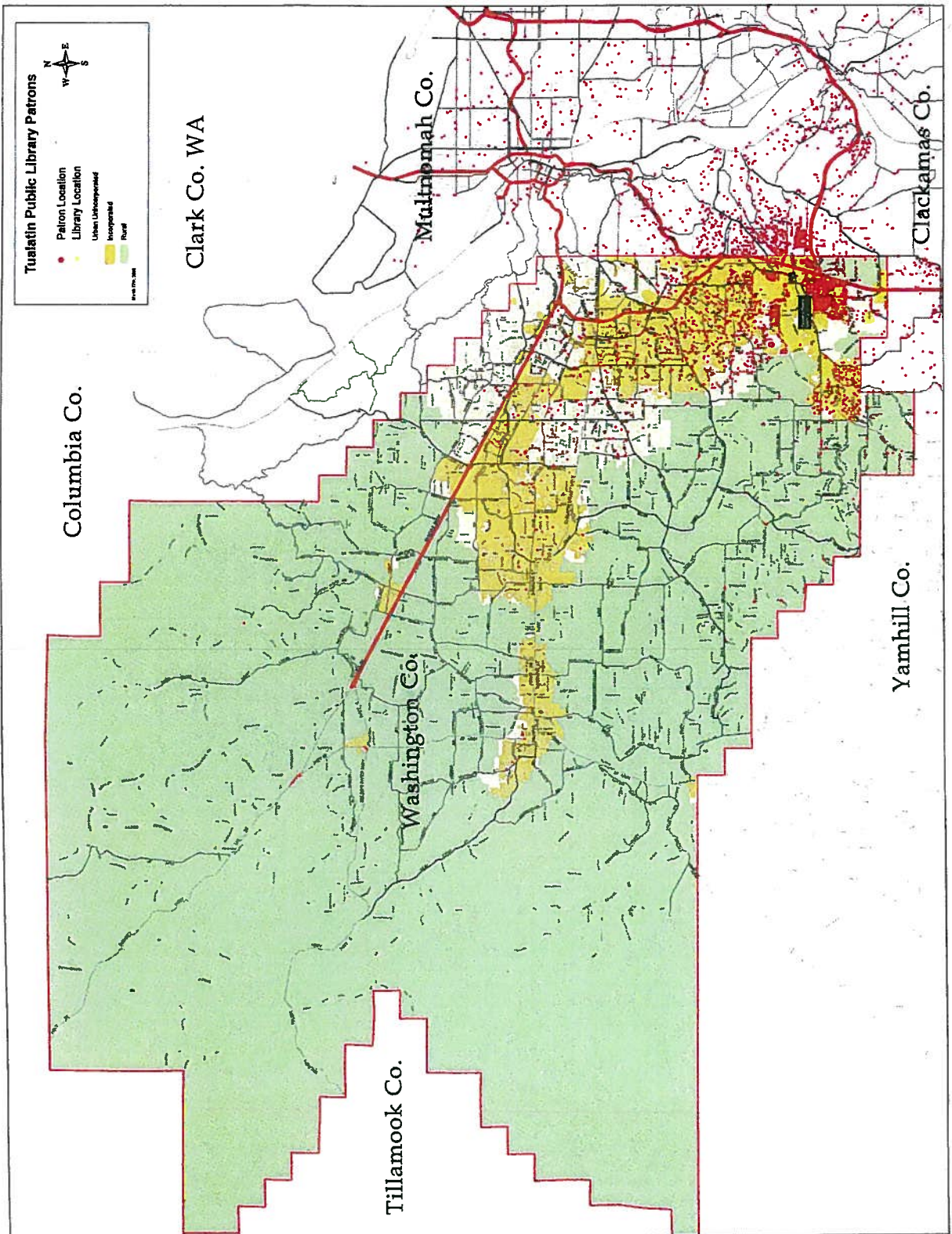
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Freeways

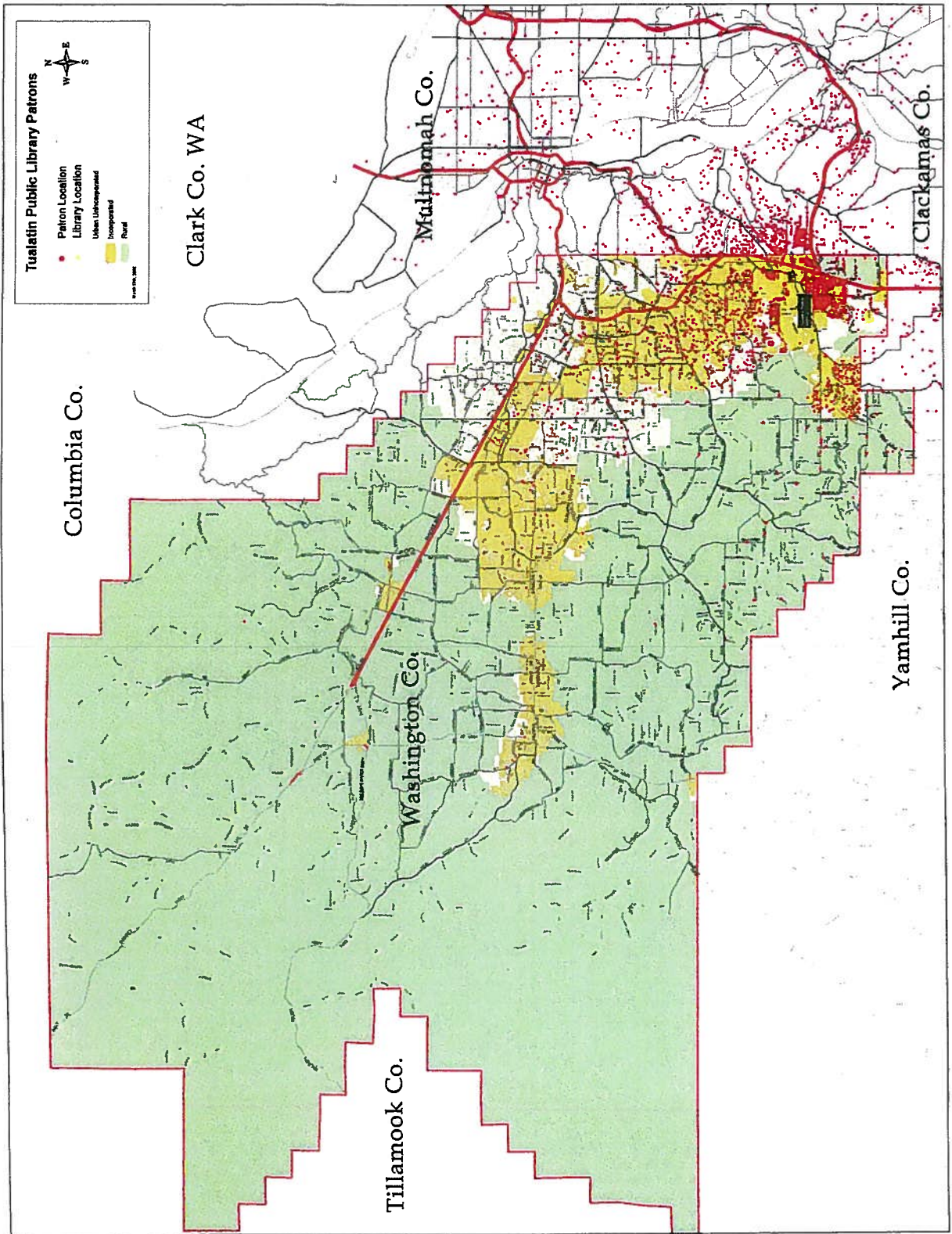
City of Tualatin  
County Boundaries

Proposed Library District Addition  
Existing Clackamas Library District











# City of Tualatin

[www.ci.tualatin.or.us](http://www.ci.tualatin.or.us)

ATTACHMENT 2

June 18, 2009

Dear Resident:

I am writing to inform you of changes to your library services, effective July 1, 2009. These changes are occurring because you live in the Clackamas County portion of the City of Tualatin.

In 2008, Clackamas County officials decided to stop funding library services through the county general fund and held an election to create a new library service district. The new tax rate of the library service district is \$.3974 per \$1,000 taxable assessed value, equating to approximately \$104 per year based on the average taxable assessed value of houses in the Clackamas County portion of Tualatin.

Tualatin chose not to put the library service district measure on the ballot at that time due to a number of reasons including concerns about the terms offered in the intergovernmental agreement. However, we understood that there would be an opportunity to put the issue before the voters in the future.

Unfortunately, at this time your City Council continues to believe that the terms of participation in the Clackamas County Library Service District are not in the best interests of Tualatin's Clackamas County residents.

Consequently, effective July 1, 2009, Tualatin residents residing in Clackamas County will not be covered in the Clackamas County Library Service District. In addition, because you do not reside in Washington County you will no longer receive full services at Washington County libraries.

However, because you pay City of Tualatin property taxes, which pay for some operational costs of the library along with the costs of the bond measure that was passed to help build the new library, you will continue to have access to the Tualatin Public Library and its collections, programs and services. You will keep your current Washington County Cooperative Library Services library card and it will be electronically coded for use at the Tualatin Library only.

The Tualatin-only library card cannot be used to checkout materials at other Clackamas County nor Washington County libraries. The ability to checkout materials at those libraries can be purchased for a \$95 annual fee from each county.

Please see the enclosed fact sheet. You are invited to attend an informational meeting at the **Tualatin Public Library Community Room on Wednesday, June 24, 2009 at 6:30 p.m.** to learn more.

Sincerely,

Lou Ogden  
Mayor

# FACT SHEET

## LIBRARY SERVICES FOR TUALATIN RESIDENTS IN CLACKAMAS COUNTY

**Why did Clackamas County stop funding libraries through its General Fund?**  
Facing budget constraints and the expected loss of future Timber payments, the County chose to remove library service from the county's general fund, except for the provision of centralized library network services.

**What is the Clackamas County Library Service District?**  
In November 2008, Clackamas County voters approved a Clackamas County Library Service District. This district includes all of Clackamas County, except for Johnson City, Damascus, and Tualatin. Effective July 1, 2009, the district will collect a property tax that will be distributed to member cities that have a library.

**What will other cities receive from the Library Service District?**  
Taxes collected within each defined service area will be distributed to the member city servicing that area. For example, the City of Lake Oswego will receive taxes collected within Lake Oswego city limits and surrounding unincorporated area.

In addition to the annual dedicated property tax, each member city will receive a one-time allocation of funds for capital improvements.

**As currently proposed by Clackamas County, what would the City of Tualatin receive from the Library Service District?**  
The City of Tualatin would not receive any annual or capital funds from the Library Service District. If Tualatin residents joined the district, their tax dollars would be distributed among Clackamas County library member cities.

**What would it cost if Tualatin were part of the Service District?**  
The new tax rate of the Library Service District is \$.3974 per \$1,000 taxable assessed value, equating to approximately \$104 per year based on the average assessed value of houses in the Clackamas County portion of Tualatin.

You can calculate your approximate taxes by using the following formula:

Real Market Value (what you could sell your property for) x Assessed Value (the amount property taxes are paid on, approximately 60.7%) / 1,000 x Tax Rate \$0.3974 = Property Tax

Check your most recent property tax statement or call the Clackamas County Tax Collector at 503.655.8671 for more information on property values or taxes.

**How many Tualatin residents are affected?**  
Approximately 3,000 people live the Clackamas County portion of Tualatin.

**Comparison of Clackamas County Out-of-District card and Tualatin-Only card**  
This chart shows the primary differences between the services with a Tualatin-only library card and a Clackamas County Out-of-District library card.

Service	Tualatin Card	Clackamas Card
Cost per year	Free	\$95
Check out Tualatin materials, Cultural Passes	YES	YES
Check out or reserve materials, Cultural Passes from Clackamas County libraries	NO	YES
Check out or reserve materials, Cultural Passes from Washington County libraries	NO	NO
Use self-check machines	NO	YES
Borrow interlibrary loan materials	NO	YES
Attend programs and use Internet, library spaces	YES	YES

**Who do I contact for more information about the Library Service District?**

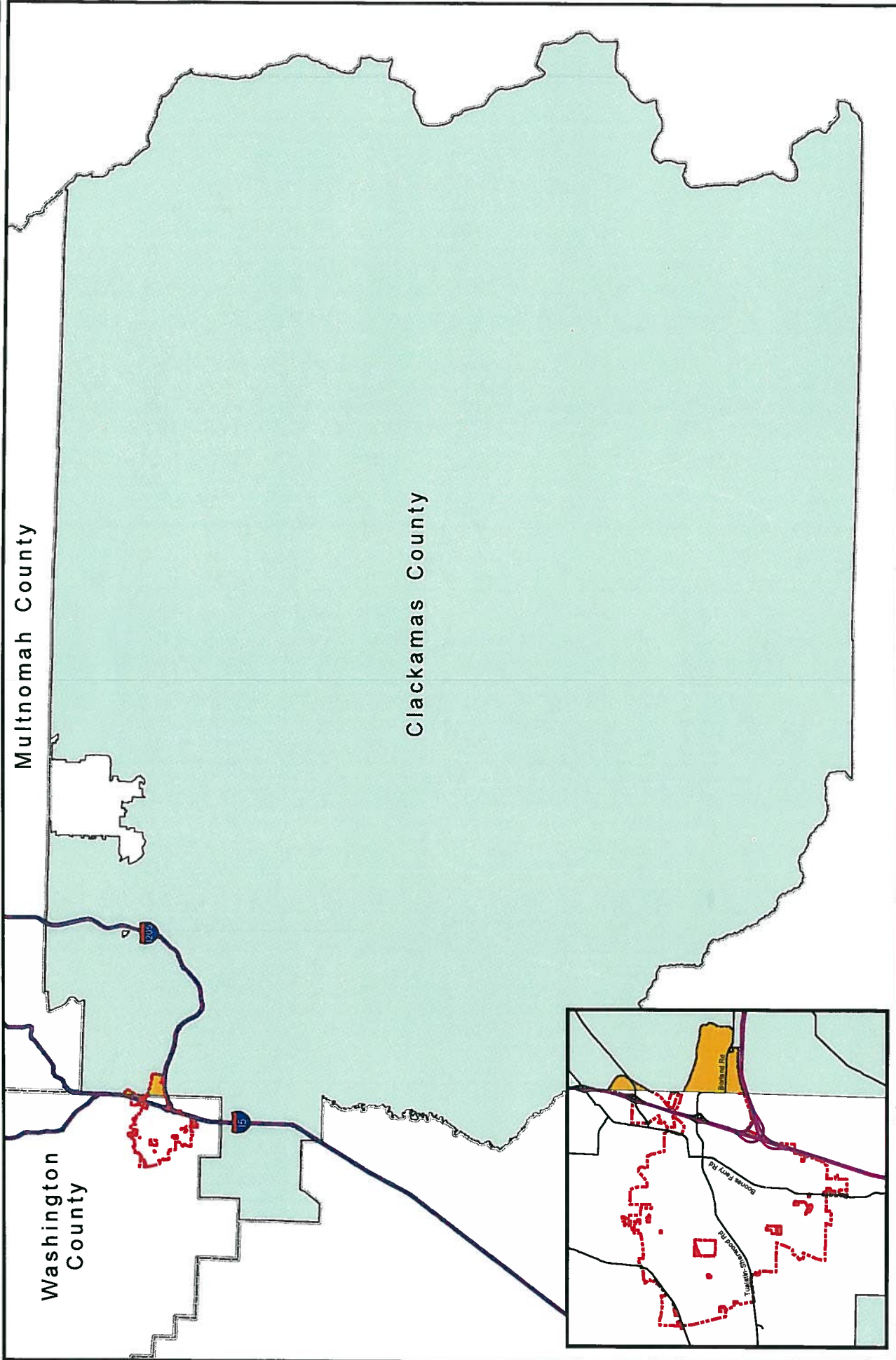
- Clackamas County Board of County Commissioners  
503.655.8581 email: [bcc@co.clackamas.or.us](mailto:bcc@co.clackamas.or.us)
- Chair, Lynn Peterson, Commissioners: Bob Austin, Jim Bernard, Charlotte Lehan, Ann Lininger
- Interim Clackamas County Administrator: Steve Wheeler  
503.655.8581 email: [stevewhe@co.clackamas.or.us](mailto:stevewhe@co.clackamas.or.us)

**Who do I contact for more library information?**

- Tualatin Library, Abigail Elder, Library Manager 503-691-3066 [aelder@ci.tualatin.or.us](mailto:aelder@ci.tualatin.or.us)
- Clackamas County Libraries, Joanna Rood, Library Network Manager  
503-723-4889 email: [joannar@webmail.lincc.lib.cc.or.us](mailto:joannar@webmail.lincc.lib.cc.or.us)
- Washington County Libraries, Eva Calcagno, Cooperative Manager  
503-846-3222 email: [calcagno@wcccls.org](mailto:calcagno@wcccls.org)



# Proposed Addition to Clackamas County Library District



- Proposed Library District Addition
- Existing Clackamas Library District
- City of Tualatin
- County Boundaries
- Freeways

RF 1:408,000

This map is derived from various digital database sources. While an attempt has been made to provide an accurate map, the City of Tualatin, OR, assumes no responsibility or liability for any errors or omissions in the information. This map is provided as a reference only. Engineering and Building Dept. Printed 5/1/2009



# STAFF REPORT CITY OF TUALATIN

Approved By Tualatin City Council  
Date 6-22-09  
Recording Secretary [Signature]

**TO:** Honorable Mayor and Members of the City Council

**THROUGH:** Sherilyn Lombos, City Manager *SL*

**FROM:** Brenda Braden, City Attorney *BB*

**DATE:** June 22, 2009

**SUBJECT:** AN ORDINANCE CHANGING THE PLANNING DISTRICT DESIGNATION FROM LOW-DENSITY RESIDENTIAL (RL) TO MEDIUM LOW-DENSITY RESIDENTIAL (RML) AT 19945 SW BOONES FERRY ROAD, AND AMENDING THE COMMUNITY PLAN MAP 9-1 (PMA-09-01)

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## **ISSUE BEFORE THE COUNCIL:**

The Council will consider whether to approve the ordinance to change the planning district designation from low-density residential (RL) to medium low-density residential (RML) at 19945 SW Boones Ferry Road, and amend the Community Plan Map 9-1.

## **RECOMMENDATION:**

Staff recommends that the City Council approve the ordinance granting PMA-09-01.

## **EXECUTIVE SUMMARY:**

On June 8, 2009 the City Council held a quasi-judicial hearing (PMA-09-01) to decide whether to change the Planning District designation from Low Density Residential (RL) to Medium Low-Density Residential (RML) at the old Tualatin Elementary School site, 19945 SW Boones Ferry Road, and amend the Community Plan Map 9-1. At the close of the public hearing, Council approved the Staff Report (Vote 5-1) with Councilors Barhyte, Truax, Harris, Beikman, and Davis voting in favor, Mayor Ogden opposed, and Councilor Maddux absent and directed Staff to bring back an ordinance adopting PMA-09-01.

## **FINANCIAL IMPLICATIONS:**

Revenue for Plan Map Amendments has been budgeted for Fiscal Year 08/09.

**PUBLIC INVOLVEMENT:**

The Applicant conducted a neighbor/developer meeting and the City Council's public hearing was held on June 8, 2009.

**Attachments:**

- A. Ordinance
- B. Exhibit A – Affidavit of Publication
- C. Exhibit B – Affidavit of Posting
- D. Exhibit C – Affidavit of Mailing
- E. Exhibit D – Staff Report dated June 8, 2009

ORDINANCE NO. 1284-09

AN ORDINANCE RELATING TO CHANGING THE PLANNING DISTRICT  
FROM LOW-DENSITY RESIDENTIAL (RL) TO MEDIUM LOW-DENSITY  
RESIDENTIAL (RML) AT 19945 SW BOONES FERRY ROAD; AND  
AMENDING COMMUNITY PLAN MAP 9-1 (PMA09-01).

WHEREAS upon the application of Marquis Development, a quasi-judicial public hearing was held before the City Council of the City of Tualatin on June 8, 2009, related to changing the planning district from Low-Density Residential (RL) to Medium Low-Density (RML) at 19945 SW Boones Ferry Road; and

WHEREAS notice of public hearing was given as required under the Tualatin Community Plan by publication on May 21, 2009, in The Times, a newspaper of general circulation within the City, which is evidenced by the Affidavit of Publication marked "Exhibit A", attached and incorporated by this reference; and by posting a copy of the notice in two public and conspicuous places within the City on May 15, 2009, which is evidenced by the Affidavit of Posting marked "Exhibit B;" and by mailing a copy of this notice under the Tualatin Community Plan, which is evidenced by the Affidavit of Mailing marked "Exhibit C", 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 approval of the application [Vote 5-1]; with Councilors Barhyte, Truax, Harris, Beikman and Davis voting for approval; Mayor Ogden opposed; and Councilor Maddux absent; and

WHEREAS based upon the evidence and testimony heard and considered by the Council, and especially the City staff report dated June 8, 2009, the Council makes and adopts as its findings of fact the findings and analysis in the City staff report, marked "Exhibit D," which is attached and incorporated by reference; and

WHEREAS based upon the foregoing Findings of Fact, the Council finds that it is in the best interest of the residents and inhabitants of the city and the public; the public interest will be served by adopting the amendment at this time; and the amendment conforms with the Tualatin Community Plan; and therefore, the Tualatin Development Code should be amended.

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

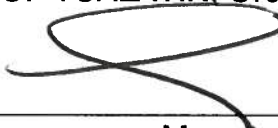
Section 1. TDC Map 9-1 is amended by changing the planning district from

Low-Density Residential to Medium Low-Density Residential (RML) at 19945 SW Boones Ferry Road.

INTRODUCED AND ADOPTED this 22nd day of June, 2009.

CITY OF TUALATIN, Oregon

By

  
Mayor

ATTEST:

By

  
City Recorder

APPROVED AS TO LEGAL FORM

  
CITY ATTORNEY