



**TUALATIN CITY COUNCIL
AND
TUALATIN DEVELOPMENT COMMISSION**
Monday, August 10, 2009

City Council Chambers
18880 SW Martinazzi Avenue, Tualatin, Oregon

WORK SESSION begins at 5:00 p.m.

REGULAR MEETING begins at 7:00 p.m.

Mayor Lou Ogden

**Council President Chris Barhyte
Councilor 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, 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.

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

1. New Employee Introductions – *Merab Walker, Police Services*
Margaret Lyman, Police Services
2. Tualatin Youth Advisory Committee Update
3. Volunteer Program Fiscal Year Report
4. Commuter Rail Update

C. CITIZEN COMMENTS

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

D. CONSENT AGENDA (Item Nos. 1 – 7)

Page 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 Work Sessions and Meetings of July 13, 2009 and July 27, 2009
2. Approval of a New Liquor License Application for Sushiville Tualatin
3. Approval of a New Liquor License Application for Tualatin VFW Post 3452
4. Approval of a New Liquor License Application for Union Wine Company
5. Approval of a Change of Ownership Liquor License Application for Baja Fresh Mexican Grill
6. Resolution No. 4915-09 To Quitclaim a Utility Easement for the Shoppes at
Bridgeport Project
7. Resolution No. 4916-09 Authorizing a Revocable Permit to Allow Construction Staging.....
on SW Seneca Street

E. PUBLIC HEARINGS – Legislative or Other

None.

F. PUBLIC HEARINGS – Quasi-Judicial

None.

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G. GENERAL BUSINESS (Item No. 1)

1. Resolution No. 4917-09 Approving Proposed Formation of Special Aquatic
District (Tigard-Tualatin Aquatic District)

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: August 10, 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. | Linda Mohelt | 19181 SW 55th Ct. | linda@tvalatinchamber.com (Chamber) | | Granville Festival |
| 2. | Rosemary Ludwig | 22380 SW 103rd Pl 9910 SW Lembernath Tigard OR | RL 1980@HSBC Internet | | Graders Tree Road |
| 3. | Ru Holland | Tigard OR | Tigard | VFW | invite Open House |
| 4. | Dawn Butcher | 20000 SW 54th Tualatin 97062 | | OPEN POOLS | |
| 5. | Phil Brooks | 4805 SW Wilaka Tualatin | philbrooks@unich.edu | LIBRARIES | Citizen Comments |
| 6. | Yuzhen Pan | 11086 SW Keller St. Tualatin | Pany001@hotmail.com | open pool | |
| 7. | | | | | |
| 8. | | | | | |

Submitted for the record
at "Citizen Comment"
portion of August 10, 2009
Council meeting

Eimon, Tanya

From: mark eimon [amark123@msn.com]
Sent: Monday, August 10, 2009 7:17 AM
To: Eimon, Tanya
Subject: Fw: Grahams Ferry Road - On site meeting
Importance: High

Hello,

You are on the mail list perhaps you can make copies from your email as the photo's may not transfer when I send them?

If you can make copies of one of the two emails I sent that would be great.

Thanks

— Original Message —

From: Rosemary Liniger
To: 'Tom Tushner'; 'Vance, Jim (MAN-Corporate)'; 'mark eimon'; 'Keith Lewis'
Cc: 'family herriges'; terry.kjemperud@hp.com; 'Greg Miller'; mmckillip@ci.tualatin.or.us; 'Sarah Murchison'; s.lombos@ci.tualatin.or.us; lou.ogden@juno.com; 'tanya eimon'
Sent: Tuesday, August 04, 2009 8:48 AM
Subject: RE: Grahams Ferry Road - On site meeting

Tom,

Thank you very much for the update on the Grahams Ferry Road issues. I know that all of these changes have the potential to make a true difference in the continuing traffic problems Grahams Ferry Road is experiencing due to the population growth Southeast of Ibach. I would like to ask that we continue to discuss and think about installing a guardrail on the sweeping curve from Dogwood past Sitka. I know that it's a capital investment and there is no money set aside of these types of work at this moment, however, the majority of the accidents that occur on this road are due to speeding (which theoretically should be addressed by these proposed upgrades) and drunken driving. Drunken and reckless drivers won't care about these upgrades and the potential for another accident into our yards and homes still looms in the future. My thought is that once these upgrades are completed we live with them and experience the positive changes they will provide - but if there is another accident on this curve, especially one that involves damage to any of our homes that the guard rail be installed.

As Mark mentioned last week, it will be a very long time before any of us involved in this tragic accident last month ever forget the sound of that car flying down the road and into fences and trees and ultimately in our backyards or the sight of the deceased hanging upside down in his car in the early stages of death. And every time we walk out into our backyard and see the brand new fencing, we re-live that night. Piece of mind for us may seem an expensive capital investment to you, the county, and the city of Tualatin but to us it allows us to sleep once again peacefully in our homes.

Thank you for your attention to this ongoing problem and I look forward to all of these upgrades.

Rosemary Liniger
(503) 449-3060

From: Tom Tushner [mailto:Tom_Tushner@co.washington.or.us]
Sent: Monday, August 03, 2009 10:48 AM
To: Vance, Jim (MAN-Corporate); mark eimon; Keith Lewis
Cc: family herriges; Rosemary Liniger; terry.kjemperud@hp.com; Greg Miller; mmckillip@ci.tualatin.or.us; Sarah Murchison; s.lombos@ci.tualatin.or.us; lou.ogden@juno.com; tanya eimon

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Subject: RE: Grahams Ferry Road - On site meeting

Jim

By copy of this email I will notify our Operations Superintendent of the issue with the shoulders for investigation and follow-up as the determine to be appropriate.

Tom Tushner

From: Vance, Jim (MAN-Corporate) [mailto:Jim.Vance@manheim.com]

Sent: Sun 8/2/2009 10:34 AM

To: Tom Tushner; mark eimon

Cc: family herriges; Rosemary Liniger; terry.kjemperud@hp.com; Greg Miller; mmckillip@ci.tualatin.or.us; Sarah Murchison; s.lombos@ci.tualatin.or.us; lou.ogden@juno.com; tanya eimon

Subject: RE: Grahams Ferry Road - On site meeting

Thanks for the follow up. These changes aren't the "end game" solution, however they should help. I would add; the shoulders of the road on the east side are extremely rutted - 3" - 4" deep adjacent to the pavement. This should be an easy fix. I would hope that in the "betterment program" regarding filling in the sidewalk someone is looking out for the safety of pedestrians having to walk out into the street. Jim

Jim Vance

22350 SW 102nd Pl

Tualatin, OR 97062

c-503-341-4308 | f: 615-445-4685

jim.vance@manheim.com

From: Tom Tushner [mailto:Tom_Tushner@co.washington.or.us]

Sent: Friday, July 31, 2009 4:25 PM

To: mark eimon

Cc: family herriges; Rosemary Liniger; Vance, Jim (MAN-Corporate); terry.kjemperud@hp.com; Greg Miller; mmckillip@ci.tualatin.or.us; Sarah Murchison; s.lombos@ci.tualatin.or.us; lou.ogden@juno.com; tanya eimon

Subject: RE: Grahams Ferry Road - On site meeting

Mark

In follow-up to our July 10, 2009 meeting, we committed to providing the attendees with the County's findings and plan for the curve on Grahams Ferry Road. Here is a summary of what has been done and what is planned:

1) Enforcement - At the meeting we committed to informing both the County's Sheriff's Office as well as City of Tualatin PD of the neighbor's concerns coupled with a request for selective enforcement. This has been done.

2) Signing - The signing along Grahams Ferry Road has been reviewed. The vegetation has been trimmed that was obstructing the northbound speed sign near Helenius. The signs were all checked and it was confirmed that the signs meet the standards for retroreflectivity. The curve and curve advisory speed signs (the small black on yellow signs below the diamond shaped curve warning signs) will be changed to 30 MPH.

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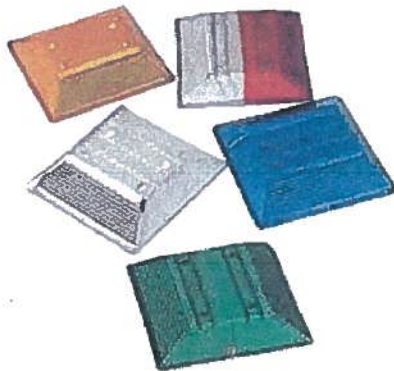
2087



Curve Sign

Curve Advisory Speed Sign

3) Markings - The pavement markings were reviewed and the RPMs (Raised Pavement Markers, the small square yellow markers placed in between the yellow stripes) need refreshing. County maintenance crews will replace and/or install new RPMs. Also, our investigation showed that delineators (approximately 36" high white fiberglass posts with reflective tape) would aid in delineating the curve. County maintenance crews will install approximately 10 delineators along the west or outside of the curve.



Examples of RPMs



Examples of delineators

4) Capital Improvements on Grahams Ferry - As discussed at the meeting, a major improvement on Grahams Ferry Road is not funded. We have submitted a project to fill in the sidewalk gap on the west side of Grahams Ferry Road as a candidate for our Minor Betterment program. There are a number of factors that impact the priority for the Minor Betterment program, this project will have to compete with other projects in the County for Minor Betterment funding.

5) Traffic Count/Speed Information - Below is compilation of the most recent speed and volume information, along with some historical data of the speeds and volumes on this stretch of Grahams Ferry Road. The posted speed was changed from 45 to 35 MPH in November 2008. I have provided both the average speed as well as the 85th percentile speed (this is the speed that is used as a tool to determine the posted speed and is the speed at or below which 85 percent of the vehicles are traveling). Historical data is not available at all locations. You may notice that volumes, in some cases have decreased, this is not in error. We have been experiencing a system-wide decrease in volumes, most likely attributable to the economy and the price of gas. As with any of our count information, care needs to be exercised in using the data since there are a multitude of variables that influence speed and volume data.

| Location | Date | Direction | Average Daily Volume Volume (vehicles per day) | Speed (MPH) 85th percentile |
|--------------------|------------|-----------------|---|--------------------------------|
| 20' north of Sitka | 7/14-17/09 | Northeast bound | 1,535 | |

| | | | | | | |
|-------------------|--|------------|-----------------|--|-------|--|
| | | | Southwest bound | | 1,355 | |
| | | | Combined | | 2,890 | |
| | | | | | | |
| | | | | | | |
| At 22355 GF Rd | | 7/14-17/09 | Northeast bound | | 1,425 | |
| | | | Southwest bound | | 1,560 | |
| | | | Combined | | 2,985 | |
| | | | | | | |
| | | 4/3-5/2007 | Northeast bound | | 1,565 | |
| | | | Southwest bound | | 1,565 | |
| | | | Combined | | 3,130 | |
| | | | | | | |
| | | 9/5/2006 | Northeast bound | | 1,420 | |
| | | | Southwest bound | | 1,510 | |
| | | | Combined | | 2,930 | |
| | | | | | | |
| | | | | | | |
| 120' N of Dogwood | | 7/14-17/09 | Northeast bound | | 1,260 | |
| | | | Southwest bound | | 1400 | |
| | | | Combined | | 2,660 | |
| | | | | | | |
| | | 4/3-5/2007 | Northeast bound | | 1,430 | |
| | | | Southwest bound | | 1,435 | |
| | | | Combined | | 2,865 | |
| | | | | | | |
| | | 9/5/2006 | Northeast bound | | 1,420 | |
| | | | Southwest bound | | 1,470 | |
| | | | Combined | | 2,890 | |
| | | | | | | |

In addition to the above we have been in contact with the City of Tualatin and will continue to monitor this area.

Please let me know if you need clarification of any of the above. I would anticipate that most of this work will be completed over the next 60 days.

Thank you once again for sharing your concerns,

Thomas F. Tushner, PE
Principal Engineer
Washington County, DLUT
Engineering/Surveying Division
1400 SW Walnut St. MS #17
Hillsboro, OR 97123-5625
(503)846-7955
tom_tushner@co.washington.or.us

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From: mark eimon [mailto:amark123@msn.com]

Sent: Wednesday, July 29, 2009 12:30 PM

To: Tom Tushner

Cc: family herriges; Rosemary Liniger; Vance, Jim (MAN-Corporate); terry.kjemperud@hp.com; Greg Miller; mmckillip@ci.tualatin.or.us; Sarah Murchison; s.lombos@ci.tualatin.or.us; lou.ogden@juno.com; tanya eimon

Subject: Re: Grahams Ferry Road - On site meeting

Hello Tom,

I am again speaking on behalf of myself and concerned neighbors.

We appreciate you sharing the traffic count data/report with us. It will be interesting. Its quite apparent to us the traffic pattern and speed is not the same as the road is designed or posted. We suspect the data supports that thought.

We discussed the use of Road Delineator's, Chevron's, Arrows, etc when we met 7/10/09. With all the activity this corner has had over the years, we have to question why are these devise are not in place? We have enough history to know this is a very dangerous section of road. We would like to see these devise implemented ASAP. Obviously, the best best possible deterrent would be to execute the capital expense to build the street to Washington Co. planning, complete with wider street, bike path with curbs to meet the already built (to future plan) sidewalks. We all know that plan is off in the distant future and no one can say when the "BUDGET" will allow for these necessary project road improvements. In the mean time we expect immediate action to protect property owners and help drivers navigate this dangerous corner on Grahams Ferry. We believe a barrier devise (i.e. Guard Rail, Cable Fence, Concrete Barrier) in this section of Grahams Ferry is the only way, at this time, to physically help protect the property owners from potential loss of life or property due to vehicle operator error! The cause of a drivers error is irrelevant, the potential results are not. We realize there are budgetary issues involved in making these decisions. We feel these decisions have been overlooked for some time. As tax paying citizens we would ask that Washington Co. and if necessary the City of Tualatin take responsibility and resource the funds necessary for these road improvements.

We appreciate your immediate attention to these maters of much concern.

Regards,

Mark Eimon

503-522-9995

— Original Message —

From: [Tom Tushner](#)

To: [mark eimon](#)

Cc: [family herriges](#) ; [Rosemary Liniger](#) ; [Vance, Jim \(MAN-Corporate\)](#) ; [terry.kjemperud@hp.com](#) ; [Greg Miller](#) ; [mmckillip@ci.tualatin.or.us](#) ; [Sarah Murchison](#)

Sent: Monday, July 27, 2009 10:54 AM

Subject: RE: Grahams Ferry Road - On site meeting

Mark

I was out of the office last week but work continued. I will be getting you a further update as soon as I get a chance to catch up, but so far:

Traffic counts were conducted, I will send you results once I have had a chance to review

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them.

A review of the signing was done and as discussed, we are looking at installing delineators along the curve.

Both the Sheriff's Office and Tualatin PD have been notified of the concerns and been asked for increased enforcement.

It was reported at our meeting that the sight distance to the speed sign for northbound traffic was restricted, the vegetation has been trimmed.

I will forward to you the results of the traffic counts and let you know if any additional changes are planned.

Thomas F. Tushner, PE
Principal Engineer
Washington County, DLUT
Engineering/Surveying Division
1400 SW Walnut St. MS #17
Hillsboro, OR 97123-5625
(503)846-7955
tom_tushner@co.washington.or.us

From: mark eimon [mailto:amark123@msn.com]
Sent: Friday, July 24, 2009 10:56 AM
To: Tom Tushner
Cc: family herriges; Rosemary Liniger; Vance, Jim (MAN-Corporate); terry.kjemperud@hp.com; Greg Miller
Subject: Re: Grahams Ferry Road - On site meeting

Hello Tom,

Checking back to see how the review of our situation is progressing. I know you did the road traffic survey a week ago, I think the sensors were on the road for 3 days last week. I was hoping you could share the data from that survey with us. You should know, this neighborhood is not the same since the accident that occurred here. We are fearful and basically paranoid of a re-occurrence, that is inevitable. We are hopeful that Wash. Co is responsive and reasonable in taking quick action to resolve the dangerous street condition we deal with everyday. We are discussing the situation with the City of Tualatin as well. The fact is, we are very vulnerable to future problems that are very much predictable and to a large part preventable. Washington County owes us the protection of life and property and we expect that your expertise will lead us to a resolution to this long over-due problem. We are looking forward to your report, review and response to our concerns. Please let us know if there is anything we can do to help expedite the situation with due diligence.

I am speaking on behalf of neighbors that are, and have been victims involved with motor vehicle and pedestrian accidents along this section of road on Grahams Ferry, obviously it impacts the whole community as it has become a major traffic transportation avenue for both commercial and private use.

We look forward to hearing from you
Best Regards,
Mark Eimon

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503-522-9995

— Original Message —

From: [Tom Tushner](#)

To: amark123@msn.com

Cc: [Vance, Jim \(MAN-Corporate\)](#)

Sent: Tuesday, July 07, 2009 12:24 PM

Subject: Grahams Ferry Road - On site meeting

Mark

I have tentatively set up a meeting for Friday at 10:00 AM on site on Grahams Ferry Road at/or near Sitka. Per our conversation, I would appreciate it if you would coordinate with your neighbors. I will be informing the City of Tualatin that we will be meeting.

Let me know if this does not work and I will do the same if issues arise on my end.

Thomas F. Tushner, PE
Principal Engineer
Washington County, DLUT
Engineering/Surveying Division
1400 SW Walnut St. MS #17
Hillsboro, OR 97123-5625
(503)846-7955
tom_tushner@co.washington.or.us

08/10/2009

7087

August 10, 2009

Council Members:

I have been swimming at the Tualatin High School pool since I moved to Portland almost nine years ago. I swim six days a week and do almost a half mile each day.

Lap swimming is at noon in the summer. The swim class for small children ages 3 to 6, approximately, meets just before the time for adult lap swim. It is wonderful to see the progress that the children make in water safety and handling themselves in deep water. The staff of high school and college age teachers is outstanding. Many of them are life guards and team swimmers.

It would be a real loss to see the pool close. I believe that you can keep both pools at Tigard and Tualatin open with correct funding. I would be glad to volunteer to work to bring about a bond measure or other financial means to keep both facilities open. To close one of the pools and "moth-ball" it would require more money.

As you meet and perhaps vote on a course of action I urge you to consider the amount of good that keeping both pools open will afford. The lessons the water safety classes, the swim teams and meets, and the water polo all are beneficial to young and old alike and for the general community.

I must work and cannot attend the council meeting. This letter will be given to one of the life guards for your consideration. Thank you.

Sincerely,

Richard Styles

Monday, Aug. 10th, 2009.

Council Members:

I have been swimming at the Tualatin High School pool since I moved to Portland almost nine years ago. I swim six days a week and do almost a half mile each day.

Lap swimming is at noon in the summer. The swim class for small children ages 3 to 6, approximately, meets just before the time for adult lap swim. It is wonderful to see the progress that the children make in water safety and handling themselves in deep water. The staff of high school and college age teachers is outstanding. Many of them are life guards and team swimmers.

It would be a real loss to see the pool close. I believe that you can keep both pools at Tigard and Tualatin open with correct financing. I would be glad to volunteer

pg. #2.

to work to bring about a
hard measure or other financial
means to keep both facilities
open. To close one of the
pools and "moth-ball" it would
require more money.

As you meet and perhaps
vote on a course of action,
I urge you to consider the
amount of good that keeping
both pools open will afford.
The lessons, the water safety
classes, the swim teams
and meets, and the water
polo all are beneficial to
young and old alike and
for the general community.

I must work and
cannot attend the council
meeting. This letter will be
given to one of the life
guards for your consideration.
Thank You. Sincerely, Richard Styles



503 - 892 - 4688

Tualatin City Council
City Council Building
1880 S. W. Morning
Tualatin, Oregon

Attn: Champion.




STAFF REPORT

CITY OF TUALATIN

Approved By Tualatin City Council
Date 8-10-09
Recording Secretary MSmith

TO: Honorable Mayor and Members of the City Council

FROM: Sherilyn Lombos, City Manager 

DATE: August 10, 2009

SUBJECT: APPROVAL OF THE MINUTES FOR THE WORK SESSIONS AND MEETINGS OF JULY 13, 2009 AND JULY 27, 2009

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve the minutes for the Work Session and Meeting of July 13, 2009 and the Work Session and Meeting of July 27, 2009.

RECOMMENDATION:

Staff respectfully recommends that the Council adopt the attached minutes.

FINANCIAL IMPLICATIONS:

There are no financial impacts associated with this item.

Attachments: Minutes



City of Tualatin

www.ci.tualatin.or.us

Approved By Tualatin City Council

Date 8-10-09
Recording Secretary [Signature]

TUALATIN CITY COUNCIL WORK SESSION MINUTES OF JULY 13, 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; Kent Barker, Chief of Police; Dan Boss, Operations Director; Eric Underwood, Development Coordinator; Carina Christensen, Assistant to the City Manager; Dayna Webb, Project Engineer, Ginny Kirby, Recording Secretary

ABSENT: Donna Maddux* [* denotes excused]

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

A. CALL TO ORDER

Mayor Ogden called the work session to order at 5:04 p.m.
Councilor Barhyte arrived at 5:12 p.m.

B. CONSENT AGENDA

The Consent Agenda for tonight's Council meeting was reviewed by Council.

C. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

Quiet Zone Project Update – Consultant Noise Analysis

Ms. Lombos introduced Mr. Ken Kirse, TriMet, Mr. Tuck Wilson, TriMet, and Mr. Dave Simmons, CH2M Hill. Also present were Tamara Lesh and Chris Novotny, both of TriMet. Ms. Lombos said Mr. Kirse would speak to the wayside horn test results, Mr. Tuck will speak to what has happened with the horns, and Mr. Simmons will speak to the diagnostic with all the crossings and the next steps. A PowerPoint presentation was given (see attached slides).

Mr. Kirse said that in 2007, in anticipation of complaints regarding train horn noise, RCL was asked to do a demonstration. At that time it seemed it might be a good solution; a second demonstration was done when the trains were actually running. Nine specific locations were chosen for the demonstration. Davis & Stanley was the consultant used for the testing. The slides showed the sound "corridors" from train horn noise vs wayside horns. There was a brief discussion.

Mr. Wilson spoke regarding the potential of stimulus monies. He stated they filed an application to the Federal Rail Administration (FRA) on June 29, 2009 for a waiver of wayside horns – for establishment of a quiet zone.

A Coordination Committee was formed consisting of members from the City of Tualatin, Washington County, and TriMet; an Intergovernmental Agreement has been drafted. The Diagnostic Team review was conducted, in the field, on June 5, 2009. Participants

included City of Tualatin, Washington County, TriMet, ODOT Rail Division, FRA, Portland and Western Railroad, and the consultants. The measures that have been considered for the crossings in question are medians, four-quadrant gates, and automated wayside horns. The funding sources are Tualatin Central Urban Renewal District (CURD), Federal ARRA, and Washington County. The total of these funds are approximately \$3.2 million.

In the first scenario proposed, the quiet zone would be between 95th Avenue and Tonquin Road. The second scenario contains all crossings. It was reiterated that 95th and Tonquin treatments are the same in scenario #1 and scenario #2; the difference between the two lies at Tualatin Road. In either scenario wayside horns are factored, but in scenario #2 Tualatin Road would also be a quiet zone, which means no wayside horns. County funding goes to Tonquin Road, CURD funds to Tualatin Road, Tualatin-Sherwood Road, Nyberg Street, and Boones Ferry Road Pedestrian crossing.

Discussion continued. One possibility is to have 95th and Tonquin Road implemented as a quiet zone, and implement the balance of the crossings as a Phase 2. It was clarified that if wayside horns are added to a crossing, this would increase the safety of that crossing vs. having a quiet zone. Brief discussion followed regarding train horn noise and train speed. Mayor Ogden asked about train horn noise decibel levels at several locations. Discussion continued regarding gate installations at pedestrian crossings. It was stated that ODOT Rail does not typically approve these types of installations; it would have to be an "unusual" situation. In scenario #2 at the Tualatin Road crossing, 4-quadrant gates are recommended due to the configuration of the intersection and the pedestrian traffic. In scenario #1 there would be the current 2-quadrant gates, wayside horns, and pedestrian path gates. Discussion continued.

Ms. Lesh stated that the IGA would put TriMet as the "lead" for items in the right-of-way (arms/gates), City of Tualatin would be responsible for items in the street right-of-way (the medians); arrangements still need to be discussed regarding maintenance. Further discussion followed regarding funding issues. It was noted that Stimulus funds would be flexible enough that they can be used for design.

Mr. Simmons said they are looking for direction from Council as to which scenario they want to pursue. The next steps would be for Council to endorse the IGA Resolution that is scheduled to come before Council on July 27th along with a presentation regarding the direction that will be taken. It was reiterated that a decision needs to be made tonight. Discussion followed regarding Tualatin Road and the differences between the two scenarios. It was reiterated that the treatment in scenario #1 is wayside horns with pedestrian gates vs. scenario #2 with four-quadrant gates and pedestrian gates.

Councilors had an additional brief discussion about the Tualatin Road crossing having a wayside horn (not a four-quadrant gate) and pedestrian gates. Mayor Ogden took a "straw poll" that resulted in Councilors Truax, Harris, Beikman, and Davis in favor of doing all of scenario #1, with the aforementioned alteration for the Tualatin Road crossing. It was clarified that the waiver that has been applied for with the FRA could take as long as six months before the City hears any word.

[A five minute break was taken at 6:12 p.m.]

CURD Maximum Indebtedness

Ms. Lombos reminded Council they are on a tight timeline now and decisions must be made. Doug Rux, Community Development Director, gave a PowerPoint that briefly covered some background information on maximum indebtedness.

Mr. Rux stated that the three projects up for consideration as additions to the existing list (shown on page 10 of the memorandum) are: Incentive Fund, Pedestrian Bridge - Alternatives A & B (River or Lake), and City Center Feasibility Study. Mr. Rux asked Council if staff can move forward with all these projects and come back at a future meeting with more cost information. Council's direction to staff was to go ahead with the list, including the three new projects mentioned this evening.

Council Communications & Roundtable

Councilor Harris noted he had a discussion last weekend regarding the potential of a regional dog park facility on Clean Water Service's property on the north side of the Tualatin River. Brief discussion followed; it was felt this idea should be pursued.

Ms. Lombos gave a brief update on the Library District. Councilor Harris has been "working the phones" with Clackamas County people, along with Mayor Ogden. She said that Clackamas County has held work sessions regarding this issue. Currently Clackamas County is putting together a sequence of when meetings need to happen. At this time, Thursday, July 30th is when the City of Tualatin can go and make a presentation. Discussion followed. It was noted that Clackamas County will allow Clackamas County residents to use the Tualatin Library and other Washington County facilities, but Clackamas County residents of Tualatin cannot use Clackamas County libraries. This issue is intended to be on the November 2009 ballot.

D. CITIZEN COMMENTS

None.

E. PUBLIC HEARINGS - *Legislative or Other*

Not applicable.

F. PUBLIC HEARINGS - *Quasi-Judicial*

Not applicable.

G. GENERAL BUSINESS

G.3. Resolution No. 4911-09 Authorizing the Bancrofting of Certain Fees and Charges Related to Robinson Crossing I and II and Authorizing the City Recorder to Enter Certain Real Properties Within the City of Tualatin Onto the City Of Tualatin Lien Docket

MOTION by Councilor Harris, SECONDED by Councilor Truax to place Item G.3. on the Consent Agenda. MOTION PASSED.

- G.4. Ordinance No. 1286-09 Establishing a Vocational Training Facility Tax
Assessment Category for the Core Area Parking District

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

H. ITEMS REMOVED FROM CONSENT AGENDA

None.

I. COMMUNICATIONS FROM COUNCILORS

None.

J. EXECUTIVE SESSION

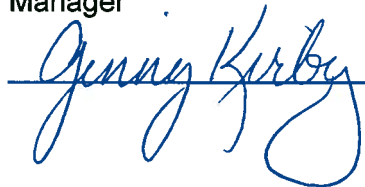
Pursuant to ORS 192.660(2)(h) an Executive Session was held after Work Session regarding pending litigation.

K. ADJOURNMENT

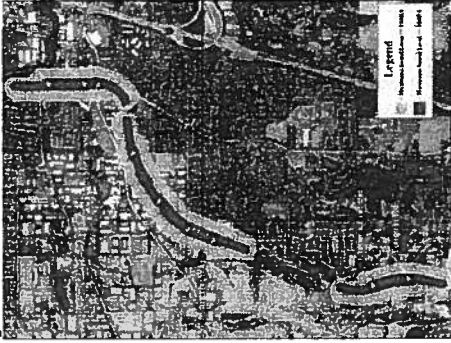
The meeting adjourned at 6:37 p.m.

Sherilyn Lombos, City Manager

Recording Secretary

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

Wayside Horn Testing



Train Horn Modifications

- Horns Replaced
- Horn Waiver Status

Quiet Zone Study Update



Tualatin City Council Work Session, July 13, 2009

Wayside Horn Testing



Coordination Committee Formed

Members

- City of Tualatin
- Washington County
- TriMet

- IGA has been drafted
- Consultant hired to conduct study

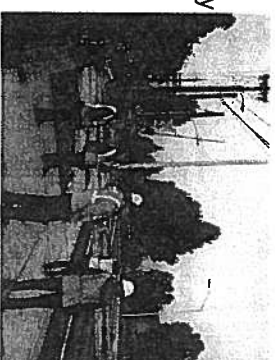
Crossings Reviewed

- Tualatin Road
- Nyberg Road
- Tualatin-Sherwood Road
- Boones Ferry Road Pedestrian Crossing
- 95th Avenue
- Teton Avenue
- Avery Street
- Industrial Way (Private)
- Browns Transfer (Private)
- Tonquin Road

Diagnostic Team Review

Participants

- City of Tualatin
- Washington County
- TriMet
- ODOT Rail Division
- Federal Railroad Administration
- Portland and Western Railroad
- Consultants

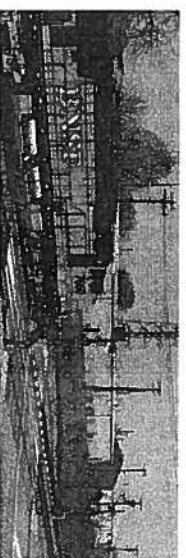


Diagnostic Team Review conducted June 5, 2009

Engineering Treatments Considered

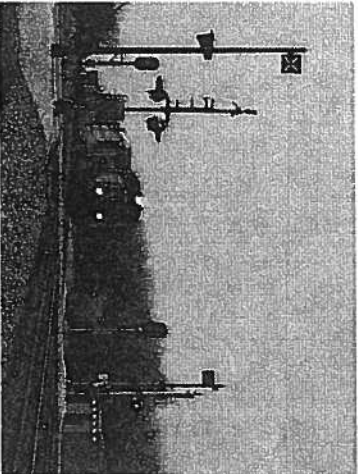


Medians



Four Quadrant Gates

Engineering Treatments Considered (cont.)



Automated Wayside Horns

Funding

Sources

- Tualatin CURD* \$1,300,000
- Federal ARRA \$ 939,000
- Washington County* \$1,000,000

Total \$3,239,000

*City and County funds are dedicated to specific crossing locations

Quiet Zone Boundary – Scenario 1



Quiet Zone Boundary – Scenario 2

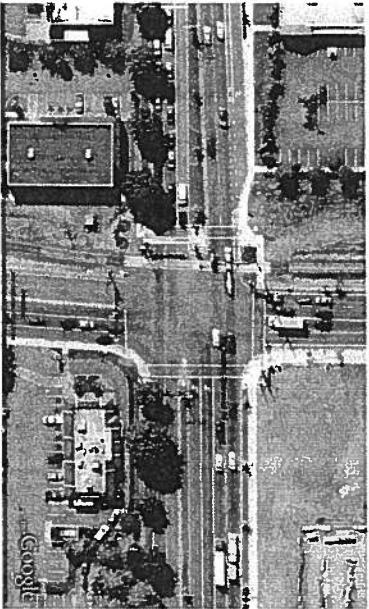


[illegible]

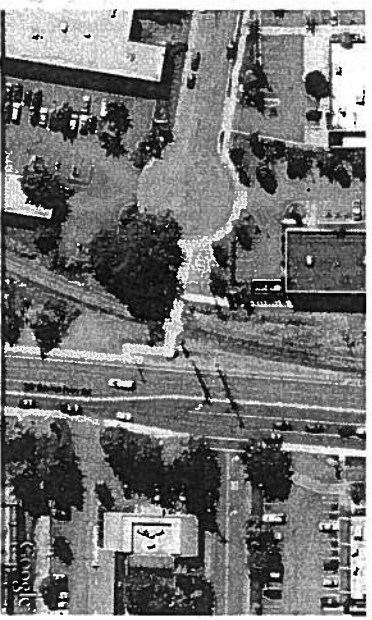
An aerial photograph of a residential property. A large, white, two-story house with a flat roof is situated on the right side of the image. To the left of the house is a swimming pool and a tennis court. The property is surrounded by trees and landscaping. A road or driveway runs along the top and left sides of the property. The Google logo is visible in the bottom left corner.

An aerial photograph of a residential neighborhood. A large white house with a prominent chimney is visible on the right. To its left is a house with a red roof, and further left is a yellow house. The area is filled with mature trees and a street with parked cars. A Google logo is visible in the bottom right corner.

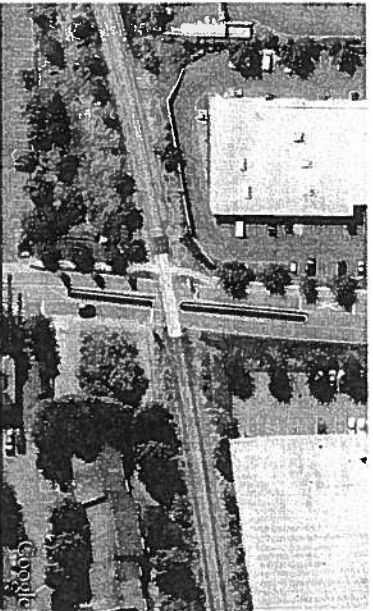
Tualatin-Sherwood Road
Treatment



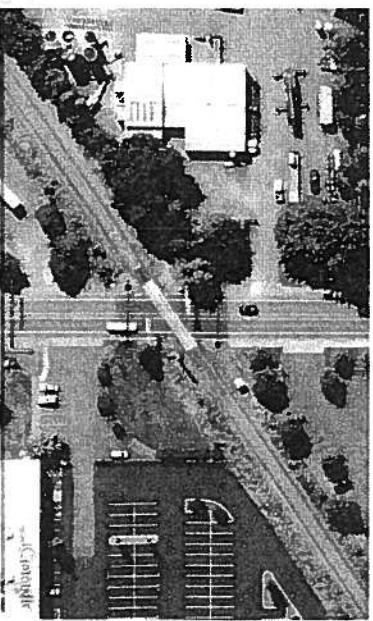
Boones Ferry Road Pedestrian
Crossing Treatment



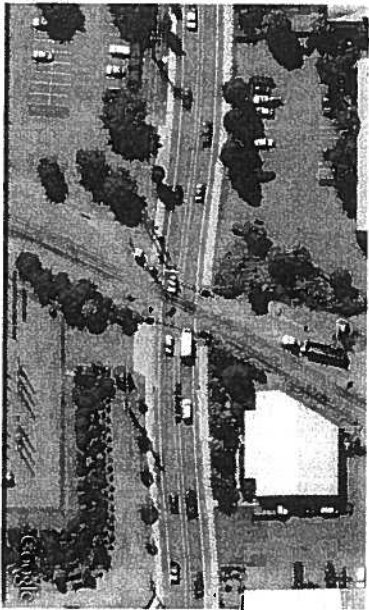
95th Avenue Treatment



Teton Avenue Treatment



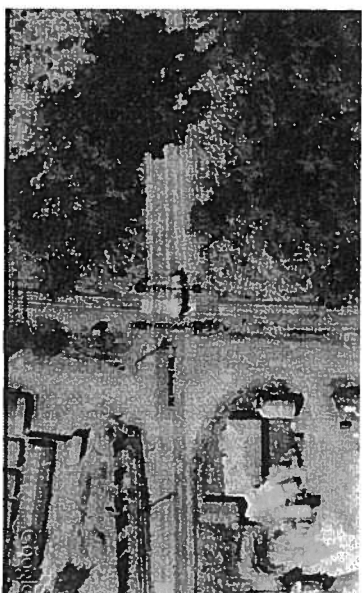
Avery Street Treatment



Recommendation

- Move Forward with Scenario 1 or Scenario 2 (with Council Direction)
- Endorse IGA between City, TriMet and Washington County

Tonquin Road Treatment



Next Steps

- Council Meeting July 27th
 - IGA Resolution
 - Presentation outlining direction
- Begin Engineering of Treatments

Timeline

Quiet Zone Evaluation

Project Schedule

| | 2nd Quarter 2009 | 3rd Quarter 2009 | 4th Quarter 2009 | 1st Quarter 2010 | 2nd Quarter 2010 | 3rd Quarter 2010 | 4th Quarter 2010 |
|---|------------------------|------------------------|------------------------|------------------------|------------------------|------------------------|------------------------|
| Study Phase | May 2009 - July 2009 | | | | | | |
| Preliminary Engineering / Crossing Orders | | Aug 2009 - Apr 2010 | | | | | |
| Final Engineering / Construction | | | | Feb 2010 - Nov 2010 | | | |
| File Notice of Quiet Zone Establishment | | | | | | | Dec 2010 |



City of Tualatin

www.ci.tualatin.or.us

Approved By Tualatin City Council
Date 8-10-09
Recording Secretary W. Smith

TUALATIN CITY COUNCIL MEETING MINUTES OF JULY 13, 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; Kent Barker, Chief of Police; Dan Boss, Operations Director; Carina Christensen, Assistant to the City Manager; Cindy Hahn, Assistant Planner; Ginny Kirby, Recording Secretary

ABSENT: Donna Maddux [* denotes excused]

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

A. CALL TO ORDER

Mayor Ogden called the meeting to order at 7:04 p.m.

Dale Potts, VFW, led the Pledge of Allegiance which was dedicated to Marine Cpl.

Matthew Lembke, of Tualatin. Mayor Ogden invited all public and private businesses to join with the City of Tualatin in flying their flags at half-staff in honor of Matthew.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. *Proclamation Proclaiming July 2009 as "Oregon National Guard Month" in the City of Tualatin*

Councilor Davis read the proclamation.

2. *Tualatin Youth Advisory Council (YAC) Update*

YAC representatives were before Council tonight to present an update on past and upcoming activities. A successful Spring Fling was held May 30th, which included the popular face-painting booth. The Annual YAC BBQ was filled with good fun and good food. 106 teens attended the Teen Extravaganza hosted by the library and teen programs. Movies at the Commons program has begun. Movies begin at 9:00 p.m., over 200 attended the first showing last week. The Bridging the Gap concert is set for Sunday, July 19th, 5:00 p.m. The proceeds from this concert will go to Tigard-Tualatin School District in the hopes of getting at least one teacher back per school. TualaFest 2009 is scheduled for Friday, August 7th, 6:00 p.m.-9:00 p.m. in the Community Park. It was reported that they have contributed 2,118 Volunteer Hours. New for YAC this year~ they are now on Facebook...you, too, can become a "fan"! Mayor Ogden thanked YAC members for all their hard work.

3. *New Employee Introduction: Melissa Koons, Operations*

Dan Boss, Operations Director, introduced Melissa Koons, who has actually been with the City for approximately five years. She has been with the Operations Department for approximately one month. Dan noted that among many things Melissa has done, she has raised 16 guide dogs over the years.

4. *Update on the City's Efforts Regarding a Whistle-Free, Quiet Zone*

Sherilyn Lombos, City Manager, noted that Council covered this issue in their work session tonight. The consultant team is made up of TriMet and CH2M Hill. Wayside horn testing was done in April and that was discussed; all horns on existing trains have been replaced with lower decibel horns, a waiver application has been applied for with the FRA (approximately six months before any decision will be made), and a Coordinating Committee is being formed with TriMet, the City, and Washington County. A diagnostic team has gone out to all crossings and looked at each for possible mitigation measures; two mitigation options were discussed during work session this evening.

Council gave direction to move forward with scenario #1. Also a pedestrian gate to be installed at the Tualatin Road crossing. Improvements will be in the \$1.8 - \$2.1 million range. An Intergovernmental Agreement will come back to Council on July 27th, as well as steps discussed in tonight's work session. She said the next steps will be engineering and opening crossing orders. Councilor Harris asked if tonight's PowerPoint presentation could be made available on the City's website; Ms. Lombos said it will be posted.

5. *Ginny Price, SW Wishram Court, Tualatin.*

Ms. Price she is here tonight to inform folks of the fundraiser "Bridging the Gap". This is a group of mothers who came together in the name for students and education, more information is available at: www.foundation4smarkids.org. Ms. Price said their goal is to raise \$1.3 million. There are approximately 12,000 students in Tigard-Tualatin School District, it would take \$101/student to reach that goal. On July 19th there will be a concert on the Tualatin Commons, gates open at 3:00 p.m., concert begins at 5:00 p.m., featuring Johnny Limbo and the Lugnuts. Tickets are \$45/family, \$20/single, and \$15/student. The concert is paid for, now they need friends and neighbors to come to the concert. A second fundraising event if the Run that will go between Tualatin and Tigard. If you don't want to participate in the run, you can do a straight monetary donation at the website. Ms. Price gave a special thanks to Mayor Ogden and Councilor Beikman for their efforts.

6. *National Night Out*

Jennifer Massey, Program Coordinator, Police Department, announced the 26th Annual National Night Out, Tuesday, August 4, 2009. This is a nationwide neighborhood event. The Tualatin Police Department is encouraging the community to host events. Please let the Police Department know if you are hosting a "Night Out 2009" so they can schedule an officer and McGruff the Crime Fighting Dog to visit your event (handout attached).

C. CITIZEN COMMENTS

Derek Colby, SW Aspen Place, Tualatin. Mr. Colby thanked staff for their time and attention to the quiet zone issue, he did ask about the establishment of a quiet zone at Industrial Way and Brown's Transfer. City Manager Lombos said those private crossings were upgraded during the WES commuter rail process. She reiterated that six crossings would be quiet zones.

D. CONSENT AGENDA

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

1. Approval of the Special Work Sessions of June 1, 2009, and June 9, 2009, and the Work Session and Meeting of June 22, 2009
2. Change Order No. 1 to the Contract Documents for Construction of the Tualatin Operations Yard Parking Lot, Storage Yard, and Utility Improvements
3. Resolution No. 4909-09 To Approve a Settlement Agreement with Verizon, as Part of the Oregon Municipal Audit and Review Committee 9OMARC) Audit
4. Resolution No. 4910-09 Authorizing a Revocable Permit for a Temporary Construction Staging Area in the Blue Lot
- G.3. Resolution No. 4911-09 Authorizing the Bancrofting of Certain Fees and Charges Related to Robinson Crossing I and II and Authorizing the City Recorder to Enter Certain Real Properties Within the City of Tualatin Onto the City of Tualatin Lien Docket
- G.4. Ordinance No. 1286-09 Establishing a Vocational Training Facility Tax Assessment Category for the Core Area Parking District

MOTION CARRIED.

E. PUBLIC HEARINGS - *Legislative or Other*

1. Public Hearing to Consider An Ordinance Relating to Fences; Requirement Fences Along Interstate Highways in the RL and RML Planning Districts; and Amending TDC 34.320, 34.330, 34.340, 73.221, 73.222, and Figures 34-1 and 34-2 (PTA-09-01)

Ordinance No. 1285-09 Relating to Fences; Requiring Fences Along Interstate Highways in the RL and RML Planning Districts; and Amending TDC 34.320, 34.330, 34.340, 73.221, 73.222, and Figures 34-1 and 34-2

Cindy Hahn, Assistant Planner, entered the entire staff report for PTA 09-01 into the record. This plan text amendment to the Tualatin Development Code (TDC) requires fences along interstate highways in the low density and medium low density residential planning districts. This ordinance amends the 2007 action. The only difference between this and the previous ordinance is a minimum of 8-feet instead of 6-feet, vegetation 200 lineal feet wide between roadway and houses, openings can be required by ODOT or TVF&R, as access may be needed due to

Comments were received from TVF&R and responded to by adding that they could require opening in fences. Also received from ODOT stated their concern was primarily with wanting the fences designed as acoustical barriers. The City said this

was not the purpose of this ordinance; fences are being addressed for aesthetic not noise purposes. It was stated that TPAC voted 5-0 for Council to approve PTA 09-01; staff is now looking to Council for direction.

PROPOSERS

None.

OPPOSERS

None.

COUNCIL QUESTIONS

None.

Council Deliberation – None.

MOTION by Councilor Truax; SECONDED by Councilor Barhyte to adopt the Ordinance. MOTION CARRIED.

MOTION by Councilor Beikman; SECONDED by Councilor Harris for first reading by title only. MOTION CARRIED. MOTION by Councilor Truax; SECONDED by Councilor Harris for second reading by title only. Poll: 6-0 [Beikman, Harris, Barhyte, Ogden, Truax, Davis; Maddux absent]. MOTION by Councilor Truax; SECONDED by Councilor Davis to adopt the Ordinance Relating to Fences. MOTION CARRIED.

F. PUBLIC HEARINGS - Quasi-Judicial
None.

G. GENERAL BUSINESS

1. Fiscal Year 2008-2009 Tualatin Tomorrow Vision Implementation Committee Annual Report

Frank Bubenik, Tualatin Tomorrow Co-Chair (SW 107th Avenue, Tualatin) and Candace Kelley, Tualatin Tomorrow Co-Chair, (SW Tualatin Road) came before Council tonight to present the Annual Report. Mr. Bubenik stated that this is the first full fiscal year and it has been a very busy year. He gave a brief background, noting that three years ago (in 2006) the City of Tualatin launched a vision initiative. Many events were held in 2006 and the vision plan was created and then adopted in 2007.

The big goal is: raise awareness / constantly get their name out. Milestones were set for the year: creating a work plan, create an informational brochure, every other month a focus area lead makes a presentation to Council. Mr. Bubenik reviewed the events of the past year, which included: 2nd Annual Community Health & Safety Fair; Spring Fling; Pumpkin Regatta; change in focus area personnel; added youth representatives; and always seeking more volunteers.

The Annual Event was held April 30th at Legacy Meridian Park Hospital; biggest feedback was that folks wanted to know what the City was working on. They were able to inform the public on what is being worked on. There was also input of new ideas received. A Partner Luncheon was held. It was such a huge success that it will

most likely become an annual event. In August they will participate in the Crawfish Festival, both in the parade and the booth in the Park.

Mr. Bubenik summarized the activities of the Focus Areas, which are:

- ACE – arts, culture, education
- GLC – government, leadership, community engagement
- GHT – growth, housing, town center
- HSS – health, safety, social services
- PRN – parks, recreation, natural areas
- TTC – traffic, transportation, connectivity

Ms. Kelley noted that the Vision and Strategic plans have been reviewed. During review they found a few more things that need to change - what focus group certain things are in and the Tualatin Tomorrow booklet, which is going under review and modification before reprinting. Ms. Kelley said these items will come back before Council in August.

She wanted folks to know that you can contact Tualatin Tomorrow at 503.693.3009. Focus area report cards are available on their website: www.tualatintomorrow.org. Ms. Kelley reminded everyone they are always looking for volunteers!

Mayor Ogden noted that Tualatin Tomorrow is a huge effort and thanked them for all the on-going efforts and hours spent. Councilor Beikman also thanked them for all the work being done. Mayor Ogden reiterated that Tualatin Tomorrow is a community-driven effort and encouraged citizens to volunteer.

2. Tualatin Town Center Transportation Growth Management (TGM) Outreach Workshop Summary Memorandum

Cindy Hahn, Assistant Planner, gave a PowerPoint presentation. Ms. Hahn noted that staff had submitted a preapplication request in December 2008 for TGM Program Services, a joint program of the Oregon Department of Land Conservation and Development (DLCD) and the Oregon Department of Transportation (ODOT). The consultant working on this project was Crandall and Arambula PC. The process involved phone interviews with stakeholders, officials, and community members, and a site visits on May 1st with the City Manager, Councilor, and staff, a public workshop on June 1st, and then the Summary Memorandum which summarized the outreach workshop process.

Next steps in the planning process were identified during the public workshop, which include: identify a process and scope of work that will result in a strategic master plan; identify all key stakeholders; identify and obtain funding sources for development of the Town Center Plan; and adopt the Plan and implement ordinances as part of the Tualatin Development Code.

There were constraints identified when developing the concept, which included difficult to access areas, deadend streets, and heavy traffic. This town center concept includes a center street and a retail main street. A late comment was received from ODOT that basically said the City will need to coordinate with them on

any planning, etc to be done in the town center, especially on 75th (which is the "street" that runs just east of Wendy's). ODOT is concerned about spacing standards in designing street design.

Mayor Ogden noted that something that did not come out before was the asset of the Tualatin River and having that as a focal point. He would like to see this value explored further in the future. Councilor Harris noted he was very appreciative of the consultant's work on this project.

3. Resolution No. - - - Authorizing the Bancrofting of Certain Fees and Charges Related to Robinson Crossing I and II and Authorizing The City Recorder to Enter Certain Real Properties Within the City of Tualatin onto the City of Tualatin Lien Docket

[Resolution was placed on the Consent Agenda during work session.]

4. Ordinance No. - - - Establishing a Vocational Training Facility Tax Assessment Category for the Core Area Parking District

[Ordinance had first and second readings at work session and was placed on the Consent Agenda.]

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

Ms. Lombos passed along information on behalf of Councilor Maddux regarding ArtSplash, July 25 and 26, 2009, at the Tualatin Commons. Also, Washington County Summer Food Program at Bridgeport Elementary School on Tuesdays, Wednesdays, and Thursdays, Breakfast is served at 8:30 a.m.; Lunch is served at 11:30 a.m. There is a link on the City's website for the Commission on Children and Families for more information.

J. EXECUTIVE SESSION

Pursuant to ORS 192.660(2)(h) an Executive Session was held after work session regarding pending litigation.

The Council meeting was recessed at 8:24 p.m. to move to the Development Commission meeting; the Council meeting reconvened at 8:26 p.m.

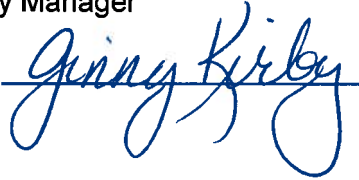
K. ADJOURNMENT

Mayor Ogden read a Special Resolution in tribute of Marine Cpl. Matthew Lembke, a Tualatin resident who recently lost his life in the service of his Country, and then asked for all to stand in reverence as Council adjourned the meeting.

The meeting adjourned at 8:27 p.m.

Sherilyn Lombos, City Manager

Recording Secretary

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

Handout from J. Massey - Item
July 13, 2009 B.6.

NATIONAL
NIGHT OUT
2009

POLICE - COMMUNITY PARTNERSHIPS

**Take a Stand... Give Neighborhood Crime & Drugs
a Going Away Party**

Tuesday, August 4, 2009

26th Annual National Night Out

From **7 to 10 p.m.**, residents in neighborhoods throughout Tualatin and across the nation, are asked to lock their doors, turn on outside lights and spend the evening outside with neighbors and police. Many neighborhoods throughout Tualatin will be hosting a variety of special events such as block parties, cookouts, parades, visits from police, flashlight walks, contests, youth activities and anticrime rallies.

Please register your neighborhood celebration with the Tualatin Police Department and we will have an officer and McGruff the Crime Fighting Dog stop by for a visit.

Contact: Jennifer Massey, Tualatin Police Department Program Coordinator/P.I.O., (503) 691-4846, or email jmassey@ci.tualatin.or.us

Addn to Item G.2,
July 13, 2009

Next Steps

The Tualatin town center area will not benefit from small steps. A detailed and implementable master plan that will create a vital town center must be developed and adopted.

Tualatin Town Center Master Plan

The first steps in developing and implementing a town center master plan are:

- Identify a process and scope of work that will result in a long-term, strategic master plan.
- Identify and obtain funding source(s) for the development of the master plan.
- Identify all key stakeholders

Development of a Tualatin town center master plan will require a transparent and accountable public process that ensures economic benefit for local property owners and other stakeholders and meets the communities desire for a vibrant, 18-hour downtown.

Due to the proximity of the Town Center to the I-5 interchange, ODOT will be a key stakeholder in the project. Spacing standards, turning movements, conflict points, and trip generation will need to be considered in refining street configuration.

The master plan should include at least the following components:

- **Main Street Retail Strategy**—Inventory of ground-floor space; existing-use inventory; ideal retail configuration; potential retail build-out area
- **Retail Parking Strategy**—Inventory of existing retail parking; identification of site(s) for retail parking structure; concept design for structure; curb-side parking requirements
- **Town Center Plaza Strategy**—Refinement of site configuration; final concept design
- **Street Configuration Design**—Travel lanes; curb-side parking; bike facilities; sidewalk character; crosswalks
- **City-wide Retail Strategy**—Policies to protect main street investment

The Tualatin town center design should refine the elements preferred by the community at the outreach workshop:

- Center Street
- Retail 'Main Street'
- Town Center Plaza
- Protected Bicycle/Pedestrian Routes
- Office
- Housing

The enthusiasm demonstrated at the outreach workshop and indicated in the community response sheet can provide the momentum to move forward with establishing a vital and accessible Tualatin town center.



TUALATIN CITY COUNCIL WORK SESSION MINUTES OF JULY 27, 2009

PRESENT: Mayor Lou Ogden; Councilors Chris Barhyte, Monique Beikman [arrived at 5:05 p.m.], Joelle Davis, Jay Harris, and Donna Maddux [arrived at 5:23 p.m.], Sherilyn Lombos, 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; Eric Underwood, Development Coordinator; Colin Cortes, Assistant Planner; Maureen Smith, Recording Secretary

ABSENT: Councilor Ed Truax* [* denotes excused]

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

A. CALL TO ORDER

Mayor Ogden opened the work session at 5:00 p.m.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. Tualatin-Sherwood Road Enhancement Project (Development Commission)

Development Coordinator Eric Underwood gave a brief introduction and background on where the Tualatin-Sherwood Road landscape and pedestrian improvements and gateway feature project is at this point. Policy considerations for Council/Commission are corridor landscaping, gateway/entry features, artist involvement, and future park utilization. The consultants, CH2M Hill and Mayer-Reed were also present.

Carol Mayer-Reed and Ryan Carlson, of Mayer/Reed began with a PowerPoint reviewing the corridor concept illustrations. The Traditional Boulevard Landscape is what they believe to be the intent of the Council/Commission. Also reviewed was the Ornamental Parkway Landscape and its components, and the Nature Greenway Landscape. The Ad Hoc Committee that was formed to review this project liked a combination between the Traditional Boulevard and Nature Greenway. It was asked if conifer trees could be included in the concept, and the consultant said that could be accommodated. It was asked and explained that the trees on the landscape would be planted to accommodate the roadway.

Ms. Mayer-Reed moved on to the gateway/entry features of the presentation. The analysis has previously been discussed and the Council/Commission needs to determine which of the four gateway/entry feature themes best represent Tualatin. From the Ad Hoc Committee discussions, four potential gateway/entry feature themes were produced; the Wapato Garden, which includes the native American "wapato plant", Stone Triangle, Waterline Columns and Architectural Colonnade concepts.

The Wapato Garden Gateway proposal was reviewed and in discussion with the Arts Advisory Committee they weren't sure if the gateway/entry was the place to have art displayed. It was asked about the eastbound lane that is unused and the current one-way traffic lane. Tualatin's character was reviewed in relation to how the gateway project should look.

The Stone Triangle Gateway uses large basalt columns. The Waterline Columns gateway was another idea encompassing large columnar basalt that could be illuminated, in working with artist Linda Wysong. Part of same idea of the Waterline Columns gateway, another stone could be carved and could treat the stormwater. The final concept is a granite colonnade gateway. It has more polish in using the granite; not basalt but rather clean lines that could have a light box on top,

A gateway summary was displayed to show the similar and differences in each. Ms. Mayer-Reed reviewed the project schedule/timeline of the project. It was asked about the initial gateway and additional mini-gateways throughout town and what would need to be done as far as costs, call for artists, etc.

Discussion followed on using basalt versus granite. Basalt is more rough, with warm tones and earthen material and can range from a variety of color depending on how it's cut. Using illumination and using a splash of water to take away the hard edge and tie into the Commons was mentioned by Councilor Harris.

Councilor Maddux said she is leaning toward the Colonnade Gateway, and wondered about the walkability. Ms. Mayer-Reed said if a project suggests pedestrian environment, it can evolve that way, and there are examples she could provide. Also questioned was the use of the acrylic, and Ms. Mayer-Reed said she can ask the artist, but it should be should durable for a very long time. Councilor Beikman said she was also leaning towards the Colonnade Gateway.

Mayor Ogden said it appears Council wants a gateway at that location but questioned the costs, and to not spend a lot of money in something that should be pedestrian-friendly. He said he would like to know that it fits in the future and perhaps something simpler would be better. Councilor Beikman said that could be taken the other way and be looked at as a "start". Councilor Barhyte said he is leaning toward the waterline columns as he feels the colonnade is too hard of an urban edge feel. Ms. Mayer-Reed said the colonnade is a unique way to draw eye down to the Commons. She is open to all comments and suggestions by Council. Councilor Maddux commented that she did see Councilor Barhyte point of view on the hard edge of the colonnade, and said she was not sure if necessarily6 wanting to have a "row" of columns necessarily. Councilor Harris added he liked the basalt more than the granite.

Community Development Director Rux said one piece that came out of the Arts Advisory Committee is recommendations for art selection process, as well as the gateway/entry feature itself.

Discussion followed and staff will come up with a concept and take back to the Arts Advisory Committee. Discussion continued and it was suggested waiting until after the Crawfish Festival and open houses are held before moving forward. City Manager Lombos said in terms of a timeline, staff is looking to go out to bid next winter and begin construction in spring/summer.

Mayor Ogden added that a discussion on the Regional Transportation Plan (RTP) will be held after the break.

A break was taken from 6:00 p.m. to 6:10 p.m.

2. *Regional Transportation Plan (RTP) Update and I-5 to 99W Alternate 7 Update*
City Engineer Mike McKillip gave a brief update on the process of updating the RTP. The August 13, 2009 Metro JPACT meeting will have a discussion about each entity identifying their investment priorities.

On September 15, 2009, Metro's Chief Operating Officer (COO) will release a draft report on "Making the Greatest Places". This will include the Urban Growth Report, the Urban/Rural Reserves Report, and the RTP. There will be a 30 day public comment period on the report. At that time JPACT and others will evaluate the comments and decide what direction to go on them.

In the winter and spring of 2010 modeling and further analysis will be done. Air quality conformity, land use findings, and final amendments to the existing RTP will be finalized. In the Spring 2010 there will be another 45 day public comment period for the RTP.

Mayor Ogden reviewed the proposed Alternative #7 Implementation outline that Metro Policy Advisory Andy Cotugno discussed with the Mayor, Councilor Beikman, City Manager Sherilyn Lombos and City Engineer McKillip a few weeks back. Council had two areas of concern about the memo:

--Item A.2.g. involves connecting Herman Road through Sherwood to Highway 99W. *Council is concerned about providing a direct connection from 99W to I-5 along this route.*

--Item B.2.b. involves widening Tualatin-Sherwood Road between 124th and Teton. *Council would like this widening to stop at Avery.*

On the project list, staff will combine the Herman Road and Tualatin Road Bridge to Lower Boones Ferry Road projects into a project that is similar to the process outlined in B.1.b. of the Alternative #7 memo.

The Work Session continued after the regular Council meeting at 9:04 p.m.

3. *For Lease/Sale Sign Regulations*
Discussion on the issue of For Lease/Sale signs and the amount of commercial signage that is displayed. City Manager Lombos said staff took these issues back to the Tualatin Planning Advisory Committee (TPAC) and came up with ways to address those commercial signage issues. Community Development Director Rux said a meeting has been scheduled with the Chamber and looking to get feedback from Chamber and TPAC, and the business community and identify options.
4. *Clackamas County Library District*
City Manager Lombos began with the goals that Tualatin wants to provide to its citizens, particularly those in Clackamas County. Staff has been looking at options and has endeavored to work with Clackamas County officials on this issue. There are unanswered questions in contracting with Washington County Cooperative Library Service (WCCLS) as to what would be an appropriate rate. How to get feedback from residents on contracting with WCCLS was also mentioned, and if this were to get on the ballot, there would be a time crunch.

Considerable discussion continued on how to address library services and at what costs for Clackamas County residents. Whether to contract with WCCLS or remain with the current system was discussed and how funds are distributed by the Cooperative. After discussion, consensus by all Council present was to attend the Clackamas County "working group", with Councilors Barhyte and Harris the elected officials from Tualatin.

5. *Extension of Land Use Approvals*

Assistant Planner Colin Cortes presented information on land use approvals that are expiring or close to expiring. With the current economic conditions nationally, several local development and redevelopment projects have been delayed. Assistant Planner Cortes reviewed options Council could take on how to address this issue.

Community Development Director Rux said from staff's perspective, looking at going back to 2007 and extend out to 2012 on approvals within this time frame and believe it can buy some time for the land use approvals. Council asked what would be the easiest and best way to address this process, and Community Development Director Rux said extending the timeline, work with the applicants, and make any adjustments needed with Clean Water Services.

After discussion, it was suggested that staff determine how to best address the current list of applicants that have expired or about to expire. Also look at applying a "date certain" on the allowance of an extension. After discussion it was suggested that every applicant from January 1, 2007 through June 30, 2009 be allowed an extension through December 2012. Brief discussion followed. Staff will return with a modification to the Tualatin Development Code.

6. *Urban/Rural Reserves*

Community Development Director Rux began by noting this is the last round on urban/rural reserves discussions and a culmination of three previous work sessions regarding Local Aspirations and Urban Reserves. The Community Development staff requested the Council forward a recommendation to Washington and Clackamas Counties designating Knife River and Stafford Basin as an urban or rural reserve or areas or parts thereof to remain undesignated or a combination of those four choices. Staff prepared a memo with information about the processes Washington and Clackamas counties are using to analyze rural reserves, work done by the Clackamas County Business Alliance and the Stafford Hamlet, and finally an analysis of urban reserve factors prepared by staff.

After staff's presentation of the memo and PowerPoint, Council discussed the merits of the policy considerations. Some consideration was given to the recent actions taken by the cities of Lake Oswego and West Linn and their decisions to recommend the Stafford Hamlet as a rural reserve. Other considerations were given to the City's need to be flexible in the future by designating land urban or undesignated. However, this was counter with a wariness that land use and zoning controls will remain with the counties. Washington County and the cities in Washington County have urbanization agreements meaning that when land is eventually designated an urban reserve by Metro cities will have control over land use, zoning and development. Such an agreement does not exist in Clackamas County or with Clackamas County cities.

Council's direction was to recommend to the counties that the Knife River area be designated an urban reserve, the portion of Stafford Basin in Washington County an urban reserve, and the portion of Stafford Basin in Clackamas County a rural reserve.

C. CITIZEN COMMENTS – N/A

D. CONSENT AGENDA

Council reviewed the Consent Agenda with no changes.

E. PUBLIC HEARINGS – *Legislative or Other*

N/A

F. PUBLIC HEARINGS – *Quasi-Judicial*

N/A

G. GENERAL BUSINESS – N/A

H. ITEMS REMOVED FROM CONSENT AGENDA – N/A

I. COMMUNICATIONS FROM COUNCILORS

None.

J. EXECUTIVE SESSION

None.

K. ADJOURNMENT

The work session recessed at 6:59 p.m. and reopened at 8:55 p.m. for continued discussion, and adjourned at 11:26 p.m.

Sherilyn Lombos, City Manager

Recording Secretary





TUALATIN CITY COUNCIL MEETING MINUTES OF JULY 27, 2009

PRESENT: Mayor Lou Ogden, Councilors Chris Barhyte, Monique Beikman, Joelle Davis, Jay Harris, and Donna Maddux; Sherilyn Lombos, City Manager; Brenda Braden, City Attorney; Mike McKillip, City Engineer; Don Hudson, Finance Director; Kent Barker, Police Chief; Kent Barker, Police Chief; Carina Christensen, Maureen Smith, Recording Secretary

ABSENT: Councilor Ed Truax* [* denotes excused]

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

A. CALL TO ORDER

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

Councilor Beikman led the Pledge of Allegiance.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. New Employee Introductions

Finance Director Don Hudson introduced new Accounting Supervisor Dave Peterson and gave a brief background on his qualifications and experience. Council welcome Mr. Peterson to the City staff.

City Engineer Mike McKillip introduced new Engineering Technician Laura Vierkandt and gave a brief background on her qualifications and experience. Council welcomed Ms. Vierkandt to the City staff.

C. CITIZEN COMMENTS

Linda Moholt, Tualatin Chamber of Commerce, 18791 SW Martinazzi Avenue, was present to promote the upcoming Tualatin Crawfish Festival on August 7 through 9, 2009. Ms. Molholt also noted she was present to discuss the sign policy being addressed by Council, and that the business community would like to take part in the process and any discussions with Council. Mayor Ogden said the discussion will be held after the regular meeting in continuance of the Work Session and an objective is that it does not impede businesses. Mayor Ogden also noted the work that is done not only by City staff but the Chamber for all the work they do putting on the annual Crawfish Festival.

Ms. Moholt also noted the Tualatin Schoolhouse Food Pantry will be moving to Rolling Hills Community Church on Saturday, August 15, 2009, and the community will be helping with the move. The church has given the pantry a wonderful opportunity to continue focusing on feeding families. The ribbon cutting will be Monday, August 17, 2009 at 2:00 p.m. and invited all to attend. Councilor Maddux also mentioned the school lunch program happening in Tualatin schools.

Joe Lipscomb, representing Juanita Pohl Center gave a monthly report for the Center, and noted he had spoken with Community Services and the Pohl Center will be open this Wednesday and Thursday evenings as a cooling center (due to the extreme heat weather). Mr. Lipscomb reviewed the past month's activities and events. Mayor Ogden noted his attendance at the Center's anniversary luncheon last month.

Kathy Newcomb, 17515 SW Cheyenne Way, Tualatin, OR, was present to note her disappointment in the discussion held earlier during the work session on the Regional Transportation Project (RTP) project listing, in particular the northern arterial project still being included in the listing. Ms. Newcomb pointed out that correspondence by Council does not support the Northern Arterial, but it is included in the list of projects. Ms. Newcomb said she was troubled by this and a decision such as this should be made within the Council. She thanked Councilors Harris and Davis for their concerns voiced.

Dolores Hurtado, 8685 SW Chinook Street, Tualatin, OR, was present and said she was impressed by the presentation given at Work Session on the various approaches presented for the gateway planning of the downtown area. The evaluation of the various groups that took part in the process seems the way that City business should be conducted and Ms. Hurtado said he does not appear the same approach was taken with the Northern Arterial project, and seems as though the welfare of the citizens were not factored into the decision-making process. Ms. Hurtado pleaded for Council's consideration and believes Tualatin is taking the brunt for two major connections in the region.

Mayor Ogden spoke on wanting it to be clear there is no decision that has been made on anything that has been alluded to by the two previous citizens that have spoken on the subject of the northern arterial project. He continued to say that all issues will need to be addressed and that there is only a "placemaker" in the Regional Transportation Plan (RTP).

Marcele Daegas, commercial real estate broker, 6700 SW 105th, Beaverton, OR, said she does a lot of work in Tualatin and was aware of the Council discussion on leasing signs, and noted it is an important part of their business to have the appropriate number and size of signs, and asked that commercial brokers and landlords be able to participate in the discussion. Ms. Daegas said in her opinion Tualatin does have a central business district, and although this is a separate issue from the signs, she wants to promote the district and reiterated to be included in the discussion and process.

Mayor Ogden acknowledged new Tigard-Tualatin School Board member Dana Terhune as present in the audience. Ms. Terhune said her term started on July 1, 2009, and she gave a brief background about herself.

D. CONSENT CALENDAR

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

1. Resolution No. 4912-09 Accepting Public Improvements Construction for SW 115th Avenue
2. Resolution No. 4913-09 Authorizing an Intergovernmental Agreement with TriMet and Washington County Regarding WES Train Horn Noise Mitigation Funding
3. Approval of a New Liquor License Application for Bambuza Vietnam Grill

4. Approval of a New Liquor License Application for The Grand Hotel at Bridgeport
5. Community Involvement Committee Appointments

MOTION CARRIED.

E. PUBLIC HEARINGS – *Legislative or Other*

None.

F. PUBLIC HEARINGS – *Quasi-Judicial*

1. Public Hearing to Consider a Resolution Extending a Conditional Use Permit for the Warehousing and Primarily Wholesale Distribution of Building Materials at 10700 SW Tualatin-Sherwood Road (CUP-09-03)

Mayor Ogden read language required by legislation before a comprehensive plan or land-use regulation [ORS 197.763(5) and (6)] and opened the public hearing. No bias or ex parte contact noted by Council.

Assistant Planner Colin Cortes presented the staff report and entered the entire staff report into the record. The matter before Council is a conditional use permit (CUP) that has expired. Due to the economic recession the applicant has not been able to move to a new location, and Council has the ability to extend the CUP.

PROPOSERS

Craig Olson, Mutual Materials Operations Manager, was present and said if the economy was better they would not be asking for an extension of up to two years. They hope things will turn around in the next year and be able to move forward with a new location.

OPPOSERS – None.

COUNCIL DISCUSSION

Mayor Ogden asked if anything has changed substantially in meeting the criteria in any regulations, etc. that could affect the decision by Council. Mr. Cortes said for all practical purposes the application is essentially the same as was last year.

Brief discussion followed.

Mayor Ogden closed the public hearing.

COUNCIL DELIBERATION

MOTION by Councilor Harris, SECONDED by Councilor Barhyte to grant CUP-09-03 extension for two years from July 14, 2009. MOTION CARRIED.

Resolution No. 4914-09 Extending a Conditional Use Permit for the Warehousing and Primarily Wholesale Distribution of Building Materials at 10700 SW Tualatin-Sherwood Road (Tax Map 2S1 27AA, Tax Lot 2100) (CUP-09-03)

MOTION by Councilor Harris, SECONDED by Councilor Barhyte to adopt the attached Resolution granting an extension of CUP-09-03. MOTION CARRIED.

G. GENERAL BUSINESS

1. Resolution No. _____ Approving the Proposed Formation of a Special Aquatic District
(Tigard-Tualatin Aquatic District)

Community Services Director Paul Hennon introduced the information on the proposed formation of a special aquatic district, and noted Pam Griffith was present with members of a citizen group proposing a new district to operate the two pools in the Tigard-Tualatin School District. Oregon law requires that cities must approve formation of all districts which is why the group is here tonight. They will also be going to the Tigard, Durham, and King City Councils, and are seeking placement on the ballot in May 2010. Mr. Hennon said the group is here to obtain the general consent of the City Council.

Pam Griffith, 14605 SW Rock Ridge Road, Tigard, OR, was present speaking on behalf of a group of citizens interested in preserving the pools in the community, and to ask the City Council to approve the formation of a special aquatic district, to be put on the ballot in May 2010. Ms. Griffith said the Tigard-Tualatin School District (TTSD) is not able to continue to operate the pools and are considering mothballing or shutting down completely, however voters in the district will continue to pay for the pools. The proposal is fairly simple. They want to preserve the status quo and services would be similar to what they are now. Pools are used primarily by the community, even during the school year.

The new district would be to just "operate" the pools, but would still be part of the TTSD, and would be operated at 0.9 per 1,000AV, approximately \$16/year for a \$300,000 house. Voters would need to approve the formation of the district, and they need the consent of all four cities and gather sufficient number of signatures to place on the ballot. Their hope is to have all they need by August 11th from all four cities.

Dana Terhune, 5070 SW Greenwood Circle, Tualatin, OR, was present to offer her support for the pools. She said it is unfortunate that the pools were cut, and a huge group came to TTSD to look at a way to save the pools. If they are closed they can never be reopened again. She applauded the group, and would love to give them a chance to keep the pools open.

Evan Tam, 9250 SW Iowa Drive, Tualatin, OR, spoke that his family moved to Tualatin a decade ago, and in looking at a community to live, chose Tualatin. The pools are important now and for future residents.

Rosemarie Robeznieks, 15037 SW Scarlett Drive, Tigard, OR, although she lives in Tigard, but children attend Tualatin schools, and said it is important to keep the pools open, and will work hard for the community to do that.

Councilor Davis asked about how repair and capital expenses would be handled through this type of partnership. Ms. Griffith said she has done this type of costing in the past, and in the proposed budget there is a built-in figure for those types of costs. Also, because the new district and TTSD will be motivated to keep the pools open and in the agreement could have a provision to anticipate those costs. Almost everything should be covered by the proposed budget. Also asked was how the boundary of the school district would be address, and Ms. Griffith said it would be similar to how it is set up now. Councilor Davis asked what might happen if they are unable to get on the ballot, and Ms. Griffith said they haven't addressed that because they are confident they will be able to get the signatures needed.

Councilor Barhyte questioned the ongoing maintenance costs and issues.

Paul Mead, 17667 SW 80th Place, Durham, OR, accountant, addressed the issues of the ongoing maintenance costs that would be needed for the district. Mr. Mead said considerable anticipated costs were factored into the costing.

It was asked by Councilor Barhyte if this would preclude the City from having a park district in the future and City Attorney Braden said she is not certain on the specific question of overlapping districts and would have to research the answer. Councilor Barhyte said his question is to ensure that there isn't a problem later on.

Mayor Ogden commented that he thought this is a great thing the group is doing. He asked if this is only for the operation of the pools in the district, and questioned that it would not be the ability for this district, if approved, to be part of a future recreation district. Mayor Ogden then asked if a district could be "de-annexed". Ms. Braden said it may be possible to be done some way. It was noted that TTSD will keep open one pool and mothball another in the coming year, to enable this group to see what will happen.

Councilor Beikman said while she applauded the group, worried that this will get in the way of anything the City wants to do in the future, and also expressed concern about further fragmenting the City, what with the issue of the Clackamas County library district.

Councilor Harris asked why this issue was not brought to a work session discussion, and said Council is almost getting blindsided. Councilor Maddux agreed, but this is a "grass roots" effort, and is a timing issue, and the group cannot move forward without approval from Tualatin and three other cities and approval from the counties, and we don't have all the details because it is not the City's process.

Mayor Ogden asked what questions need to be answered to be able to bring this back on August 10, 2009 meeting. Discussion followed, and the particular issue Council wished to address is if it will impact any future districts the City would attempt in the future, if this can be de-annexed and how does it happen and work under state law. Also, look into the boundaries of the school district, and some answers on why we need to be coupled with TTSD. Also questioned were the details of the lease, but Ms. Griffith said they won't have that detail. Discussion followed.

City Manager Lombos said to address the work session issue, this recently came up about two weeks ago, but staff did not feel their proposal was refined enough to present to Council. This was handled much like the Clackamas County Extension Services district proposal awhile back. Although this is a bit of a different process, the group came wanting the City's support. City Manager Lombos suggested at the next Council meeting on August 10, 2009, the group come prepared to present and address Council's questions. Mayor Ogden agreed and trusts staff to at least evaluate this from the perspective of Council's concerns.

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. EXECUTIVE SESSION

None.

J. COMMUNICATIONS FROM COUNCILORS

None.

K. ADJOURNMENT

MOTION by Councilor Maddux, SECONDED by Councilor Beikman to adjourn the meeting at 8:52 p.m. MOTION CARRIED.

Sherilyn Lombos, City Manager

Recording Secretary Maureen Smith



STAFF REPORT

CITY OF TUALATIN

Approved By Tualatin City Council
Date 8-10-09
Recording Secretary M. Smith

TO: Honorable Mayor and Members of the City Council

FROM: Sherilyn Lombos, City Manager *SL*

DATE: August 10, 2009

SUBJECT: APPROVAL OF A NEW LIQUOR LICENSE APPLICATION FOR SUSHIVILLE TUALATIN

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve a new liquor license application for Sushiville Tualatin.

RECOMMENDATION:

Staff respectfully recommends that the Council approve endorsement of the liquor license application for Sushiville Tualatin.

EXECUTIVE SUMMARY:

Sushiville Tualatin has submitted a new liquor license application for Limited On-Premises Sales. The business is located at 7107 SW Nyberg Street. The application is in accordance with provisions of Ordinance No. 680-85 which established a procedure for review of liquor licenses by the Council.

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

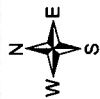
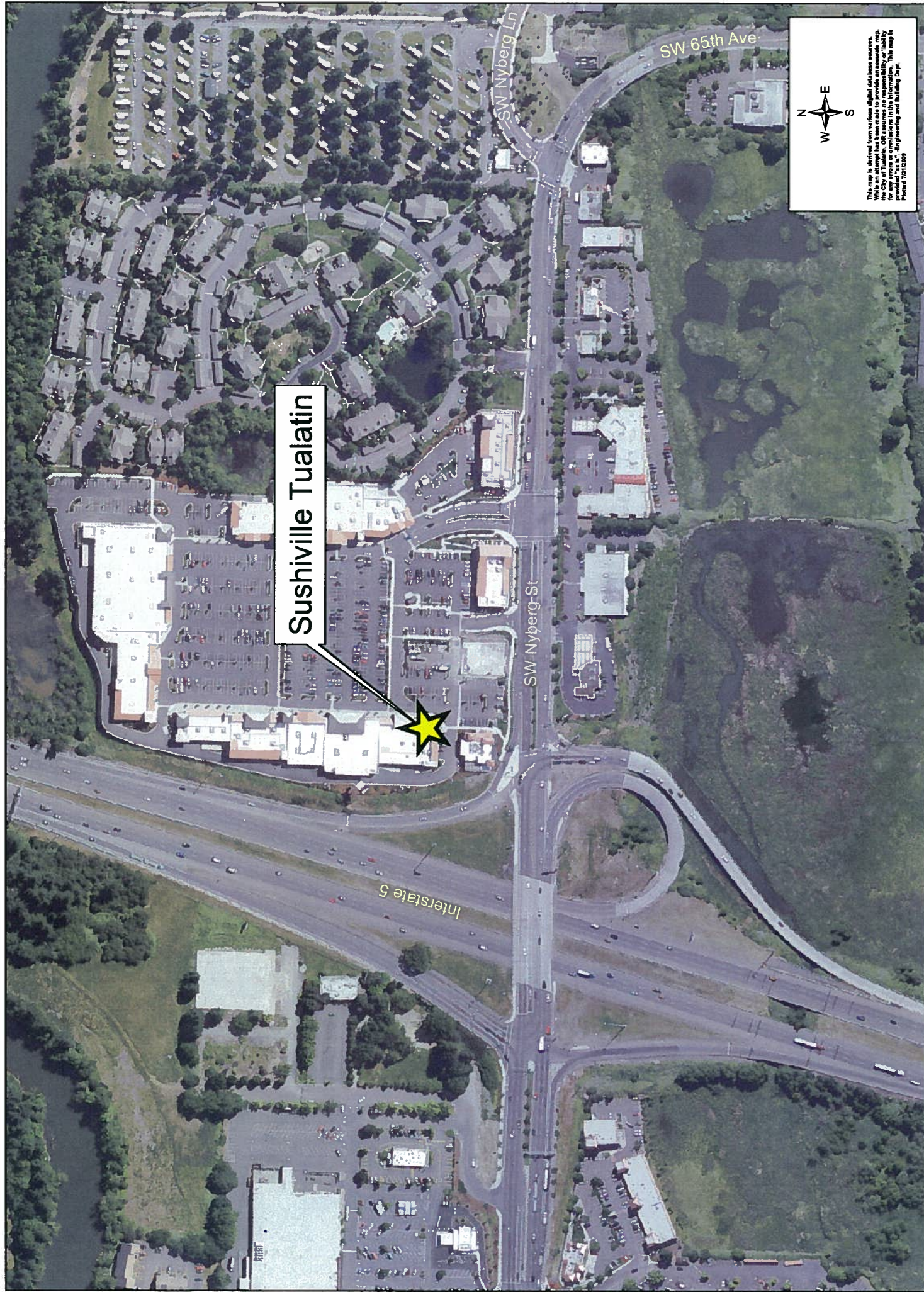
According to the provisions of Section 5 of Ordinance No. 680-85 a member of the Council or the public may request a public hearing on any of the liquor license requests. If such a public hearing request is made, a hearing will be scheduled and held on the license. It is important that any request for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

FINANCIAL IMPLICATIONS:

A fee has been paid by the applicant.

Attachments:

1. Vicinity Map
2. OLCC License Types
3. Liquor License Application



This map is derived from various digital database sources. While an attempt has been made to provide an accurate map, the user should not rely on this map for any critical applications. The map is provided "as is" Engineering and Building Dept. Permit 72122899

OREGON LIQUOR CONTROL COMMISSION LICENSE TYPES & PRIVILEGES

Brewery – public house

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

Brewery

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

Certificate of Approval

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

Distillery

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

Direct Shipper Permit

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

Full On Premises Sales

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

Growers Sales Privilege

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

Limited On Premises Sales

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

Off Premises Sales

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

Warehouse

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

Wholesale Malt Beverage & Wine

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

Wine Self Distribution Permit

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

Winery

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



CITY OF TUALATIN
LIQUOR LICENSE APPLICATION

Date 7/15/2009

IMPORTANT: *This is a three-page form. You are required to complete all sections of the form.*

If a question does not apply, please indicate N/A. Please include full names (last, first middle) and full dates of birth (month/day/year). Incomplete forms shall receive an unfavorable recommendation.

Thank you for your assistance and cooperation.

SECTION 1: TYPE OF APPLICATION

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

SECTION 2: DESCRIPTION OF BUSINESS

Name of business (dba): SUSHIVILLE TUALATIN

Business address: 7107 SW Nyberg Street, Tualatin, OR 97062

Mailing address: 7107 SW Nyberg Street, Tualatin, OR 97062

Telephone: 503.692.1859

Name(s) of business manager(s): Hack-Moo Kim

Date of birth: [REDACTED] Social Security: [REDACTED] WA drivers license [REDACTED] Male

Home address: 9414 NE 144th Court, Vancouver, WA 98682

Type of business: sushi restaurant

Type of food served: sushi

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

Days and hours of operation 11AM - 9PM - Sunday - Thursday; 11AM - 10PM - Friday & Saturday

Food service hours: Breakfast None Lunch: 11 - 4 Dinner 4 - 9PM or 10PM

Restaurant seating capacity: 58 Outside or patio seating capacity: none

How late will you have outside seating? N/A How late will you sell alcohol? 9PM S-Th; 10PM F & S

How many full-time employees do you have? 8 Part-time employees? 7

SECTION 3: DESCRIPTION OF LIQUOR LICENSE

Name of Individual, Partnership, Corporation, LLC, or Other applicants: Resture, LLC

Type of liquor license (refer to OLCC form); limited on-premises sales

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

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

Full name _____ Date of birth _____
Residence address _____

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

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

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

(a) Name and business address of registered agent.

Full name _____
Business address _____

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

Full name _____ Date of birth _____
Residence address _____

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

Full name of president: _____ Date of birth: _____
Residence address: _____
Full name of treasurer: _____ Date of birth: _____
Residence address: _____
Full name of secretary: _____ Date of birth: _____
Residence address: _____

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

Hack Moo Kim [REDACTED]
9414 NE 141st Court
Vancouver, WA 98682


Kiyoshi Adachi [REDACTED]
3630 SW 110th Ave.
Beaverton, OR 97005

Koon Ja Choi [REDACTED]
3630 SW 110th Ave.
Beaverton, OR 97005

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

SECTION 4: APPLICANT SIGNATURE

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



Signature of Applicant (Hack-Moo Kim, Manager) Date 7/15/2009

For City Use Only

Sources Checked:

☒ DMV by MG ☒ LEDS by MG ☒ TuPD Records by MG
☒ Public Records by MG

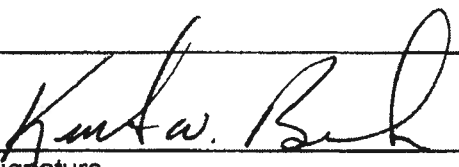
☒ Number of alcohol-related incidents during past year for location.
☒ Number of Tualatin arrest/suspect contacts for _____

It is recommended that this application be:

☒ Granted

☐ Denied

Cause of unfavorable recommendation: _____



Signature Date 7/24/09

Kent W. Barker
Chief of Police
Tualatin Police Department




STAFF REPORT

CITY OF TUALATIN

Approved By Tualatin City Council
Date 8-10-09
Recording Secretary W. Smith

TO: Honorable Mayor and Members of the City Council

FROM: Sherilyn Lombos, City Manager 

DATE: August 10, 2009

SUBJECT: APPROVAL OF A NEW LIQUOR LICENSE APPLICATION FOR VETERANS OF FOREIGN WARS (VFW) POST 3452

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve a new liquor license application for the VFW Post 3452.

RECOMMENDATION:

Staff respectfully recommends that the Council approve endorsement of the liquor license application for the VFW Post 3452.

EXECUTIVE SUMMARY:

The VFW Post 3452 has submitted a new liquor license application for a Private Club, Full On-Premises Sales. The business is located at 18820 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.

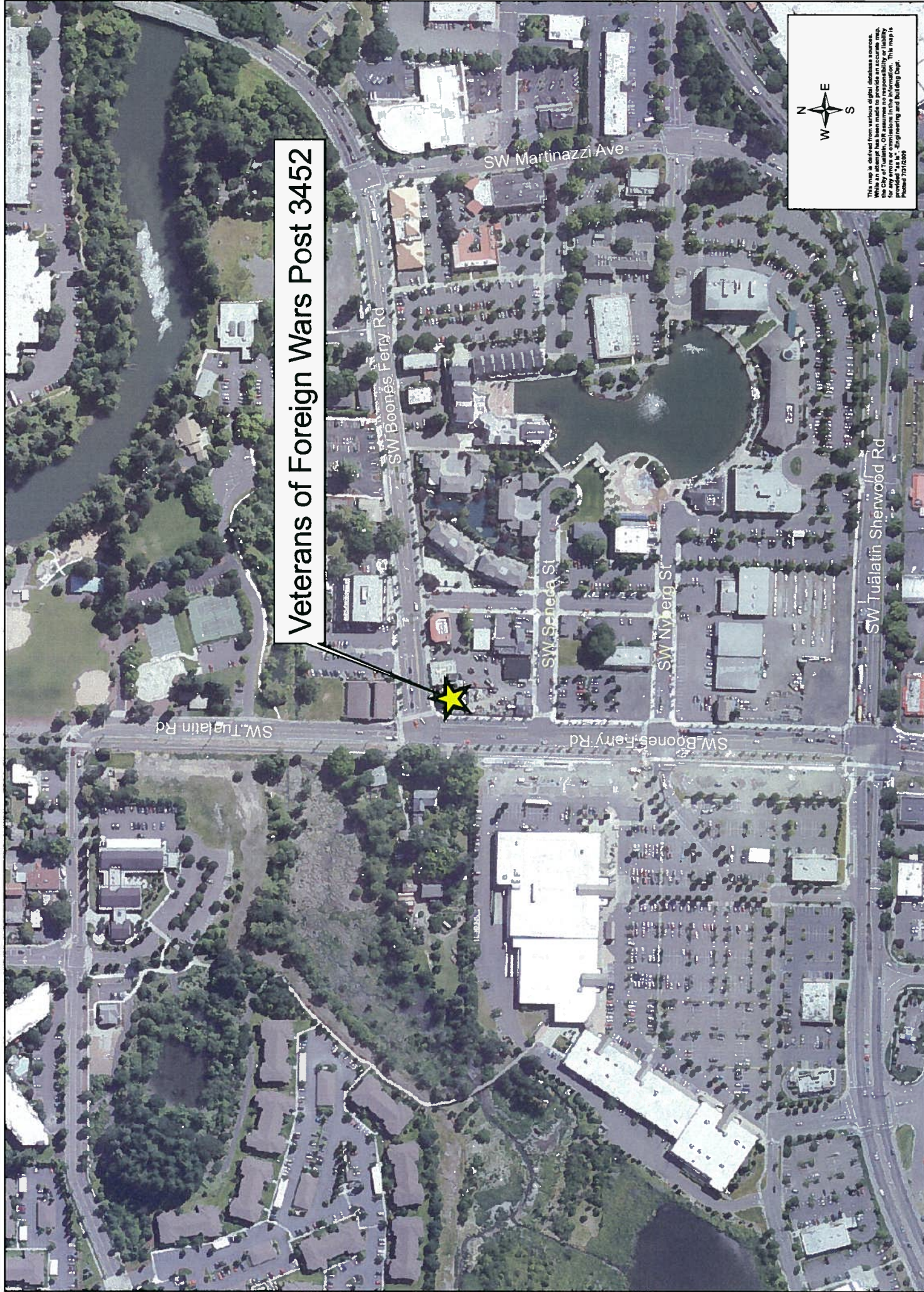
According to the provisions of Section 5 of Ordinance No. 680-85 a member of the Council or the public may request a public hearing on any of the liquor license requests. If such a public hearing request is made, a hearing will be scheduled and held on the license. It is important that any request for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

FINANCIAL IMPLICATIONS:

A fee has been paid by the applicant.

Attachments:

1. Vicinity Map
2. OLCC License Types
3. Liquor License Application



This map is derived from various digital database sources. While an attempt has been made to provide an accurate map, the user should not rely on this map for critical applications. The map is provided "as is". Engineering and Building Dept. Phone 7312266

OREGON LIQUOR CONTROL COMMISSION LICENSE TYPES & PRIVILEGES

Brewery – public house

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

Brewery

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

Certificate of Approval

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

Distillery

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

Direct Shipper Permit

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

Full On Premises Sales

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

Growers Sales Privilege

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

Limited On Premises Sales

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

Off Premises Sales

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

Warehouse

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

Wholesale Malt Beverage & Wine

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

Wine Self Distribution Permit

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

Winery

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



CITY OF TUALATIN

LIQUOR LICENSE APPLICATION

Date 22 Jul 2009

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

Thank you for your assistance and cooperation.

SECTION 1: TYPE OF APPLICATION

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

SECTION 2: DESCRIPTION OF BUSINESS

Name of business(dba): Veterans of Foreign Wars Post 3452

Business address: 18820 SW Boonles Ferry City: Tualatin State: OR Zip Code: 97062

Telephone #: Temp. # 503-380-2147 Fax #: \$ ALT. 503-639-0351

Name(s) of business manager(s): First RONALD Middle JAMES Last HOLLAND

Date of birth: [REDACTED] Social Security # [REDACTED] ODL# [REDACTED] M X F _____

Home address: [REDACTED] City: TIGARD State: OR Zip Code: 97224
(attach additional pages if necessary)

Type of business: Non-Profit Veterans assistance

Type of food served: Buffet, & Fast Food (event only)

Type of entertainment (dancing, live music, exotic dancers, etc.): Dancing

Days and hours of operation: Event only at this time

Food service hours: Breakfast: 7-9 Lunch: 12-1 Dinner: 5pm-7pm

Restaurant seating capacity: 68 Outside or patio seating capacity: _____

How late will you have outside seating? N/A How late will you sell alcohol? 1 AM

How many full-time employees do you have? None Part-time employees? None

SECTION 3: DESCRIPTION OF LIQUOR LICENSE

Name of Individual, Partnership, Corporation, LLC, or Other applicants: N/A

Type of liquor license (refer to OLCC form): _____

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

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

Full name: _____ Date of birth: _____

Residence address: _____

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

Full name: _____ Date of birth: _____

Residence address: _____

Full name: _____ Date of birth: _____

Residence address: _____

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

(a) Name and business address of registered agent.

Full name: _____

Business address: _____

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

Full name: _____ Date of birth: _____

Residence address: _____

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

Full name of president: _____ Date of birth: _____

Residence address: _____

Full name of treasurer: _____ Date of birth: _____

Residence address: _____

Full name of secretary: _____ Date of birth: _____

Residence address: _____

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

Full name: _____ Date of birth: _____

Residence address: _____

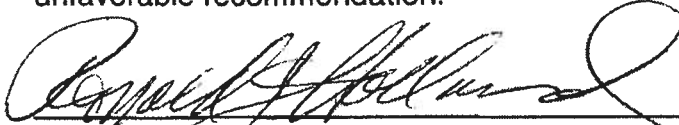
Full name: _____ Date of birth: _____

Residence address: _____

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

SECTION 4: APPLICANT SIGNATURE

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


Signature of Applicant

22 Jul 2009
Date

For City Use Only

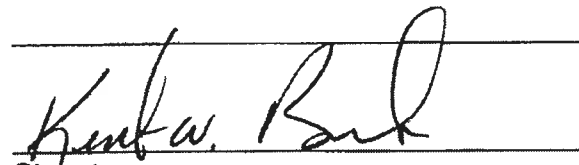
Sources Checked:

☒ DMV by ML ☒ LEDS by ML ☒ TuPD Records by ML
☒ Public Records by ML

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

It is recommended that this application be:

☒ Granted
☐ Denied
Cause of unfavorable recommendation: _____


Signature

7/24/09
Date

Kent W. Barker
Chief of Police
Tualatin Police Department



STAFF REPORT

CITY OF TUALATIN

Approved By Tualatin City Council
Date 8-10-09
Recording Secretary U Smith

TO: Honorable Mayor and Members of the City Council

FROM: Sherilyn Lombos, City Manager *SL*

DATE: August 10, 2009

SUBJECT: APPROVAL OF A NEW LIQUOR LICENSE APPLICATION FOR UNION WINE COMPANY

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve a new liquor license application for Union Wine Company.

RECOMMENDATION:

Staff respectfully recommends that the Council approve endorsement of the liquor license application for Union Wine Company.

EXECUTIVE SUMMARY:

Union Wine Company has submitted a new liquor license application for a Winery. The business is located at 19550 SW Cipole 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.

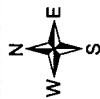
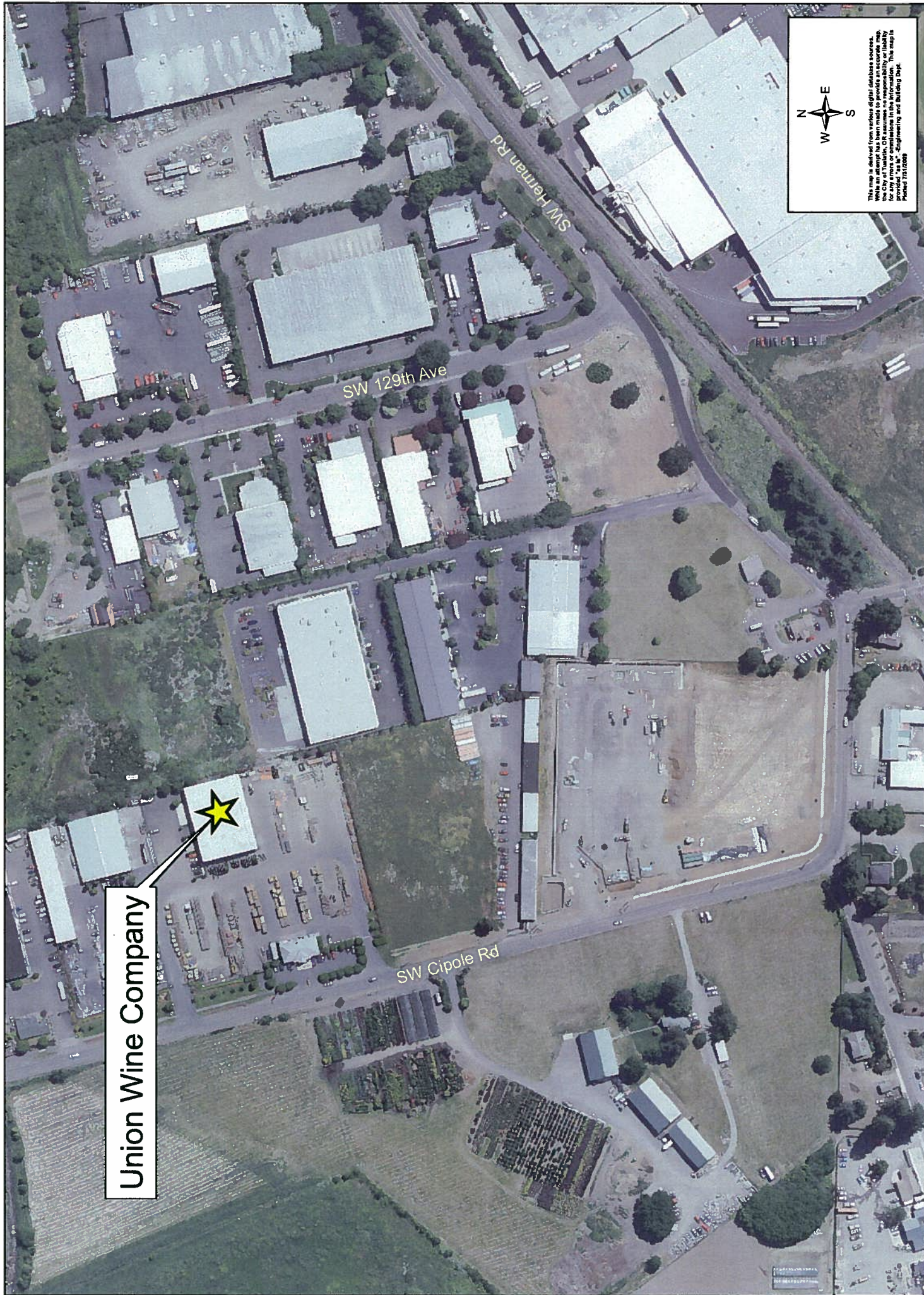
FINANCIAL IMPLICATIONS:

A fee has been paid by the applicant.

Attachments:

1. Vicinity Map
2. OLCC License Types
3. Liquor License Application

Union Wine Company - 19550 SW Cipole Road



This map is derived from various digital database sources. While an attempt has been made to provide an accurate map, the City of Tualsis, OR assumes no responsibility for liability provided "as is". Engineering and Survey Dept. Revised 7/5/2009

OREGON LIQUOR CONTROL COMMISSION LICENSE TYPES & PRIVILEGES

Brewery – public house

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

Brewery

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

Certificate of Approval

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

Distillery

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

Direct Shipper Permit

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

Full On Premises Sales

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

Growers Sales Privilege

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

Limited On Premises Sales

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

Off Premises Sales

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

Warehouse

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

Wholesale Malt Beverage & Wine

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

Wine Self Distribution Permit

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

Winery

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

How many full-time employees do you have? 2 Part-time employees? n/a

SECTION 3: DESCRIPTION OF LIQUOR LICENSE

Name of Individual, Partnership, Corporation, LLC, or Other applicants Union Wine Company

Type of liquor license (refer to OLCC form) Winery

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

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

Full name _____ Date of birth _____

Residence address _____

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

Full name _____ Date of birth _____

Residence address _____

Full name _____ Date of birth _____

Residence address _____

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

(a) Name and business address of registered agent.

Full name Douglas R. Grim

Business address 1200 SW Main Building Portland, OR 97205

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

Full name _____ Date of birth _____

Residence address _____

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

Full name of president: Ryan Michael Harms Date of birth:

Residence address: Portland, OR 97202

Full name of treasurer: George Henry Hillberry Date of birth:

Residence address: Sherwood, OR 97140

Full name of secretary: George Henry Hillberry Date of birth:

Residence address: Sherwood, OR 97140

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

Full name: _____ Date of birth: _____

Residence address: _____

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

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

SECTION 4: APPLICANT SIGNATURE

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

Cope 417 _____ 07-16-09
Signature of Applicant Date

For City Use Only

Sources Checked:

☒ DMV by my ☒ LEDS by my ☒ TuPD Records by my
☒ Public Records by my

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

☒ Number of Tualatin arrest/suspect contacts for _____

It is recommended that this application be:

☒ Granted

☐ Denied

Cause of unfavorable recommendation: _____

Kent W. Barker _____ 7/24/09
Signature Date

Kent W. Barker
Chief of Police
Tualatin Police Department



STAFF REPORT

CITY OF TUALATIN

Approved By Tualatin City Council
Date 8-10-09
Recording Secretary [Signature]

TO: Honorable Mayor and Members of the City Council

FROM: Sherilyn Lombos, City Manager *SL*

DATE: August 10, 2009

SUBJECT: APPROVAL OF A CHANGE OF OWNERSHIP LIQUOR LICENSE
APPLICATION FOR BAJA FRESH MEXICAN GRILL

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve a change of ownership liquor license application for Baja Fresh Mexican Grill.

RECOMMENDATION:

Staff respectfully recommends that the Council approve endorsement of the liquor license application for Baja Fresh Mexican Grill.

EXECUTIVE SUMMARY:

Baja Fresh Mexican Grill has submitted a change of ownership application for a Limited On-Premises Sales. The business is located at 17805 SW 65th Avenue. 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.

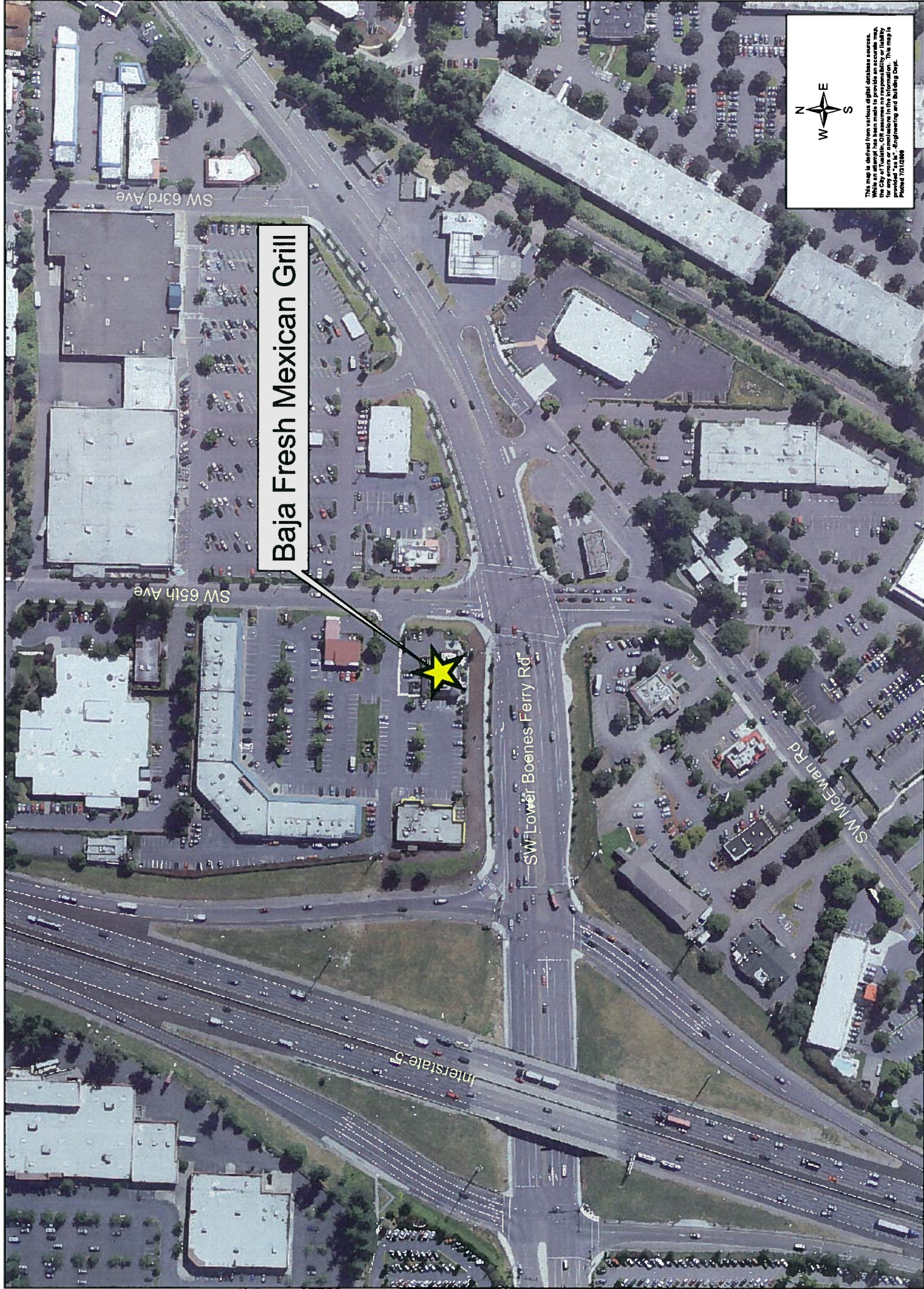
According to the provisions of Section 5 of Ordinance No. 680-85 a member of the Council or the public may request a public hearing on any of the liquor license requests. If such a public hearing request is made, a hearing will be scheduled and held on the license. It is important that any request for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

FINANCIAL IMPLICATIONS:

A fee has been paid by the applicant.

Attachments:

1. Vicinity Map
2. OLCC License Types
3. Liquor License Application



OREGON LIQUOR CONTROL COMMISSION LICENSE TYPES & PRIVILEGES

Brewery – public house

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

Brewery

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

Certificate of Approval

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

Distillery

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

Direct Shipper Permit

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

Full On Premises Sales

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

Growers Sales Privilege

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

Limited On Premises Sales

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

Off Premises Sales

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

Warehouse

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

Wholesale Malt Beverage & Wine

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

Wine Self Distribution Permit

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

Winery

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



CITY OF TUALATIN

LIQUOR LICENSE APPLICATION

Date 7/20/09

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

SECTION 1: TYPE OF APPLICATION

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

SECTION 2: DESCRIPTION OF BUSINESS

Name of business(dba): Baja Fresh Mexican Grill
Business address: 17805 SW 65th City: Lake Oswego (Marion) State: OR Zip Code: 97035

Telephone #: 503-597-8050 Fax #: 248-786-3142

Name(s) of business manager(s): First RAMSEY Middle K Last ZAWIDETZ

Date of birth: [redacted] Social Security #: [redacted] Michigan M X F _____

Home address: [redacted] City: Lake Oswego State: OR Zip Code: 97034
(attach additional pages if necessary)

Type of business: Restaurant

Type of food served: Mexican Fast Casual

Type of entertainment (dancing, live music, exotic dancers, etc.): N/A.

Days and hours of operation: 7 days 10:30 AM to 10 PM

Food service hours: Breakfast: — Lunch: 10:30 AM Dinner: to 10 PM

Restaurant seating capacity: 108 Outside or patio seating capacity: 40

How late will you have outside seating? 10 PM How late will you sell alcohol? 10 PM

How many full-time employees do you have? 12 Full Part-time employees? +10 part time

SECTION 3: DESCRIPTION OF LIQUOR LICENSE

Name of Individual, Partnership, Corporation, LLC, or Other applicants: Fresh Ventures LLC

Type of liquor license (refer to OLCC form): _____

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

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

Full name: _____ Date of birth: _____

Residence address: _____

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

Full name: _____ Date of birth: _____

Residence address: _____

Full name: _____ Date of birth: _____

Residence address: _____

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

(a) Name and business address of registered agent.

Full name: _____

Business address: _____

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

Full name: _____ Date of birth: _____

Residence address: _____

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

Full name of president: _____ Date of birth: _____

Residence address: _____

Full name of treasurer: _____ Date of birth: _____

Residence address: _____

Full name of secretary: _____ Date of birth: _____

Residence address: _____

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

Full name: RAMSEY ZAWIDEH Date of birth: [REDACTED]

Residence address: _____

Full name: GABRIEL ZAWIDEH Date of birth: [REDACTED]

Residence address: [REDACTED] Bloomfield Hills, MI 48302

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

SECTION 4: APPLICANT SIGNATURE

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

 7/20/09
Signature of Applicant Date

For City Use Only

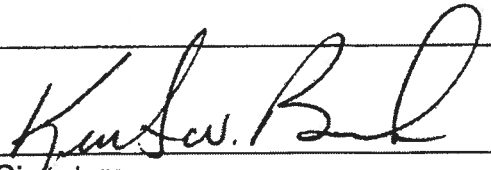
Sources Checked:

☒ DMV by MS ☒ LEDS by MS ☒ TuPD Records by MS
☒ Public Records by MS

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

It is recommended that this application be:

☒ Granted
☐ Denied
Cause of unfavorable recommendation: _____

 7/24/09
Signature Date

Kent W. Barker
Chief of Police
Tualatin Police Department



STAFF REPORT

CITY OF TUALATIN

Approved By Tualatin City Council
Date 8-10-09
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 *MAK*
Dayna Webb, Project Engineer *DW*

DATE: August 10, 2009

SUBJECT: RESOLUTION TO QUITCLAIM A UTILITY EASEMENT FOR THE SHOPPES AT BRIDGEPORT PROJECT

ISSUE BEFORE THE COUNCIL:

Council will quitclaim an existing public storm drain easement that is no longer necessary on private property owned by The Tualatin Group, LLC.

RECOMMENDATION:

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

EXECUTIVE SUMMARY:

- In 2006, Bob L Smith, by ICD, Inc granted an easement for a storm drain to be constructed on the property now owned by The Tualatin Group, LLC.
- As a part of the redevelopment of the property, the public storm manhole was relocated to another location. A new easement for the relocated manhole has been received. Therefore, this public storm drain easement is no longer necessary.

FINANCIAL IMPLICATIONS:

None

Attachments: A. Resolution
B. Quitclaim Deed

RESOLUTION NO. 4915-09

RESOLUTION TO QUITCLAIM A UTILITY EASEMENT FOR THE
SHOPPES AT BRIDGEPORT PROJECT

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

Section 1. The attached Quitclaim Deed is to extinguish an existing utility
easement on The Tualatin Group, LLC property.

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

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

INTRODUCED AND ADOPTED this 10th day of August, 2009.

CITY OF TUALATIN, OREGON

By _____
Mayor

ATTEST:

By _____
City Recorder

Approved as to Form:


City Attorney

Resolution No. 4915-09

QUITCLAIM DEED

CITY OF TUALATIN, OREGON, releases and quitclaims any and all interest in the Storm Drain Easement, situated in Washington County, Oregon, conveyed to CITY by Document #2006-117571, Washington County, Oregon.

CITY no longer has a need for the easement described above. Document #2006-117571 describing the easement is attached and incorporated in by this reference.

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

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

Dated this 10th day of August 2009.

CITY OF TUALATIN, Oregon

By

Mayor

APPROVED AS TO LEGAL FORM

Brenda L. Braden
CITY ATTORNEY

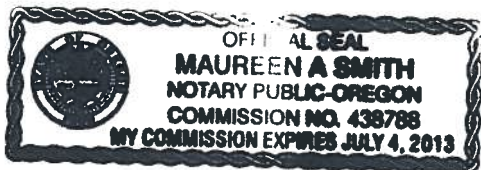
ATTEST:

By

[Signature]
City Recorder

STATE OF OREGON)
) ss
County of Washington)

On this 10th day of August, 2009, before me, the undersigned,
a Notary Public, personally appeared Lou Ogden and Sherilyn Lombos,
and acknowledged the foregoing instrument to be their voluntary act and deed.



Before me: Maureen A Smith
Notary Public for Oregon

My Commission Expires: July 4, 2013

CITY OF TUALATIN, OREGON

By [Signature]
City Manager

The City Manager of the City of Tualatin,
being duly authorized and directed by the
Council of the City of Tualatin, pursuant to
Ordinance 787-89, approves and
accepts the foregoing ~~Deed of Dedication~~ Quitclaim Deed
on behalf of the City of Tualatin.

Dated this 10 day of August 20 09.

[Signature]
City Manager



CITY OF TUALATIN, OREGON

STORM DRAIN EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that ICD, Inc, an Oregon Corporation (the "GRANTOR"), grants to the City of Tualatin, (the "CITY"), its successors in interest and assigns, the permanent right to construct, reconstruct, operate and maintain a Storm Drain Line on the following described land:

See attached map & legal description (Exhibit A)

TO HAVE AND TO HOLD, the described easement unto the CITY, its successors in interest and assigns forever. Provided, the Temporary Construction Easement-Parcel II shall terminate automatically on December 31, 2006 without further action required.

GRANTOR reserves the right to use the surface of the land for walkways, plantings, parking, and related uses. Uses by the GRANTOR shall not be inconsistent or interfere with the use of the easement area by the CITY. No building or utility shall be placed upon, under, or within the property subject to the easement during its term without the written permission of the CITY.

Upon completion of the construction, the CITY shall restore the surface of the property to its original condition and shall indemnify and hold the GRANTOR harmless against all loss, cost, or damage arising out of the exercise of the rights granted herein.

The true consideration of this conveyance is \$ Ø and other good and valuable consideration, the receipt of which is acknowledged by GRANTOR.

The GRANTOR covenants to the CITY, and CITY'S successors in interest and assigns that GRANTOR is lawfully seized in fee simple of the granted premises, free from all encumbrances NONE and that GRANTOR, the GRANTOR'S, heirs and personal representatives shall warrant and forever defend the premises to the CITY, its successors in interest and assigns against the lawful claims and demands of all persons claiming by, through, or under the GRANTOR.

EXECUTED this 10 day of AUGUST, 2006.

ICD, INC

by BOB L. SMITH

Name (print or type) PRESIDENT

x [Signature]
Signature

August 10, 2006
Date

Name (print or type)

Signature

Date

STATE OF OREGON

County of Washington)

) ss

On this 10 day of AUGUST, 2006 before me, the undersigned, a Notary Public,
personally appeared BOB L. SMITH, PRESIDENT OF
ICD, INC
and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me: [Signature]

Notary Public for Oregon

My commission expires: June 18, 2010



CITY OF TUALATIN, OREGON

By [Signature]

Mayor

ATTEST:

By [Signature]

Interim City Recorder

EXHIBIT A

City of Tualatin
Bridgeport Storm Sewer Project
June, 2006

Bob L. Smith
Assessor No. 2S 1 13 DC 00900
Document No. 86007608

PARCEL I – Storm Drain Easement

A portion of that property conveyed to Bob L. Smith by deed recorded in Document No. 86007608, Washington County Book of Records, located in the Southeast quarter of Section 13, Township 2 South, Range 1 West of the Willamette Meridian, in the City of Tualatin, Washington County, Oregon, being more particularly described as follows:

Beginning at a point on the southwesterly line of said property being N 72°46'45" E, 39.16 feet from a PC monument in northerly right of way line of SW Lower Boones Ferry Road; thence along said southwesterly line N 37°22'34" W, 20.20 feet; thence N 44°32'51" E, 30.04 feet; thence S 37°41'54" E, 29.68 feet to the northerly right of way of SW Lower Boones Ferry Road; thence along said northerly right of way S 52°42'30" W, 20.00 feet; thence N 37°41'54" W, 6.63 feet; thence S 44°32'51" W, 9.97 feet to the point of beginning.

The area of land to which this description applies contains 0.02 acres (763 sq. ft.), more or less.

PARCEL II – Temporary Construction Easement

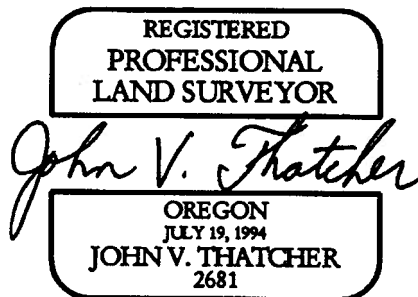
A portion of that property conveyed to Bob L. Smith by deed recorded in Document No. 86007608, Washington County Book of Records, located in the Southeast quarter of Section 13, Township 2 South, Range 1 West of the Willamette Meridian, in the City of Tualatin, Washington County, Oregon, being more particularly described as follows:

The westerly 40.00 feet of the southerly 41.25 feet of said property.

EXCEPT therefrom all that portion of said property contained within Parcel I described above.

The area of land to which this description applies contains 0.02 acres (772 sq. ft.), more or less.

The basis of bearings for this legal description is based on The Oregon Coordinate System of 1983, North Zone, NAD 83/91, by ties to Washington County Geodetic Control Stations GC_022-002, GC_022-003. Distances shown are ground international foot.



RENEWAL: 6/30/06
SIGNED: 7-17-06

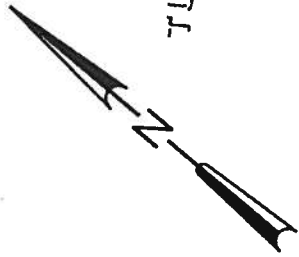


EXHIBIT B

EXISTING EASEMENT
DESCRIBED IN
BOOK 1152,
PAGE 421.

TUALATIN

1"=50'

LOT 51

LOT 50

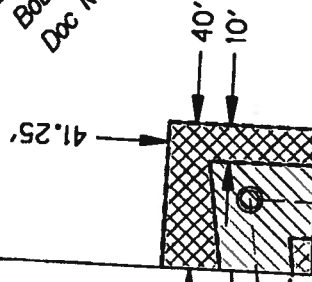
LOT 59

VALLEY

HOMES

2S113D00900
Bob L. Smith
Doc No. 86007608

1/2" IRON ROD
WITH YELLOW
PLASTIC CAP
INSCRIBED
"COUNTY SURVEYOR"



2002-5047

N72°46'45"E 39.16'

PROPOSED
PIPE LINE

PC

PT

SW LOWER BOONES FERRY RD

N47°02'22"E

N52°42'30"E

PARCEL I
STORM DRAIN EASEMENT
PARCEL II TEMPORARY
CONSTRUCTION EASEMENT



STORM DRAIN EASEMENT
CITY OF TUALATIN
BRIDGEPORT STORM
WATER PROJECT
JUNE, 2006

PC AND PT MONUMENTS ARE BOTH
FOUND 1/2" IRON RODS IN 3/4" IRON
PIPE W/ A YELLOW PLASTIC CAP
INSCRIBED "COUNTY SURVEYOR"
IN MON BOX

CH2MHILL



STAFF REPORT

CITY OF TUALATIN

Approved By Tualatin City Council
Date 8-10-09
Recording Secretary MSM

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

FROM: Michael A. McKillip, City Engineer *mak*
Tony Doran, Engineer Associate *TD*

DATE: August 10, 2009

SUBJECT: RESOLUTION AUTHORIZING A REVOCABLE PERMIT TO
ALLOW CONSTRUCTION STAGING ON SW SENECA STREET

ISSUE BEFORE THE COUNCIL:

Council will consider whether to authorize a revocable permit to allow construction staging on SW Seneca Street associated with the Robinson Crossing II parking garage development.

RECOMMENDATION:

Staff recommends that the Council adopt the attached resolution authorizing the revocable permit.

EXECUTIVE SUMMARY:

An Architectural Review (AR 08-12) allowed development of Robinson Crossing II on the northeast corner of SW Seneca Street & SW Boones Ferry Road. The approved Architectural Review is for the entire lot developed as a structure which includes both parking garage and office space. There will not be any open areas such as future parking lots or landscape areas to use as staging areas. The developer plans to construct the parking garage first and requests the use of SW Seneca Street for construction staging for this portion of development.

The attached Revocable Permit allows construction staging on SW Seneca Street with the following restrictions and requirements:

- The developer shall obtain a Public Works Permit to repair any and all damage caused by construction staging back to original or better condition. Repairs shall occur when the construction staging is no longer needed for development of Robinson Crossing II parking garage. The repairs shall include, but are not limited to:
 - Curbs
 - Illumination
 - Irrigation
 - Landscaping
 - Painted lane striping
 - Pavement
 - Sidewalks
 - Street trees
 - Thermoplastic crosswalk, directional, and parking striping
- A traffic control plan including pedestrian detours shall be submitted for approval by the City Engineer.
- Two-way vehicular travel on SW Seneca Street shall be maintained at all times.
- Appropriate site distance shall be maintained at the intersection of SW Seneca Street & SW Boones Ferry Road.
- Pedestrian access along SW Boones Ferry Road shall be maintained. Pedestrian access along SW Seneca Street shall be maintained, except adjacent to the Robinson Crossing II site.
- Construction staging shall not interfere with any City projects.
 - One current project is to install a public sanitary sewer line in SW Seneca Street titled Seneca Street Sanitary Sewer Extension. This line extends from SW 84th Avenue to approximately 60 feet west of the east property line of the Robinson Crossing II lot. The project includes installation of three sanitary sewer laterals to the north to the edge of the right-of-way to serve C. I. Bar & Grill, Robinson Crossing I, and Robinson Crossing II. Drawing C-2 of the contract bid documents for this project indicates an approved area reserved for this project adjacent to Robinson Crossing II.
 - The Robinson Crossing II revocable permit shall exclude the area needed for the Seneca Street Sanitary Sewer Extension project as indicated on drawing C-2 of the contract bid documents until the public project is complete.
- The areas allowed for construction staging is shown on the attached Vicinity Map. The two areas are indicated as Current and After City Project Completion.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this revocable permit.

Attachments:

- A. Vicinity Map
- B. Resolution
- C. Revocable Permit

ROBINSON CROSSING II

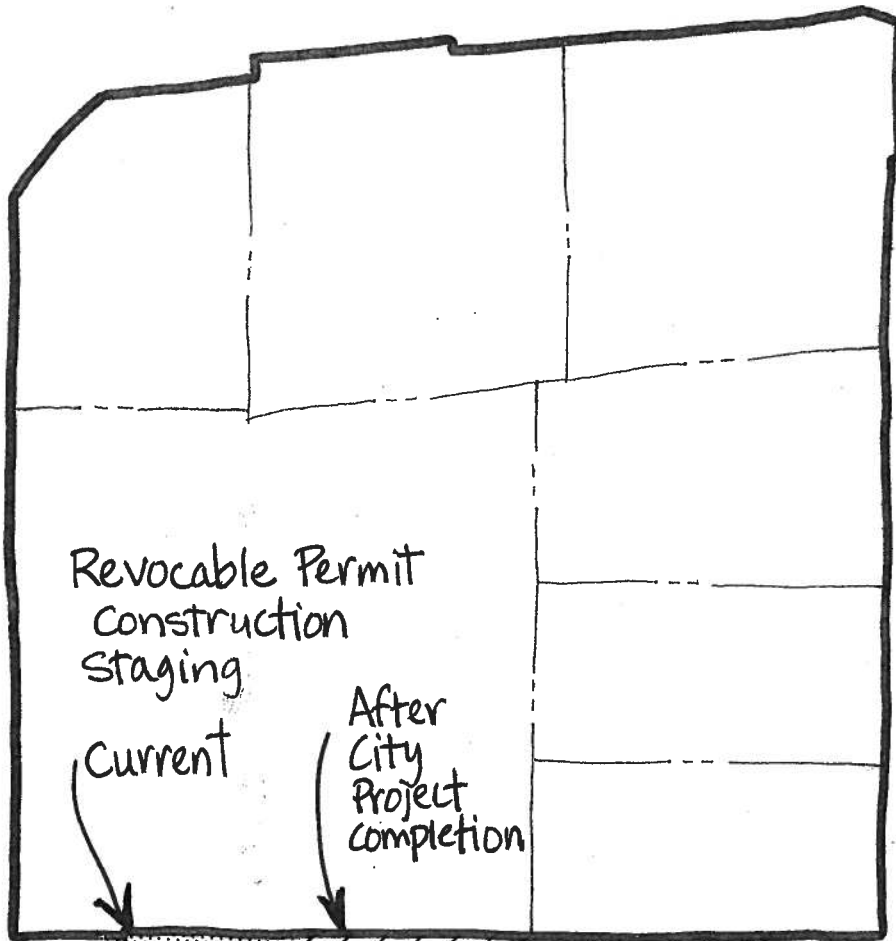
7/30/09

↑
North

FERRY ROAD

BOONES

SW



SW 84TH AVE

SW SENECA ST

RESOLUTION NO. 4916-09

RESOLUTION AUTHORIZING A REVOCABLE PERMIT TO
ALLOW CONSTRUCTION STAGING ON SW SENECA
STREET

WHEREAS the attached Revocable Permit is for the purpose of allowing construction staging on SW Seneca Street associated with the Robinson Crossing II parking garage development, and

WHEREAS an Architectural Review (AR 08-12) allowed development of Robinson Crossing II on the northeast corner of SW Seneca Street & SW Boones Ferry Road, and

WHEREAS the approved Architectural Review is for the entire lot developed as a structure, and

WHEREAS there will not be any open areas such as future parking lots or landscape areas to use as staging areas, and

WHEREAS the property owner, David Emami, requests the use of SW Seneca Street for construction staging, and

WHEREAS the parking garage will be constructed first.

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

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

Section 2. This Revocable Permit will be automatically revoked after the Robinson Crossing II parking garage development is complete or the City Council determines the full width of SW Seneca Street is needed for public purposes..

INTRODUCED AND ADOPTED this 10th day of August, 2009.


CITY OF TUALATIN, OREGON

By  _____
Mayor

APPROVED AS TO LEGAL FORM


CITY ATTORNEY

ATTEST:

By  _____
City Recorder

REVOCABLE PERMIT

The City of Tualatin, Oregon ("City") grants a revocable permit to David Emami ("Permittee") for the purposes of and subject to the conditions stated.

This permit is granted for the specific and limited purpose of allowing Permittee to stage construction on SW Seneca Street as shown on attached Map A for the purpose of developing Robinson Crossing II parking garage. The areas allowed for construction staging is shown on the attached Vicinity Map. The two areas are indicated as Current and After City Project Completion.

This permit is granted subject to the following conditions:

- (1) This permit is non-transferable.
- (2) Permittee shall indemnify and hold the City harmless for any claims against the City as a result of the construction staging within the public right-of-way.
- (3) Permittee shall keep the public street and sidewalk surrounding free of all construction debris.
- (4) The developer shall obtain a Public Works Permit to repair any and all damage caused by construction staging back to original or better condition. Repairs shall occur when the construction staging is no longer needed for development of Robinson Crossing II parking garage. The repairs shall include, but are not limited to:
 - a) Curbs
 - b) Illumination
 - c) Irrigation
 - d) Landscaping
 - e) Painted lane striping
 - f) Pavement
 - g) Sidewalks
 - h) Street trees
 - i) Thermoplastic crosswalk, directional, and parking striping
- (5) A traffic control plan including pedestrian detours shall be submitted for approval by the City Engineer.
- (6) Two-way vehicular travel on SW Seneca Street shall be maintained at all times.
- (7) Appropriate site distance shall be maintained at the intersection of SW Seneca Street & SW Boones Ferry Road.

- (8) Pedestrian access along SW Boones Ferry Road shall be maintained, except adjacent to the Robinson Crossing II parking garage site.
- (9) Construction staging shall not interfere with any City projects.
- (10) The Robinson Crossing II parking garage revocable permit shall exclude the area needed for the Seneca Street Sanitary Sewer Extension project as indicated on drawing C-2 of the contract bid documents until the public project is complete.

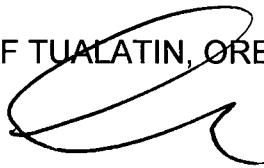
This permit shall be valid for one year from the commencement of development or until the Robinson Crossing II parking garage development is complete. If construction stops and the City Council determines that the full width of SW Seneca Street is needed for public purposes, the City Council may revoke this permit.

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

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

CITY OF TUALATIN, OREGON

BY



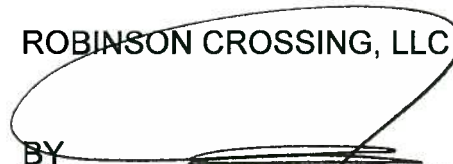
Mayor

August 10, 2009

Date

ROBINSON CROSSING, LLC

BY



David Emami, Managing Member

8,19,09

Date

ATTEST:

BY



City Recorder

August 10, 2009

Date

APPROVED AS TO LEGAL FORM



CITY ATTORNEY



STAFF REPORT CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

FROM: Michael A. McKillip, City Engineer *mak*
Tony Doran, Engineer Associate *TD*

DATE: August 10, 2009

SUBJECT: RESOLUTION AUTHORIZING A REVOCABLE PERMIT TO
ALLOW CONSTRUCTION STAGING ON SW SENECA STREET

ISSUE BEFORE THE COUNCIL:

Council will consider whether to authorize a revocable permit to allow construction staging on SW Seneca Street associated with the Robinson Crossing II parking garage development.

RECOMMENDATION:

Staff recommends that the Council adopt the attached resolution authorizing the revocable permit.

EXECUTIVE SUMMARY:

An Architectural Review (AR 08-12) allowed development of Robinson Crossing II on the northeast corner of SW Seneca Street & SW Boones Ferry Road. The approved Architectural Review is for the entire lot developed as a structure which includes both parking garage and office space. There will not be any open areas such as future parking lots or landscape areas to use as staging areas. The developer plans to construct the parking garage first and requests the use of SW Seneca Street for construction staging for this portion of development.

The attached Revocable Permit allows construction staging on SW Seneca Street with the following restrictions and requirements:

- The developer shall obtain a Public Works Permit to repair any and all damage caused by construction staging back to original or better condition. Repairs shall occur when the construction staging is no longer needed for development of Robinson Crossing II parking garage. The repairs shall include, but are not limited to:
 - Curbs
 - Illumination
 - Irrigation
 - Landscaping
 - Painted lane striping
 - Pavement
 - Sidewalks
 - Street trees
 - Thermoplastic crosswalk, directional, and parking striping
- A traffic control plan including pedestrian detours shall be submitted for approval by the City Engineer.
- Two-way vehicular travel on SW Seneca Street shall be maintained at all times.
- Appropriate site distance shall be maintained at the intersection of SW Seneca Street & SW Boones Ferry Road.
- Pedestrian access along SW Boones Ferry Road shall be maintained. Pedestrian access along SW Seneca Street shall be maintained, except adjacent to the Robinson Crossing II site.
- Construction staging shall not interfere with any City projects.
 - One current project is to install a public sanitary sewer line in SW Seneca Street titled Seneca Street Sanitary Sewer Extension. This line extends from SW 84th Avenue to approximately 60 feet west of the east property line of the Robinson Crossing II lot. The project includes installation of three sanitary sewer laterals to the north to the edge of the right-of-way to serve C. I. Bar & Grill, Robinson Crossing I, and Robinson Crossing II. Drawing C-2 of the contract bid documents for this project indicates an approved area reserved for this project adjacent to Robinson Crossing II.
 - The Robinson Crossing II revocable permit shall exclude the area needed for the Seneca Street Sanitary Sewer Extension project as indicated on drawing C-2 of the contract bid documents until the public project is complete.
- The areas allowed for construction staging is shown on the attached Vicinity Map. The two areas are indicated as Current and After City Project Completion.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this revocable permit.

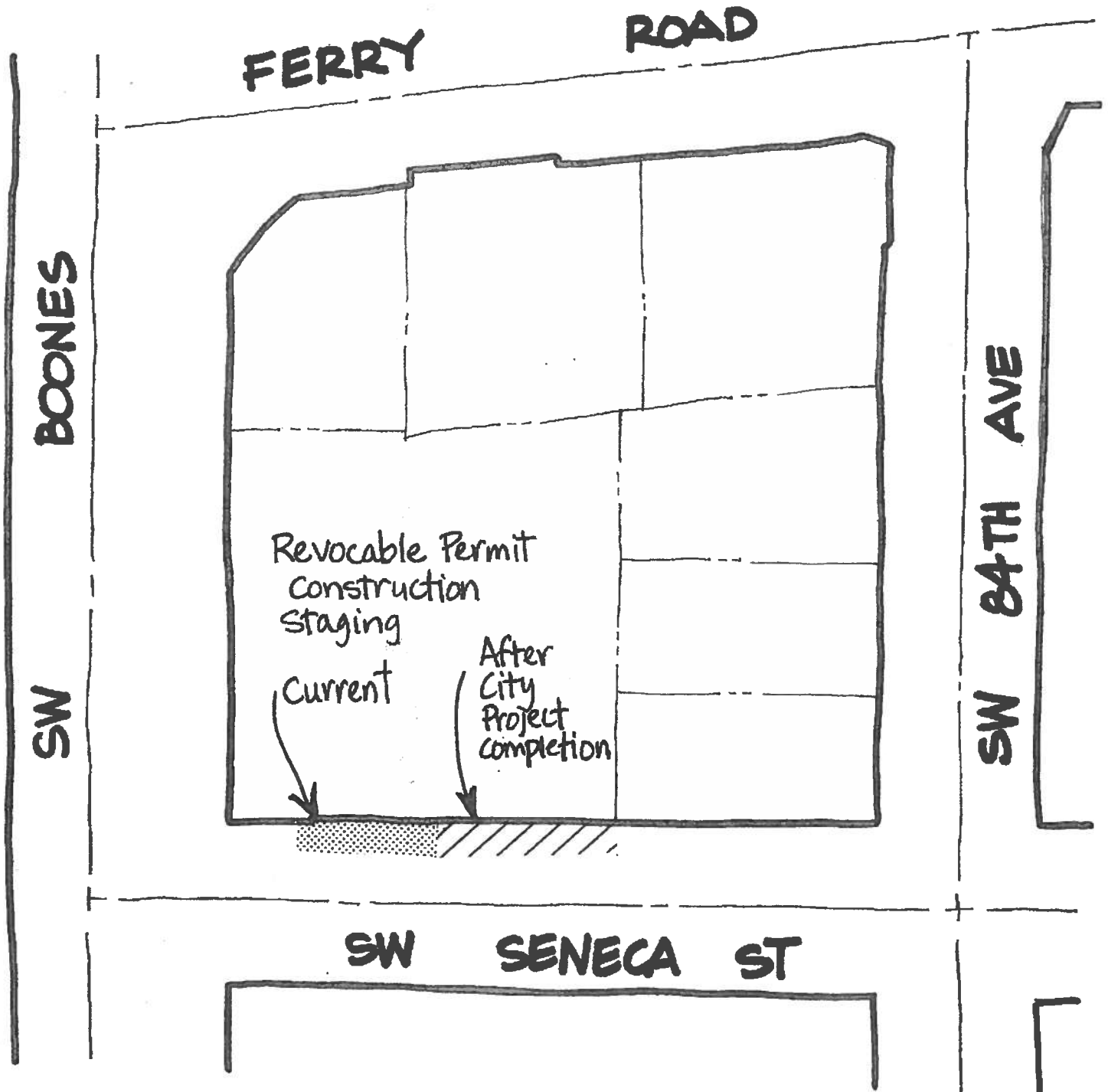
Attachments:

- A. Vicinity Map
- B. Resolution
- C. Revocable Permit

ROBINSON CROSSING II

7/30/09

↑
North





STAFF REPORT

CITY OF TUALATIN

Approved By Tualatin City Council
Date 8-10-09
Recording Secretary USPH

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

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

DATE: August 10, 2009

SUBJECT: RESOLUTION APPROVING PROPOSED FORMATION OF SPECIAL AQUATIC DISTRICT (TIGARD-TUALATIN AQUATIC DISTRICT)

ISSUE BEFORE THE COUNCIL:

The Council will consider adopting a resolution approving a petition for the formation of a special district with the limited purpose of funding, managing and operating the aquatic centers owned by the Tigard-Tualatin School District (TTSD) at Tualatin High School and Tigard High School for community and school uses.

RECOMMENDATION:

Staff recommends that the Council consider the attached resolution and determine if the City should support placement of this proposal on the May 2010 election ballot.

EXECUTIVE SUMMARY:

Consideration of the resolution was continued from the July 27, 2009 Council meeting to enable the Steering Committee for the Formation of Tigard-Tualatin Aquatic District (Steering Committee) and staff to prepare supplemental information in response to questions by Council regarding district formation/annexation/consolidation; operating/capital budget and permanent tax rate; boundaries as they relate to serving all Tualatin residents; terms of lease agreement with TTSD governing public use, major capital maintenance, ownership, etc.; and considerations for servicing Tualatin's future growth.

The supplemental information will be forwarded to Council when it is complete.

Members of the Steering Committee will be present at the Council meeting to answer Council questions.

ALTERNATIVES TO RECOMMENDATION:

The Council could choose to place conditions on the proposed district, withhold approval of the resolution until conditions have been met, or not to participate in the proposed district.

FINANCIAL IMPLICATIONS:

The formation of the proposed Tigard-Tualatin Aquatic District would create a permanent tax rate of nine cents (\$.09) per one thousand dollars of taxable assessed valuation for property owners within the special district's boundaries. If approved by voters, new taxes would begin being collected in FY10/11.

The Steering Committee has learned that Washington County uses an average real market value of \$333,119 and an average assessed value of \$193,975. Thus, it appears that the annual cost for a house within the proposed district with a real market value of \$300,000, would about \$16. Taxes for those with a higher real market value would be higher and those with a lower real market value would be lower.

Property owners calculate their approximate taxes by using the following formula:

Real Market Value (what you could sell your property for) x Assessed Value (approximately .58, the percent of real market value that property taxes are paid on) / 1,000 x Tax Rate \$0.9 = Property Tax

Residents can also check their most recent property tax statement or call the county tax collector for more information on property values or taxes.

Attachments: 1. Staff Report from July 27, 2009 Council Meeting
 2. Resolution

c: 1. Steering Committee for Formation of Tigard-Tualatin Aquatic District
 2. Rob Saxton, Superintendent, Tigard-Tualatin School District
 3. Tualatin Park Advisory Committee



CONTINUED

Approved By Tualatin City Council

Date 7-27-09

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 Director *Paul Hennon*

DATE: July 27, 2009

SUBJECT: RESOLUTION APPROVING PROPOSED FORMATION OF
SPECIAL AQUATIC DISTRICT (TIGARD-TUALATIN AQUATIC
DISTRICT)

ISSUE BEFORE THE COUNCIL:

The Council will consider adopting a resolution approving a petition for the formation of a special district with the limited purpose of funding, managing and operating the aquatic centers owned by the Tigard-Tualatin School District (TTSD) at Tualatin High School and Tigard High School for community and school uses.

RECOMMENDATION:

Staff recommends that the Council consider the attached resolution and determine if the City should support placement of this proposal on the May 2010 election ballot.

EXECUTIVE SUMMARY:

- Members of the Steering Committee for the Formation of Tigard-Tualatin Aquatic District (Steering Committee) have submitted a letter and additional information requesting formation of the Tigard-Tualatin Aquatic District (See Attachment 1). Steering Committee members will present a brief overview of the proposed Tigard-Tualatin Aquatic District and answer Council questions at the Council meeting.
- The Tigard-Tualatin School District has determined that it can no longer afford to operate the aquatic centers at Tualatin High School and Tigard High School. The purpose of the proposed Tigard-Tualatin Aquatic District is to create a stable, long-term source of funding for both aquatic centers. The proposed district would have the limited scope of managing and operating the aquatic centers for the benefit of the surrounding communities and TTSD schools.

- The pools are open this summer, one will be closed in the fall, and the other will remain open until the voters decide whether or not to create the proposed Tigard-Tualatin Aquatic District. If the Tigard-Tualatin Aquatic District is not formed, TTSD will close the remaining pool. If the Tigard-Tualatin Aquatic District is formed, it will fund and operate both aquatic centers.
- Under Oregon statute, each city that would be included within the boundaries of a special district must approve of its formation. All or a portion of Durham, King City, Tigard, and Tualatin would be included within the boundaries of the proposed Tigard-Tualatin Aquatic District.
- Formation of a special district requires a vote to create the district, establish a permanent tax rate, and to elect the governing board.
- The Steering Committee is coordinating with Washington County to place the measure on the May 2010 election ballot. The intention is that Washington County will coordinate with Clackamas County to ensure that Tualatin's Clackamas County residents that are within the TTSD boundary are provided the opportunity to vote on whether or not that area of Tualatin will be in the proposed district.
- Given the time constraints to make the May 2010 ballot, the Steering Committee is requesting the cities adopt resolutions approving formation of the district before obtaining the required signatures from 15% of the registered voters within the proposed district.
- The proposed district would have a permanent tax rate of nine cents per one thousand dollars of taxable assessed value. This equates to an annual property tax of about \$16 for the average property owner within the proposed district.
- The proposed Tigard-Tualatin Aquatic District would be managed by a five-person board of directors to be elected at large by the registered voters within the special district at the May 2010 election.
- The boundaries of the proposed Tigard-Tualatin Aquatic District would match those of the Tigard-Tualatin School District, excluding portions of the City of Tualatin that are in the Sherwood School District, West Linn/Wilsonville School District, and Lake Oswego School District. See Attachment 2 for a map of the TTSD attendance boundaries.
- The Steering Committee is in the process of creating key points for an agreement with the TTSD that would cover a long-term lease of the pools, including provisions for public access to the pools for swim lessons and other recreational purposes as well as access for school related classes and high school teams. TTSD has informally expressed a willingness to the Steering Committee to enter

into such an agreement should the proposed Tigard-Tualatin Aquatic District be formed.

- The consequence of Tualatin not approving the attached resolution is the proposed special district would not be placed on the May 2010 election ballot and as a result voters would not have the opportunity to decide this issue.

The Steering Committee has indicated that they will not pursue formation of a special district exempting the boundaries of any city that does not consent to formation. Each of the other cities is scheduled to consider similar resolutions approving formation within the next month.

The TTSD School Board has indicated that it will shut down both pools if alternative funding is not secured. Bonds for construction of the Tualatin pool and renovation of the Tigard pool will continue to be paid through property taxes levied by the TTSD through 2016 whether the pools are open or not.

- This is a citizen-initiated process and the attached materials have been developed by citizens in consultation with the TTSD and Washington County. Staff has provided a minimal review of the attached materials and in concept has determined that the formation of a special services district is a viable mechanism for ensuring that the aquatic centers can continue to operate in a manner similar to how they have operated in the past.

ALTERNATIVES TO RECOMMENDATION:

The Council could choose to place conditions on the proposed district or not to participate in the proposed district.

FINANCIAL IMPLICATIONS:

The formation of the proposed Tigard-Tualatin Aquatic District would create a permanent tax rate of nine cents (\$.09) per one thousand dollars of taxable assessed valuation for property owners within the special district's boundaries. If approved by voters, new taxes would begin being collected in FY10/11.

The Steering Committee has learned that Washington County uses an average real market value of \$333,119 and an average assessed value of \$193,975. Thus, it appears that the annual cost for a house within the proposed district with a real market value of \$300,000, would about \$16. Taxes for those with a higher real market value would be higher and those with a lower real market value would be lower.

Property owners calculate their approximate taxes by using the following formula:

Real Market Value (what you could sell your property for) x Assessed Value (approximately .58, the percent of real market value that property taxes are paid on) / 1,000 x Tax Rate \$0.9 = Property Tax

Residents can also check their most recent property tax statement or call the county tax collector for more information on property values or taxes.

- Attachments:**
1. Letter of Request from Steering Committee for the Formation of Tigard-Tualatin Aquatic District and attachments
 2. Map of TTSD Attendance Boundaries
 3. Resolution

- c:**
1. Steering Committee for Formation of Tigard-Tualatin Aquatic District
 2. Rob Saxton, Superintendent, Tigard-Tualatin School District
 3. Tualatin Park Advisory Committee

ATTACHMENT 1

June 29, 2009

Paul Hennon
Community Services Director
City of Tualatin
18880 SW Martinazzi Ave.
Tualatin, OR 97062

Dear Mr. Hennon:

Thank you for the opportunity to present a resolution to the Tualatin City Council to approve the formation of the Tigard-Tualatin Aquatic District (TTAD). Enclosed please find a draft resolution, fact sheet, and economic feasibility statement.

The purpose of the proposed TTAD is to relieve the Tigard-Tualatin School District (TTSD) of the economic burden of operating the aquatic centers at Tigard and Tualatin High Schools while maintaining these valuable resources for the benefit of the schools and surrounding communities. Currently, more than 80% of the pools' usage is by the community (balance is school use) and we anticipate that ratio will continue under a long-term agreement with TTSD.

The TTAD formation process is somewhat complex because the TTSD and the proposed TTAD include part or all of the cities of Tigard, Tualatin, King City, and Durham as well as unincorporated areas in Washington and Clackamas counties. A petition and signature-gathering process will be necessary in order to form TTAD. The enclosed proposed resolution is intended to provide approval from the City of Tualatin should the required number of signatures be gathered. Similar resolutions and corresponding documents will be presented to the City Councils of Tigard, King City, and Durham at scheduled meetings during the month of July 2009.

The proposal to form TTAD and to fund its operations through a permanent tax levy would appear on the May 2010 ballot as would the candidates for the five at-large directors who would manage TTAD. A petition for the formation of TTAD must be filed with Washington County no later than 180 days before the election (about November 18, 2009). The petition formation process requires 15% of the registered voters in the proposed TTAD sign a petition approving its formation before the petition can be filed with Washington County. Certified copies of resolutions from the affected cities must be presented to Washington County. This tight time frame is the reason that we are asking the cities to approve resolutions before the petition signatures have been gathered.

The proposed boundary for TTAD is the boundary of TTSD. The households within this boundary will continue to finance the bond for construction costs of the aquatic centers until 2016. If the boundary of TTAD matches that of TTSD, the same

households will pay for the operation of the aquatic centers. TTSD, which will retain ownership of the aquatic centers and with which TTAD must contract to lease them, favors a boundary for TTAD that matches the boundary of TTSD. While the proposed boundary does not include portions of the cities of Tigard and Tualatin, it is anticipated that TTAD resources would be available to all citizens of those cities. The TTAD board will decide if those households should pay a nominal additional use fee to account for the construction and operational costs that they will not pay through tax levies. The boundary of TTAD also could be modified in the future to encompass the entire cities of Tigard and Tualatin.

Notwithstanding the preference for the boundary of TTAD to match the boundary of TTSD, it is possible that the boundary of TTAD will need to be adjusted in order to simplify the election or government approval process. The only potential adjustments to the boundary would be 1) the exclusion of the territory in Clackamas County that is within the TTSD boundary and/or 2) the inclusion of incorporated areas of the cities of Tigard and Tualatin that are not within the TTSD boundary. The enclosed proposed resolution is intended to provide approval from the City of Tualatin for any ultimate TTAD boundary within these parameters.

A survey will be conducted this summer to gauge likely voter approval for the creation of TTAD and the anticipated permanent tax levy of 9 cents per thousand dollars of assessed value. Even if the affected cities and counties approve the formation of TTAD, the effort to create it will not continue unless the voter survey indicates that a statistically valid percentage of the voters in the district are likely to support the measure and tax levy.

Please let us know if we can provide additional information in advance of the presentation to the City Council of Tualatin on July 27, 2009. Thank you very much for your assistance.

Sincerely,

**Steering Committee for the
Formation of Tigard-Tualatin
Aquatic District**

Enclosures: Fact sheet
Economic feasibility statement

TIGARD-TUALATIN POOLS

Preliminary Fact Sheet

Rev 07/15/2009 - 1

SITUATION

The Tigard-Tualatin School District (TTSD) owns and operates two swim centers, located on the school grounds at Tigard and Tualatin High Schools. The school district's projected budget can no longer support the operation of the pools and the cities of Tigard and Tualatin are not able to take over operation. TTSD recognizes the value of the pools to the local communities and is willing to coordinate with a citizen group to keep the pools open and/or maintained long enough for the group to develop a long-term stable funding and management option for both swim centers.

TTSD has proposed that it will pay to keep one swim center open and to "mothball" (close to any use but maintain for future reopening) one pool through July 2010. If no other funding source emerges, TTSD will shut down both pools. This would be irreversible and the community would permanently lose both pools.

UTILIZATION

The pools support both school district and community use and are typically open 130-150 hours per week (combined). During the school year, about 500 people per day (total) use the pools, of which approximately 20% is school usage and 80% community. During the summer, usage increases to about 1,000 people per day, which is 100% community use. Usage includes school and community swim lessons; high school swim and water polo practices and meets/games; community swim and water polo club practices and meets/games; community fitness, rehabilitation, and exercise classes; open swim for recreational and family use; community lap swim; special-use rentals; and training for law enforcement and water rescue operations.

FINANCIAL STATUS

The pools were built (and later upgraded) using bond funds that will continue to be paid by TTSD residents through 2016 whether the pools are open or not. The bond was for construction costs only, not operating costs.

Operating costs vary, but average about \$30,000/month for each pool (utilities, water, chemicals, repairs, personnel, etc.). Revenue from community use fees and rentals typically range from \$8,000-\$10,000/month, for a total net loss of \$500,000-\$600,000 per year for both pools (combined).

The cost to "mothball" a pool is approximately \$100,000 per year per pool. This includes heat, chemicals, and minimum required maintenance for equipment and facilities.

PROPOSED SOLUTION

Develop an aquatic district pursuant to Chapter 198 of the Oregon Revised Statutes with a permanent tax levy that will support the operation of the pools indefinitely for use by the district's residents. This proposal is limited to an aquatic district only; it would not include any other park or recreation types of activities.

The required tax levy is currently estimated at \$.09/\$1,000 of assessed value, or approximately \$16 per year for owners of a \$300,000 home.

The aquatic district boundary is expected to match the TTSD boundary, which incorporates part or all of the cities of Tigard, Tualatin, Durham, and King City as well as unincorporated areas in Washington and Clackamas counties. These are the same households that are already paying the construction bond for the pools, and the same households that pay in-district fees for pool use. TTSD is a recognized district with the Washington County elections division and property assessment data is available. It is possible that the aquatic district boundary could be established with exceptions to the TTSD boundary in order to incorporate areas of Tigard and Tualatin that are not in the TTSD boundary or to simplify the process by

DRAFT: SUBJECT TO REVISION

TIGARD-TUALATIN POOLS

Preliminary Fact Sheet

Rev 07/15/2009 - 2

limiting its scope to one county. Aquatic district boundaries can be changed in future.

The aquatic district will be managed by a board of five directors to be elected at-large from residents of the district.

The board will negotiate a contract with TTSD that will likely include a long-term lease of the pools from TTSD as well as a provision requiring a certain amount of pool use to be reserved for school activities such as swim classes and high school teams.

Funds collected by the tax levy will be managed by the aquatic district board as required by law. The board will hire necessary personnel and pay operating and maintenance costs for the pools as specified in the contract with TTSD.

TIMING

A special district election that includes a tax levy must occur in May or November of even-numbered years. The requirements to get a measure on the ballot mean the earliest date for this election is May 2010, with funding by July 2010.

ORS Chapter 198 requires a citizen-initiated petition or county-initiated formation request. A county-initiated formation request can only occur for a district that is entirely within one county. A citizen-initiated petition requires signatures of at least 15% of the registered voters within the proposed special district, which must be presented to the county for examination before the petition is filed. The petition to form the special district must be filed with Washington County at least 180 days before the election (i.e., by mid-November 2009).

Approval by resolution of the City Councils of all four cities is required before a petition to form a special district can be filed with the county. The steering committee for the aquatic district formation has met with the city managers of all four cities. All have indicated their willingness to allow the group to present a resolution to their councils. The steering committee is also engaged in ongoing discussions with the TTSD superintendent to discuss interim pool operations, access, and costs. It is hoped that resolutions from the cities and a tentative agreement with TTSD can be obtained by the end of July 2009.

For a citizen-initiated process, a proposed petition and an economic feasibility statement must be submitted to Washington County for approval, after which signatures must be gathered. This is planned for July – September 2009, with final petition and signatures submitted to Washington County in October.

CURRENT STATUS

The date for mothballing one pool is still under discussion; the current proposal is August 2009 to allow revenue-producing summer programs to continue at both pools.

The decision on which pool to close has not been made yet, but any closure will have a dramatic impact on all of the local communities. Because the pools are owned by TTSD, all school programs (including both high schools' competitive swim and water polo teams) will be moved to the remaining pool, which will essentially eliminate community access to either pool.

Fundraising and publicity groups for the aquatic district are working to create a political action committee (PAC) and to begin extensive fundraising activities to fund the election process as well as to supplement operating costs to keep both pools open until tax levy funds are available.

MORE INFORMATION

<http://groups.google.com/group/ttpools>

ECONOMIC FEASIBILITY STATEMENT

For the Proposed Tigard-Tualatin Aquatic District

I. Introduction

Oregon law requires petitioners to file an economic feasibility statement with the county clerk before circulating a petition for the creation of a special district. The economic feasibility statement must contain a description of the services and functions to be performed or provided by the proposed district, an analysis of the relationships between those services and functions and other existing or needed government services, and a proposed first-year line item operating budget and projected third-year line item operating budget for the new district that demonstrate its economic feasibility. ORS 198.749.

II. Background

The Tigard-Tualatin School District (TTSD) owns and operates pools at Tigard and Tualatin High Schools (the Aquatic Centers). The Tigard Swim Center is located at 8680 SW Durham Rd., Tigard, OR. The Tualatin Swim Center is located at 22380 SW Boones Ferry Road, Tualatin, OR. The Aquatic Centers were built (and later upgraded) using bond funds that will continue to be paid by TTSD residents through 2016 whether or not the centers remain open.

TTSD can no longer afford to operate the Aquatic Centers, which have a combined average net loss of approximately \$500,000 - \$600,000 per year. Unless alternative funding is found, both Aquatic Centers will be permanently closed. The purpose of the proposed Tigard-Tualatin Aquatic District (TTAD) is to assume responsibility for the operation and management of the Aquatic Centers for the benefit of the local community. If approved by voters, TTAD will be funded by a permanent but limited tax levy that will provide a stable funding source for operating the Aquatic Centers.

III. Description of Proposed Services and Functions of the Tigard-Tualatin Aquatic District

The Aquatic Centers currently are used by approximately 500 people per day during the school year and 1000 people per day during the summer. They typically are open 130-150 hours per week. The function of TTAD would be to manage and operate the Aquatic Centers.

The types of services provided by TTAD would be substantially similar to those now provided at the Aquatic Centers and would include the following:

School Use (approximately 20% during the school year)

- high school aquatic classes (PE)
- water polo team practices and games
- swim team practices and meets
- sports conditioning

Community Use (approximately 80% during the school year; 100% outside of school hours)

- youth swim lessons
- fitness and exercise classes
- physical therapy
- open swim for recreational and family use
- lap swim
- competitive swim club
- water polo club
- special-use rentals
- scuba training
- lifeguard and water safety instruction
- law enforcement and water rescue operations
- special events (e.g. triathlons; youth parties)

IV. Analysis of Relationships Between Services to be Provided by Tigard-Tualatin Aquatic District and Other Existing or Needed Government Services

The boundaries of TTAD will include territory in the cities of Tigard, Tualatin, King City and Durham. Other than the Aquatic Centers, there are no public swimming pools in these cities. The smattering of private pools do not serve most of the community, are not affordable for many people, may be outdoors (so are unavailable for significant portions of the year), and do not have the capacity to absorb the pool needs currently served by the Aquatic Centers.

The services to be provided by TTAD currently are provided by TTSD. However, TTSD has expressed an intent to discontinue long-term funding of the operations of the Aquatic Centers, thus creating the necessity for TTAD. TTSD will continue to own the Aquatic Centers after the formation of TTAD. TTAD will enter into a contract with TTSD that will likely include a long-term lease of the pools from TTSD as well as a provision requiring a certain amount of pool use to be reserved for school activities such as swim classes and high school teams.

V. Operating Budgets

TTAD will be managed by a board of five unpaid directors elected at-large from residents of the district. Funds collected by a tax levy to be approved by voters will be managed by TTAD's board as required by law. The board will hire necessary personnel and pay operating and maintenance costs for the Aquatic Centers as specified in the contract with TTSD.

TTAD's operations will be funded by a permanent tax levy in the probable amount of 9 cents per \$1,000 of assessed value of real property within the district. The district boundary is presumed to be the boundary of TTSD, which incorporates part or all of the cities of Tigard, Tualatin, Durham, and King City as well as unincorporated areas in Washington and Clackamas counties. TTSD is a recognized district with the Washington County election division and property assessment data is available. The projections attached hereto are based on that data. It is possible that the TTAD boundary could be established with exceptions to the TTSD boundary in order to incorporate areas of Tigard or Tualatin that are not in the TTSD boundary or to simplify the process by which TTAD is formed. These potential variations would not have a significant impact on the accompanying projections but could cause a slight variation in the amount of the proposed tax levy.

Attached hereto are a ten-year budget forecast, including assumptions on which the budget is based, as well as a year-one and year-three line item operating budget demonstrating the economic viability of TTAD. The budget is based on levying the full amount of 9 cents per \$1,000 of assessed value in the first three years of operation, which will cover expected costs and build a contingency fund for unexpected repair or maintenance costs, and 8 cents per \$1,000 of assessed value thereafter. The TTAD board of directors will decide the actual levy amount each year of operation based on actual and anticipated costs for that year.

The proposed permanent tax levy for TTAD will not cause the total local government tax rates to exceed those authorized by law.

**Tigard-Tualatin Aquatics District
Economic Feasibility
Combined Pools**

Revenue

| | | |
|----------------------|----------------|----------------|
| Passes | 30,238 | 31,768 |
| Lessons | 107,625 | 113,074 |
| Rental | 54,838 | 57,814 |
| Miscellaneous | 22,550 | 23,692 |
| Total Revenue | 215,250 | 226,147 |

Expenditures

| | | |
|-----------------------------------|----------------|----------------|
| Salaries | 287,885 | 305,417 |
| PERS | 31,830 | 33,875 |
| Social Security | 21,115 | 22,401 |
| Other Required Payroll Costs | 21,115 | 22,401 |
| Contractual Employee Benefits | 66,950 | 71,027 |
| Total Wages & Benefits | 428,995 | 455,121 |
| Property Services | | |
| Utilities | 176,130 | 186,856 |
| Other | 10,300 | 10,927 |
| Travel | 1,030 | 1,093 |
| Communication | 1,030 | 1,093 |
| Non Instructional | 36,050 | 38,245 |
| Consumable Supplies | 37,595 | 39,885 |
| Non-Consumable Supplies | 12,875 | 13,659 |
| Computer Hardware | 2,060 | 2,185 |
| Depreciable Assets | 115,900 | 107,782 |
| Dues and Fees | 2,060 | 2,185 |
| Insurance | 30,900 | 32,782 |

| | | |
|-----------------------|----------------|----------------|
| Total Expenses | 854,925 | 891,813 |
|-----------------------|----------------|----------------|

| | | |
|---------------------------------|------------------|------------------|
| Fund Surplus / (Deficit) | (639,675) | (665,666) |
|---------------------------------|------------------|------------------|

| | | |
|-----------------------|----------------|----------------|
| Tax Assessment | 717,883 | 676,980 |
|-----------------------|----------------|----------------|

| | | |
|-------------------------------|---------------|----------------|
| Beginning Fund Balance | 89,224 | 308,461 |
|-------------------------------|---------------|----------------|

| | | |
|----------------------------|----------------|----------------|
| Ending Fund Balance | 167,433 | 319,775 |
|----------------------------|----------------|----------------|

| | | |
|---------------------------------|----------------------|----------------------|
| Projected Assessed Value | 8,396,298,123 | 8,907,632,678 |
|---------------------------------|----------------------|----------------------|

| | | |
|---|----------------|----------------|
| Tax Assessment - \$.09/1000 yr 1-3 | 755,887 | 712,611 |
|---|----------------|----------------|

| | | |
|---------------------------------|----------------|----------------|
| Collected Tax Assessment | 717,883 | 676,980 |
|---------------------------------|----------------|----------------|

Tigard-Tualatin Pool Budget 10 Year Budget Assumptions

1. Revenue grows at a rate of 2.5% per year.
2. Expenses grow at a rate of 3.0% per year.
3. PERS contribution averages the current rate.
4. Insurance costs of \$15,000 per pool in year one (complete WAG).
5. Specific maintenance items per Mike Branam, \$30,000 of annual capital expenditures plus four unknown \$75,000 maintenance projects.
6. School district continues to provide accounting and maintenance service in return for use of pools.
7. Assessed value for SD# 23 Tigard-Tualatin grows at a rate of 3% per year.
8. Tax assessment of \$.09 per thousand of assessed value years 1-3, \$.08 per thousand thereafter, minus 5% uncollected.

**Tigard-Tualatin Aquatics District
10 Year Pro Forma
Combined Pools**

Revenue

| | | | | | | | | | | |
|----------------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|
| Purses | 28,500 | 30,238 | 30,983 | 31,768 | 32,582 | 33,377 | 34,211 | 35,088 | 35,943 | 36,841 |
| License | 106,000 | 107,825 | 110,318 | 113,074 | 115,900 | 118,798 | 121,768 | 124,812 | 127,932 | 131,131 |
| Rental | 53,500 | 54,838 | 56,208 | 57,614 | 59,054 | 60,530 | 62,044 | 63,595 | 65,185 | 66,814 |
| Miscellaneous | 22,000 | 22,500 | 23,114 | 23,882 | 24,704 | 24,891 | 25,513 | 26,151 | 26,805 | 27,475 |
| Total Revenue | 210,000 | 215,260 | 220,631 | 226,147 | 231,801 | 237,598 | 243,538 | 249,624 | 255,885 | 262,281 |

Expenditures

| | | | | | | | | | | |
|---------------------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|
| Salaries | 279,500 | 287,885 | 296,522 | 305,417 | 314,580 | 324,017 | 333,738 | 343,750 | 354,082 | 364,684 |
| PPRS | 31,000 | 31,830 | 32,688 | 33,575 | 34,891 | 35,937 | 37,016 | 38,128 | 39,270 | 40,448 |
| Social Security | 20,500 | 21,115 | 21,748 | 22,401 | 23,073 | 23,765 | 24,478 | 25,212 | 25,969 | 26,748 |
| Other Required Payroll Costs | 20,500 | 21,115 | 21,748 | 22,401 | 23,073 | 23,765 | 24,478 | 25,212 | 25,969 | 26,748 |
| Contracted Employee Benefits | 66,000 | 66,960 | 68,008 | 71,027 | 73,196 | 75,383 | 77,813 | 79,942 | 82,340 | 84,810 |
| Total Wages & Benefits | 418,500 | 428,965 | 441,865 | 455,121 | 468,774 | 482,838 | 497,323 | 512,242 | 527,510 | 543,438 |
| Property Services | 171,000 | 176,130 | 181,414 | 186,856 | 192,482 | 198,238 | 204,183 | 210,208 | 216,818 | 223,118 |
| Utilities | 10,000 | 10,300 | 10,600 | 10,927 | 11,265 | 11,593 | 11,941 | 12,289 | 12,688 | 13,048 |
| Other | 1,000 | 1,000 | 1,001 | 1,083 | 1,126 | 1,159 | 1,184 | 1,230 | 1,287 | 1,305 |
| Travel | 1,000 | 1,000 | 1,081 | 1,083 | 1,126 | 1,159 | 1,184 | 1,230 | 1,287 | 1,305 |
| Communication | 1,000 | 1,000 | 1,081 | 1,083 | 1,126 | 1,159 | 1,184 | 1,230 | 1,287 | 1,305 |
| Non Instructional | 36,000 | 36,060 | 37,132 | 38,245 | 39,383 | 40,575 | 41,782 | 43,046 | 44,337 | 45,887 |
| Consumable Supplies | 36,500 | 37,595 | 38,723 | 39,885 | 41,081 | 42,314 | 43,583 | 44,890 | 46,237 | 47,824 |
| Non-Consumable Supplies | 12,500 | 12,875 | 13,261 | 13,658 | 14,068 | 14,491 | 14,926 | 15,373 | 15,835 | 16,310 |
| Computer Hardware | 2,000 | 2,060 | 2,122 | 2,185 | 2,251 | 2,319 | 2,388 | 2,460 | 2,534 | 2,610 |
| Depreciable Assets | 100,250 | 115,900 | 57,827 | 107,782 | 108,785 | 108,778 | 110,822 | 111,898 | 38,003 | 294,143 |
| Deeds and Fees | 2,000 | 2,060 | 2,122 | 2,185 | 2,251 | 2,319 | 2,388 | 2,460 | 2,534 | 2,610 |
| Insurance | 30,000 | 30,900 | 31,827 | 32,782 | 33,765 | 34,778 | 35,822 | 36,896 | 38,003 | 39,143 |
| Total Expenses | 817,750 | 854,925 | 819,023 | 897,813 | 916,318 | 941,587 | 987,854 | 984,331 | 948,811 | 1,230,318 |
| Fund Surplus / (Deficit) | (607,750) | (639,675) | (598,392) | (665,666) | (684,517) | (703,982) | (724,016) | (744,707) | (691,046) | (868,037) |

Tax Assessment

| | | | | | | | | | | |
|------------------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| Beginning Fund Balance | 696,974 | 717,883 | 739,430 | 676,980 | 697,289 | 718,208 | 739,754 | 761,947 | 794,805 | 808,350 |
| Ending Fund Balance | 89,224 | 187,433 | 187,433 | 308,461 | 319,775 | 332,547 | 346,794 | 362,530 | 378,770 | 473,830 |

Projected Assessed Value

| | | | | | | | | | | |
|-------------------------------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|----------------|----------------|----------------|
| Tax Assessment - \$,081/1000 yr 1-3 | 8,151,745,760 | 8,386,288,123 | 8,648,187,086 | 8,907,832,878 | 9,174,881,659 | 9,450,107,508 | 9,733,810,734 | 10,025,818,058 | 10,328,387,827 | 10,638,178,288 |
| Collected Tax Assessment | 733,657 | 755,987 | 778,337 | 712,611 | 733,988 | 756,008 | 778,689 | 802,060 | 828,111 | 850,884 |

Collected Tax Assessment

| | | | | | | | | | | |
|------------------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| Beginning Fund Balance | 696,974 | 717,883 | 739,430 | 676,980 | 697,289 | 718,208 | 739,754 | 761,947 | 794,805 | 808,350 |
| Ending Fund Balance | 89,224 | 187,433 | 187,433 | 308,461 | 319,775 | 332,547 | 346,794 | 362,530 | 378,770 | 473,830 |

Tigard-Tualatin Aquatics District
10 Year Pro Forma
Tigard Pool

| Revenues | | | | | | | | | |
|---------------------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|
| Purses | 21,200 | 21,700 | 22,273 | 22,850 | 23,401 | 23,988 | 24,588 | 25,200 | 25,820 |
| Lodges | 67,000 | 68,676 | 70,362 | 72,062 | 73,766 | 75,484 | 77,209 | 78,942 | 80,674 |
| Permit | 40,000 | 41,520 | 43,088 | 44,667 | 46,258 | 47,851 | 49,448 | 51,049 | 52,654 |
| Miscellaneous | 12,000 | 12,300 | 12,600 | 12,903 | 13,206 | 13,511 | 13,816 | 14,124 | 14,431 |
| Total Revenue | 141,000 | 144,825 | 148,139 | 151,442 | 155,659 | 159,929 | 163,917 | 167,893 | 171,765 |
| Expenditures | | | | | | | | | |
| Salaries | 124,500 | 128,236 | 132,082 | 135,945 | 140,126 | 144,330 | 148,660 | 153,119 | 157,713 |
| PER'S | 13,000 | 13,300 | 13,792 | 14,205 | 14,632 | 15,071 | 15,523 | 15,989 | 16,468 |
| Social Security | 9,000 | 9,276 | 9,576 | 9,881 | 10,192 | 10,509 | 10,831 | 11,154 | 11,481 |
| Other Required Payroll Costs | 9,000 | 9,276 | 9,576 | 9,881 | 10,192 | 10,509 | 10,831 | 11,154 | 11,481 |
| Contractual Employee Benefits | 32,500 | 33,475 | 34,479 | 35,514 | 36,579 | 37,678 | 38,807 | 39,971 | 41,170 |
| Total Wages & Benefits | 168,000 | 174,165 | 180,903 | 188,076 | 195,679 | 203,797 | 212,407 | 221,831 | 231,891 |
| Property Services | 84,000 | 85,933 | 87,888 | 89,865 | 91,865 | 93,888 | 95,933 | 97,999 | 100,086 |
| Utilities | 5,000 | 5,150 | 5,305 | 5,464 | 5,628 | 5,796 | 5,970 | 6,148 | 6,334 |
| Other | 500 | 515 | 530 | 546 | 563 | 580 | 597 | 615 | 632 |
| Travel | 500 | 515 | 530 | 546 | 563 | 580 | 597 | 615 | 632 |
| Communication | 15,000 | 15,400 | 15,814 | 16,241 | 16,681 | 17,133 | 17,597 | 18,074 | 18,562 |
| Non Instructional | 17,000 | 17,525 | 18,065 | 18,619 | 19,188 | 19,761 | 20,339 | 20,921 | 21,508 |
| Consumable Supplies | 5,000 | 5,150 | 5,305 | 5,464 | 5,628 | 5,796 | 5,970 | 6,148 | 6,334 |
| Non-Consumable Supplies | 1,000 | 1,030 | 1,061 | 1,093 | 1,126 | 1,159 | 1,194 | 1,230 | 1,267 |
| Computer Hardware | 45,200 | 46,400 | 47,614 | 48,841 | 50,081 | 51,333 | 52,597 | 53,874 | 55,162 |
| Depreciable Assets | 1,000 | 1,030 | 1,061 | 1,093 | 1,126 | 1,159 | 1,194 | 1,230 | 1,267 |
| Deeds and Fees | 15,000 | 15,400 | 15,814 | 16,241 | 16,681 | 17,133 | 17,597 | 18,074 | 18,562 |
| Insurance | | | | | | | | | |
| Total Expenditures | 368,250 | 422,840 | 473,975 | 525,414 | 578,167 | 632,242 | 687,648 | 744,399 | 802,501 |
| Fund Surplus / (Deficit) | (217,250) | (278,015) | (325,837) | (373,973) | (422,508) | (472,313) | (523,731) | (576,506) | (630,736) |

**Tigard-Tualatin Aquatics District
10 Year Pro Forma
Tualatin Pool**

Revenue

| | | | | | | | | | | |
|----------------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
| Passes | 8,300 | 8,508 | 8,720 | 8,938 | 9,162 | 9,391 | 9,625 | 9,866 | 10,113 | 10,368 |
| Lessons | 38,000 | 38,960 | 39,924 | 40,892 | 41,845 | 42,894 | 44,068 | 45,170 | 46,299 | 47,467 |
| Rental | 12,700 | 13,016 | 13,343 | 13,677 | 14,018 | 14,369 | 14,728 | 15,088 | 15,474 | 15,881 |
| Miscellaneous | 10,000 | 10,250 | 10,506 | 10,769 | 11,038 | 11,314 | 11,597 | 11,887 | 12,184 | 12,488 |
| Total Revenue | 69,000 | 70,725 | 72,483 | 74,305 | 76,183 | 78,067 | 80,019 | 82,019 | 84,070 | 86,172 |

Expenditures

| | | | | | | | | | | |
|-----------------------------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|
| Salaries | 155,000 | 158,650 | 164,440 | 169,373 | 174,454 | 179,687 | 185,078 | 190,630 | 196,349 | 202,240 |
| PEPS | 18,000 | 18,540 | 19,088 | 19,669 | 20,259 | 20,867 | 21,483 | 22,138 | 22,802 | 23,486 |
| Social Security | 11,000 | 11,330 | 11,670 | 12,020 | 12,381 | 12,752 | 13,135 | 13,529 | 13,934 | 14,353 |
| Other Required Payroll Costs | 11,500 | 11,846 | 12,200 | 12,568 | 12,943 | 13,332 | 13,732 | 14,144 | 14,568 | 15,005 |
| Contractual Employee Benefits | 32,500 | 33,475 | 34,479 | 35,514 | 36,579 | 37,678 | 38,807 | 39,971 | 41,170 | 42,406 |
| Total Wages & Benefits | 228,000 | 234,940 | 241,885 | 249,142 | 256,916 | 264,314 | 272,344 | 280,411 | 288,824 | 297,488 |
| Property Services | 107,000 | 110,210 | 113,516 | 116,922 | 120,429 | 124,042 | 127,764 | 131,597 | 135,544 | 139,611 |
| Utilities | 5,000 | 5,150 | 5,305 | 5,464 | 5,628 | 5,796 | 5,970 | 6,149 | 6,334 | 6,524 |
| Maintenance | 500 | 515 | 530 | 546 | 563 | 580 | 597 | 615 | 633 | 652 |
| Travel | 500 | 515 | 530 | 546 | 563 | 580 | 597 | 615 | 633 | 652 |
| Communication | 20,000 | 20,600 | 21,218 | 21,856 | 22,510 | 23,185 | 23,881 | 24,597 | 25,335 | 26,095 |
| Non Instructional | 19,000 | 19,570 | 20,157 | 20,762 | 21,385 | 22,026 | 22,687 | 23,368 | 24,068 | 24,791 |
| Consumable Supplies | 7,500 | 7,725 | 7,957 | 8,195 | 8,441 | 8,695 | 8,956 | 9,224 | 9,501 | 9,788 |
| Non-Consumable Supplies | 1,000 | 1,000 | 1,081 | 1,083 | 1,126 | 1,159 | 1,194 | 1,230 | 1,267 | 1,305 |
| Computer Hardware | 56,000 | 15,460 | 15,914 | 91,391 | 16,883 | 92,389 | 92,911 | 18,448 | 19,002 | 274,572 |
| Depreciable Assets | 1,000 | 1,000 | 1,061 | 1,093 | 1,126 | 1,160 | 1,194 | 1,230 | 1,267 | 1,305 |
| Dues and Fees | 15,000 | 15,460 | 15,914 | 16,391 | 16,883 | 17,389 | 17,911 | 18,448 | 19,002 | 19,572 |
| Insurance | | | | | | | | | | |
| Total Expenses | 459,500 | 452,086 | 445,048 | 433,399 | 412,151 | 391,315 | 375,905 | 355,932 | 331,410 | 302,352 |

Fund Surplus / (Deficit)

| | | | | | | | | | | |
|--|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| | 230,500 | 255,389 | 279,554 | 310,004 | 349,032 | 389,352 | 424,114 | 454,087 | 482,660 | 518,820 |
|--|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|

Capital Maintenance Schedule

Board

| | | | | | | | | | | |
|------------------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| Miscellaneous | 15,000 | 15,450 | 15,914 | 16,391 | 16,883 | 17,389 | 17,911 | 18,448 | 19,002 | 19,572 |
| Paint Natorium | | 85,000 | | | | | | | | |
| Repair Gutters | 5,000 | | | | | | | | | |
| Repair Diving Board | 4,250 | | | | | | | | | |
| Replace Exterior Doors | 21,000 | | | | | | | | | |
| Replace Boys Lockers | | | 26,000 | | | | | | | |
| Unknown 1 | | | | | 75,000 | | | | | |
| Unknown 2 | | | | | | | | 75,000 | | |

Total

| | | | | | | | | |
|--------|---------|--------|--------|--------|--------|--------|--------|--------|
| 45,260 | 100,450 | 41,914 | 16,391 | 91,883 | 17,389 | 17,911 | 19,002 | 19,572 |
|--------|---------|--------|--------|--------|--------|--------|--------|--------|

Insulation

| | | | | | | | | | | |
|-----------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|---------|
| Miscellaneous | 15,000 | 15,450 | 15,914 | 16,391 | 16,883 | 17,389 | 17,911 | 18,448 | 19,002 | 19,572 |
| Re-plaster Pool | | | | | | 75,000 | | | | |
| Replace Boiler | | | | | | | | | | |
| Replace Roof | 40,000 | | | | | | | | | 255,000 |
| Unknown 1 | | | | 75,000 | | | | | | |
| Unknown 2 | | | | | | | 76,000 | | | |

Total

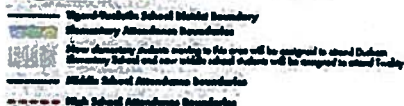
| | | | | | | | | | |
|--------|--------|--------|--------|--------|--------|--------|--------|--------|---------|
| 55,000 | 15,450 | 15,914 | 91,391 | 16,883 | 92,389 | 92,911 | 18,448 | 19,002 | 274,572 |
|--------|--------|--------|--------|--------|--------|--------|--------|--------|---------|

[illegible]

| | | | |
|-------------------------------------|--|--------------|----------|
| SETH MATH | | | |
| London Middle School (grades 6-8) | 10866 S.W. Wilkes Dr., Tigard 97223 | Shelly Coney | 421-8000 |
| Hambrick Middle School (grades 6-8) | 11300 S.W. Hambrick Rd., Beaverton 97002 | Kit Ryan | 421-5100 |
| Tombly Middle School (grades 6-8) | 14650 S.W. 92 nd Ave., Tigard 97224 | Eda Porech | 421-5200 |

| | | | |
|-----------------------------------|---|------------|----------|
| High Mark | | | |
| Tipton High School Grades 9-12 | 9000 S.W. Durham Rd., Tipton 97234 | Jon Schell | 421-5500 |
| Twinsburg High School Grades 9-12 | 27300 S.W. Beacon Bv. Rd., Tualatin 97061 | L.B. Smith | 421-5500 |

| | |
|---|---|
| <p>Police Regional Sales Center 8480 S.W. Durham Rd., Tugard 97234 Residents Sales Center 32180 S.W. Aurora Pk. Rd., Seaside 97138 ARCO Petroleum Service Station/Children Handwriting Center School Jerry Hillbrand Administration Center 4990 S.W. Seaside Rd. Tugard, OR 97223</p> | <p>421-6455 421-3456 303 439-8757 421-6500</p> |
| <p>Bob Smith, President Harold Humphreys, Chief Financial Officer Peter Magnus-Gibbs, Director of Student Services Steve Brown, Director of Human Resources Chris Randall, Director of Curriculum and Instruction</p> | |
| <p>Dulles Education Center/ABE/21st Century Academy 1630 S.W. Durham Rd. Tugard 97234 421-6300 Corvallis School 1025 S.W. 52nd Ave. Seaside 97223 363 444-0096</p> | |



The Tropic Institute School District has established strong ties to its business community and offers a very limited transfer or school choice program. Several schools are closed to new transfer or choice students and others have only a very few openings. Parents who are considering transferring their student to a school in a different community area should call the district office, 503-431-4000 to find out more.

-  Elementary Schools
-  High Schools/Middle Schools
-  Private School Only



RESOLUTION NO. _____

**RESOLUTION APPROVING PROPOSED FORMATION OF SPECIAL
AQUATIC DISTRICT (TIGARD-TUALATIN AQUATIC DISTRICT)**

WHEREAS the Tigard-Tualatin School District ("TTSD") has determined that it is not economically feasible for TTSD to operate the aquatic centers at Tigard High School and Tualatin High School (the Aquatic Centers) on a long-term basis; and

WHEREAS the Aquatic Centers are a valuable resource to the communities of Tigard, Tualatin, King City, Durham, and surrounding unincorporated areas as well as to TTSD; and

WHEREAS concerned citizens seek the formation of Tigard-Tualatin Aquatic District (TTAD), a special parks and recreation district formed pursuant to Chapter 266 of the Oregon Revised Statutes to be managed by a five person board of directors elected at large by the registered voters within TTAD, for the purpose of operating the Aquatic Centers; and

WHEREAS TTSD supports the proposal to form TTAD and intends to allow such a district to operate the Aquatic Centers upon the execution of a mutually agreeable contract; and

WHEREAS the proposed funding for TTAD is a permanent tax levy which would provide a stable funding source for the ongoing operations of the Aquatic Centers if the formation of the special district and the permanent tax levy are approved by voters; and

WHEREAS TTAD will be formed if voters within TTAD approve a ballot measure in the May 2010 election; and

WHEREAS portions of TTAD are within the cities of Tigard, Tualatin, King City, and Durham and certified copies of resolutions of the governing bodies of those cities approving the petition to form TTAD must accompany the petition pursuant to ORS 198.720(1); and

WHEREAS the proposed TTAD appears to provide a viable mechanism for ensuring that the Aquatic Centers remain a valuable resource and that voters should have an opportunity to determine whether or not to form TTAD and consent to the tax levy.

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

Section 1. The City of Tualatin City Council approves the petition
attached as Exhibit 1.

INTRODUCED AND ADOPTED this 27th day of July, 2009.

CITY OF TUALATIN, OREGON

By _____
Mayor

ATTEST:

By _____
City Recorder

Approved as to legal form:


City Attorney

Resolution No. _____

**BOARD OF COUNTY COMMISSIONERS
WASHINGTON COUNTY, OREGON**

**[DRAFT] PETITION FOR THE FORMATION OF A SPECIAL DISTRICT
(Tigard-Tualatin Aquatic District)**

Pursuant to ORS 198.705 to 198.755, the signators hereto petition the Washington County Board of Commissioners to initiate proceedings for the formation of a special district to be called the Tigard-Tualatin Aquatic District. The nature of the proposed special district is a parks and recreation district organized under ORS Chapter 266 with the limited purpose of managing and operating the aquatic centers owned by the Tigard-Tualatin School District (TTSD) at Tigard High School and Tualatin High School.

The counties affected by the proposed special district are Washington County and Clackamas County. Washington County is the Principal county as defined in ORS 198.705(17).

The affected districts and the principal Act of each affected district are as follows:

- City of Tigard, ORS Chapter 221
- City of Tualatin, ORS Chapter 221
- City of Durham, ORS Chapter 221
- City of King City, ORS Chapter 221
- Tigard-Tualatin School District, ORS Chapter 332

The boundary of the proposed special district is the boundary of TTSD as more particularly described in Exhibit A [to be attached in final version of petition]. The territory in the proposed special district is inhabited.

The proposed special district will be managed by a five person board of directors to be elected at large by the registered voters within the special district.

The proposed permanent tax rate to support the services and functions of the proposed special district in the manner described in the economic feasibility statement required by ORS 198.749 is 9 cents per thousand dollars of assessed value of real property within proposed special district.

The formation of the special district is subject to the following terms and conditions: The function of special district will be limited to managing and operating the aquatic centers at Tigard High School and Tualatin High School.

Date

[Typed Name], Chief Petitioner
[Typed Address]
Landowner and registered voter in the
proposed special district

Date

[Typed Name], Chief Petitioner
[Typed Address]
Landowner and registered voter in the
proposed special district

Date

[Typed Name], Chief Petitioner
[Typed Address]
Landowner and registered voter in the
proposed special district

SUPPLEMENTAL INFORMATION ON TIGARD-TUALATIN AQUATIC DISTRICT
8/7/09

INTRODUCTION (By Steering Committee for Tigard-Tualatin Aquatic District)

This information has been prepared to respond to questions posed by Council on July 27, 2009.

First of all, thank you for giving us the opportunity to answer these questions. We very much appreciate the thoughtfulness of the City Council of Tualatin and believe these questions are very important to answer.

Although the proposal before Tualatin and its neighbors is just the first step in the process toward consideration by the voters, we understand the need to make sure the Tigard-Tualatin Aquatic District (TTAD) is in strategic alignment with the short term and long term goals of each community and the school district.

For the sake of additional clarification, we have attached a short summary of the timeline and process we are required to follow in order to qualify for the ballot (See Attachment 1).

1. DISTRICT FORMATION / ANNEXATION / CONSOLIDATION / DISSOLUTION

QUESTION:

What steps could Tualatin take to ensure that formation of the Tigard-Tualatin Aquatic District (TTAD) would not limit or in any way inhibit the City of Tualatin from achieving its goals and implementation of its adopted parks and recreation master plan of providing parks and recreation services, such as a community recreation center with aquatics programs for people of all ages, potentially with funding through the formation of a parks and recreation district?

ANSWER (by TTAD Steering Committee):

We would like to re-iterate our belief that TTAD will complement, not inhibit, Tualatin's future efforts in the parks and recreation arena. Obviously, we are very strong supporters of recreation opportunities for the citizens of our communities, particularly aquatic recreation. We are excited about the strategic vision articulated by members of the Tualatin City Council and spelled out in its adopted parks and recreation master plan. We hope that voters share our enthusiasm for such a future for Tualatin residents.

The TTAD proposal before the Tualatin City Council actually increases the chances that Tualatin's vision will become a reality. The creation of TTAD would not only preserve the ongoing operations of the Tualatin High School pool but also would give the Tualatin City Council the strategic advantage of an additional active core group of strong parks and recreation supporters that likely could assist Tualatin with community outreach and communications.

If TTAD is formed, it could work with the Tualatin City Council to address additional needs. Options such as withdrawal, annexation, merger, and dissolution all could be

SUPPLEMENTAL INFORMATION ON TIGARD-TUALATIN AQUATIC DISTRICT

Page 2 of 6

considered. To be clear, we want TTAD to partner in helping to make Tualatin's vision become a reality. We believe that protecting existing aquatic resources is a good first step.

Right now, neither TTAD's modest proposal to operate existing aquatic facilities nor Tualatin's parks and recreation full service vision is a reality. Working together, we have a much better chance of success. If TTAD becomes a reality, we would hope to partner with the Tualatin City Council to help it achieve its goals.

ANSWER (by staff):

Quick primer on districts

- ORS 198, Special Districts Generally, provides laws affecting all districts
- ORS 266, Park and Recreation Districts, provides laws affecting park and recreation districts that have an independently elected governing board. The Tualatin Hills Parks and Recreation District is an example.
- ORS 451, County Service Facilities, provides laws affecting facilities and services counties may provide through the formation of service districts, including parks and recreation functions, that have the county serving as the governing board. The North Clackamas Park and Recreation District is an example.

Two districts formed under ORS 266 serving the same territory

ANSWER (by staff):

ORS 198.720(2) generally provides that one district may not perform the same services in the same territory. as another district if:

- (a) Both districts are formed under the same substantive act, e.g., ORS chapter 266; and
- (b) The first district is authorized to perform and is performing the services.

If the first district withdraws from the territory, either through a simultaneous withdrawal process or an automatic withdrawal, then the second district may perform the service.

The proposed district would be formed as a parks and recreation district under ORS chapter 266. If, in the future, the Council wished to pursue creating an ORS 266 parks and recreation district with an aquatic center, ORS 298.720(2) would likely preclude the district from having aquatics. There is disagreement on this point. TTSD attorneys argue that because the proposed district would only operate the two pools at the high schools, a new district could offer aquatics. However, ORS 198.720 talks about performing services, not about the quantity of the services offered. Given that a new pool in a newly created 266 district would directly compete with the existing pools for community use, the existing district could challenge the new district for offering aquatics. The original district could merge or consolidate with the new district or agree to withdraw from the new territory. However, that would be dependent upon the actions of the existing district board and a majority of voters in the district to agree with the merger, consolidation or withdrawal.

SUPPLEMENTAL INFORMATION ON TIGARD-TUALATIN AQUATIC DISTRICT

Page 3 of 6

One district formed under ORS 266 and a city serving same territory and providing same functions

The City would not be precluded from operating an aquatics center as a City function if the district is formed.

One district formed under ORW 266 and one formed under ORS 451 serving same territory and providing same functions

A county services district created under ORS chapter 451 (the Atfalati model) probably would be able to offer aquatics in that it would not be created under the same principal act.

Expanding, Contracting, and Dissolving Districts

ORS 198 provides procedures for the merger and consolidation, annexation, withdrawal, and the dissolution of special districts. A majority vote of all the voters of the district is required for most of these processes.

2. OPERATING/CAPITAL BUDGET AND PERMANENT TAX RATE

QUESTION:

How would the TTAD fund major unplanned capital expenses and/or greater than anticipated operating expenses if the proposed permanent tax rate is not adequate due to compression or any other reason(s)?

ANSWER (by TTAD Steering Committee):

We carefully reviewed historic operating costs and prepared our 10-year budget with the assistance of the current TTSD Aquatic Director who has had decades of experience in managing and operating pools in general and these pools in particular. We therefore believe that our budget is less likely to have unanticipated shortfalls than might be expected with a new project. We also used conservative estimates which should leave TTAD with an adequate cushion in the event of budget overruns in a particular category.

While there may be unknown repairs, they are not unplanned from a budgetary standpoint. Our capital maintenance schedule (See Attachment 2) anticipates major repairs and also adds significant budget line item amounts (\$75,000 during four of the ten years in our projected budget) for unknown items. We intend to create and maintain a contingency fund so that TTAD will have the funds necessary to address expenses as they arise.

Our capital maintenance schedule budgets over \$100,000 in 2010 and \$115,000 in 2011 for repairs and maintenance that may not be required during those years. These funds could be used to address unexpected repairs. In the unlikely event that a very large expense arises during TTAD's early years, TTAD likely could borrow money from TTSD or outside sources, could temporarily close the affected pool; or could take other appropriate action. We intend to address this issue when we negotiate our memorandum of understanding/letter of intent with TTSD.

SUPPLEMENTAL INFORMATION ON TIGARD-TUALATIN AQUATIC DISTRICT

Page 4 of 6

See Attachment 3 for a revised Economic Feasibility Statement. The changes do not change the amount of the proposed permanent tax rate, but do modify assumptions for salaries/benefits and uncollected taxes. The assumptions have the impact of increasing costs in the out years and funding those costs with projected revenues. The TTAD board of directors will decide the actual levy amount each year of operation based on actual and anticipated costs for that year.

3. TERMS OF LEASE AGREEMENT WITH TIGARD-TUALATIN SCHOOL DISTRICT GOVERNING PUBLIC USE, MAJOR CAPITAL MAINTENANCE, OWNERSHIP, ETC.

QUESTION:

What are the key terms under which the TTAD would manage and operate the two high school pools owned by the Tigard-Tualatin School District (TTSD), and what assurances, such as a memorandum of understanding or a resolution of intent, has the Tigard-Tualatin School District provided of its intention to enter into a such an agreement if/when the TTAD is formed?

Examples of key terms include, but are not limited to: ownership of existing and any new or improved facilities/major equipment; lease period if applicable; hours of use by TTAD and/or TTSD and any restrictions; right to make improvements including renovations and expansions onto surrounding property; services provided by and costs to be borne by TTSD; maintenance responsibility; property and liability insurance and indemnification; dispute resolution; termination of agreement).

ANSWER (by TTAD Steering Committee):

TTSD passed a resolution approving the formation of TTAD at its school board meeting on August 5, 2009. We have not yet had the opportunity to discuss in detail the terms of a memorandum of understanding ("MOU") or letter of intent. We anticipate that a MOU or letter of intent will be signed in the future. We contemplate that its major provisions will include a long-term lease (e.g. 20 years); a nominal annual lease payment by TTAD to TTSD (e.g. \$1/year); and the right of TTSD to use the pools for a specified number of hours for school purposes. TTSD likely would provide routine janitorial type maintenance and TTAD would be responsible for pool operations and repair as well as the scheduling of various community activities and day-to-day operations of the pools.

See Attachment 4 for a framework for a MOU. **TTSD has not reviewed or approved this MOU and the steering committee has not yet finalized the proposal.**

4. BOUNDARIES AND SERVICE TO TUALATIN RESIDENTS

QUESTION:

What would be required to include all of the cities of Tualatin, Tigard, Durham, and King City within the boundaries of the proposed district?

If the boundaries do not include all of the current and future incorporated areas of the cities, how will those populations be served?

ANSWER (by TTAD Steering Committee):

The proposal before the City Council of Tualatin and its neighbors is intended to be the first step in ensuring adequate aquatic recreation opportunities for our citizens. We are very open to the eventual evolution of any boundary expansion (or even constriction) depending upon the strategic opportunities available.

In an effort to minimize concerns about this effort given the short timeline by which to qualify for the ballot, we made a determination that the most straightforward approach to qualifying TTAD for the ballot would be to preserve the existing aquatic resources available today to our citizens and maintain current usage boundaries.

In order to change approach to include all of the cities of Tualatin, Tigard, Durham and King City within the boundaries of the proposed district, we would have to re-draft the proposal; revise the financial modeling after obtaining additional underlying data with respect to the territory to be added; obtain legal descriptions of the new territory, probably via a formal survey; and return to each individual city for approval to move forward on signature gathering to qualify for the ballot.

Simply put, starting over means that our opportunity to present our proposal to the voters will effectively be lost and it is likely that the pools will be mothballed or closed unless a different funding option emerges. If the TTAD proposal qualifies for the ballot and if voters approve its creation, we would strongly support building upon the existing foundation by forming a workgroup to review and assess future consideration of incorporating all of the cities of Tualatin, Tigard, Durham and King City. Such a workgroup would not be burdened by such short timelines.

In the meantime, your two-part question raises the point that all populations will still continue to be served by the TTAD, whether or not they are within TTAD boundaries. No change to the public in terms of fee structure is envisioned. Today, residents within the TTSD boundaries using the aquatic facilities pay a nominal fee since a portion of their property tax base already goes to pay the pools' operation and maintenance. Residents outside the TTSD boundaries today pay a slightly higher fee for pool usage because their property tax base does not account for the operation and maintenance of the aquatic facilities. For instance, a season pass currently costs an in district adult \$85 and an out-of-district adult \$95. A similar fee structure is anticipated under TTAD. All Tualatin residents will continue to have access to the Tualatin pool, whether or not they reside within the boundaries of TTAD.

SUPPLEMENTAL INFORMATION ON TIGARD-TUALATIN AQUATIC DISTRICT

Page 6 of 6

ATTACHMENTS

1. Process Steps for Aquatic District with Dates
2. Capital Maintenance Schedule
3. Revised Pools - Economic Feasibility Statement
4. Draft Memorandum of Understanding Between TTAD and TTSD
5. Correspondence from interested citizens

*M:\Elections\2009\2009 TTSD Aquatics District\Authorizations\Reso Consenting Annexation - Election\2009-8-10\Supplemental Information\Pools - Supplemental Information on Tigard - Tualatin Aquatics District 2009-8-7 (3).doc
8/7/2009*

Calendar for Aquatic District

| | | | |
|--------------------------|---------------------|-------------------|----------------------|
| SSH = Susan Stark Haydon | PG = Pam Griffith | CC = Cheryl Coupé | KS = Kathy Stallkamp |
| PM = Paul Meade | DA = Debbie Arizala | JS = Jean Snyder | EK = Ellen Kaeding |

| Month | Day | Item | Name | Complete |
|--------|-------|---|-----------------|----------|
| Jul | 1 | Write prospective petition to form district | PG, SSH, KS, CC | 7/1 |
| | 21 | Tigard City Council meeting | PG | 7/21 |
| | 27 | Tualatin City Council meeting | KS, PG, DA | 7/27 |
| | 28 | Obtain resolution from Durham City Council | PG, PM | 7/28 |
| Aug | 3-7 | Finalize survey questions, launch survey | SSH, KS, CC, PG | |
| | 3 | Draft prospective MOU with TTSD and submit for review | PG, SSH, CC | 8/5 |
| | 4 | Attend Wa. Co. commissioner meeting re: Bull Mtn services | KS | 8/4 |
| | 5 | Write ballot measure title and wording | PG, SSH, KS, CC | |
| | 5 | King City City Council meeting/ obtain resolution | KS, CC | 8/5 |
| | 5 | Attend TTSD school board meeting, discuss MOU | PG | 8/5 |
| | 7 | Tualatin Commons booth | Event | |
| | 7 | Grocery Outlet booth | Event | |
| | 7 | Obtain legal boundary description | SSH | |
| | 7-14 | Conduct signature gathering training | DA, JS, EK | |
| | 7-8 | Tualatin Crawfish Festival | EK | |
| | 8 | Bake/drink sale at Oregon Trifecta Skate Board event (@ Tigard Skate Park | EK | |
| | 10 | Finalize economic feasibility statement | PM | |
| | 10 | Obtain resolution from Tualatin | KS, CC, PG | |
| | 11 | Obtain resolution from Tigard | KS, CC, PG | |
| | 12 | Finalize MOU with TTSD | PG, CC, KS, SSH | |
| | 12 | Submit prospective petition to Wa. Co. for approval along with feasibility statement, boundary description, and approved resolutions from all cities. | DA, JS | |
| | 14 | Tualatin Commons booth | Event | |
| | 10 | Analyze survey results | SSH | |
| | 15 | Community Pool Party event | Event | |
| | 16 | Fund Run – Bridging the Gap | Event | |
| | 17 | Receive approval from Wa. Co. to collect signatures | DA | |
| | 17-31 | Gather signatures | JS | |
| | 21 | Tualatin Commons booth | Event | |
| | 28 | Tualatin Commons booth | Event | |
| Sept | 1-11 | Continue gathering signatures | DA, JS, EK | |
| | 6 | Tigard Farmer's Market booth | Event | |
| | 14?? | Submit final petition, signatures, boundary, feasibility statement, resolutions, bond or cash to Wa. Co. | DA, JS | |
| | | Hearing notices for petition | | |
| | 19 | Wine 'n for Water event | Event | |
| | 27 | Splash and Dash event | Event | |
| Oct | 14-31 | Hearing (30-50 days after filing) | | |
| | ? | Final hearing | | |
| Nov | 18 | Last date to obtain Clackamas Co. approval to proceed – 180 days before election | CC, PG | |
| Future | | Identify 5 board candidates | | |
| | | File candidate election intents | | |
| | | Publicity for campaign | | |
| May | 18 | Election | | |

ATTACHMENT 2

Capital Maintenance Schedule

| <u>Tigard</u> | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2018 | 2019 | 2020 |
|------------------------|--------|---------|--------|--------|--------|--------|--------|--------|--------|---------|
| Miscellaneous | 15,000 | 15,450 | 15,914 | 16,391 | 16,883 | 17,389 | 17,911 | 18,448 | 19,002 | 19,572 |
| Paint Natatorium | | 85,000 | | | | | | | | |
| Repair Gutters | 5,000 | | | | | | | | | |
| Repair Diving Board | 4,250 | | | | | | | | | |
| Replace Exterior Doors | 21,000 | | | | | | | | | |
| Replace Boys Lockers | | | 26,000 | | | | | | | |
| Unknown 1 | | | | | 75,000 | | | | | |
| Unknown 2 | | | | | | | | 75,000 | | |
| Total | 45,250 | 100,450 | 41,914 | 16,391 | 91,883 | 17,389 | 17,911 | 93,448 | 19,002 | 19,572 |
| <u>Tualatin</u> | | | | | | | | | | |
| Miscellaneous | 15,000 | 15,450 | 15,914 | 16,391 | 16,883 | 17,389 | 17,911 | 18,448 | 19,002 | 19,572 |
| Re-plaster Pool | | | | | | | | | | |
| Replace Boiler | | | | | | 75,000 | | | | |
| Replace Roof | 40,000 | | | | | | | | | |
| Unknown 1 | | | | 75,000 | | | | | | 255,000 |
| Unknown 2 | | | | | | | 75,000 | | | |
| Total | 55,000 | 15,450 | 15,914 | 91,391 | 16,883 | 92,389 | 92,911 | 18,448 | 19,002 | 274,572 |

ECONOMIC FEASIBILITY STATEMENT

For the Proposed Tigard-Tualatin Aquatic District

I. Introduction

Oregon law requires petitioners to file an economic feasibility statement with the county clerk before circulating a petition for the creation of a special district. The economic feasibility statement must contain a description of the services and functions to be performed or provided by the proposed district, an analysis of the relationships between those services and functions and other existing or needed government services, and a proposed first-year line item operating budget and projected third-year line item operating budget for the new district that demonstrate its economic feasibility. ORS 198.749.

II. Background

The Tigard-Tualatin School District (TTSD) owns and operates pools at Tigard and Tualatin High Schools (the Aquatic Centers). The Tigard Swim Center is located at 8680 SW Durham Rd., Tigard, OR. The Tualatin Swim Center is located at 22380 SW Boones Ferry Road, Tualatin, OR. The Aquatic Centers were built (and later upgraded) using bond funds that will continue to be paid by TTSD residents through 2016 whether or not the centers remain open.

TTSD can no longer afford to operate the Aquatic Centers, which have a combined average net loss of approximately \$500,000 - \$600,000 per year. Unless alternative funding is found, both Aquatic Centers will be permanently closed. The purpose of the proposed Tigard-Tualatin Aquatic District (TTAD) is to assume responsibility for the operation and management of the Aquatic Centers for the benefit of the local community. If approved by voters, TTAD will be funded by a permanent but limited tax levy that will provide a stable funding source for operating the Aquatic Centers.

III. Description of Proposed Services and Functions of the Tigard-Tualatin Aquatic District

The Aquatic Centers currently are used by approximately 500 people per day during the school year and 1000 people per day during the summer. They typically are open 130-150 hours per week. The function of TTAD would be to manage and operate the Aquatic Centers.

The types of services provided by TTAD would be substantially similar to those now provided at the Aquatic Centers and would include the following:

School Use (approximately 20% during the school year)

- high school aquatic classes (PE)
- water polo team practices and games
- swim team practices and meets
- sports conditioning

Community Use (approximately 80% during the school year; 100% outside of school hours)

- youth swim lessons
- fitness and exercise classes
- physical therapy
- open swim for recreational and family use
- lap swim
- competitive swim club
- water polo club
- special-use rentals
- scuba training
- lifeguard and water safety instruction
- law enforcement and water rescue operations
- special events (e.g. triathlons; youth parties)

IV. Analysis of Relationships Between Services to be Provided by Tigard-Tualatin Aquatic District and Other Existing or Needed Government Services

The boundaries of TTAD will include territory in the cities of Tigard, Tualatin, King City and Durham. Other than the Aquatic Centers, there are no public swimming pools in these cities. The smattering of private pools do not serve most of the community, are not affordable for many people, may be outdoors (so are unavailable for significant portions of the year), and do not have the capacity to absorb the pool needs currently served by the Aquatic Centers.

The services to be provided by TTAD currently are provided by TTSD. However, TTSD has expressed intent to discontinue long-term funding of the operations of the Aquatic Centers, thus creating the necessity for TTAD. TTSD will continue to own the Aquatic Centers after the formation of TTAD. TTAD will enter into a contract with TTSD that will likely include a long-term lease of the pools from TTSD as well as a provision requiring a certain amount of pool use to be reserved for school activities such as swim classes and high school teams.

V. Operating Budgets

TTAD will be managed by a board of five unpaid directors elected at-large from residents of the district. Funds collected by a tax levy to be approved by voters will be managed by TTAD's board as required by law. The board will hire necessary personnel and pay operating and maintenance costs for the Aquatic Centers as specified in the contract with TTSD.

TTAD's operations will be funded by a permanent tax levy in the probable amount of 9 cents per \$1,000 of assessed value of real property within the district. The district boundary is presumed to be the boundary of TTSD, which incorporates part or all of the cities of Tigard, Tualatin, Durham, and King City as well as unincorporated areas in Washington and Clackamas counties. TTSD is a recognized district with the Washington County election division and property assessment data is available. The projections attached hereto are based on that data.

Attached hereto are a ten-year budget forecast, including assumptions on which the budget is based, as well as a year-one and year-three line item operating budget demonstrating the economic viability of TTAD. The budget is based on levying up to the full amount of 9 cents per \$1,000 of assessed value in each year. The TTAD board of directors will decide the actual levy amount each year of operation based on actual and anticipated costs for that year.

The proposed permanent tax levy for TTAD will not cause the total local government tax rates to exceed those authorized by law. The compression loss amounts for the affected cities are:

| | |
|-----------|------|
| Tualatin | 3.50 |
| Tigard | 3.56 |
| King City | none |
| Durham | none |

Revised 8/6/09

Tigard-Tualatin Pool Budget 10 Year Budget Assumptions

1. Revenue grows at a rate of 2.5% per year.
 2. Salaries, PERS, SS and other required payroll costs increase at 5%/yr. Contactual employee benefits increase at 10%/yr.
 3. Other expense increase on average 3%/yr.
 4. Insurance costs of \$15,000 per pool in year one
 5. Specific maintenance items per Mike Branam, \$30,000 of annual capital expenditures plus four unknow \$75,000 maintenance projects.
 6. School district continues to provide accounting and maintenace service in return for use of pools.
 7. Assessed value for SD# 23 Tigard-Tualatin grows at a rate of 3% per year.
 8. Tax assessment of \$.09 per thousand of assessed value, less 6% uncollected.
 9. Budgeted FTEs as follows:
 - 2 full times employees (same as current)
 - 3 3/4 time employees (will add 1 to equalize pool programs)
 - 3 1/2 time employees (same as current)
 - 1 1/4 time employee (new admin position)
- Total 6.0 FTE

**Tigard-Tualatin Aquatics District
Economic Feasibility
Combined Pools**

| | 2011 | 2013 |
|-----------------------|---------|---------|
| <u>Revenue</u> | | |
| Passes | 30,238 | 31,768 |
| Lessons | 107,625 | 113,074 |
| Rental | 54,838 | 57,614 |
| Miscellaneous | 22,550 | 23,692 |
| Total Revenue | 215,250 | 226,147 |

Expenditures

| | | |
|-------------------------------|-----------|-----------|
| Salaries | 293,475 | 323,556 |
| PERS | 32,550 | 35,886 |
| Social Security | 21,525 | 23,731 |
| Other Required Payroll Costs | 21,525 | 23,731 |
| Contractual Employee Benefits | 71,500 | 86,515 |
| Total Wages & Benefits | 440,575 | 493,420 |
| Property Services | | - |
| Utilities | 176,130 | 186,856 |
| Other | 10,300 | 10,927 |
| Travel | 1,030 | 1,093 |
| Communication | 1,030 | 1,093 |
| Non Instructional | 36,050 | 38,245 |
| Consumable Supplies | 37,595 | 39,885 |
| Non-Consumable Supplies | 12,875 | 13,659 |
| Computer Hardware | 2,060 | 2,185 |
| Depreciable Assets | 115,900 | 107,782 |
| Dues and Fees | 2,060 | 2,185 |
| Insurance | 30,900 | 32,782 |
| Total Expenses | 866,505 | 930,113 |
| Fund Surplus / (Deficit) | (651,255) | (703,966) |
| Tax Assessment | 710,327 | 753,586 |
| Beginning Fund Balance | 81,888 | 249,891 |
| Ending Fund Balance | 140,960 | 299,511 |

| | | |
|-----------------------------|---------------|---------------|
| Projected Assessed Value | 8,396,298,123 | 8,907,632,678 |
| Tax Assessment - \$.09/1000 | 755,667 | 801,687 |
| Collected Tax Assessment | 710,327 | 753,586 |

**Tigard-Tualatin Aquatics District
10 Year Pro Forma
Combined Pools**

| | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2018 | 2019 | 2020 |
|------------------------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|-----------------------|-----------------------|-----------------------|
| Revenue | | | | | | | | | | |
| Passes | 29,500 | 30,238 | 30,993 | 31,768 | 32,562 | 33,377 | 34,211 | 35,066 | 35,943 | 36,841 |
| Lessons | 105,000 | 107,625 | 110,316 | 113,074 | 115,900 | 118,798 | 121,768 | 124,812 | 127,932 | 131,131 |
| Rental | 53,500 | 54,838 | 56,208 | 57,614 | 59,054 | 60,530 | 62,044 | 63,595 | 65,185 | 66,814 |
| Miscellaneous | 22,000 | 22,550 | 23,114 | 23,692 | 24,284 | 24,891 | 25,513 | 26,151 | 26,805 | 27,475 |
| Total Revenue | 210,000 | 215,250 | 220,631 | 226,147 | 231,801 | 237,596 | 243,536 | 249,624 | 255,865 | 262,261 |
| Budgeted FTEs | 6.0 | 6.0 | 6.0 | 6.0 | 6.0 | 6.0 | 6.0 | 6.0 | 6.0 | 6.0 |
| Expenditures | | | | | | | | | | |
| Salaries | 279,500 | 293,475 | 308,149 | 323,556 | 339,734 | 356,721 | 374,557 | 393,285 | 412,949 | 433,596 |
| PERS | 31,000 | 32,550 | 34,178 | 35,886 | 37,681 | 39,565 | 41,543 | 43,620 | 45,801 | 48,091 |
| Social Security | 20,500 | 21,525 | 22,601 | 23,731 | 24,918 | 26,164 | 27,472 | 28,846 | 30,288 | 31,802 |
| Other Required Payroll Costs | 20,500 | 21,525 | 22,601 | 23,731 | 24,918 | 26,164 | 27,472 | 28,846 | 30,288 | 31,802 |
| Contractual Employee Benefits | 65,000 | 71,500 | 78,650 | 86,515 | 95,167 | 104,683 | 115,151 | 126,667 | 139,333 | 153,267 |
| Total Wages & Benefits | 416,500 | 440,575 | 466,179 | 493,420 | 522,417 | 553,296 | 586,195 | 621,262 | 658,659 | 698,558 |
| Property Services | 171,000 | 176,130 | 181,414 | 186,856 | 192,462 | 198,236 | 204,183 | 210,308 | 216,618 | 223,116 |
| Utilities | 10,000 | 10,300 | 10,609 | 10,927 | 11,255 | 11,593 | 11,941 | 12,299 | 12,668 | 13,048 |
| Other | 1,000 | 1,030 | 1,061 | 1,093 | 1,126 | 1,159 | 1,194 | 1,230 | 1,267 | 1,305 |
| Travel | 1,000 | 1,030 | 1,061 | 1,093 | 1,126 | 1,159 | 1,194 | 1,230 | 1,267 | 1,305 |
| Communication | 35,000 | 36,050 | 37,132 | 38,245 | 39,393 | 40,575 | 41,792 | 43,046 | 44,337 | 45,667 |
| Non Instructional | 36,500 | 37,595 | 38,723 | 39,885 | 41,081 | 42,314 | 43,583 | 44,890 | 46,237 | 47,624 |
| Consumable Supplies | 12,500 | 12,875 | 13,261 | 13,659 | 14,069 | 14,491 | 14,926 | 15,373 | 15,835 | 16,310 |
| Non-Consumable Supplies | 2,000 | 2,060 | 2,122 | 2,185 | 2,251 | 2,319 | 2,388 | 2,460 | 2,534 | 2,610 |
| Computer Hardware | 100,250 | 115,900 | 57,827 | 107,782 | 108,765 | 109,778 | 110,822 | 111,896 | 38,003 | 294,143 |
| Depreciable Assets | 2,000 | 2,060 | 2,122 | 2,185 | 2,251 | 2,319 | 2,388 | 2,460 | 2,534 | 2,610 |
| Dues and Fees | 30,000 | 30,900 | 31,827 | 32,782 | 33,765 | 34,778 | 35,822 | 36,896 | 38,003 | 39,143 |
| Insurance | | | | | | | | | | |
| Total Expenses | 817,750 | 866,505 | 843,337 | 930,113 | 969,960 | 1,012,016 | 1,056,426 | 1,103,351 | 1,077,960 | 1,385,438 |
| Fund Surplus / (Deficit) | (607,750) | (651,255) | (622,705) | (703,966) | (738,160) | (774,420) | (812,891) | (853,727) | (822,095) | (1,123,177) |
| Tax Assessment | 689,638 | 710,327 | 731,637 | 753,586 | 776,193 | 799,479 | 823,463 | 848,167 | 873,612 | 899,821 |
| Beginning Fund Balance | - | 81,888 | 140,960 | 249,891 | 299,511 | 337,544 | 362,603 | 373,176 | 387,617 | 419,134 |
| Ending Fund Balance | 81,888 | 140,960 | 249,891 | 299,511 | 337,544 | 362,603 | 373,176 | 387,617 | 419,134 | 195,778 |
| Projected Assessed Value | 8,151,745,750 | 8,396,298,123 | 8,648,187,066 | 8,907,632,678 | 9,174,861,659 | 9,450,107,508 | 9,733,610,734 | 10,025,619,056 | 10,326,387,627 | 10,636,179,256 |
| Tax Assessment - \$.09/1000 | 733,657 | 755,667 | 778,337 | 801,687 | 825,738 | 850,510 | 876,025 | 902,306 | 929,375 | 957,256 |
| Collected Tax Assessment | 689,638 | 710,327 | 731,637 | 753,586 | 776,193 | 799,479 | 823,463 | 848,167 | 873,612 | 899,821 |

**Tigard-Tualatin Aquatics District
10 Year Pro Forma
Tigard Pool**

| | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2018 | 2019 | 2020 |
|-----------------------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|
| Revenue | | | | | | | | | | |
| Passes | 21,200 | 21,730 | 22,273 | 22,830 | 23,401 | 23,986 | 24,586 | 25,200 | 25,830 | 26,476 |
| Lessons | 67,000 | 68,675 | 70,392 | 72,152 | 73,955 | 75,804 | 77,699 | 79,642 | 81,633 | 83,674 |
| Rental | 40,800 | 41,820 | 42,866 | 43,937 | 45,036 | 46,161 | 47,315 | 48,498 | 49,711 | 50,954 |
| Miscellaneous | 12,000 | 12,300 | 12,608 | 12,923 | 13,246 | 13,577 | 13,916 | 14,264 | 14,621 | 14,986 |
| Total Revenue | 141,000 | 144,525 | 148,138 | 151,842 | 155,638 | 159,529 | 163,517 | 167,605 | 171,795 | 176,090 |
| Expenditures | | | | | | | | | | |
| Salaries | 124,500 | 130,725 | 137,261 | 144,124 | 151,331 | 158,897 | 166,842 | 175,184 | 183,943 | 193,140 |
| PERS | 13,000 | 13,650 | 14,333 | 15,049 | 15,802 | 16,592 | 17,421 | 18,292 | 19,207 | 20,167 |
| Social Security | 9,500 | 9,975 | 10,474 | 10,997 | 11,547 | 12,125 | 12,731 | 13,367 | 14,036 | 14,738 |
| Other Required Payroll Costs | 9,000 | 9,450 | 9,923 | 10,419 | 10,940 | 11,487 | 12,061 | 12,664 | 13,297 | 13,962 |
| Contractual Employee Benefits | 32,500 | 35,750 | 39,325 | 43,258 | 47,583 | 52,342 | 57,576 | 63,333 | 69,667 | 76,633 |
| Total Wages & Benefits | 188,500 | 199,550 | 211,315 | 223,847 | 237,202 | 251,441 | 266,631 | 282,841 | 300,150 | 318,641 |
| Property Services | | | | | | | | | | |
| Utilities | 64,000 | 65,920 | 67,898 | 69,935 | 72,033 | 74,194 | 76,419 | 78,712 | 81,073 | 83,505 |
| Other | 5,000 | 5,150 | 5,305 | 5,464 | 5,628 | 5,796 | 5,970 | 6,149 | 6,334 | 6,524 |
| Travel | 500 | 515 | 530 | 546 | 563 | 580 | 597 | 615 | 633 | 652 |
| Communication | 500 | 515 | 530 | 546 | 563 | 580 | 597 | 615 | 633 | 652 |
| Non Instructional | 15,000 | 15,450 | 15,914 | 16,391 | 16,883 | 17,389 | 17,911 | 18,448 | 19,002 | 19,572 |
| Consumable Supplies | 17,500 | 18,025 | 18,566 | 19,123 | 19,696 | 20,287 | 20,896 | 21,523 | 22,168 | 22,834 |
| Non-Consumable Supplies | 5,000 | 5,150 | 5,305 | 5,464 | 5,628 | 5,796 | 5,970 | 6,149 | 6,334 | 6,524 |
| Computer Hardware | 1,000 | 1,030 | 1,061 | 1,093 | 1,126 | 1,159 | 1,194 | 1,230 | 1,267 | 1,305 |
| Depreciable Assets | 45,250 | 100,450 | 41,914 | 16,391 | 91,883 | 17,389 | 17,911 | 93,448 | 19,002 | 19,572 |
| Dues and Fees | 1,000 | 1,030 | 1,061 | 1,093 | 1,126 | 1,159 | 1,194 | 1,230 | 1,267 | 1,305 |
| Insurance | 15,000 | 15,450 | 15,914 | 16,391 | 16,883 | 17,389 | 17,911 | 18,448 | 19,002 | 19,572 |
| Total Expenses | 358,250 | 428,235 | 385,311 | 376,282 | 469,211 | 413,160 | 433,201 | 529,408 | 476,864 | 500,656 |
| Fund Surplus / (Deficit) | (217,250) | (283,710) | (237,172) | (224,441) | (313,573) | (253,632) | (269,684) | (361,804) | (305,069) | (324,567) |

**Tigard-Tualatin Aquatics District
10 Year Pro Forma
Tualatin Pool**

| | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2018 | 2019 | 2020 |
|---------------------------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|
| Revenue | | | | | | | | | | |
| Passes | 8,300 | 8,508 | 8,720 | 8,938 | 9,162 | 9,391 | 9,625 | 9,866 | 10,113 | 10,366 |
| Lessons | 38,000 | 38,950 | 39,924 | 40,922 | 41,945 | 42,994 | 44,068 | 45,170 | 46,299 | 47,457 |
| Rental | 12,700 | 13,018 | 13,343 | 13,677 | 14,018 | 14,369 | 14,728 | 15,096 | 15,474 | 15,861 |
| Miscellaneous | 10,000 | 10,250 | 10,506 | 10,769 | 11,038 | 11,314 | 11,597 | 11,887 | 12,184 | 12,489 |
| Total Revenue | 69,000 | 70,725 | 72,493 | 74,305 | 76,163 | 78,067 | 80,019 | 82,019 | 84,070 | 86,172 |
| Expenditures | | | | | | | | | | |
| Salaries | 155,000 | 162,750 | 170,888 | 179,432 | 188,403 | 197,824 | 207,715 | 218,101 | 229,006 | 240,456 |
| PERS | 18,000 | 18,900 | 19,845 | 20,837 | 21,879 | 22,973 | 24,122 | 25,328 | 26,594 | 27,924 |
| Social Security | 11,000 | 11,550 | 12,128 | 12,734 | 13,371 | 14,039 | 14,741 | 15,478 | 16,252 | 17,065 |
| Other Required Payroll Costs | 32,500 | 33,750 | 35,079 | 36,479 | 37,948 | 39,487 | 41,106 | 42,805 | 44,594 | 46,474 |
| Contractual Employee Benefits | 228,000 | 241,025 | 254,864 | 269,573 | 285,215 | 301,855 | 319,564 | 338,421 | 358,509 | 379,918 |
| Total Wages & Benefits | 534,500 | 559,325 | 590,214 | 625,128 | 664,826 | 707,181 | 753,022 | 803,132 | 858,955 | 915,837 |
| Property Services | 107,000 | 110,210 | 113,516 | 116,922 | 120,429 | 124,042 | 127,764 | 131,597 | 135,544 | 139,611 |
| Utilities | 5,000 | 5,150 | 5,305 | 5,464 | 5,628 | 5,796 | 5,970 | 6,149 | 6,334 | 6,524 |
| Maintenance | 500 | 515 | 530 | 546 | 563 | 580 | 597 | 615 | 633 | 652 |
| Travel | 500 | 515 | 530 | 546 | 563 | 580 | 597 | 615 | 633 | 652 |
| Communication | 20,000 | 20,600 | 21,218 | 21,855 | 22,510 | 23,185 | 23,881 | 24,597 | 25,335 | 26,095 |
| Non-Instructional Consumable Supplies | 19,000 | 19,570 | 20,157 | 20,762 | 21,385 | 22,026 | 22,687 | 23,368 | 24,069 | 24,791 |
| Non-Consumable Supplies | 7,500 | 7,725 | 7,957 | 8,195 | 8,441 | 8,695 | 8,955 | 9,224 | 9,501 | 9,786 |
| Computer Hardware | 1,000 | 1,030 | 1,061 | 1,093 | 1,126 | 1,159 | 1,194 | 1,230 | 1,267 | 1,305 |
| Depreciable Assets | 55,000 | 56,550 | 58,125 | 59,725 | 61,350 | 63,000 | 64,675 | 66,375 | 68,100 | 69,850 |
| Dues and Fees | 1,000 | 1,030 | 1,061 | 1,093 | 1,126 | 1,159 | 1,194 | 1,230 | 1,267 | 1,305 |
| Insurance | 15,000 | 15,450 | 15,914 | 16,391 | 16,883 | 17,389 | 17,911 | 18,448 | 19,002 | 19,572 |
| Total Expenses | 459,500 | 438,270 | 458,026 | 553,830 | 500,750 | 598,856 | 623,225 | 573,942 | 601,096 | 884,782 |
| Fund Surplus / (Deficit) | (390,500) | (367,545) | (385,533) | (479,525) | (424,587) | (520,788) | (543,207) | (491,923) | (517,026) | (798,610) |

Capital Maintenance Schedule

| <u>Tigard</u> | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2018 | 2019 | 2020 |
|------------------------|--------|---------|--------|--------|--------|--------|--------|--------|--------|---------|
| Miscellaneous | 15,000 | 15,450 | 15,914 | 16,391 | 16,883 | 17,389 | 17,911 | 18,448 | 19,002 | 19,572 |
| Paint Natatorium | | 85,000 | | | | | | | | |
| Repair Gutters | 5,000 | | | | | | | | | |
| Repair Diving Board | 4,250 | | | | | | | | | |
| Replace Exterior Doors | 21,000 | | 26,000 | | | | | | | |
| Replace Boys Lockers | | | | | | | | | | |
| Unknown 1 | | | | | 75,000 | | | 75,000 | | |
| Unknown 2 | | | | | | | | | | |
| Total | 45,250 | 100,450 | 41,914 | 16,391 | 91,883 | 17,389 | 17,911 | 93,448 | 19,002 | 19,572 |
| <u>Tualatin</u> | | | | | | | | | | |
| Miscellaneous | 15,000 | 15,450 | 15,914 | 16,391 | 16,883 | 17,389 | 17,911 | 18,448 | 19,002 | 19,572 |
| Re-plaster Pool | | | | | | 75,000 | | | | |
| Replace Boiler | | | | | | | | | | |
| Replace Roof | 40,000 | | | | | | | | | |
| Unknown 1 | | | | 75,000 | | | | | | 255,000 |
| Unknown 2 | | | | | | | 75,000 | | | |
| Total | 55,000 | 15,450 | 15,914 | 91,391 | 16,883 | 92,389 | 92,911 | 18,448 | 19,002 | 274,572 |

MEMORANDUM OF UNDERSTANDING

Between

Tigard-Tualatin School District ("TTSD")

And

Steering Committee for Formation of Tigard-Tualatin Aquatic District ("TTAD")

Recitals

1. TTSD has determined that it is not economically feasible for TTSD to operate the aquatic centers at Tigard High School and Tualatin High School ("the Aquatic Centers").
2. Concerned citizens seek the formation of TTAD, as a special parks and recreation district, pursuant to Chapter 266 of the Oregon Revised Statutes for the purpose of operating the Aquatic Centers. If approved by the affected cities, counties, and voters, TTAD would be formed as of July 1, 2010.
3. TTSD and TTAD will need to enter into a long-term lease of the Aquatic Centers.
4. The purpose of this Memorandum of Understanding ("MOU") is to guide the parties in determining the terms of the lease between TTSD and TTAD and to specify the understanding of the parties with respect to interim operations of the Aquatic Centers during the period before TTAD is formed and funded.
5. The parties recognize that the terms of the MOU are not binding on TTSD, steering committee members or the yet to be formed TTAD

Section 1: Draft Major Lease Provisions

1 Description of Premises. The premises leased are the Aquatic Center buildings and adjacent grounds including the pools, locker rooms, classrooms, offices, and all associated real and personal property.

2 Duration. The lease shall initially be for twenty (20) years and shall be renewable for 10-year increments thereafter by the mutual consent of the parties.

3 Lease Amount. The lease amount shall be one dollar per year.

4 Use of Premises

4.1. Use by TTSD. TTSD shall have use of the Aquatic Centers as follows:

4.1.1 High School Competitive Programs. TTSD shall have the right to use each Aquatic Center for up to 2.5 hours per day for high

school competitive team practices and, subject to paragraph 4.3 below regarding scheduling, for up to 4 hours per day for high school team meets or games.

4.1.2 School Instructional Program. Subject to paragraph 4.3 below regarding scheduling, TTSD shall have the right to use of the Aquatic Centers for up to three (3)? hours per day, Monday through Friday, while school is in regular session, for school instructional programs.

4.1.3 Other Uses. TTSD may use the Aquatic Centers for other purposes upon consent of TTAD.

4.2 Use by TTAD. TTAD shall have use of the Aquatic Centers at all times that the Aquatic Centers are not in use by TTSD. In addition, TTAD may use portions of Aquatic Centers at the same time as TTSD provided that the use is not incompatible.

4.3 Scheduling.

4.3.1 Schedule of Activities. Designees of TTSD and TTAD shall meet to jointly establish a written annual Schedule of Activities. The Schedule of Activities shall set forth specific dates, times, and types of TTSD and community activities to occur at the Aquatic Centers. This schedule shall be reviewed quarterly and updated as necessary.

4.3.2 Cooperation in Scheduling. TTSD and TTAD shall attempt to schedule activities such as to minimize disruption to the other's activities and events.

4.4 Conditions Regarding Use. TTSD and TTAD shall ensure that adequate personnel are present at all times of their respective use of the Aquatic Centers to ensure participants' safety. TTSD and TTAD are responsible for providing all necessary lifeguards, supervisory personnel and instructors during their use of the Aquatic Centers. All lifeguards, supervisory personnel, teachers, and coaches shall maintain appropriate licenses and certifications.

4.5 Rules and Regulations. TTAD shall establish rules and regulations regarding use of the Aquatic Centers. These rules and regulations must be followed by all people using the Aquatic Centers, including TTSD employees and participants.

5 Operations. TTAD shall be responsible for the following operational duties and expenses:

5.1 Conducting community swimming activities and programs.

5.2. Coordinating with local clubs, organizations, and others for pool access.

5.3 Hiring and managing TTAD personnel.

5.4 Establishing and collecting fees for use of the facilities.

5.5 Monitoring and maintaining water quality, including vacuuming the pool tanks.

5.6 Providing accounting services and completing required financial reports and audits.

5.7 Satisfying all required inspections, subject to TTSD's maintenance obligations described in paragraph 6.1 below.

6 Maintenance, Supplies, and Repairs.

6.1 Routine Maintenance. TTSD shall be responsible for the routine maintenance of the Aquatic Centers including backwashing and maintaining filtration systems, landscape, janitorial services, toilets, restrooms, sidewalks, light replacement, and garbage.

6.2 Minor Repairs and Maintenance. TTSD shall be responsible for minor repairs and maintenance including, but not limited to those associated with pumps, pump replacement, electrical systems, HVAC and programming, security and fire alarm systems, and plumbing. TTAD will purchase associated parts.

6.3. Utilities. TTSD shall be responsible for the payment of sewer and water usage associated with the Aquatic Centers. TTAD shall be responsible for telephone, electrical, and heating costs.

6.4 Supplies. TTSD shall grant TTAD the right to use existing supplies and equipment for the purpose of operating the Aquatic Centers. TTSD shall provide ongoing supplies associated with routine maintenance (e.g. toilet paper, paper towels, hand soap, trash bags, cleaning supplies, and light bulbs). TTAD shall provide all other supplies.

6.5 Computers. TTSD shall grant TTAD the right to use existing computers and associated equipment. TTAD will pay for new computers and associated equipment. TTSD will provide computer tech support for the computer equipment at least until the equipment is replaced by TTAD.

7 Capital Repairs and Improvements.

7.1 Replacement of Capital Equipment. Subject to the provisions of paragraph 6 above and paragraph 7.4 below, TTAD shall be responsible for the replacement, as needed, of capital equipment, including but not limited to boilers, chlorinators, and heaters.

7.2 Structural Improvements and Repairs. Subject to the provisions of paragraph 7.4 below, TTAD shall be responsible for structural improvements to buildings and major repairs or replacements of part or all of plumbing, electrical and mechanical systems serving the Aquatic Centers.

7.3 Contingency Fund. TTAD shall establish a contingency fund for major repairs or improvements to the property.

7.4 TTSD Assistance with Repairs and Improvements. In the event that the funds in the contingency fund are insufficient to pay the cost of a necessary repair or improvement, TTSD, upon request, shall loan TTAD sufficient funds to make the improvement or shall itself make the necessary repair or improvement. However, nothing in this paragraph prohibits TTAD or TTSD from implementing another method of accomplishing the improvement or repair.

7.5 Capital Improvements. TTAD may make capital improvements to the Aquatic Centers at its cost, however TTSD has the absolute right of pre-approval of any such capital improvements, modifications, or proposed major changes to the Aquatic Centers and adjacent grounds.

8 Right of First Offer. If TTSD desires to sell all or any portion of the Aquatic Centers during the term of the lease, TTAD shall have a right of first offer to purchase the property at a price equal to its fair market value less the fair market value of capital improvements made at TTAD's expense to the portion of the Aquatic Center to be sold.

[Add section on assignment of lease possibly here or after section 13 to the effect that TTSD can assign lease with TTAD's approval]

9 Parking Lot Use.

9.1 License to Use Parking Lots. TTSD shall grant to TTAD a license to use parking spaces in TTSD parking lots adjacent to the Aquatic Centers.

9.2 Maintenance of Parking Lots. TTSD shall be responsible for maintaining the parking lots and enforcing parking rules and regulations.

10. Insurance.

10.1 TTSD Insurance. TTSD shall maintain the following insurance, in commercially reasonable amounts: 1) All property risk damage insurance including fire, natural disaster, vandalism, and other property damage; 2)

Insurance covering losses to the Aquatic Centers resulting from boiler operations and explosions (??); 3) Workers compensation insurance with respect to TTSD employees who provide services at the Aquatic Centers. TTSD shall use the proceeds from any insurance payment to replace, repair or otherwise remediate the damage which resulted in the insurance recovery.

10.2 TTAD Insurance. TTAD shall maintain the following insurance, in commercially reasonable amounts: 1) General liability insurance for the Aquatic Centers with a coverage amount of at least \$1 million which names TTSD as an additional named insured; 2) Workers compensation insurance with respect to TTAD employees.

11. Indemnification. To the extent permitted by law, each party shall indemnify the other against any liability for damage to life or property arising from the indemnitor's occupancy or use of the Aquatic Centers; provided, however, that neither party shall be required to indemnify the other for any liability arising out of the negligent acts of the employees or agents of the other.

12. Resolution of Disputes. TTSD and TTAD shall attempt to resolve all disputes through staff discussions and, if necessary, other personnel. Disputes unresolved in this matter shall be submitted to a mutually acceptable mediator. If mediation is unsuccessful, either TTSD or TTAD may attempt to resolve the dispute in any legally permissible manner, including litigation.

13. Termination of Lease. Neither party may terminate the lease for breach by the other party without first providing the other party written notice of the specific nature of the alleged breach and a reasonable opportunity to cure the breach. A reasonable opportunity to cure the breach shall be 30 days or such other lesser or greater time as is appropriate given the nature of the breach and the time necessary to cure it.

[add boilerplate provisions re whole agreement, applicable law, etc.]

Section 2: Draft Provisions Regarding Interim Funding and Operations

1. No Permanent Closure Pending TTAD Formation. TTSD will not permanently close either of the Aquatic Centers pending the TTAD formation process.

2. Assistance in Formation Process. TTSD will provide monetary and other support in connection with the effort to form TTAD. Such support may include, but is not limited to, deposits necessary to form a special district (\$7500); costs associated with placing a measure to form TTAD on the ballot; costs for a voter survey; and costs necessary to define TTAD's legal boundary.

3. Assistance in Interim Funding Pending Receipt of Tax Levy. If TTAD is approved by voters, TTSD will assist TTAD in covering its operating costs during the period between its formation and its receipt of funds from the tax levy.

4. Assistance in Maintaining Continuity of Operations Pending Election.

Pending the TTAD formation process, TTSD will attempt to minimize the disruption that could be caused by temporarily mothballing one or both pools. Among other things, TTSD will consider input regarding the timing of any proposed mothballing and will consider keeping the pools open for a longer than planned period if additional money is received to help fund their operations.

ATTACHMENT 5

CORRESPONDENCE FROM INTERESTED CITIZENS

Paul Hennon

From: Marissa Houlberg [marissa@houlbergdevelopment.com]
Sent: Tuesday, August 04, 2009 3:30 PM
To: Paul Hennon
Subject: Rec Center and Tualatin High Pool

Hi Paul,

I keep thinking about what you said regarding the city's future plans and having the voters possibly approve a recreation district just for the pool. The land and house next to the pool have in the past been for sale. This may be a less expensive way to expand the offerings in the future.

I would like to see us keep our pool. It will be a tough argument in the future if you want a recreation building with a pool and yet as a city and school district we couldn't keep the just a pool we already had.

Marissa

Paul Hennon

From: Sherilyn Lombos
Sent: Wednesday, August 05, 2009 12:42 PM
To: Paul Hennon
Subject: FW: Tualatin/Tigard Aquatic Centers
am forwarding you all of the emails regarding the aquatics issue.

From: Mary Lou True [mailto:truem@odscompanies.com]
Sent: Tuesday, August 04, 2009 11:23 AM
To: lou.ogden@juno.com; Jay@H-Mc.com; smbeikman@verizon.net; maddux01@verizon.net; etruax@royalaa.com; chris@mustardpeople.com; joelle.d.davis@gmail.com; Sherilyn Lombos
Subject: Tualatin/Tigard Aquatic Centers

I am requesting your support to keep the pools open. The pools are a great benefit for the students as well as the community. Thank you for your consideration.

Mary Lou True

Mary Lou True, SPHR
Vice President, Human Resources
ODS
503-243-3967 phone
503-243-3895 fax
<http://www.odscompanies.com>

This message is intended for the sole use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not the intended addressee, nor authorized to receive for the intended addressee, you are hereby notified that you may not use, copy, disclose or distribute to anyone the message or any information contained in the message. If you have received this message in error, please immediately advise the sender by reply email and delete the message.

Paul Hennon

From: Sherilyn Lombos
Sent: Wednesday, August 05, 2009 12:42 PM
To: Paul Hennon
Subject: FW: Tigard Tualatin pools

From: Todd & Tina Gifford [mailto:giff5@verizon.net]
Sent: Tuesday, August 04, 2009 12:31 PM
To: lou.ogden@juno.com; Jay@H-Mc.com; smbeikman@verizon.net; maddux01@verizon.net; etruax@royalaa.com; chris@mustardpeople.com; joelle.d.davis@gmail.com; Sherilyn Lombos
Subject: Tigard Tualatin pools

Dear Council Members,

We are writing you today to ask for your support to keep the Tigard Tualatin Swim Centers open.

As residents of Tualatin for 18 years and the parents of three Tualatin High School students the pools are extremely important to us. Our family has used our community based pools extensively for swim lessons, open swim, lap swim, the Summer Splash program, Tigard-Tualatin Swim Club, Tigard-Tualatin Water Polo Club, Tualatin High School Swim Team, Tualatin High School Water Polo Team, and our oldest is a life guard and swim instructor for the Tigard Tualatin pools.

As I am sure you are aware, the Tigard-Tualatin pools are widely used by a large portion of our community in numerous ways. I urge you to support the pools and approve and do what is necessary to place the formation of an aquatic district on the May 2010 ballot.

Respectfully,

Todd and Tina Gifford

Paul Hennon

From: Sherilyn Lombos
Sent: Wednesday, August 05, 2009 12:43 PM
To: Paul Hennon
Subject: FW: Please help support our pools!

From: Kathy Collins [mailto:kathycollins10@yahoo.com]
Sent: Tuesday, August 04, 2009 12:38 PM
To: lou.ogden@juno.com; Jay@H-Mc.com; smbeikman@verizon.net; maddux01@verizon.net; etruax@royalaa.com; chris@mustardpeople.com; joelle.d.davis@gmail.com; Sherilyn Lombos
Subject: Please help support our pools!

Tualatin City Council Members,

My 9 year old daughter, Ellie, has THRIVED on the Tigard-Tualatin Swim Team! Swimming is the first sport she has truly shown an interest in and a love for. We tried soccer, softball and basketball, to no avail. As a result of being a member of the swim team, she has become more independent, self-assured and outgoing. PLEASE do what you can to help support the pools! They have been a valuable asset to our family and hopefully will do the same for years to come. Thanks.

Kathy Collins

Tualatin resident

Paul Hennon

From: Sherilyn Lombos
Sent: Wednesday, August 05, 2009 12:43 PM
To: Paul Hennon
Subject: FW: Tigard Swim Center

-----Original Message-----

From: richard perry [mailto:rick@NEEDNW.com]
Sent: Tuesday, August 04, 2009 2:12 PM
To: lou.ogden@juno.com; Jay@H-Mc.com?; smbeikman@verizon.net?; maddux01@verizon.net?; etruax@royalaa.com?; chris@mustardpeople.com?; joelle.d.davis@gmail.com?; slombos@ci.tualatin.or.us?
Subject: Tigard Swim Center

Dear Council Members:

I am writing to you in support of keeping the Tigard Swim Center open. The instructors are fabulous, the prices are reasonable, and the location is central to many residents.

We consider the pool our second home as our children are there 5 days a week!

Thank you for your consideration.

Best wishes, Rick

Richard J. Perry
Managing Partner
NEED (Natural Elements Eco Development)
A Division of Paceline Holdings, LLC
15685 SW 116th Ave.
Suite 210
Tigard, OR 97224
e. rick@neednw.com
p. 503.957.2425
f. 503.684.3777

Paul Hennon

From: Sherilyn Lombos
Sent: Wednesday, August 05, 2009 12:43 PM
To: Paul Hennon
Subject: FW: Aquatic District: resend

Importance: High

-----Original Message-----

From: Cheri Gamache [mailto:cgamache@ttsd.k12.or.us]
Sent: Tuesday, August 04, 2009 2:52 PM
To: craigd@tigard-or.gov; nick@tigard-or.gov; gretchen@tigard-or.gov; marland@tigard-or.gov; sydney@tigard-or.gov; lou.ogden@juno.com; Jay@H-Mc.com; smbeikman@verizon.net; maddux01@verizon.net; etruax@royalaa.com; chris@mustardpeople.com; joelle.d.davis@gmail.com; Sherilyn Lombos
Subject: Aquatic District: resend
Importance: High

Dear Council members,

I currently live in the City of Tualatin and ask that you vote in favor of passing the resolution to form an Aquatic District at next week's council meeting. It is imperative that the pools remain open and our only option is to create an aquatic district. Other important reasons include:

- The formation of an Aquatic District will provide permanent, stable funding to keep both pools open for the community to enjoy for years to come.
- The Aquatic District wants to preserve these valuable community resources, while also relieving the school district of a large, ongoing budget expense.
- Neither the Cities of Tigard nor Tualatin are able to take over operation of their local swim center.
- Establishing an Aquatic District is essential to keeping the pools open.
- Aquatic districts have been successfully created and run in other areas of Oregon for years.
- The aquatic district will be managed locally from residents of the district and make all operating decisions, and follow state and federal laws for accounting procedures.
- The goal in forming the aquatic district is to retain access to the pools for all community user groups.
- Most households in these two cities will continue to pay back the pool construction bond for the next 7 years and deserve to utilize their investment.

By approving the resolution to form an Aquatic District, the citizens of Tigard or Tualatin can decide for themselves next May what's best for their community. The citizens deserve to be heard; please let democracy proceed. Thank you for your favorable vote.

Sincerely, Tualatin citizen & Tigard Educator

Cheri Gamache

Cheri Gamache
2nd grade teacher

Alberta Rider Elementary
(503) 431-4926

Cheri Gamache
2nd grade teacher
Alberta Rider Elementary
(503) 431-4926

Paul Hennon

From: Sherilyn Lombos
Sent: Wednesday, August 05, 2009 12:43 PM
To: Paul Hennon
Subject: FW: Tigard/Tualatin Pool's Topic

From: Linda Barrow [mailto:barrow5@comcast.net]
Sent: Tuesday, August 04, 2009 3:40 PM
To: craigd@tigard-or.gov; nick@tigard-or.gov; gretchen@tigard-or.gov; marland@tigard-or.gov; sydney@tigard-or.gov; lou.ogden@juno.com; Jay@H-Mc.com; smbeikman@verizon.net; maddux01@verizon.net; etruax@royalaa.com; chris@mustardpeople.com; joelle.d.davis@gmail.com; Sherilyn Lombos
Subject: Tigard/Tualatin Pool's Topic

To Whom it May Concern,

I am the parent of Tigard and Tualatin School age children. Our pools in our community are important for everyone of every age. If the pools are taken away then Football Fields, Basketball Courts, and Baseball Fields should go too. You can't banish one sport for a select group of people and keep others. Yes, the pools are expensive but what a waste to disregard something we already have. Instead of budgeting for future things, let's take care of the positive things that we do have in our community. Why take away something that creates fitness for many? We could have more children sitting in front of a television sets if we allow all of the positives to go away.

Yes, the economy is bad, but a swimming pool ban should not even be of discussion. There were even pools in the Great Depression. In the 1920's and 30's they made sure that baseball fields, pools etc. were available for fitness and stress relievers. Read articles from the Great Depression. Also, my 87 year old mother lived through the depression. They all loved to swim.

Hearing about the pool situation in Tigard/Tualatin upsets me as a member of this community. It upsets me to think that we can't even provide to the community what we already have, yet just today our road 150th was re-graveled and paved. ??? Was this ABSOLUTELY NECESSARY? How much did that cost? What is absolutely necessary, and what is in great working order but needs to just be maintained? Maintain first, ADD later. With proper budgeting and common sense I truly believe that our pools should stay open for the entire community to continue to enjoy.

We have our own swimming pool at home and this issue doesn't even effect me or my family, but I find this topic ridiculous and so unfair for the athlete's, children, and adults who do enjoy and benefit from the two pools. Who are you trying to punish for the governmental mistake. Hopefully not the the people again.

It's not about me, or you, but it's about our community and what's best for the people who reside here. The children are our future, let's not take anything away from them.

Respectfully,

Linda Barrow

Paul Hennon

From: Sherilyn Lombos
Sent: Wednesday, August 05, 2009 12:43 PM
To: Paul Hennon
Subject: FW: KEEP THE POOLS OPEN

From: Taylor, Lisa [mailto:lisa_taylor@mentor.com]
Sent: Tuesday, August 04, 2009 4:08 PM
To: lou.ogden@juno.com; Jay@H-Mc.com; smbeikman@verizon.net; maddux01@verizon.net; etruax@royalaa.com; chris@mustardpeople.com; joelle.d.davis@gmail.com; Sherilyn Lombos
Cc: Taylor, Lisa
Subject: RE: KEEP THE POOLS OPEN

Dear Mayor and Council Members,

I have been a Tualatin citizen as of 1993 and have three children; two at Tualatin High School (Senior and a Sophomore) and a 5th Grader at Byrom Elementary.

All of my children swam at one time or another at the Tualatin pool for recreation and school activities. My son, who will be a sophomore at Tualatin, is currently a member of the Tigard-Tualatin Swim club. He has swam for the club for the past five years and is on the Varsity team at Tualatin High School. He started his swimming "career" with a program offered in summer, appropriately called "Summer Splash". It was during this program that he fine-tuned his swim strokes enough to make the Swim Club team in the fall of 2004. As a member of the Senior Team he is among a large group of swimmers that represent Tigard-Tualatin at meets that have taken us to Lincoln City, Bend, Corvallis, Eugene, Mt. Hood Community College, as well as those held locally. Being a competitive swimmer, he and others on the Senior Team practice six days per week (early mornings and afternoons) and one day per weekend at both the Tigard and Tualatin pools. Practice schedules for all teams are juggled between the other uses of both pools. All of this practice has prepared him to swim at a competitive level which has taken him and others to State and Sectional meets both inside and outside of Oregon. Closing the pools would virtually eliminate any future opportunities for him and others to compete beyond a high school level. He swims year-round. Swimming is his sport. Its what he loves to do!

From a community point of view, these pools are not only used for competitive swimming, but also swimming lessons, physical therapy and rehabilitation, training (FBI, Fire department, etc.), daily exercise for those who require low impact workouts and general recreation. I know of people who have moved into the area because there IS a swimming pool!

From the approach that the "Save the Pools" Action Committee is taking in proposing a Aquatic District, I don't see how this would impact the future of a Recreation District in Tualatin. While I do support the idea of a Recreation District, I also understand that the residents of Tualatin are still paying for construction of the Tualatin pool and now we're faced with closing it. Would the Tualatin residents pass a bond to create a Parks

District, knowing they are still paying for a pool that was shut down? My guess is no. So until then, who makes sure that our children receive cost-effective swimming lessons so that they don't become another drowning statistic? Where do our senior citizens and those who require physical therapy and rehabilitation swim? Where do those who can't afford to join fitness club like Club Sport or 24 hour Fitness go? Where do those whose aspire to become the next Michael Phelps or Dara Tores swim?

I believe the proposal that was presented is more than fair and cost effective to the community at-large. The Aquatics District will provide stable funding to keep both pools open for years to come. Since neither city will take over the operation of the pools and the school district can longer fund the expense in light of the budget cuts they are facing, what other options are there?

I respectfully request your support and ask that you vote in favor of passing the resolution for the creation of an Aquatics District so that we, the citizens of the community can SAVE OUR POOLS!!!!

Regards,
Lisa Taylor
Tualatin, OR 97062

Paul Hennon

From: Sherilyn Lombos
Sent: Wednesday, August 05, 2009 12:43 PM
To: Paul Hennon
Subject: FW: Tigard-Tualatin Pools

From: LysaLubner@aol.com [mailto:LysaLubner@aol.com]
Sent: Tuesday, August 04, 2009 4:53 PM
To: lou.ogden@juno.com; Jay@H-Mc.com; smbeikman@verizon.net; maddux01@verizon.net; etruax@royalaa.com; chris@mustardpeople.com; joelle.d.davis@gmail.com; Sherilyn Lombos
Subject: Tigard-Tualatin Pools

Dear Council Members:

I am unable to attend your weekly council meetings. Therefore I am writing this e-mail to let you know how ***important*** it is to us & the community to keep the pools open. My daughter has been a member of the Tigard/Tualatin Swim Club for approximately 6 years and swam with the Tualatin High School Team last year. She is counting on swimming again this winter for the high school team!!!! Swimming is her sport of choice (as it is for many Tigard/Tualatin kids). If you were to close the pools, my daughter along w/ many other kids, would be denied the ability to pursue their sport of choice (whether it is Swim Club, Waterpolo, High School Swim Team, etc). This doesn't even take into consideration the effect closing the pools would have on the surrounding community. There would be no swim lessons or adult exercise classes which accounts for a large portion of the pool use. Closing the pools would be ***devastating*** to many. There has to be a better solution to the budget crunch and closing the pools isn't the solution. I attended a school budget meeting back in the spring & I believe there are other areas that can be cut back to afford maintaining the pools.

Thank you for your time.
Sincerely, Alyssa Weglinski

Paul Hennon

From: Sherilyn Lombos
Sent: Wednesday, August 05, 2009 12:44 PM
To: Paul Hennon
Subject: FW: Appeal for Support - Formation of an Aquatic District to Support Community Pools

From: Bill Collins [mailto:bcollins5220@hotmail.com]
Sent: Tuesday, August 04, 2009 9:25 PM
To: lou.ogden@juno.com; jay@h-mc.com; smbeikman@verizon.net; maddux01@verizon.net; etruax@royalaa.com; chris@mustardpeople.com; joelle.d.davis@gmail.com; Sherilyn Lombos
Subject: Appeal for Support - Formation of an Aquatic District to Support Community Pools

Dear Council Members,

I am writing each of you to request that you vote in favor of passing a resolution to form an Aquatic District for future support of the Tualatin and Tigard high school pools. Establishing an aquatic district is imperative if the pools are to remain open and function as effectively as they have in the past. The pools are an integral part of our community and serve users of all ages as I'm sure you are aware. Many activities are conducted at the pools ranging from swimming lessons for the young, youth swim teams, high school swim and water polo teams, lap swimming, rehabilitation swimming, lifesaving instruction, etc., all of which are important and necessary. The pools are heavily used!

Personally, I have a daughter on the Tigard Tualatin Swim Team. She, like many other young girls on the team past and present, has found her sport and is excelling both physically and mentally as a result of training and competitive swimming. I would hope that the opportunity to continue swimming is in her future, and more importantly that the opportunity exists in Tualatin. If the pools are closed, I will struggle to find an adequate answer to her questions as to why she can't continue to swim, while opportunities still exist for her older brother to play outdoor sports such as football, baseball and basketball which are supported in one way or another by the City.

Quite frankly I can't imagine living in a community without pools and find it somewhat embarrassing that our school district cannot find a way to support the pools, especially ones that are already built and of such outstanding quality. I can only hope for your and the City's support to resolve this very important issue and will follow voting on the issue closely.

Sincerely,

Kathy and Bill Collins
Residents of Tualatin

Get your vacation photos on your phone! [Click here.](#)

Paul Hennon

From: Sherilyn Lombos
Sent: Wednesday, August 05, 2009 12:44 PM
To: Paul Hennon
Subject: FW: Please save Tualatin High School Swimming Pool

From: Joyce Thompson [mailto:thompsoja@hotmail.com]
Sent: Tuesday, August 04, 2009 9:36 PM
To: lou.ogden@juno.com; jay@h-mc.com; smbeikman@verizon.net; maddux01@verizon.net; etruax@royalaa.com; chris@mustardpeople.com; joelle.d.davis@gmail.com; Sherilyn Lombos
Subject: Please save Tualatin High School Swimming Pool

I just received a note today during my son's swimming lesson about closing Tualatin High School Pool. I'm sending you a note how important it is to our family and community to keep our pools open. Our children are continuing to take swimming lessons every summer and enjoy our walks to-and-fro from the pool. Great memories and hope to continue to create more!

Any questions please let me know.

Joyce Thompson
thompsoja@hotmail.com
503.707.4711

Get free photo software from Windows Live [Click here.](#)

Paul Hennon

From: Sherilyn Lombos
Sent: Wednesday, August 05, 2009 12:44 PM
To: Paul Hennon
Subject: FW: Tigard-Tualatin Aquatic District

-----Original Message-----

From: Merrily & Bob Haas [mailto:m.r.haas@comcast.net]
Sent: Tuesday, August 04, 2009 10:31 PM
To: lou.ogden@juno.com; Jay@H-Mc.com; smbeikman@verizon.net; maddux01@verizon.net; etruax@royalaa.com; chris@mustardpeople.com; joelle.d.davis@gmail.com; Sherilyn Lombos
Subject: Tigard-Tualatin Aquatic District

Dear Mayor and Council,

I am writing in support of the Resolution supporting the formation of the Tigard-Tualatin Aquatic District. The pools are an important resource for our community serving both children and adults. If the school district feels it can no longer afford to operate them, it should be up to the community to fill that role. Please pass the resolution so that the voters can have the opportunity to support the pools.

Merrily Haas
20887 SW Willapa Way
Tualatin

m.r.haas@comcast.net

Paul Hennon

From: Sherilyn Lombos
Sent: Wednesday, August 05, 2009 12:44 PM
To: Paul Hennon
Subject: FW: Tigard-Tualatin Pools

From: Lisa Tillotson [mailto:lisat21@msn.com]
Sent: Wednesday, August 05, 2009 7:22 AM
To: nick@tigard-or.gov; gretchen@tigard-or.gov; sydney@tigard-or.gov; lou.ogden@juno.com; jay@h-mc.com; smbeikman@verizon.net; maddux01@verizon.net; etruax@royalaa.com; chris@mustardpeople.com; joelle.d.davis@gmail.com; Sherilyn Lombos; craigd@tigard-or.gov; marland@tigard-or.gov
Subject: Tigard-Tualatin Pools

Dear Council members,

I am writing to you as a resident, parent, and teacher of the Tigard-Tualatin School District. Our community is on the brink of losing one of our most precious resources - our two local pools!!! This is where we are raising healthy kids who know how to swim, who compete on swim teams and water polo teams, and who are staying fit. This is where our fire fighters and law enforcement agents complete training exercises and adults who lap swim and participate in fitness classes. Right now in the summer months our kids stay busy going to lessons and open swim, and teens are taking First Aid and Lifesaving Instruction, and serve as swim teachers and lifeguards. These pools are part of the backbone of our cities; people move here because we value education and health, which includes these two very viable and well-used facilities!!!

We are terrified that these two beautiful pools may be abandoned and closed, and this will begin the resulting demise of our cities! Particularly in these economic times, we need to maintain the value, beauty, and resourcefulness of our area.

Please help us to save our pools by passing the resolution to create an Aquatics District. Most residents do not yet know how close we are to losing our pools forever and deserve the opportunity to educate themselves on the issue and preserve our community resource. We all need to have a say in this matter! Please allow this to happen!

Many citizens are traveling in these fine weeks of summer and will not be able to be present at your upcoming meetings on the subject. Please know however, that everyone we have spoken to has felt strongly that we should support our pools and keep them open through an independent Aquatics District. How many times to you get to be a hero in life? BY HELPING US TO SAVE OUR POOLS YOU WILL BECOME ONE OF THEM!!

Thank you for your time and thoughtfulness.

Lisa Tillotson
Tualatin, OR

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Paul Hennon

From: Sherilyn Lombos
Sent: Wednesday, August 05, 2009 12:44 PM
To: Paul Hennon
Subject: FW: Tualatin High School Pool

From: Jeff & Geeta Glasser [mailto:glasser_family@mac.com]
Sent: Wednesday, August 05, 2009 8:43 AM
To: jay@H-Mc.com; smbeikman@verizon.net; maddux01@verizon.net; etruax@royalaa.com; chris@mustardpeople.com; joelle.d.davis@gmail.com; Sherilyn Lombos
Subject: Tualatin High School Pool

Dear Council Members

I currently live in the City of Tualatin and ask that you vote in favor of passing the resolution to form an Aquatic District at next week's council meeting. It is imperative that the pools remain open for the benefit of the current community as well as generations to come. Closure doesn't make fiscal sense when an option exists to keep it open. Keeping the pool open now will save future expense of building a new pool.

The only viable option to keeping the pool open is to create an aquatic district. The formation of an Aquatic District will provide permanent, stable funding to keep both pools open for the community to enjoy for years to come. The Aquatic District wants to preserve these valuable community resources, while also relieving the school district of a large, ongoing budget expense. Neither the Cities of Tigard nor Tualatin are able to take over operation of their local swim center.

Aquatic districts have been successfully created and run in other areas of Oregon for years. The aquatic district will be managed locally from residents of the district and make all operating decisions, and follow state and federal laws for accounting procedures. The goal in forming the aquatic district is to retain access to the pools for all community user groups. Most households in these two cities will continue to pay back the pool construction bond for the next 7 years and deserve to utilize their investment.

By approving the resolution to form an Aquatic District, the citizens of Tigard or Tualatin can decide for themselves next May what's best for their community. The citizens deserve to be heard; please let democracy proceed. Thank you for your favorable vote.

Sincerely,
Geeta Glasser
11035 SW Lucas Drive
Tualatin, OR 97062
503-855-3038

Paul Hennon

From: Sherilyn Lombos
Sent: Wednesday, August 05, 2009 12:45 PM
To: Paul Hennon
Subject: FW: From your constituent

From: Chris Gilbertson [mailto:chrisgilbertson@comcast.net]
Sent: Wednesday, August 05, 2009 9:10 AM
To: lou.ogden@juno.com
Subject: From your constituent

Dear Council member,

My name is Chris Gilbertson, and as a resident of Tualatin, I ask that you vote in favor of passing the resolution to form an Aquatic District at next week's council meeting. It is crucial that the pools remain open, and the formation of an Aquatic District will provide permanent, stable funding to keep both pools open for the community to enjoy for years to come. They have been successfully created and run in other areas of Oregon for years with the goal being to retain access to the pools for all community user groups. The aquatic district will be managed locally from residents of the district and make all operating decisions, and follow state and federal laws for accounting procedures. Most households in these two cities will continue to pay back the pool construction bond for the next 7 years and deserve to utilize their investment. By approving the resolution to form an Aquatic District, the citizens of Tualatin can decide for themselves next May what's best for their community. The citizens deserve to be heard; please let democracy proceed. Thank you for your favorable vote.

Sincerely,

Chris Gilbertson
17435 SW 110th Ave
Tualatin, OR 97062

Paul Hennon

From: Sherilyn Lombos
Sent: Wednesday, August 05, 2009 12:45 PM
To: Paul Hennon
Subject: FW: city pools

-----Original Message-----

From: Kim and Ahren [mailto:kimnahren@mac.com]
Sent: Wednesday, August 05, 2009 10:01 AM
To: lou.ogden@juno.com; Jay@H-Mc.com; smbeikman@verizon.net; maddux01@verizon.net; etruax@royalaa.com; chris@mustardpeople.com; joelle.d.davis@gmail.com; Sherilyn Lombos
Subject: city pools

Dear council members

I have 3 of my own and 2 step- children in the tigard/tualatin school district. 4 in highschool and one in middle school. I was fortunate to be able to pay for swimming lessons for my 3 kids when they were little and they love being able to swim and play in the pools. My step children did not get swimming lessons and they only reason they feel safe in the water at all is because of the instruction they received in school.

We are a community that is close enough to the ocean that water safety needs to be an important lesson learned in school. I am sure that by teaching our kids how to be safe in the water we have saved lives. Some of these kids would have no other chance to learn if we take away these programs.

One of the children that is in my care, came to live with me from New York where she was on the varsity swim team. When she heard about the closures, her heart was broken. Being on the swim team for her was a chance to participate in a team sport which we all know is a benefit in many ways for our youth.

With so many families struggling to just to keep their homes, parents are working overtime and stress levels are high. Don't take away one of the avenues our children have to be involved in a healthy way to deal with stress, stay away from bad influences and have fun.

Thank you

Kimberly Richards

Paul Hennon

From: Sherilyn Lombos
Sent: Wednesday, August 05, 2009 12:45 PM
To: Paul Hennon
Subject: FW: Tualatin pool

From: Stacie Schoonmaker [mailto:stacieschoonmaker@comcast.net]
Sent: Wednesday, August 05, 2009 10:33 AM
To: lou.ogden@juno.com; Jay@H-Mc.com; smbeikman@verizon.net; maddux01@verizon.net; etruax@royalaa.com; chris@mustardpeople.com; joelle.d.davis@gmail.com; Sherilyn Lombos
Subject: Tualatin pool

Dear City Council,

I know I am, but one of many supporters of keeping the Tualatin pool open, but I want to voice my thoughts. My children have learned how to swim there, have enjoyed meeting friends for 'open swim', and I even reserved the pool for a huge birthday party for one of my boys~it was a big hit! We moved to Tualatin several years ago because of what it had to offer for my kids/teens and the pool is a big part of that! Please consider keeping it open and having it on the ballot in May 2010.

Thank you for your time.
Respectfully,
Stacie Schoonmaker

Paul Hennon

From: Sherilyn Lombos
Sent: Wednesday, August 05, 2009 2:54 PM
To: Paul Hennon
Subject: FW: Tualatin Swim Center

From: lambheel@comcast.net [mailto:lambheel@comcast.net]
Sent: Wednesday, August 05, 2009 2:43 PM
To: lou.ogden@juno.com; Jay@H-Mc.com; smbeikman@verizon.net; maddux01@verizon.net; etruax@royalaa.com; chris@mustardpeople.com; joelle.d.davis@gmail.com; Sherilyn Lombos
Subject: Tualatin Swim Center

Dear Council members,

As obesity among adults in our country reaches record-setting levels, the opportunities for adults to exercise without a club membership or personal trainer become fewer and farther between.

The swim center at Tualatin high school serves to benefit our community by provided a place where adults can swim for exercise on a regular basis at an affordable cost. On any given day, wedged between children's safety and swimming lessons are the lap swims and water exercise classes that allow adults in our community a chance to get healthy and stay healthy. The hard-working water aerobics group heads for the showers while the lap swimmers, including super-seniors and young men and women just out of college take their place in the lanes. Its fun - you should come swim with us!

Please, for the health of our community, do what you can to help keep our public pool open.

Ted and Cathryn Lambeth
9935 SW Killarney Lane
Tualatin OR
lambheel@comcast.net

Paul Hennon

From: Sherilyn Lombos
Sent: Wednesday, August 05, 2009 6:38 PM
To: Paul Hennon
Subject: FW: PLEASE KEEP THE POOLS OPEN!

From: alison needelman [mailto:alined4@gmail.com]
Sent: Wednesday, August 05, 2009 4:55 PM
To: lou.ogden@juno.com; Jay@H-Mc.com; smbeikman@verizon.net; maddux01@verizon.net; etruax@royalaa.com; chris@mustardpeople.com; joelle.d.davis@gmail.com; Sherilyn Lombos
Subject: PLEASE KEEP THE POOLS OPEN!

pools are a vital part of any community.
they provide an affordable way for people to exercise, especially those who are injured or disabled.
PLEASE keep our pools open!!!

Paul Hennon

From: Sherilyn Lombos
Sent: Wednesday, August 05, 2009 6:38 PM
To: Paul Hennon
Subject: FW: Aquatic District - keep the pools open!

From: John & Ann Scherner [mailto:jnascher@verizon.net]
Sent: Wednesday, August 05, 2009 5:43 PM
To: lou.ogden@juno.com; Jay@H-Mc.com; 'Beikman, Monique'; maddux01@verizon.net; etruax@royalaa.com; chris@mustardpeople.com; joelle.d.davis@gmail.com; Sherilyn Lombos
Subject: Aquatic District - keep the pools open!

Dear City of Tigard Councilors:

Our family has lived in the city of Tigard for over 10 years and experienced the ups and downs of funding for our pools with pool hours cut back then restored due to the current funding available. It is time for a stable source of funding for our pools so that the public can enjoy these pools for years to come. I am asking you to vote in favor of a resolution to form an Aquatic District at next week's council meeting.

Formation of an Aquatic District will provide permanent, stable funding to keep both pools open for the community to enjoy for years to come. The school district cannot afford to keep these swim centers open, the cities of Tigard and Tualatin are not able to take over operation of these swim centers and cities the size of Tigard and Tualatin need to be able to provide these swim centers to our community so establishing an Aquatic District is essential to keeping these swim centers open.

Aquatic districts have been successfully created and run in other areas of Oregon for years - the citizens need to be heard and have a chance to vote on this next May.

Thank you for your favorable vote.

Ann Scherner
15800 SW 80th Ave
Tigard OR 97224
503-624-7442

Paul Hennon

From: Sherilyn Lombos
Sent: Thursday, August 06, 2009 8:32 AM
To: Paul Hennon
Subject: FW:

From: Maria Lathrop [mailto:marialathrop@hotmail.com]
Sent: Wednesday, August 05, 2009 11:31 PM
To: lou.ogden@juno.com; jay@h-mc.com; smbeikman@verizon.net; maddux01@verizon.net; etruax@royalaa.com; chris@mustardpeople.com; joelle.d.davis@gmail.com; Sherilyn Lombos
Subject:

Dear Council members..

I live in Tualatin. My children have used the tualatin high school pool for years. I ask you to please vote in favor of passing a resolution to form an aquatic district at next week's council meeting. Our pool is such an important part of our community. It has provided hundreds of children valuable skills. Please don't leave us without a pool!!!

thank you. Maria Lathrop

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Paul Hennon

From: Sherilyn Lombos
Sent: Thursday, August 06, 2009 8:32 AM
To: Paul Hennon
Subject: FW: Tigard Tualatin Pools

-----Original Message-----

From: Maggie Alexander [mailto:alexanma@carleton.edu]
Sent: Wednesday, August 05, 2009 9:55 PM
To: lou.ogden@juno.com; Jay@H-Mc.com; smbeikman@verizon.net; maddux01@verizon.net; etruax@royalaa.com; chris@mustardpeople.com; joelle.d.davis@gmail.com; Sherilyn Lombos
Subject: Tigard Tualatin Pools

Dear Council members,

I write to you in regard to the situation regarding the possible closure of the Tigard Tualatin Pools. I am a Tualatin High School graduate and have been around the Tigard and Tualatin pools for nearly 16 years. When you've been around pools for that long it seems inevitable that you begin to notice their impact upon the people who go there. You have kids and families coming for all over the cities to play in the pool. You see friends being made sometimes for life on swim teams and water polo clubs. There are people recovering from car accidents who come to the pool to gain back their strength. You can see lessons where kids are just beginning to learn to swim. There are people connecting with others, a common bond between lesson parent whose kids take extra long to get dressed in the locker rooms. What I mean to say is that the Tigard and Tualatin Pools are an essential part of our community and should remain as such.

The establishment of an aquatic district is crucial to keeping these pools open. There are examples here in Oregon where aquatic districts have worked exceedingly well. With the aquatic district being managed locally it will be possible to have a continuation of current community activities that take place at the pool already. I ask you to consider all of these things as you decide on this issue. Thank you very much for your consideration and time.

Sincerely,
Maggie Alexander, 19

Paul Hennon

From: Sherilyn Lombos
Sent: Thursday, August 06, 2009 8:33 AM
To: Paul Hennon
Subject: FW: Aquatic District Formation

-----Original Message-----

From: Lynne and Tom Fergusson [mailto:ltfergusson@verizon.net]
Sent: Wednesday, August 05, 2009 9:33 PM
To: craigd@tigard-or.gov; nick@tigard-or.gov; gretchen@tigard-or.gov; marland@tigard-or.gov; sydney@tigard-or.gov; lou.ogden@juno.com; Jay@H-Mc.com; smbeikman@verizon.net; maddux01@verizon.net; etruax@royalaa.com; chris@mustardpeople.com; joelle.d.davis@gmail.com; Sherilyn Lombos
Subject: Aquatic District Formation

Dear Council members,

I currently live in the City of Tigard and ask that you vote in favor of passing the resolution to form an Aquatic District at next week's council meeting. It is imperative that the pools remain open and our only option is to create an aquatic district. Other important reasons include:

<http://www.savettpools.com/Aquatic_District.html>I believe the Aquatic District will provide permanent, stable funding to keep both pools open for the community to enjoy for years to come. There are so many reasons to keep these pools open but my main two reasons are entertainment for the whole family (bonding, being together) and the other swim teams (children need extra curricular activities that are healthy and teaches many valuable lessons for life, and the ability to stay fit and keep their bodies healthy).

There are so many more reasons to have an Aquatic District and hope the Board can let go of the politics and realize how important it is for families.

By approving the resolution to form an Aquatic District, the citizens of Tigard or Tualatin can decide for themselves next May what's best for their community. The citizens deserve to be heard; please let democracy proceed. Thank you for your favorable vote.

Sincerely,

Lynne Fergusson
Tigard Citizen

Paul Hennon

From: Sherilyn Lombos
Sent: Thursday, August 06, 2009 5:50 PM
To: Paul Hennon
Subject: FW: Pools open

From: Kevin DeBell [mailto:ksdebell@yahoo.com]
Sent: Thursday, August 06, 2009 12:21 PM
To: lou.ogden@juno.com; Jay@H-Mc.com; smbeikman@verizon.net; maddux01@verizon.net; etruax@royalaa.com; chris@mustardpeople.com; joelle.d.davis@gmail.com; Sherilyn Lombos
Subject: Pools open

To all,

We have just relocated here from St. Louis, MO. last year and wanted to say what a nice facility (pools) that you have for the students and community. Athletics is so important to students and adults alike and everyone knows that times are difficult now but to not be able to find the funds or to have a general public fund set up to save these pools would be a shame. My son has been enjoying swim lessons this summer at the Tualatin pool and has enjoyed everyday of it. He also plays football through Tigard/Tualatin district and it means so much to him and his growth of sports.

We support keeping both pools open.

Thanks for your time.

Sherry & Kevin DeBell

Paul Hennon

From: Sherilyn Lombos
Sent: Thursday, August 06, 2009 5:50 PM
To: Paul Hennon
Subject: FW: Swimming Pools

From: Butcher [mailto:butcher.or@verizon.net]
Sent: Thursday, August 06, 2009 12:04 PM
To: lou.ogden@juno.com; Jay@H-Mc.com; smbeikman@verizon.net; maddux01@verizon.net; etruax@royalaa.com; chris@mustardpeople.com; joelle.d.davis@gmail.com; Sherilyn Lombos
Subject: Swimming Pools

Dear Tualatin City Council Members,

As concerned citizens, we are writing to urge you to vote YES to pass the resolution to form an Aquatic District. The pools are one of our most valuable resources, serving diverse members of the community and contributing significantly to the appeal of living here in Tigard & Tualatin. With school funding so unstable, an Aquatic District would guarantee the pools remain open and available for the families of our cities.

Thank you for your consideration and we'll see you at the meeting Monday night!

Gano & Dawn Butcher
20000 SW 59th Terrace
Tualatin, OR 97063
503.740.0056

Paul Hennon

From: Sherilyn Lombos
Sent: Thursday, August 06, 2009 5:51 PM
To: Paul Hennon
Subject: FW: Keep the Tigard-Tualatin Pools Open!

From: Jean Snyder [mailto:mrswoodchuck@gmail.com]
Sent: Thursday, August 06, 2009 9:27 AM
To: lou.ogden@juno.com; Jay@H-Mc.com; smbeikman@verizon.net; maddux01@verizon.net; etruax@royalaa.com; chris@mustardpeople.com; joelle.d.davis@gmail.com; Sherilyn Lombos
Subject: Keep the Tigard-Tualatin Pools Open!

My name is Jean Snyder. I am a Tualatin resident and I want to strongly urge you to vote for the resolution keeping the pools open.

I have a 10 year old daughter. When she was five years old, I asked if she wanted ice skating lessons. She responded that she wanted swimming lessons. She hasn't stopped swimming since, and most of her lessons have been at either the Tigard or Tualatin pools. She now swims on the Tigard-Tualatin Swim Team. When she isn't at swim team practice, she prefers to be at open swim. She has never shown interest in any other sport.

I would like the residents of Tualatin to be given the opportunity to vote on keeping these pools open. I see these pools daily, and see the constant flow of residents, from the very youngest to the very oldest, in and out of these pools. Please keep them open. I understand the need for another pool, but I strongly believe that we need to keep the existing facilities open before we begin to talk about building another facility.

Thank you for keeping the pools open!
Jean Snyder
9398 SW Siletz
Tualatin OR
mrswoodchuck@gmail.com

Paul Hennon

From: Sherilyn Lombos
Sent: Friday, August 07, 2009 11:11 AM
To: Paul Hennon
Subject: FW: swimming pools

From: Monica Anderson [mailto:monicaleeand@yahoo.com]
Sent: Friday, August 07, 2009 9:12 AM
To: lou.ogden@juno.com; Jay@H-Mc.com; smbeikman@verizon.net; maddux01@verizon.net; etruax@royalaa.com; chris@mustardpeople.com; joelle.d.davis@gmail.com; Sherilyn Lombos
Subject: swimming pools

Dear Council Members,

I am writing to express my desire for an Aquatic District to be formed in order to save the Tigard and Tualatin swimming pools. I really believe not having access to these pools will lower the quality of life for many families in our two cities. As you probably know, once a pool closed and drained, excessive money needs to be spent in order to reopen that pool.

Please place a priority on saving our community pools.

Sincerely,
Monica Anderson

Paul Hennon

From: Sherilyn Lombos
Sent: Friday, August 07, 2009 11:11 AM
To: Paul Hennon
Subject: FW: Tualatin Pool

From: Katrina Charriere [mailto:katrinacharriere@hotmail.com]
Sent: Friday, August 07, 2009 9:50 AM
To: lou.ogden@juno.com; jay@h-mc.com; smbeikman@verizon.net; maddux01@verizon.net; etruax@royalaa.com; chris@mustardpeople.com; joelle.d.davis@gmail.com; Sherilyn Lombos
Subject: Tualatin Pool

Hello, I am a resident of Tualatin and am writing to you to ask that you please support keeping the Tualatin pool open. My daughter has found great joy in taking the swim classes offered there and with continuing classes she hopes to earn a spot on the swim team one day. This pool means so much more than just recreation to us, This pool will help keep my daughter focused on something positive throughout her teen years and help her to stay out of trouble.

Thank you for your time.

Katrina Charriere

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Paul Hennon

From: Sherilyn Lombos
Sent: Friday, August 07, 2009 11:11 AM
To: Paul Hennon
Subject: FW: Tualatin/Tigard Pools "Aquatic district formation"

From: Melanie Lintner [mailto:lintnerm@hotmail.com]
Sent: Friday, August 07, 2009 10:05 AM
To: lou.ogden@juno.com; jay@h-mc.com; smbeikman@verizon.net; maddux01@verizon.net; etruax@royalaa.com; chris@mustardpeople.com; joelle.d.davis@gmail.com; Sherilyn Lombos
Subject: Tualatin/Tigard Pools "Aquatic district formation"

Please put the "Aquatic district formation" on the ballot measure and please support keeping the Tualatin/Tigard pools open.

Thanks so much,
Melanie Lintner

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Paul Hennon

From: Sherilyn Lombos
Sent: Friday, August 07, 2009 11:10 AM
To: Paul Hennon
Subject: FW: keep our pools open

From: Todd Groshong [mailto:toddgro@hotmail.com]
Sent: Friday, August 07, 2009 10:13 AM
To: lou.ogden@juno.com; jay@h-mc.com; smbeikman@verizon.net; maddux01@verizon.net; etruax@royalaa.com; chris@mustardpeople.com; joelle.d.davis@gmail.com; Sherilyn Lombos
Subject: keep our pools open

Due to budget cuts your community pools may have to close down permanently. This means children will no longer be able to take swim lessons nearby and hundreds of kids will miss out! It could also mean no more high school swim teams for our schools! We are trying to get the "Aquatic district formation" on the ballot measure to hopefully keep the pools open and I can't show up at the meeting so I chose to email the council members in hopes we have a better chance to rectify this situation. Please help us out here council members, please support keeping the Tualatin / Tigard pools open. The pools may be closed down by next month so please act on this asap!

Thank You,

Todd Groshong

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Paul Hennon

From: Sherilyn Lombos
Sent: Sunday, August 09, 2009 5:15 PM
To: Paul Hennon
Subject: FW: An Opinion in Opposition to the Aquatic District

From: Frank Bubenik [mailto:frank.bubenik@verizon.net]
Sent: Sunday, August 09, 2009 10:46 AM
To: 'Candice KELLY'; 'Lou Ogden'; 'Chris Barhyte'; jay@h-mc.com; etruax@royalaa.com; 'Monique Beikman'; 'Donna Maddux'; joelle.d.davis@gmail.com
Cc: 'Joe Lipscomb'; 'Ed and Joanne Casey'; 'Connie Ledbetter'; 'Jay Wilcox'; 'Larry McClure'; 'Beth Roach'; 'Bethany Wurtz'; 'June Bennett'; Sherilyn Lombos
Subject: An Opinion in Opposition to the Aquatic District

Mayor Ogden and City Councilors,

Having learned more about the proposed Aquatic District and that you have a scheduled vote on it (Item G1 of the 8/10/09 agenda), I must voice my opposition to the district's creation as presently envisioned.

On review of Tualatin's Community Vision and Action Plan, the community's desire for an Aquatic District is lacking. There are community facility strategies that are more encompassing than just an aquatic district. Specifically mentioned are community centers to provide access to the Arts, meeting rooms, and an indoor recreation center. The desire for a more accessible senior center that integrates its activities into the whole community is also cited.

I am concerned there has not been much public discussion on the ramifications of this district on the community's desired need for a possible Park and Recreation District in the future. Once Tualatin enters into this aquatic district, it will be very difficult for it to extract itself from it in order to fulfill the requirements Tualatin's Vision Plan.

I would like to see the council allow for more citizen input from the WHOLE community, not just from the very vocal proponents of the aquatic district. I am sure many residents of Tualatin are unaware of this vote and would like to hear more about it before council proceeds. This type of outreach is specifically cited in our plan (GHT 6, GLC 10, GLC 12, and GLC 13). I specifically want to call out action item GLC 13.2 where the community is provide plain language notices of upcoming council votes.

I am aware that they are alternatives to the aquatic district that would keep the pools open and give Tualatin maximum flexibility in achieving its Vision. I urge you to look at these alternatives and select one that will not be in opposition to the Vision Plan.

Frank Bubenik
Chair, Tualatin Tomorrow
frank.bubenik@verizon.net
503.692.1544

8/10/2009

Paul Hennon

From: Sherilyn Lombos
Sent: Sunday, August 09, 2009 5:12 PM
To: Paul Hennon
Subject: FW: Tigard-Tualatin Swim Centers

From: Steve Lund [mailto:srj-lund@comcast.net]
Sent: Sunday, August 09, 2009 3:36 PM
To: lou.ogden@juno.com; Jay@H-Mc.com; smbeikman@verizon.net; maddux01@verizon.net; etruax@royalaa.com; chris@mustardpeople.com; joelle.d.davis@gmail.com; Sherilyn Lombos
Subject: Tigard-Tualatin Swim Centers

My family and I would like to add our voices to the plea to keep the Tigard-Tualatin Swim Centers open and operational.

As a family of an elementary age child who just began the swimming lesson process, having the Tualatin Swim Center available to us has been ideal. Our cautious child has found a comfortable and fun setting in which to learn an important life skill. To have that taken away after just one summer would be disappointing to say the least.

We believe there is a significant population of our two cities, spanning all ages and many stages of water activities, that would want to have the chance to make their wishes known through the ballot box. Please give us the chance to vote on how our tax dollars are allocated so that our needs are met and our cities might not just survive but thrive.

Thank you for your time.

Rosalie Lund

Tualatin, Oregon

Paul Hennon

From: Sherilyn Lombos
Sent: Monday, August 10, 2009 1:39 PM
To: Paul Hennon
Subject: FW: Resolution to form an Aquatic District

From: Paul Robeznieks [mailto:probeznieks@opuslawgroup.com]
Sent: Monday, August 10, 2009 1:00 PM
To: lou.ogden@juno.com; Jay@H-Mc.com; smbeikman@verizon.net; maddux01@verizon.net; etruax@royalaa.com; chris@mustardpeople.com; joelle.d.davis@gmail.com; Sherilyn Lombos
Subject: Resolution to form an Aquatic District

Dear Council members,

I respectfully ask that you vote in favor of passing the resolution to form an Aquatic District. It is imperative that the pools remain open and our only option is to create an aquatic district. My people (from pre-school children, to students and our elderly citizens) benefit directly and daily from the use of the pool at Tualatin High School. By approving the resolution to form an Aquatic District, the citizens of Tualatin can decide for themselves next May what's best for their community. The citizens deserve to be heard. Thank you in advance for your favorable vote.

Paul Robeznieks
Cell Phone: (503) 830-2345

8/10/2009

Paul Hennon

From: Sherilyn Lombos
Sent: Monday, August 10, 2009 1:39 PM
To: Paul Hennon
Subject: FW: Closing swimming pool

From: yarbygirls@comcast.net [mailto:yarbygirls@comcast.net]
Sent: Monday, August 10, 2009 1:37 PM
To: lou.ogden@juno.com; Jay@H-Mc.com; smbeikman@verizon.net; maddux01@verizon.net; etruax@royalaa.com; chris@mustardpeople.com; joelle.d.davis@gmail.com; Sherilyn Lombos
Subject: Closing swimming pool

Dear Councilors,

On behalf of my three daughters, Abigail (age 6), Ally (age 4), & Elizabeth (age 3) I ask that you consider our request to keep the Tualatin Swim Center open. When the girls began swim lessons in the summer of 2008, they could not stay afloat. By the end of the summer, Abigail was swimming confidently across the width of the pool; Ally learned the confidence that she could swim without assistance. When the summer session ended, all they could talk about was how excited they were for next summer. Their excitement came from how much they enjoyed the staff and that they got to swim at the Tualatin High School. My enthusiasm was a result of the incredible guidelines and regulations that are followed for swim lessons, how wonderful the staff are, and that it is a Community program.

As we enjoy another successful summer of swimming lessons, I can only hope that we have the opportunity to look forward to next year. As I have encouraged many other parents I know to support the program, I ask that you take into consideration this request:

For the future of my childrens' water safety; for the older adults I say hello to everyday as we are leaving and they are arriving to exercise; for the young adults who are so passionate about swimming and have dedicated their life to competitive swimming-
PLEASE KEEP THE TUALATIN SWIM CENTER OPEN.

Thank you for your consideration.

Sincerely,
Kate Yarbrough
503-482-5647

8/10/2009

Paul Hennon

From: Sherilyn Lombos
Sent: Monday, August 10, 2009 1:19 PM
To: Paul Hennon
Subject: FW: Tigard/Tualatin Pools

-----Original Message-----

From: linen2dye4@aol.com [mailto:linen2dye4@aol.com]
Sent: Monday, August 10, 2009 12:50 PM
To: lou.ogden@juno.com; Jay@H-Mc.com; smbeikman@verizon.net; maddux01@verizon.net; etruax@royalaa.com; chris@mustardpeople.com; joelle.d.davis@gmail.com; Sherilyn Lombos
Subject: Tigard/Tualatin Pools

My name is Jennifer Howard and I'm involved with the TuHS TSO and also with Hazelbrook Middle School's PSO, and have three teenage girls. I am unable to attend the upcoming City Council meetings due to travel, but want to express my support in maintaining the continued running of these facilities. Swim lessons, competitive athletics, and exercise in general for the community are only a few reasons these pools should remain open. They are a positive community builder, bringing people together, and strengthening the bonds of the community as a whole. Please do your best to keep both pools available to the public! Thank you in advance for your consideration. Sincerely, Jennifer Howard Sent from my Verizon Wireless BlackBerry

Paul Hennon

From: Sherilyn Lombos
Sent: Monday, August 10, 2009 12:14 PM
To: Paul Hennon
Subject: FW: Tualatin-Tigard Swim Centers

From: SUSAN SUN [mailto:SSUN@fujimico.com]
Sent: Monday, August 10, 2009 10:04 AM
To: lou.ogden@juno.com; Jay@H-Mc.com; smbeikman@verizon.net; maddux01@verizon.net; etruax@royalaa.com; chris@mustardpeople.com; joelle.d.davis@gmail.com; Sherilyn Lombos
Subject: Tualatin-Tigard Swim Centers

To All Tualatin Councilors,
Please support keeping the Tualatin/Tigard swim pools open. The pools are important for the community. I see the smiling faces of children enjoying the pools this summer. It is a healthy alternative for the children, especially nowadays where children obesity is a problem. These pools help kids active. For me personally, it is a great stress reliever. I use the pool for my morning lap swim to keep my energy level up and sometimes in the evening to relax and relieve my stress from work.
Thank you for your support.
Regards,
Susan Sun

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8/10/2009

Paul Hennon

From: Sherilyn Lombos
Sent: Monday, August 10, 2009 8:23 AM
To: Paul Hennon
Subject: FW: In favor of the resolution to allow creation of a Tualatin/Tigard Aquatic District

-----Original Message-----

From: Kerry [mailto:kerry.z@gmail.com]
Sent: Sunday, August 09, 2009 9:41 PM
To: lou.ogden@juno.com; Jay@H-Mc.com; smbeikman@verizon.net; maddux01@verizon.net; etruax@royalaa.com; chris@mustardpeople.com; joelle.d.davis@gmail.com; Sherilyn Lombos
Subject: In favor of the resolution to allow creation of a Tualatin/Tigard Aquatic District

Dear Council Members,

I wanted to add my voice to those requesting an approval from the Tualatin City Council to the resolution allowing the vote on the Aquatic District to be placed on the ballot next year.

I believe that the current pools are vital to the community in allowing an affordable place for our children to learn to swim and participate in water-related activities. In the last 12 years, both of my children have learned to swim by taking lessons at the Tualatin pool. My son has been on the Tualatin high school water polo and swim teams and plans to be on these teams for a couple more years. I would like for my daughter to have the same opportunity when she reaches high school age.

I also understand the Council's concern regarding a possible conflict between this Aquatic District and a possible Tualatin Recreation District in the future. While I appreciate this concern, I understand that it is a near certainty that the Tualatin pool will be mothballed or completely closed if this district is not created. If the pool is completely closed, I also understand that it will not be able to be re-opened. This is a pool that is still being paid for by the taxpayers.

I would think that it would be very difficult to get future voters to approve a Recreation District that would include a new pool if they are still paying for a pool that was allowed to be closed down and made non-operable. Particularly if that situation was determined by the actions of the same City Council that was asking for the Recreation District.

I also believe that it would be very difficult to rally the current pool users in support of a possible new Recreation District. Although these people are currently very active in trying to find a solution to the pool closures, they (my family included) will not just wait around for a new city pool if the closures become a reality. The passion that these people have for pool activities will cause them to find alternatives. As most of these alternatives will be more costly than the current proposal, they may be more likely to work against a District that will add additional costs and provide too little, too late.

I urge you as a Council to approve the resolution that will be brought before you again at the August 10 meeting.

For the record, I lived in Tigard, but within the Tualatin High School boundaries, for 8 years before moving to Tualatin almost 5 years ago. We currently own and reside in a house in Tualatin, where we plan to stay for the foreseeable future. My daughter goes to Byrom Elementary and my son attends Tualatin High School. The comments that I have made in this email reflect the thoughts of my family alone and I do not presume to speak for anyone else.

Sincerely,
Kerry Roth
22480 SW 107th Ave.

Tualatin, OR 97062
503.885.0799

Paul Hennon

From: Sherilyn Lombos
Sent: Monday, August 10, 2009 8:23 AM
To: Paul Hennon
Subject: FW: Pools in Tigard and Tualatin

From: The Rogers [mailto:roge5@comcast.net]
Sent: Sunday, August 09, 2009 11:15 PM
To: lou.ogden@juno.com; Jay@H-Mc.com; smbeikman@verizon.net; maddux01@verizon.net; etruax@royalaa.com; chris@mustardpeople.com; joelle.d.davis@gmail.com; Sherilyn Lombos
Subject: Pools in Tigard and Tualatin

Greetings Council Members of Tualatin,

Please support the pools. As a long time member of the Tigard community and a new resident to Tualatin, the pools have always been a great asset to our family and community. My three children were fortunate enough to have swim lessons included as a part of their elementary education. With that opportunity, then went on to join swim team, play high school Water polo and high school swimming. We continue to use the pools for fun, competition and exercise. We have even attended pool parties.

As taken directly from your website:

"Mission Statement

Dedicated to Quality Service for our Citizens

Value Statement

We value a high quality of life for our community and will promote actions which increase community spirit and pride, and a sense of ownership, involvement and belonging in the community. We recognize the strengths which come from our heritage and background, our social and economic conditions, and our natural resources. We will manage growth in a manner that will build on these strengths, while fostering a sense of place and a unique identity for the City."

Supporting the pools is totally in line with our Mission and Value Statement. Please support the pools for our citizens. Swimming is an invaluable life skill for everyone in our community.

Thank you,

Jennifer Rogers and Family
10360 SW Paulina Drive
Tualatin, OR 97062
503-486-5063

8/10/2009

Paul Hennon

From: Sherilyn Lombos
Sent: Sunday, August 09, 2009 6:10 PM
To: Paul Hennon
Subject: FW: PLEASE Save Our Pools!

From: Lynne & Matt Winkler [mailto:winklers.or@comcast.net]
Sent: Saturday, August 08, 2009 11:05 AM
To: lou.ogden@juno.com; Jay@H-Mc.com; smbeikman@verizon.net; maddux01@verizon.net; etruax@royalaa.com; chris@mustardpeople.com; joelle.d.davis@gmail.com; Sherilyn Lombos
Subject: PLEASE Save Our Pools!

Dear City Council Members and Mayor Ogden,
You are about to be faced with making a decision regarding the fate of our Community's pools and indeed, a very important part of our Community. I am a concerned citizen whose family has used the pools for the 19 years we've lived in this area for everything from lap swimming to pregnancy fitness classes to swim lessons and now swim team. This area CANNOT afford to lose it's pools and has an opportunity to save them at a minimal cost per household. I cannot imagine living in an area that does not offer aquatics to it's residents. Our children (and adults) need to have every chance to participate in water-related activities. When you look at all the recent drownings in our area, it is abundantly clear that swimming lessons can and do save lives. It is our *responsibility* to drown-proof our kids. And with childhood (and adult) obesity at it's highest in history, we can't afford to take away any opportunity for our citizens to exercise, rehabilitate and stay healthy.
I could go on for paragraphs about all the reasons why it's important for you to let the process for forming this aquatics district continue, but as representatives of the people of your City, you OWE it to them to give them the opportunity to decide to save our pools. We can't take this service away from the residents of this area.
So, I am asking you to PLEASE vote YES to save the pools. We're all depending on you to let this process proceed!
Thank you for your time and service,
Lynne Winkler

Paul Hennon

From: Sherilyn Lombos
Sent: Sunday, August 09, 2009 6:10 PM
To: Paul Hennon
Subject: FW: Tigard-Tualatin Aquatic District

From: Cindy Harrison [mailto:ch15369@hotmail.com]
Sent: Saturday, August 08, 2009 11:22 AM
To: lou.ogden@juno.com; jay@h-mc.com; smbeikman@verizon.net; maddux01@verizon.net; etruax@royalaa.com; chris@mustardpeople.com; joelle.d.davis@gmail.com; Sherilyn Lombos
Subject: Tigard-Tualatin Aquatic District

Dear Tualatin Council Members:

Our children have been in the Tigard-Tualatin schools for years as we live in Tigard area. We have had wonderful opportunities afforded them and us in using both pools. Swim lessons, swim club, high school swimming, lifeguarding, water safety, self esteem growth are a few advantages given as well as maintaining a healthy lifestyle.

Please keep the pools open and vote in favor of passing resolution to form an aquatic district at next weeks council meeting. It is a valuable asset to keep pools open and create an aquatic district for all community to enjoy. Aquatic districts have been successfully created and managed in other Oregon areas offering multiple uses.

Thank you for your consideration.

Cindy Harrison

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Paul Hennon

From: Sherilyn Lombos
Sent: Sunday, August 09, 2009 6:09 PM
To: Paul Hennon
Subject: FW:

-----Original Message-----

From: Dori Lopuszynski [mailto:dorilop@comcast.net]
Sent: Saturday, August 08, 2009 12:44 PM
To: lou.ogden@juno.com; Jay@H-Mc.com; smbeikman@verizon.net; maddux01@verizon.net; etruax@royalaa.com; chris@mustardpeople.com; joelle.d.davis@gmail.com; Sherilyn Lombos
Subject:

Dear Council members,

I currently live in the City Tualatin, and have for the past 30years. I am writing to ask that you vote in favor of passing the resolution to form an Aquatic District at this coming Monday's council meeting. It is imperative that the pools remain open and our only option is to create an aquatic district.

I, of course, have my own very personal and very emotional reasons for wanting these pools to remain open to the community, but I am not alone. I have spoken to so many others in our community that have their own stories and their own reasons for wanting these pools to remain open.

The city of Tualatin is not able to take over operation of their swim center, thus, establishing an aquatic district is essential to keeping the pools open. The idea and formation of an aquatic center is not a new one. These districts have been successfully created and run in other areas throughout Oregon for years. The aquatic district will be managed locally from residents of the district who will make all the operating decisions, and follow state and federal laws for accounting procedures. Our main goal is to be able to keep these pools open for the communities to enjoy.

By approving the resolution to form an Aquatic District, the citizens of Tualatin can decide for themselves next May what's best for their community. The citizens deserve to be heard and the community deserves the right to vote on this matter and make their own choice. Thank you for your favorable vote.

Sincerely,

Dori Lopuszynski (Ziggy, Karina and Max)

Paul Hennon

From: Sherilyn Lombos
Sent: Sunday, August 02, 2009 5:37 PM
To: Paul Hennon
Subject: FW: Please help us keep our pool open for kids
FYI...

From: Nokes Deston [mailto:destonnokes@verizon.net]
Sent: Saturday, August 01, 2009 8:42 PM
To: lou.ogden@juno.com; Jay@H-Mc.com; smbeikman@verizon.net; maddux01@verizon.net; etruax@royalaa.com; chris@mustardpeople.com; joelle.d.davis@gmail.com; Sherilyn Lombos
Subject: Please help us keep our pool open for kids

I'm a Tigard resident and business owner, and I am hoping that you will support the resolution to allow a vote on an aquatic district to take over funding for our pools. Thank you for your commitment and your service to our community.

Best,

Deston Nokes

Deston S. Nokes, APR
NOKES COMMUNICATIONS, Inc.
503-789-2808
deston@destonnokes.com
www.destonnokes.com

8/3/2009

Paul Hennon

From: Sherilyn Lombos
Sent: Friday, August 07, 2009 4:35 PM
To: Paul Hennon
Subject: FW: Tualatin High School Swimming Pool

From: Pam Doherty [mailto:PamD@osbplf.org]
Sent: Friday, August 07, 2009 3:42 PM
To: lou.ogden@juno.com; Jay@H-Mc.com; smbeikman@verizon.net; maddux01@verizon.net; etruax@royalaa.com; chris@mustardpeople.com; joelle.d.davis@gmail.com; Sherilyn Lombos
Subject: Tualatin High School Swimming Pool

Please put the recreation district on the May 2010 ballot.

I live in Wilsonville but use the Tualatin High School swimming pool for evening water aerobics classes. I am diabetic and having this exercise available has made a big difference in my health. As an out of district user, I would gladly pay as a user fee the annual assessment which taxpayers in the recreation district would be assessed.

I come from a small town in Eastern Oregon in Morrow County, with a much smaller tax base than that of Tualatin and Tigard. Politics were set aside and the Morrow County Unified Recreation District was formed by vote of the citizens. The town of Lone (population approximately 250) and Heppner (population approximately 1400) are 17 miles apart but both have swimming pools funded by the recreation district. The recreation district also provides funding for many other community activities which would not be possible without it.

The recreation district should be put to the people's vote.

Thank you.

Pam Doherty
29450 SW Montebello Drive
Wilsonville, OR 97070
pamedoherty@aol.com
503-682-2867

From: Sherilyn Lombos
Sent: Wednesday, August 12, 2009 12:26 PM
To: Paul Hennon
Subject: FW: Please keep the pools open

From: Jeff & Robin Welter [mailto:j.r.welter@comcast.net]
Sent: Tuesday, August 11, 2009 5:32 AM
To: lou.ogden@juno.com; Jay@H-Mc.com; smbeikman@verizon.net; maddux01@verizon.net; etruax@royalaa.com; chris@mustardpeople.com; joelle.d.davis@gmail.com; Sherilyn Lombos
Subject: Please keep the pools open

Dear City Council members:

We are writing to request that you support keeping the Tigard and Tualatin pools open. We have had a daughter swim competitively through the swim club for several years and our son has participated in and enjoyed swim lessons and recreational swim at the pools. It is so important for the community to have a swim pool for these activities as well as exercise time for lap swim, etc. It is such a great program in our community and I've seen so many young students flourish in swimming and water polo and has lead them to college scholarship opportunities, part-time jobs, and just kept these children in productive, healthy activities. It is so important to keep the pools open!

Thank you for your time and consideration.

Robin and Jeff Welter

From: Sherilyn Lombos
Sent: Wednesday, August 12, 2009 10:32 AM
To: Paul Hennon
Subject: FW: Tigard & Tualatin swim centers-DO NOT CLOSE!!

From: Dawn Mobley [mailto:dawn.j.mobley@gmail.com]
Sent: Tuesday, August 11, 2009 11:21 AM
To: lou.ogden@juno.com; Jay@H-Mc.com; smbeikman@verizon.net; maddux01@verizon.net; etruax@royalaa.com; chris@mustardpeople.com; joelle.d.davis@gmail.com; Sherilyn Lombos
Subject: Tigard & Tualatin swim centers-DO NOT CLOSE!!

City Council,

I am a Tualatin Alumni (1996), a Tigard resident from a child of 3 years old, and now raising my own children in Tigard as well. My youngest will be attending TuHS in 2017 as a freshman. I myself learned to swim in the Tigard Swim Center. During my elementary years at Templeton, swim lessons were part of the third & fourth grade curriculum. My parents also signed us up for summer swim lessons and we spent several hours at the Tigard Swim Center during the public swim sessions. These are not just faun memories, but also important life lessons that are now being taught to my children.

My oldest would tell you that swimming is his favorite thing to do. This is a boy that at the age of 5 feared the water and would be the only child with a dry head after his swim lesson. John at the Tigard swim center, along with the other swim instructors, has changed fear into a life passion. He is now the kid that is in the pool first and the longest. My youngest was born a fish and has been taking lessons at the Tigard Swim Center from the age of 3 years old. Again John, and the other swim instructors, has only helped him to gain his confidence as a swimmer, while teaching him technique and water safety. We have also participated in the family swim sessions over the years and encouraged others to join us in what the centers have to offer. The skills that we have learned at the swim center are used often in family pools and hot tubs, and in all of our local rivers and oceans.

I could continue with story after story of people and children I know that have learned to swim or swam in High School that would not be possible if the pools were closed. It is vital that our communities have access to the swim centers. Although our family uses the Tigard swim center currently, Tualatin will be our High School. Both pools remaining open are very important to my children and others in our community. I would like to see the return of swim lessons into the elementary school curriculum, but at the very least, the pools must continue to be available to every family in our area.

Thank you for your time and efforts. Please feel free to contact me if you have any questions.

Sincerely,

Dawn Mobley
17030 SW 137th Ave.
Tigard, Or 97224
503-810-7494

From: Sherilyn Lombos
Sent: Wednesday, August 12, 2009 10:32 AM
To: Paul Hennon
Subject: FW: Aquatic District

From: Rosemary Willis [mailto:rosemary@absincusa.com]
Sent: Tuesday, August 11, 2009 10:14 AM
To: lou.ogden@juno.com; Sherilyn Lombos
Cc: nick@tigard-or.gov; Jay@H-Mc.com; smbeikman@verizon.net; maddux01@verizon.net; etruax@royalaa.com; chris@mustardpeople.com; joelle.d.davis@gmail.com
Subject: Aquatic District

My husband and I currently live on Killarney Lane in the city of Tualatin and we also have our business located in Tualatin. We feel it is very important to the schools and the community to keep the pools in Tigard and Tualatin open. Forming an Aquatic District would be a step in the right direction. I would like to see the pools readily available to the public for such things as water aerobics. My friend and I have both had knee replacement surgery and our doctors have recommended swimming and water aerobics to help us get back on our feet.

Please consider forming an Aquatic District for everyone to enjoy.



Rosemary Willis
(503) 783-3362 Direct
(503) 885-0212
(503) 885-2181 fax
rosemary@absincusa.com
www.absincusa.com

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From: Sherilyn Lombos
Sent: Wednesday, August 12, 2009 10:33 AM
To: Paul Hennon
Subject: FW: Creation of an Aquatic District

From: Star Fuji [mailto:star.fuji@verizon.net]
Sent: Monday, August 10, 2009 4:56 PM
To: Sherilyn Lombos
Subject: Creation of an Aquatic District

Dear Elected Council Member,

I am a resident of the City of Tualatin) and ask that you vote in favor of passing the resolution to form an Aquatic District at tonight's council meeting. It is vitally important that the pools remain open; our school district's action this spring has left us with only one viable option. We must create an aquatic district if pools are to stay open for our community. Without activities available for ALL age groups in our town, we can not attract or maintain a viable, paying tax base of residents. When communities do not have activities to offer its citizens, they choose other cities for their residence. This is a very important investment in Tualatin's residential future. Other important reasons include:

1. The formation of an Aquatic District will provide permanent, stable funding to keep both pools open for the community to enjoy for years to come.
2. An Aquatic District will preserve our pools as a valuable community resource, while also relieving the school district of a large, ongoing budget expense.
3. Neither the Cities of Tigard nor Tualatin are able to take over operation of their local swim center. An Aquatic District becomes a win-win situation for both the city managers and the residents.
4. The aquatic district will be managed locally from residents of the district and make all operating decisions, and follow state and federal laws for accounting procedures.
5. Aquatic districts have been successfully created and run in other areas of Oregon for years.
6. Most households in these two cities will continue to pay back the pool construction bond for the next 7 years and deserve to benefit from their investment. If the pools are closed after voters agreed to the construction bond and have been faithfully paying taxes, how can you legally expect them to pay for non-existent pools for 7 years into the future? The City may be looking at legal action. Wouldn't money spent on a legal action be better spent keeping your promise to the taxpayers of Tualatin?
7. By approving the resolution to form an Aquatic District, the citizens of Tualatin can decide for themselves next May what's best for their community. The citizens deserve to be heard; please let democracy proceed.

Thank you for your favorable vote.

Sincerely, Tualatin citizens,

Star Fuji, Alyssa Fuji and Janelle Brewster

RESOLUTION NO. 4917-09

RESOLUTION APPROVING PROPOSED FORMATION OF SPECIAL
AQUATIC DISTRICT (TIGARD-TUALATIN AQUATIC DISTRICT)

WHEREAS the Tigard-Tualatin School District ("TTSD") has determined that it is not economically feasible for TTSD to operate the aquatic centers at Tigard High School and Tualatin High School (the Aquatic Centers) on a long-term basis; and

WHEREAS the Aquatic Centers are a valuable resource to the communities of Tigard, Tualatin, King City, Durham, and surrounding unincorporated areas as well as to TTSD; and

WHEREAS concerned citizens seek the formation of Tigard-Tualatin Aquatic District (TTAD), a special parks and recreation district formed pursuant to Chapter 266 of the Oregon Revised Statutes to be managed by a five person board of directors elected at large by the registered voters within TTAD, for the purpose of operating the Aquatic Centers; and

WHEREAS TTSD supports the proposal to form TTAD and intends to allow such a district to operate the Aquatic Centers upon the execution of a mutually agreeable contract; and

WHEREAS the proposed funding for TTAD is a permanent tax levy which would provide a stable funding source for the ongoing operations of the Aquatic Centers if the formation of the special district and the permanent tax levy are approved by voters; and

WHEREAS TTAD will be formed if voters within TTAD approve a ballot measure in the May 2010 election; and

WHEREAS portions of TTAD are within the cities of Tigard, Tualatin, King City, and Durham and certified copies of resolutions of the governing bodies of those cities approving the petition to form TTAD must accompany the petition pursuant to ORS 198.720(1); and

WHEREAS the proposed TTAD appears to provide a viable mechanism for ensuring that the Aquatic Centers remain a valuable resource and that voters should have an opportunity to determine whether or not to form TTAD and consent to the tax levy.

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

Section 1. The City of Tualatin City Council approves the petition
attached as Exhibit 1.

INTRODUCED AND ADOPTED this 10th day of August, 2009.

CITY OF TUALATIN, OREGON

By _____
Mayor

ATTEST:

By _____
City Recorder

Approved as to legal form:

_____
City Attorney

BOARD OF COUNTY COMMISSIONERS
WASHINGTON COUNTY, OREGON

[DRAFT] PETITION FOR THE FORMATION OF A SPECIAL DISTRICT
(Tigard-Tualatin Aquatic District)

Pursuant to ORS 198.705 to 198.755, the signators hereto petition the Washington County Board of Commissioners to initiate proceedings for the formation of a special district to be called the Tigard-Tualatin Aquatic District. The nature of the proposed special district is a parks and recreation district organized under ORS Chapter 266 with the limited purpose of managing and operating the aquatic centers owned by the Tigard-Tualatin School District (TTSD) at Tigard High School and Tualatin High School.

The counties affected by the proposed special district are Washington County and Clackamas County. Washington County is the Principal county as defined in ORS 198.705(17).

The affected districts and the principal Act of each affected district are as follows:

- City of Tigard, ORS Chapter 221
- City of Tualatin, ORS Chapter 221
- City of Durham, ORS Chapter 221
- City of King City, ORS Chapter 221
- Tigard-Tualatin School District, ORS Chapter 332

The boundary of the proposed special district is the boundary of TTSD as more particularly described in Exhibit A [to be attached in final version of petition]. The territory in the proposed special district is inhabited.

The proposed special district will be managed by a five person board of directors to be elected at large by the registered voters within the special district.

The proposed permanent tax rate to support the services and functions of the proposed special district in the manner described in the economic feasibility statement required by ORS 198.749 is 9 cents per thousand dollars of assessed value of real property within proposed special district.

The formation of the special district is subject to the following terms and conditions: The function of special district will be limited to managing and operating the aquatic centers at Tigard High School and Tualatin High School.

Date

[Typed Name], Chief Petitioner
[Typed Address]
Landowner and registered voter in the
proposed special district

Date

[Typed Name], Chief Petitioner
[Typed Address]
Landowner and registered voter in the
proposed special district

Date

[Typed Name], Chief Petitioner
[Typed Address]
Landowner and registered voter in the
proposed special district