



TUALATIN CITY COUNCIL

Monday, June 10, 2013

CITY COUNCIL CHAMBERS
18880 SW Martinazzi Avenue
Tualatin, OR 97062

EXECUTIVE SESSION begins at 5:00 p.m. (located in City Admin. Offices)

WORK SESSION begins at 6:00 p.m.

BUSINESS MEETING begins at 7:00 p.m.

Mayor Lou Ogden

Council President Monique Beikman

Councilor Wade Brooksby Councilor Frank Bubenik

Councilor Joelle Davis Councilor Nancy Grimes

Councilor Ed Truax

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

Copies of staff reports or other written documentation relating to each item of business referred to on this agenda are available for review on the City website at www.tualatinoregon.gov/meetings, the Library located at 18878 SW Martinazzi Avenue, and on file in the Office of the City Manager for public inspection. Any person with a question concerning any agenda item may call Administration at 503.691.3011 to make an inquiry concerning the nature of the item described on the agenda.

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

Council meetings are televised **live** the day of the meeting through Washington County Cable Access Channel 28. The replay schedule for Council meetings can be found at www.tvctv.org. Council meetings can also be viewed by live *streaming video* on the day of the meeting at www.tualatinoregon.gov/meetings.

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

PROCESS FOR LEGISLATIVE PUBLIC HEARINGS

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

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

PROCESS FOR QUASI-JUDICIAL PUBLIC HEARINGS

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

1. Mayor opens the public hearing and identifies the case to be considered.
2. A staff member presents the staff report.
3. Public testimony is taken:
 - a) In support of the application
 - b) In opposition or neutral
4. Council then asks questions of staff, the applicant, or any member of the public who testified.
5. When Council has finished its questions, the 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 provided all interested persons with an adequate opportunity to present and respond to testimony. All persons providing testimony **shall be limited to 3 minutes**, subject to the right of the Mayor to amend or waive the time limits.

EXECUTIVE SESSION INFORMATION

An Executive Session is a meeting of the City Council that is closed to the public to allow the City Council to discuss certain confidential matters. An Executive Session may be conducted as a separate meeting or as a portion of the regular Council meeting. No final decisions or actions may be made in Executive Session. In many, but not all, circumstances, members of the news media may attend an Executive Session.

The City Council may go into Executive Session for certain reasons specified by Oregon law. These reasons include, but are not limited to: ORS 192.660(2)(a) employment of personnel; ORS 192.660(2)(b) dismissal or discipline of personnel; ORS 192.660(2)(d) labor relations; ORS 192.660(2)(e) real property transactions; ORS 192.660(2)(f) information or records exempt by law from public inspection; ORS 192.660(2)(h) current litigation or litigation likely to be filed; and ORS 192.660(2)(i) employee performance of chief executive officer.



OFFICIAL AGENDA OF THE TUALATIN CITY COUNCIL MEETING FOR JUNE 10, 2013

A. CALL TO ORDER

Pledge of Allegiance

B. ANNOUNCEMENTS

1. Tualatin Youth Advisory Council Annual Report
2. Announcing the 2013 Tualatin Science and Technology Scholarship Winner

C. CITIZEN COMMENTS

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

D. CONSENT AGENDA

The Consent Agenda will be enacted with one vote. The Mayor will first ask staff, the public and Councilors if there is anyone who wishes to remove any item from the Consent Agenda for discussion and consideration. The matters removed from the Consent Agenda will be considered individually at the end of this Agenda under, 1) Items Removed from the Consent Agenda. The entire Consent Agenda, with the exception of items removed from the Consent Agenda to be discussed, is then voted upon by roll call under one motion.

1. Consideration of Approval of the Minutes for the City Council Work Session and Regular Meeting on May 28, 2013.
2. Consideration of Authorization for the 2013 Crawfish Festival
3. Consideration of Resolution No. 5147-13 Certifying City of Tualatin Municipal Services
4. Consideration of Resolution No. 5148-13 Amending Water, Sewer and Surface Water Management Rates Inside the City of Tualatin and Rescinding Resolutions 4819-08 and 5101-12

E. SPECIAL REPORTS

F. PUBLIC HEARINGS – Legislative or Other

1. Consideration of Resolution No. 5146-13 Declaring the City's Election to Receive State Revenue Sharing Funds During Fiscal Year 2013-14

G. PUBLIC HEARINGS – Quasi-Judicial

H. GENERAL BUSINESS

1. Consideration of Ordinance No. 1356-13 Relating to the Towing of Vehicles from Private Property

I. ITEMS REMOVED FROM CONSENT AGENDA

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

J. COMMUNICATIONS FROM COUNCILORS

K. ADJOURNMENT

From: Linda Odermott
To: [Sean T. Brady](#)
Subject: FW: Proposed Tow Ordinance
Date: Thursday, March 14, 2013 8:02:00 AM

[Comments from Sergeants Towing.](#)

Linda Odermott, RP®

Registered Paralegal®
City of Tualatin | Legal Services

From: Jesse Copeland [mailto:jesse@sergeantstowing.com]
Sent: Wednesday, March 13, 2013 7:26 PM
To: Linda Odermott
Subject: RE: Proposed Tow Ordinance

Mr. Brady,

In regards to the proposed ordinance, on the face of it, Sergeants Towing doesn't necessarily disagree with the possibility of imposing a mileage cap. The only real issue there is that the city may not have enough properties zoned in the way required in order to operate a tow yard, so some towers might have to have yards outside of the city thereby increasing the distance vehicles would have to be transported.

I would be hesitant to get on board with the idea of the city mandating maximum towing charges. The simple truth of the matter is that private property owners have rights that should be protected. In order for that to happen, companies like mine have to stand ready to provide towing and storage services. There is a huge amount of overhead involved in this service. From licensing and insurance, to property payment and taxes, equipment maintenance and employee wages etc. If the city were to mandate maximum charges, I would be gravely concerned that as with other cities which have done so, that those maximums not be compensatory to the companies providing the service.

While we can all agree that there have been unscrupulous tow companies and individual towers, it doesn't follow that penalizing the legitimate, law abiding towers is the solution. Our suggestion has always been that the city or cities involved simply act against those towers that are found to be operating outside of the law.

In Washington County, non consensual tow rates are set by the County. A tow for no insurance, or hazard or any other violation that was towed 6 miles to our facility would cost the end user approximately \$298.00 on the first day assuming that the vehicle was picked up after hours. This does not include the release fee that has to be paid prior to redeeming the vehicle. For a private property a tow for that same distance would cost \$309.00. As you can see, we're essentially talking about an \$11.00 difference here. Our justification for that \$11.00 is that this is what it costs us to provide this service, and earn a meager profit. As am sure everyone can understand, businesses that don't make a profit do not remain viable for long.

We feel it is of utmost importance that citizen's rights be protected. We would however like to remind everyone, that both we, (the towers) and the private property owners are citizens as well, and are equally deserving of protection. Being mandated to operate at a loss will force towers out of business. If the towers are unable to provide impound services, property owners will be left with no recourse against people with no concern for *their* rights.

In closing, I would like to point out that the city stated specifically that this ordinance was to address vehicles towed from private property without the vehicle owner's consent. I would argue strongly that parking on a private property with a clearly posted parking prohibition against doing so, implies consent on the part of the vehicle owner to have their vehicle removed and be subsequently charged for said removal and storage.

I would like to thank the City of Tualatin for allowing us the opportunity to offer input on this matter, and welcome any further questions or dialogue on the subject.

Thank you,

Jesse Copeland
Tow Manager
Sergeants Towing
(503) 281-1948
jesse@sergeantstowing.com

This communication, including attachments, is confidential, may be subject to legal privileges, and is intended for the sole use of the addressee. Any use, duplication, disclosure or dissemination of this communication, other than by the addressee, is prohibited. If you have received this communication in error, please notify the sender immediately and delete or destroy this communication and all copies.

City Council Meeting

B. 1.

Meeting Date: 06/10/2013

ANNOUNCEMENTS: Tualatin Youth Advisory Annual Report

ANNOUNCEMENTS

Tualatin Youth Advisory Council Annual Report

SUMMARY

n/a

Attachments

A. YAC Annual Report



Tualatin Youth Advisory Council

2012/2013 Annual Report

YAC Seniors



Bella Koessler



Mary Ruiz



Ashley Owens



Aparna Govindan



Ryan Houlberg



Shaelyn Rogers

YAC Goals:

- Advise the Tualatin City Council on issues that affect youth in the community
- Serve as a communication link for youth to government, business, and the community on a variety of subjects
- Identify and advocate for the needs of youth in our community
- Identify and carry out events and activities for the community, which are important to youth

We strive to meet these goals in three main ways.....

How we meet our goals:

- Advocacy
- Activities
- Education



Meeting our goals through advocacy.....

- Monthly council updates
- Providing youth perspective on issues such as the Healthy Eating, Active Living Campaign
- Youth Summit Surveys implemented – results and recommendations available soon
- YAC members represented on Arbor Week AD-Hoc Committee and “If I Were Mayor Committee”



Meeting our goals through activities....

- YAC members volunteer at many city events, including:
 - Walk + Bike to School Days
 - Movies on the Commons
 - West Coast Giant Pumpkin Regatta
 - Starry Nights and Holiday Lights
 - Arbor Week
 - Tualatin TRYathlon



City Activities



Tualatin YAC – Youth Participating in Governance

Meeting our goals through activities....

- YAC members also host several activities for teens each year including:
 - TualaFest – Battle of the Bands
 - Annual Haunted House
 - Teen Extravaganza



TualaFest 2012!

- Provide a forum for local teen bands to showcase their talents
- Three bands competed this year for gift certificates and recording studio time
- Day of music, food, prizes, and sunshine!



Haunted House 2012

- Four nights
- 300 attendees
- This year's theme: Freaky Funhouse



Meeting our goals through education.....

- Washington County Youth Summit Grant
- National League of Cities Congress of Cities



Washington County Commission on Children and Families: Youth Summit Grant- Project F.R.I.E.N.D.S



Tualatin YAC – Youth Participating in Governance

Project FRIENDS in National Publication

NATIONAL LEAGUE of CITIES  **INSTITUTE FOR YOUTH, EDUCATION & FAMILIES**

MUNICIPAL LEADERSHIP FOR CHILDREN AND FAMILIES IN SMALL AND MID-SIZED CITIES



Municipal Leadership for Children and Families in Small and Mid-Sized Cities

Sponsor a Youth-Led Bullying Prevention Program Tualatin, Oregon (population 26,054) – Project F.R.I.E.N.D.S.

In 2006, the City of Tualatin's 21-member Youth Advisory Council (YAC) developed a day-long bullying prevention workshop for fifth grade students called F.R.I.E.N.D.S. (Finding Relations In Every New Diverse Student). Since then, the YAC has offered the workshop on a biennial basis to help students address bullying and stereotyping behavior while also preparing them for the upcoming transition to middle school. During years when it is not sponsoring this workshop, the YAC has organized Project P.E.A.C.E. (Providing Each Adolescent with Courage and Empathy), a similar program for middle school students composed of 10 lesson plans taught by homeroom teachers that build conflict resolution skills and help students identify and respond to bullying.

To launch Project F.R.I.E.N.D.S., members of the YAC reached out to and garnered the support of principals of three public elementary schools in Tualatin and then began working with teachers to develop an introductory lesson plan for students. They conducted online research to craft the lesson plan and workshop, drawing upon materials from the Southern Poverty Law Center, the U.S. Department of Health and Human Services, and other national resources. After YAC members make a pre-workshop visit to each classroom, they hold the workshop itself off-site at a local church auditorium. More than 300 fifth grade students participate. While the church donates the space and the YAC recruits additional volunteers from the high school, other costs are covered by funds raised from the Washington County



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National League of Cities | Institute for Youth, Education and Families



Commission on Children and Families, a Target Youth Engagement grant and additional donations.

The YAC uses pre- and post-workshop surveys to evaluate the success of Project F.R.I.E.N.D.S. They look for changes in attitudes toward bullying and stereotyping and assess how comfortable participants are about getting to know students from diverse backgrounds. They have also reported increases in the proportion of participants who are confident they will make new friends in middle school (from six percent to 67 percent) and are excited about attending middle school (from 34 percent to 53 percent). Parents, teachers, and the local school district have strongly endorsed the program, manifesting their commitment by dedicating a full school day for the workshop.

Like all of the YAC's activities, the project would not be possible without the support of the mayor, city councilmembers, and the city manager, which creates a welcoming environment for youth that permeates local government in Tualatin. Mayor Lou Ogden created the YAC in 1999 after learning about the concept through the National League of Cities. The city supports the YAC with resources and dedicated staff time, enabling its participants to serve as liaisons between youth and city government, advocate for youth interests, and plan events and activities on issues of importance to youth. This support was strengthened at Mayor Ogden's request for the Tualatin City Council to pass a resolution adopting NLC's *City Platform for Strengthening Families and Improving Outcomes for Children and Youth*, which it did in May 2006.

The YAC has thrived with this support and it is not unusual for members of the YAC to volunteer 100 hours per year. Many of the youth participate throughout their high school years, taking advantage of this unique opportunity to develop skills in leadership, planning, organization and public speaking.

Contact:

Julie Ludemann, Recreation Program Specialist
City of Tualatin
(503) 691-3082
jludemann@ci.tualatin.or.us

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National League of Cities 2012 Boston, MA

- YAC members Bella Koessler, Aparna Govindan, Ashley Owens and Ryan Houlberg attended conference workshops and youth-oriented events.



Thank You!



- YAC contributed 1500 hours of service this year!
- We're looking forward to the challenges and rewards of next year!

City Council Meeting

B. 2.

Meeting Date: 06/10/2013

ANNOUNCEMENTS: Announcing the 2013 Tualatin Science and Technology Scholarship Winner

ANNOUNCEMENTS

Announcing the 2013 Tualatin Science and Technology Scholarship Winner

SUMMARY

This year Austin Green, a Tualatin High School senior, was selected to receive a \$300 scholarship from the Tualatin Science and Technology Scholarship. Mr. Green will be attending Oregon State University to study mechanical engineering in the fall.

In 1990 the City of Tualatin and Oki Semiconductor, a local manufacturing company, established a science and technology scholarship trust fund. Since then scholarships have been awarded annually to high school seniors who are residents of Tualatin, planned to attend an Oregon four-year college or university, and planned to pursue a career in a science or technology field.

The scholarship represents the commitment of Tualatin businesses to the young people in the community. It also represents the belief and faith that technological and scientific knowledge and skills can improve the quality of life as well as the environmental, social and economic health of our community.

When the Oki Semiconductor plant closed in 1998 the scholarship program was renamed Tualatin Science and Technology Scholarship and the trust fund continued under the guidance of the City of Tualatin, the Tualatin Chamber of Commerce, and the Tigard-Tualatin School District.



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Nicole Morris, Deputy City Recorder

DATE: 06/10/2013

SUBJECT: Consideration of Approval of the Minutes for the City Council Work Session and Regular Meeting on May 28, 2013.

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve minutes from the City Council Work Session and Regular Meeting on May 28, 2013.

RECOMMENDATION:

Staff respectfully recommends that the Council adopt the attached minutes.

Attachments: City Council Work Session Minutes of May 28, 2013
City Council Meeting Minutes of May 28, 2013



OFFICIAL MINUTES OF TUALATIN CITY COUNCIL WORK SESSION FOR MAY 28, 2013

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

Staff Present: City Manager Sherilyn Lombos; City Attorney Sean Brady; Police Chief Kent Barker; Assistant City Manager Alice Rouyer; Community Services Director Paul Hennon; Finance Director Don Hudson; Deputy City Manager Sara Singer; Planning Manager Aquilla Hurd-Ravich; Deputy City Recorder Nicole Morris; Information Services Manager Lance Harris; Management Analyst Ben Bryant

CALL TO ORDER

Mayor Ogden called the meeting to order at 5:33 p.m.

1. **Chickens in Single-Family Areas.**

Associate Planner Cindy Hahn presented a brief update on the status of the chickens in single-family areas and noted that information from the Citizen Involvement Organizations (CIO) has been included in the packet for Council review. She acknowledged that CIO's generally showed support for chickens in these areas. Associate Planner Hahn is seeking direction from Council tonight on how to proceed on this issue.

Councilor Brooksby expressed concerns in regards to an increase in the rodent populations due to chickens. He is for an ordinance as long as it includes regulations for food storage.

Councilor Bubenik would like to see a permitting process put into place with an enforcement and inspection program.

Councilors Grimes and Davis would like to see the ordinance include regulations surrounding lot size and location and size of coops. Both councilors were in favor of permitting with fees associated.

Councilor Truax was not in support of the ordinance and felt that a chicken program will affect the livability of most neighborhoods in Tualatin.

Mayor Ogden recapped some of the oppositions concerns from the comment list in the packet and felt that some of these issues could be handled properly through good ordinance writing. He was also in favor of a permitting process where the fees would cover inspections and follow-up on violations and complaints.

Council and Staff had conversation in regards to complaints received in other jurisdictions. It was decided that staff would further research complaints and come

back with numbers on complaints at another work session.

Council President Beikman wants to ensure that the ordinance is written in a way where it is a useful tool and not used as a weapon against neighbors.

Councilor Davis recommended that enforcement could be done on a volunteer basis by someone who could educate people on the proper methods for raising chickens.

Consensus was reached amongst the Council to have staff prepare a timeline and process for moving forward with an ordinance and bring it back at the next work session.

2. *Southwest Corridor High Capacity Transit Alignment Evaluation Results.*

Management Analyst Ben Bryant introduced SW Corridor Project Manager Malu Wilkinson from Metro. Analyst Bryant noted that the purpose of tonight's update is to bring Council up to speed on the evaluation results. Ms. Wilkinson reminded the Council of the objectives of the projects and covered the major time line. The project is nearing the end of phase I this summer and will be moving into phase II. The steering committee has narrowed the alignment options from ten to five. This summer they are looking for the steering committee to narrow the remaining alignment options to the most important parts including destinations, how far they go, modes to study, and provide policy direction. After these decisions are made they will move to the refinement phase of the project where they can make decisions on alignment options and funding. She discussed capital costs, annual operating costs, transit ridership, and travel times for the five alignments.

Ms. Wilkinson noted that the SW Service Enhancement Plan will study the demand for transit service to connect people with jobs and educational opportunities, look at near-term and long-term enhancements, and explore public-private partnerships. Councilor Davis suggested that the travel time and ridership numbers for the high capacity transit options be adjusted from the PM peak time to earlier in the day in an effort to capture the full potential of connecting to Portland Community College Sylvania.

Councilor Davis suggested that the travel time and ridership numbers for the high capacity transit options be adjusted from the PM peak time to earlier in the day in an effort to capture the full potential of connecting to Portland Community College Sylvania.

Mayor Ogden requested more evaluation results for the light-rail transit option to Tualatin, in an effort to inform the decision-makers for their July meeting. The rest of the City Council expressed interest in additional evaluation results for light-rail transit.

The next steps are to present the steering committee's draft recommendations, available June 10, to the Transportation Task Force, Tualatin Parks Advisory Committee, the Planning Commission, and then return to the Council on June 24th. Council asked staff to bring the results back on June 10th for an initial review by Council.

3. Council Meeting Agenda Review, Communications & Roundtable.

Council President Beikman stated that she has spoken with a citizen regarding his concerns with the current noise ordinance and he will be at tonight's Council meeting to ask for the ordinance to be updated.

ADJOURNMENT

The work session adjourned at 6:58 p.m.

Sherilyn Lombos, City Manager

_____ / Nicole Morris, Recording Secretary

_____ / Lou Ogden, Mayor



OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR MAY 28, 2013

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

Staff Present: City Manager Sherilyn Lombos; City Attorney Sean Brady; Police Chief Kent Barker; Assistant City Manager Alice Rouyer; Community Services Director Paul Hennon; Finance Director Don Hudson; Deputy City Manager Sara Singer; Planning Manager Aquilla Hurd-Ravich; Deputy City Recorder Nicole Morris; Information Services Manager Lance Harris; Parks and Recreation Manager Carl Switzer; Library Manager Abigail Elder; Management Analyst Ben Bryant; Public Works Director Jerry Postema

A. CALL TO ORDER

Pledge of Allegiance

Mayor Ogden called the meeting to order at 7:06 p.m.

B. ANNOUNCEMENTS

1. Introduction of Republic Service General Manager Derek Ruckman

Republic Services Operations Manager Frank Lonergan introduced the new Recycling Coordinator Elizabeth Start and new General Manager Derek Ruckman. Ruckman thanked the City for its continued partnership in managing the municipal garbage service contract.

2. New Employee Introduction: Jerry Postema, Public Works Director

City Manager Lombos introduced new Public Works Director, Jerry Postema. The City Council welcomed Mr. Postema to the staff.

3. Summer Activities Update

Parks and Recreation Manager Carl Switzer and Library Manager Abigail Elder presented the City of Tualatin 2013 Summer Programs. Programs included the Gang Resistance Education and Training (GREAT) Summer Program, TEAM Tualatin, Art Walks, Concerts on the Commons, ArtSplash Art Show, Tualatin Crawfish Festival, and the Tualatin Farmers Market. There will also be many ongoing activities at the Juanita Pohl Center, Tualatin Heritage Center, and the Library.

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.

David Allcroft addressed issues with the current noise ordinance and the impact of a neighbor abusing the current ordinance. He requested that the current ordinance be re-evaluated to include provisions regarding unreasonable and excessive noise. Mayor Ogden asked for Council consensus on moving forward with directing staff to pursue this issue. Consensus was reached from the Council and this topic will be discussed at a future work session.

Paul Wheatcraft spoke to concerns regarding the noise ordinance and suggested looking further into other cities noise ordinances regarding excessive noise.

D. CONSENT AGENDA

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

MOTION by Council President Monique Beikman, SECONDED by Councilor Nancy Grimes to approve the consent agenda.

Vote: 7 - 0 MOTION CARRIED

1. Consideration of Approval of the Minutes for the City Council Work Session and Regular Meeting on May 13, 2013.
2. Consideration of Resolution No. 5141-13 Amending the City of Tualatin Fee Schedule and Rescinding Resolution No. 5118-12
3. Consideration of Resolution 5144-13 Adopting a Citywide Records Request Policy and Rescinding Resolution No. 4797-08.
4. Consideration of a New Liquor License Application for Grochan Cellars.
5. Consideration of Resolution No. 5138-13 to Grant a Conditional Use Permit to Tualatin Animal Clinic to Allow a Veterinary Clinic with Practice Limited to Small Animals in the Central Commercial (CC) Planning District at 8700 SW Cherokee Street (Tax Map 2S1 23AA, Tax Lot 01000) (CUP-13-02).
6. Consideration of Resolution 5145-13 Directing the Architectural Review Board to review and comment on the proposed Nyberg Rivers Master Plan MP-13-01

E. GENERAL BUSINESS

1. Review and Discuss Input about Chickens in Single-Family Areas

Mayor Ogden recapped the discussion held at the work session in regards to chickens in single-family areas. He noted that the Council had directed staff to research further items for a draft ordinance. Staff will return at the next Council work session with a time line and process for moving forward.

Mayor Ogden opened the floor for input.

Cathy Holland spoke in support of chickens in single-family areas and in favor of the draft ordinance.

Endre Richards stated that she feels there is overwhelming support from Citizen Involvement Organizations (CIO) and would like to see the draft ordinance move forward.

Jeff Scott spoke in favor of the draft ordinance and expressed that there was overwhelming support from his CIO.

Barbara and Mike Lafgren asked that the Council focus on the positive aspects of having chickens and that the Council provide them with a firm date for the ordinance moving forward. Mayor Ogden stated that a time line for the ordinance would be brought back at a future Council work session.

Rachel Engstrom stated that she believes that the current draft ordinance does address the oppositions concerns and urged the Council to proceed.

Kip Christensen spoke to decreased waste of households from composting and chickens and asked the Council to proceed with the draft ordinance.

Anna Christensen submitted a list of complaints for different types of animals within the county noting that chickens have been less of a disturbance than other types of animals.

Tamara Baldry spoke to compostable waste issues and how citizens do act responsibly now and will continue to with chickens in the future.

Dena Dwyer stated that she felt the oppositions' concerns could be easily addressed and asked that the council proceed forward with the draft ordinance.

Mike Wright stated that he felt all the CIO's, including CIO 2, are in favor of the ordinance as presented. He asked that the Council exercise judgment when attending the CIO meetings in a leadership capacity. Mr. Wright asked that the Council proceed with the draft ordinance.

Heather Havens stated that she is recognized as a Urban Chicken expert in the field and offered suggestions of ordinances to review from other cities. She spoke in favor of the ordinance as drafted.

Scott Alvey asked the Council to provide a time line for proceeding. Mayor Ogden stated that it would be brought back at the next work session.

Cindy Phillips offered suggestions to the current draft. Suggestions included language related to enclosure standards, setbacks, slaughter, nuisance provisions, enforcement, and the appeals process.

Chad Darby thanked the Council for their participation in the CIO meetings and asked that they move forward with the draft ordinance.

Allie Chapman showed a video about how kids and teens want chickens.

Anna Lisa Chapman urged the Council to proceed with the ordinance.

F. 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.

G. COMMUNICATIONS FROM COUNCILORS

Councilor Bubenik thanked the Veterans of Foreign Wars (VFW) for another great Memorial Day service. He also thanked the Men's Auxiliary for hosting a great picnic following the event. Mayor Ogden thanks the Operations staff who provided a shelter for the service due to the rain.

H. ADJOURNMENT

MOTION by Council President Monique Beikman, SECONDED by Councilor Joelle Davis to adjourn the meeting at 8:37 p.m.

Vote: 7 - 0 MOTION CARRIED

Sherilyn Lombos, City Manager

Nicole Morris

/ Nicole Morris, Recording Secretary

_____ / Lou Ogden, Mayor



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Carl Switzer, Parks & Recreation Manager
Paul Hennon, Community Services Director

DATE: 06/10/2013

SUBJECT: Consideration of Authorization for the 2013 Crawfish Festival

ISSUE BEFORE THE COUNCIL:

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

RECOMMENDATION:

Staff respectfully recommends that Council approve the authorizations for the 2013 Crawfish Festival.

EXECUTIVE SUMMARY:

The theme for the 63rd Annual Crawfish Festival is “Claws For Celebration” in recognition of the City of Tualatin’s Centennial Anniversary. This year’s event will be open to the public Friday, August 9 and Saturday, August 10, 2013.

Linda Moholt, Chief Executive Officer of the Tualatin Chamber of Commerce, has submitted the 2013 Crawfish Festival proposal. The proposal requests of the City the following:

Use of Parks and Park Facilities – The Chamber requests all day use of all areas of Tualatin Community Park from Thursday, August 8 until 12:00 p.m on Sunday, August 11, 2013. They also request all day use of the Tualatin Commons on Friday, August 9 and Saturday, August 10, 2013. Council authorization gives the Chamber of Commerce the ability to program these spaces, including the ability to exclude some users, during these times. See Attachment A.

Use of the City’s Parking Lots– The Chamber requests that festival attendees be allowed the use of all core area parking lots Friday, August 9 and Saturday, August 10, 2013. They also request the use of 50 spaces in the police parking lot for their volunteers to park in on Saturday, August 10, 2013 as they have done in previous years. See Attachment B.

Road Closures - The Chamber requests road closures for the parade and the Crawfish Crawl 5k race/walk. The parade route will necessitate temporary closures of Martinazzi Avenue, Seneca

Street, Nyberg Street, Lower Boones Ferry Road, 84th Avenue on the morning of Saturday, August 10, 2013 between the hours of 9:30 a.m. and 11:30 a.m. The Crawfish Crawl route will necessitate temporary closures of Seneca Street, 84th Avenue, Boones Ferry Road, and Tualatin Road on the morning of Saturday, August 10, 2013 between the hours of 7:30 a.m. and 9:30 a.m. The Chamber requests the closure of the turn-around at the end SW Seneca Street (east of SW 84th Avenue) on Friday, August 9, 2013. See Attachment C.

Financial Assistance – The Chamber requests the City grant \$5,000 to help support the event.

Alcohol – The Chamber requests that they be allowed to have alcohol service at the Chef's Mystery Box Cook-Off and Crawfish Feast at the Tualatin Commons on Friday, August 9, 2013 and also in Tualatin Community Park on Saturday, August 10, 2013. The Chamber will obtain an Oregon Liquor Control Commission (OLCC) permit for the event, comply with all OLCC regulations, and have insurance with explicit liquor liability coverage.

Signage – The Chamber requests permission to have Crawfish Festival banners on the light poles along Lower Boones Ferry Road from July 1, 2013 to August 11, 2013 and other locations as shown in Attachment D. They also request permission to place directional signs on public property to manage vehicle traffic coming to and from events.

Utilities – The Chamber requests that the City grant them the use of water and electricity at Tualatin Community Park and Tualatin Commons on Friday, August 9 and Saturday, August 10, 2013.

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

Fireworks Display – In celebration of the City of Tualatin's 100th anniversary of incorporation there will be a fireworks display at the north end of Tualatin Community Park at 9:00 p.m. on Saturday, August 10, 2013. The City is managing the display and has coordinated its implementation with the Chamber and Crawfish Festival organizers.

Granting the money, the use of staff resources, and the granting of utility use is in the public interest and provides a public benefit. The event promotes the City of Tualatin, promotes business in the City, encourages downtown shopping, and fosters a sense of community within the City.

OUTCOMES OF DECISION:

If the City Council accepts the proposal as presented the Chamber of Commerce will use City resources and facilities for its annual Crawfish Festival as set forth in the Executive Summary.

The Parks and Recreation Manager will continue to act as the City's liaison to the Chamber of Commerce to facilitate the execution of the authorized proposal, establish functional conditions of approval, monitor compliance with conditions of approval, and ensure the City's parks and facilities are properly used.

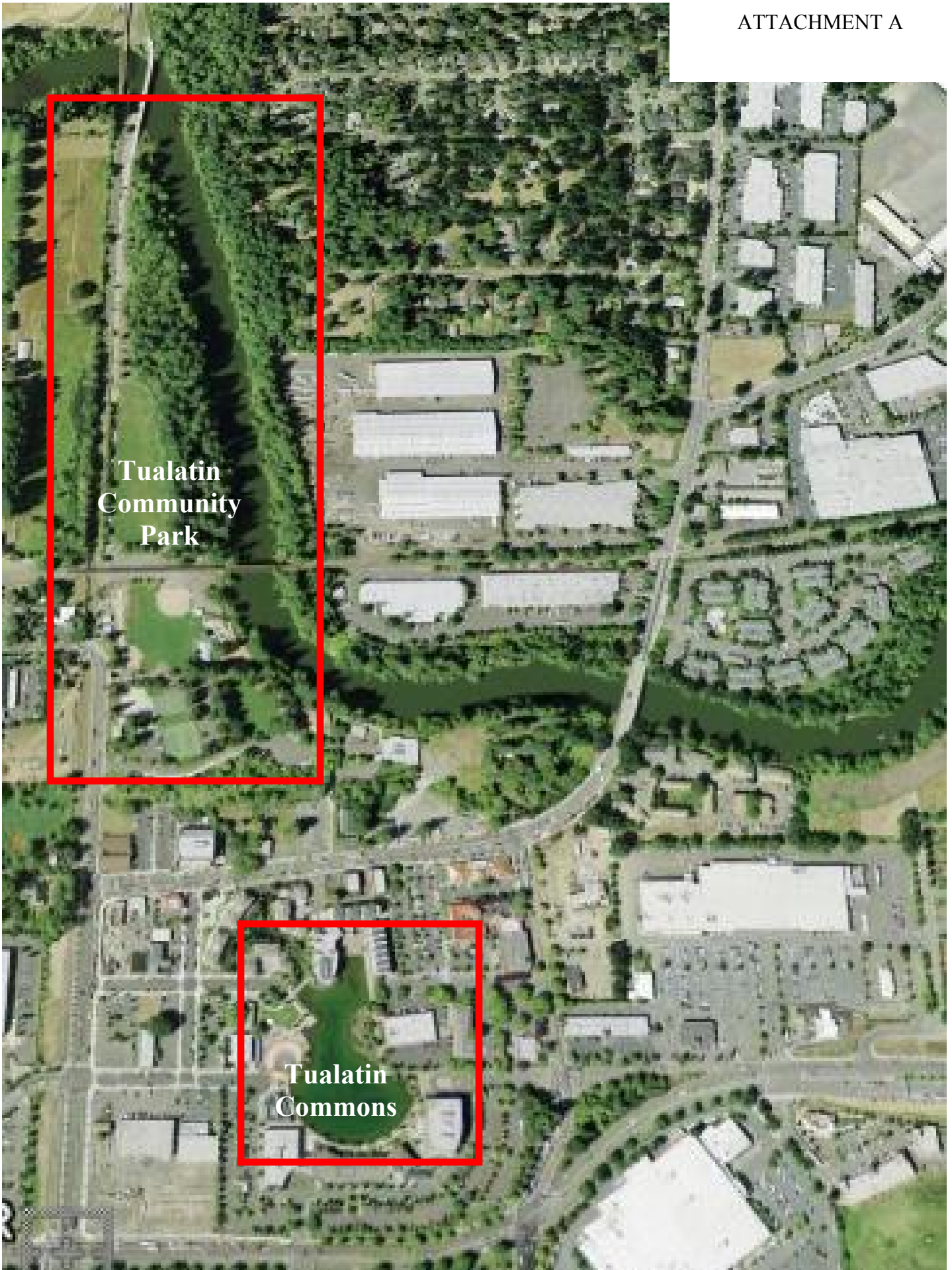
FINANCIAL IMPLICATIONS:

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

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

The Chamber of Commerce will be submitting a certification of insurance and providing indemnification for liability and property damage per the City's requirements.

Attachments: Attachment A
 Attachment B
 Attachment C
 Attachment D
 Attachment E






TUALATIN

Geographic Information System

**Central Urban
Renewal Area**

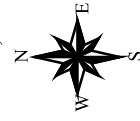
Core Area Parking
District 2001

Map 4

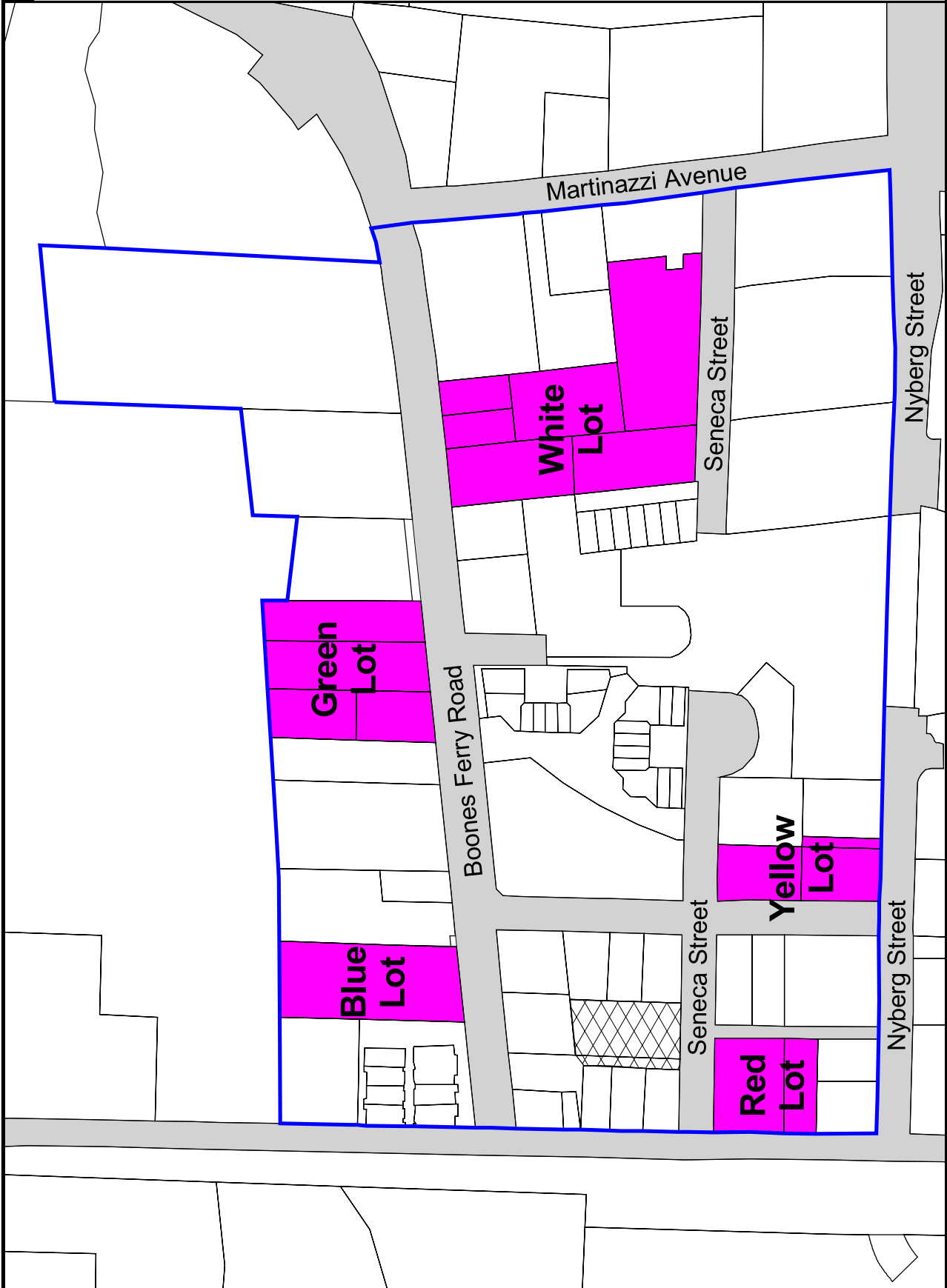
-  Core Area Parking District
-  Public Parking
-  Future Public Parking Lot

Tualatin Development
Commission

RF 1:2,500



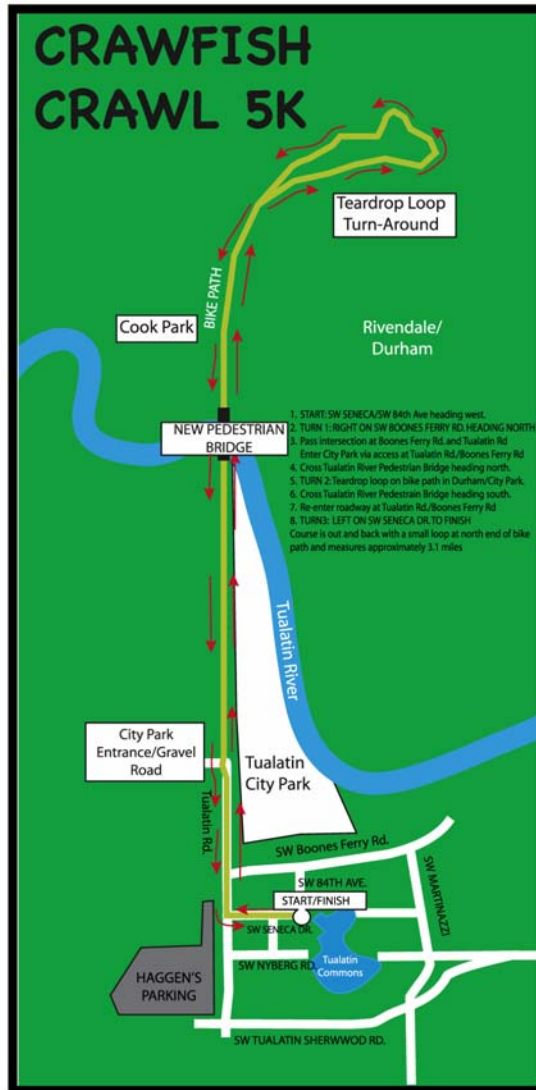
This map is derived from various digital database sources. The City of Tualatin assumes no responsibility or liability for any errors or omissions in the information. This map is for informational purposes only and does not constitute a legal document. Prepared 12/18/01



Parade Route



Crawfish Crawl Route



Street Closures:

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

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



Road closure on SW Seneca Street on Friday, August 9, 2013.

Residential driveway shall be unobstructed.

Crawfish Festival Signage

Huge Banner:

Tualatin City Park on tennis court

Big Banners:

1. Tualatin Country Club entrance on Tualatin Road

Red Banner:

City's sign board at corner of Tualatin Sherwood and Martinazzi

Large Sign:

1. Chain Link fence by Schuck's on Tualatin Sherwood Road

Signs With Dates:

1. SW 124th, left side of road (coming into town) – 2 sided
2. SW 124th, right side of road – 2 sided
3. Nyberg Woods Shopping Center, facing Nyberg R – 1 side
4. Meridian Park Hospital, facing 65th – 2 sided
5. Tualatin Elementary School, facing Boones Ferry Rd – 1 side
6. Tualatin High School, facing both ways – 2 sided
7. Median at Nyberg overpass (put at top of exit in divider, facing both ways) – 2 side
8. Kadel's Auto Body, facing Tualatin Sherwood Rd – 1 side
9. At Tualatin Chevron, facing Tualatin Sherwood Rd – 1 side
10. At Tualatin Community Park, facing Tualatin Rd – 1 side

Directional Signs With Arrows:

1. At city wall, arrow pointing to Tualatin Sherwood Road
2. Tualatin Road at the intersection of 124th, arrow pointing down Tualatin Road
3. Top of I-5 southbound, exit 289, arrow facing towards downtown
4. Top of I-5 northbound, exit 289, arrow facing towards downtown
5. Stoplight at Hayden's, arrow facing parking lot (Boones Ferry Road near railroad tracks & Schuck's, arrow facing north toward park. Use the Hayden's sign for this on Saturday)
6. At Durametal, arrow pointing toward park
7. At Bridgeport Rd/Upper Boones intersection (Peerless), arrow facing downtown
8. At Althea's, arrow facing park
9. At Police Station (put arrow facing park on it)
10. I-5 northbound just prior to exit 289
11. I-5 southbound just prior to exit 289

Pole Banners:

1. Placed on the poles on Boones Ferry Road

EVENTS

Overview of Friday Events:

Friday Night Event – Takes place at the Tualatin Commons in the plaza area. Concession style food will be available. Chefs will prepare a special crawfish dish in an Iron Chef format, which is then judged by our panel of experts. Our alcohol vendor will be selling beer & wine, and a band plays on the stage in the Plaza. Estimated attendance is 3,000. In 2013, we may need to use the vehicle turnaround at the north end of the event area for food service. We have cordoned this area off in the past, but haven’t utilized it for more than vehicle traffic.

Overview of Saturday Events:

Pancakes On The Plaza – Breakfast is served between 7:30am and 9:45am.

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

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

Children’s Activities – To be provided by Radio Disney this year.

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

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

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

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

Marketplace Vendors – The South Marketplace area is open from 10:00am to 6:00pm and consists of booths selling commercial and handmade items, as well as commercial and non-profit organizations handing out literature. This will include a vendor space for the City of Tualatin, traditionally used for a book sale.

Kids Art Show – A coloring contest that is distributed at various locations in Tualatin and displayed at the festival.

Teen Scene – To be deteremined but we hope to again feature a skateboard competition and a youth-focused dance performance on the basketball court.

Overview of Auxiliary Events that are coordinated by outside parties but in partnership with the festival:

Friday, August 9:
Kayak Rides – Kayak rides on the Lake of the Commons. The entrance/exit into the lake will be the northwest end, where the plaza juts out into the lake. (See Attachment E for exact placement). This will be an Auxiliary Event run by Tualatin Riverkeepers. All city rules and regulations regarding water usage of the lake will be complied with and insurance and hold harmless forms will be required.

TualaFest – A teen-focused event. Coordinated by the City of Tualatin.

Saturday, August 10:

Model Boat Show – A demonstration of battery powered, remote controlled boats in the lake.

Crawfish Crawl – The Crawfish Crawl is a 5K race/walk that starts and ends at the Tualatin Commons. A map of the race route is included as ATTACHMENT J. The race organizer will be make special effort to inform residents within the race boundaries of street closures with flyers, hung one week before event. Coordinated by Paula Harkin.

TENTATIVE 2013 CRAWFISH FESTIVAL OVERALL SCHEDULE

Do not reference this schedule for media or any planning purposes without confirming times

July

Hang banners/post signs around town to promote Festival

Thursday, August 8

9:00am

Mark vendor spaces in Community Park, set up fencing

Friday, August 9

6:00am

12:00pm

5:00pm

6:00pm

7:15pm

7:30pm

9:30pm

all day

Commons Plaza:
Set up staging/sound at plaza
Set up for food vendors
Cook-Off
Judging Food service begins
Beverage service begins
Cooking contest begins
Kayak rides begin (ends at 8:30pm) PENDING Teen Event begins (ends at 9:00pm) PENDING
Stage announcements begin
On-stage musical entertainment begins (ends at 10:00pm)
Food Court and beverage service close

Community Park:
Set-up: all sound & staging, vendors and auxiliary events

Saturday, August 10

6:30am

7:00am

7:30am

8:00am

10:00am

10:00am

11:00pm

11:30am

12:00pm

2:15pm

2:30pm

3:45pm

4:30pm

6:00pm

7:15pm

7:30pm

9:00pm

9:00pm

9:15pm

Set up for pancake breakfast at Commons Plaza
Parade check-in begins
Pancakes-on-the-Plaza Breakfast at Tualatin Commons Plaza (ends 9:45am)
Crawfish Crawl begins (ends 8:45am)
Parade begins (ends 11:00am)
Community Park officially opens
Atsa My Dawg Show begins (ends 1:30pm)
Crawdad Stage Entertainment begins (ends 6:00pm)
Main Stage Entertainment begins (ends 9:00pm)
Kids Eating contest near Crawdad stage
Adult Crawfish Eating contest near Crawdad stage
Kids Watermelon Eating Contest near Crawdad stage
Band on the main stage
Marketplace South vendor area and Crawdad Stage close
Talent Contest
Speeches/Birthday Song
Cake cutting by city staff and/or city volunteers
Band on the main stage
Fireworks
Marketplace North vendor area and Main Stage close
Community Park closes



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Don Hudson, Finance Director

DATE: 06/10/2013

SUBJECT: Consideration of Resolution No. 5147-13 Certifying City of Tualatin Municipal Services

ISSUE BEFORE THE COUNCIL:

To be eligible to receive state shared revenues (cigarette, liquor and highway taxes), the City must certify it provides four or more of certain municipal services.

RECOMMENDATION:

Staff recommends that the Council adopt the attached Resolution certifying City of Tualatin municipal services.

EXECUTIVE SUMMARY:

The State of Oregon requires that cities located in a county having more than 100,000 inhabitants according to the most recent decennial census, must provide four or more of certain municipal services to receive state shared revenues. Those services are: Police Protection; Fire Protection; Street Construction, Maintenance and Lighting; Sanitary Sewers; Storm Sewers; Planning, Zoning and Subdivision Control; and Water Utility Services. The City provides six of the seven listed municipal services (Fire Protection is provided by Tualatin Valley Fire & Rescue).

OUTCOMES OF DECISION:

If the Council approves the Resolution, the City will be eligible to receive state shared revenues. If the Council does not approve the Resolution, the City will not receive state shared revenues and we will need to reduce its expenditures or contingencies.

FINANCIAL IMPLICATIONS:

It is estimated, and budgeted, that the City will receive \$34,500 in Cigarette Taxes and \$374,300 in Liquor Taxes in the General Fund and \$1,495,370 in State Gas Taxes in the Road Operating/Gas Tax Fund.

Attachments: Resolution Certifying Municipal Services

RESOLUTION NO. _____

RESOLUTION CERTIFYING CITY OF TUALATIN MUNICIPAL SERVICES

Oregon Revised Statutes (ORS) 221.760 provides that the officer responsible for disbursing funds to cities under ORS 323.455, 366.785 to 366.820 and 471.805 shall, in the case of a city located within a county having more than 100,000 inhabitants according to the most recent federal decennial census, disburse such funds only if the city provides four or more of the following services:

1. Police Protection
2. Fire Protection
3. Street Construction, Maintenance and Lighting
4. Sanitary Sewers
5. Storm Sewers
6. Planning, Zoning and Subdivision Control
7. Water Utility Services; and

WHEREAS the City Officials recognize the desirability of assisting the State officer responsible for determining the eligibility of cities to receive such funds in accordance with ORS 221.760.

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

Section 1. The City of Tualatin hereby certifies that it provides the following four or more services enumerated in Section 1, ORS 221,760:

1. Police Protection
2. Street Construction, Maintenance and Lighting
3. Sanitary Sewers
4. Storm Sewers
5. Planning, Zoning and Subdivision Control
6. Water Utility Services.

INTRODUCED AND ADOPTED this 24th day of June, 2013.

CITY OF TUALATIN, OREGON

BY _____
Mayor

ATTEST:

BY _____
City Recorder

Resolution No. _____



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Don Hudson, Finance Director

DATE: 06/10/2013

SUBJECT: Consideration of Resolution No. 5148-13 Amending Water, Sewer and Surface Water Management Rates Inside the City of Tualatin and Rescinding Resolutions 4819-08 and 5101-12

ISSUE BEFORE THE COUNCIL:

The City Council will consider setting water, sewer and surface water management rates for service performed after June 30, 2013. The FY 13/14 Budget was prepared assuming the rates for service would be set as proposed, including the split between a Regional Rate, set by Clean Water Services (CWS), and a Local Rate, set by the City of Tualatin for sewer and surface water rates.

RECOMMENDATION:

Staff recommends adopting the attached Resolution.

EXECUTIVE SUMMARY:

Water rates within the City of Tualatin have not been adjusted since 2008. With the recent update of the Water Master Plan, it is necessary to raise the consumption rate from \$2.29 per 100 cubic ft (CCF) to \$2.39 per CCF. The facilities charge and service charge remain unchanged. Additionally, due to increases in meter costs to the city, meter installation charges are proposed to increase to cover the additional price of a water meter.

The monthly regional base sewer rate would increase from \$20.36 per Dwelling Unit (DU) to \$20.97/DU and the monthly regional use charge would increase from \$1.36 per Hundred Cubic Feet (CCF) to \$1.40/CCF. The local base rate and use charge would increase from \$4.66/DU to \$4.90/DU and from \$0.3140/CCF to \$0.3330/CCF, respectively. The Sewer System Development Charge would increase from \$4,665 per Dwelling Unit (DU) or Equivalent Dwelling Unit (EDU) to \$4,800/DU or EDU.

The monthly regional surface water management rate would increase from \$1.44 per Equivalent Service Unit (ESU) to \$1.56/ESU and the local rate would increase from \$4.20/ESU to \$4.30/ESU. There is no proposed change in the Surface Water Management System

Development Charge.

OUTCOMES OF DECISION:

Adoption of the attached resolution sets new rates effective July 1, 2013.

FINANCIAL IMPLICATIONS:

With the new rates, the average monthly Tualatin residential water, sewer and surface water management bill will increase from \$69.27 to \$71.61, an increase of \$2.34/month. For a more detailed look at an average utility bill, see the attached chart.

Attachments: Resolution Amending Water, Sewer and Surface Water Management Rates
 Attachment A-Sample Residential Utility Bill Detail

RESOLUTION NO. 5148-13

A RESOLUTION AMENDING WATER, SEWER AND SURFACE WATER
MANAGEMENT RATES INSIDE THE CITY OF TUALATIN AND
RESCINDING RESOLUTIONS 4819-08 AND 5101-12

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

Section 1. System Development Charges.

(a) The schedule for the Water System Development Charges as of
February 1, 2013 is as follows:

Meter Size	Meter Unit Equivalent	System Development Charge*
5/8" x 3/4"	1	\$ 3,397
1"	2.5	\$ 8,492
1 1/2"	5	\$ 16,981
2"	8	\$ 27,012
3"	15	\$ 54,339
4"	25	\$ 84,905
6"	50	\$ 169,806
8"	80	\$ 271,692
* The SDC payment for a single-family residence will be based on the meter size required for domestic water service and irrigation service. If a larger meter is required only for residential fire sprinkler service, the higher fee will not be charged.		

(b) On February 1st of each year, the Water SDC fees shall automatically increase. The amount of increase shall be the change in Engineering News Record (ENR) Construction Cost Index (CCI) for Seattle, WA. This increase will not require further action by the City Council.

(c) The schedule for the Sewer System Development Charges, per Equivalent Dwelling Unit (EDU), as of July 1, 2013 is as follows:

	System Development Charge
Regional Rate	\$ 4,608.82
Local Rate	\$ 191.18

(d) The Surface Water Management System Development Charge will remain at \$500 per Equivalent Service Unit (ESU).

Section 2. In Lieu Tax Payments. Where the City provides water service to properties outside of the City, which are not subject to bond taxes levied by the City for water system improvements, properties served by the City shall pay in lieu tax payment to the City as follows:

Annually within ninety (90) days after the true cash values are fixed by the tax assessing authority for those properties located outside of the City that are served by City water, the City will compute the "In Lieu Tax Payment" applying the City's tax rate for water system improvements for that year to the taxable value furnished to the City. Payment of the obligation of the "In Lieu Tax Payment" will be made to the City within thirty (30) days of the bill being presented from the City to the property receiving City water service.

Section 3. Service Line Installation Charges.

(a) Deposits for installation of new water service lines are as follows:

Meter Size	Installation on Near Side of Water Main	Installation on Far Side of Water Main
5/8" x 3/4"	\$2,500	\$4,000
1"	\$2,500	\$4,000
1½"	\$5,000	\$7,000
2"	\$5,000	\$7,000

(b) The City does not install any lines larger than 2" in diameter. The customer shall obtain a Public Works Permit from the City and have a private contractor install the service line to City standards for any service lines greater than 2" diameter.

(c) After the service line is installed and the actual cost of the labor and materials is known, the customer will be billed for any additional charges over the deposit amount, or the customer will be issued a refund for any amount over the actual costs.

Section 4. Meter Installation Charges.

- (a) Deposits for installation of new water service lines are as follows:

METER METHOD	
Meter Size (in inches)	Installation Charge
$\frac{5}{8}$ x $\frac{3}{4}$, Drop-in meter	\$140
$\frac{5}{8}$ x $\frac{3}{4}$, Service line & drop-in meter	Cost plus 15%
1, Drop-in meter	\$300
1, Service line & drop-in meter	Cost plus 15%
1½, Drop-in meter	\$540
1½, Service line & drop-in meter	Cost plus 15%
2, Drop-in meter	\$790
2, Service line & drop-in meter	Cost plus 15%
3, Service line & drop-in meter	Cost plus 15%
4, Service line & drop-in meter	Cost plus 15%
6, Service line & drop-in meter	Cost plus 15%
8, Service line & drop-in meter	Cost plus 15%
10, Service line & drop-in meter	Cost plus 15%
12, Service line & drop-in meter	Cost plus 15%

- (b) Prior to the Operations Department installing the requested meter, the customer will make a deposit to the City based on an estimate of the actual cost. When the job is completed the customer will pay the balance, or be given a refund of the amount of deposit not used.

Section 5. Monthly Rates.

- (a) The schedule of monthly water rates is amended as follows:

METER SIZE	FACILITIES CHARGE		SERVICE CHARGE	WATER CHARGE PER 100 CUBIC FT
	CLASS 1	CLASS 2		
$\frac{5}{8}$ " x $\frac{3}{4}$ "	\$ 3.50	\$ 3.50	\$ 3.40	\$2.39
1"	\$ 8.75	\$ 8.75	\$ 3.40	\$2.39
1½"	\$ 17.50	\$ 17.50	\$ 3.40	\$2.39
2"	\$ 28.00	\$ 28.00	\$ 3.40	\$2.39
3"	---	\$ 38.35	\$ 3.40	\$2.39
4"	---	\$ 65.70	\$ 3.40	\$2.39
6"	---	\$142.35	\$ 3.40	\$2.39
8"	---	\$273.75	\$ 3.40	\$2.39

The customer classes are:

- Class 1: All single-residential dwellings, duplexes and triplexes; and
Class 2: All other services not included in Class 1.

(b) The schedule of monthly sewer rates is amended as follows:

	BASE CHARGE (per Dwelling Unit, or EDU)	USE CHARGE Per CCF (hundred cubic feet), winter average
Regional Rate	\$ 20.97	\$ 1.4000
Local Rate	\$ 4.90	\$ 0.3330

(c) The schedule of monthly surface water management rates is amended as follows, per ESU:

	BASE CHARGE
Regional Rate	\$ 1.56
Local Rate	\$ 4.30

Section 6. Water Wheeling Agreements. The Council may enter into water wheeling agreements with other jurisdictions. These agreements will contain specific water rates and charges for each individual agreement.

Section 7. Charges for Fire Protection Service. The monthly charges for standby fire protection service are as follows:

Service Size	Rate
4"	\$13.50
6"	\$29.25
8"	\$56.25
10"	\$90.00

Section 8. Miscellaneous Charges. The following charges are imposed for service restoration, service termination and for account delinquencies:

(1) Restoration Charge.

(a) Where service has been terminated for delinquent bills or other violations, the charge for restoration of service shall be \$30.00.

(b) Water shall only be restored between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays.

(2) Emergency Shut-Off or Turn-On. When requested by a customer, the City will perform emergency shut-off or turn-on service for the following fee:

(a) Between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays - \$5.00.

(b) At any other time (subject to the availability of personnel) - \$10.00.

(3) Delinquency Notification Charge :

Whenever a utility account remains delinquent ten (10) days after the date of the mailed delinquent notice, a charge of \$10.00 may be assessed to the account to cover the costs of handling the delinquent account.

(4) Charge for restoring a meter that was removed by the City due to a violation of TMC 3-3-200:

When the City finds that one or more provisions of TMC 3-3-200 have been violated, the City may remove the meter and assess to the account a restoration charge of \$50.

Section 9. Hydrant and Bulk Water Usage Charges.

(a) The charge for the temporary use of hydrant meters, hydrant wrenches and valves, and temporary or bulk water is as follows:

ITEM	CHARGE
3" hydrant meter, wrench and valve deposit	\$700.00
¾" hydrant meter, wrench and valve deposit	\$250.00
Hydrant wrench and valve deposit permit fee	\$45.00
Bulk water permit fee	\$50.00 + water usage
Daily usage fee 3" hydrant meter	\$5.00
Daily usage fee ¾" hydrant meter	\$2.00
Water used (water charge per 100 cubic feet)	Current rate

(b) Water use from hydrant meters shall be for use within the city limits of Tualatin only.

(c) The bulk water permit will expire at the end of six months and the permit holder will be billed for the water used at the current rate per 100 cubic feet.

Section 10. Resolutions 4819-08 and 5101-12 are rescinded effective July 1, 2013.

Section 11. Effective Date. The effective date of this resolution is July 1, 2013, for service after June 30, 2013.

INTRODUCED AND ADOPTED this 10^h day of June 2013.

CITY OF TUALATIN, OREGON

BY _____
Mayor

ATTEST:

BY _____
City Recorder

An average **RESIDENTIAL** monthly utility bill would look like this:

Utility System	FY 11/12		FY 12/13		FY 13/14		Change
Water:							
- 5/8" x 3/4" meter - 8 CCF used - Rates set by City Council	Facilities Charge	\$ 3.50	Facilities Charge	\$ 3.50	Facilities Charge	\$ 3.50	\$ -
	Service Charge	\$ 3.40	Service Charge	\$ 3.40	Service Charge	\$ 3.40	\$ -
	Consumption Charge @ \$2.29/CCF	\$ 18.32	Consumption Charge @ \$2.29/CCF	\$ 18.32	Consumption Charge @ \$2.39/CCF	\$ 19.12	\$ 0.80
	Monthly Total	\$ 25.22	Monthly Total	\$ 25.22	Monthly Total	\$ 26.02	\$ 0.80
Sewer:							
- 1 Dwelling Unit (DU) - Winter average water consumption = 8 CCF - Clean Water Services sets Regional rates; Tualatin sets Local rates	Regional Base Charge @ \$19.65/DU	\$ 19.65	Regional Base Charge @ \$20.36/DU	\$ 20.36	Regional Base Charge @ \$20.97/DU	\$ 20.97	\$ 0.61
	Regional Use Charge @ \$1.31/CCF	\$ 10.48	Regional Use Charge @ \$1.36/CCF	\$ 10.88	Regional Use Charge @ \$1.40/CCF	\$ 11.20	\$ 0.32
	Local Base Charge @ \$4.443/EDU	\$ 4.44	Local Base Charge @ \$4.66/EDU	\$ 4.66	Local Base Charge @ \$4.90/EDU	\$ 4.90	\$ 0.24
	Local Use Charge @ \$0.2990/CCF	\$ 2.39	Local Use Charge @ \$0.3140/CCF	\$ 2.51	Local Use Charge @ \$0.333/CCF	\$ 2.66	\$ 0.15
	Monthly Total	\$ 36.96	Monthly Total	\$ 38.41	Monthly Total	\$ 39.73	\$ 1.32
Surface Water Management:							
- 1 Equivalent Surface Unit (ESU) = 2,640 Sq Ft = 1 house - Clean Water Services sets Regional rates; Tualatin sets Local rates	Regional SWM @ \$1.31/ESU	\$ 1.31	Regional SWM @ \$1.44/ESU	\$ 1.44	Regional SWM @ \$1.56/ESU	\$ 1.56	\$ 0.12
	Local SWM @ \$4.10/ESU	\$ 4.10	Local SWM @ \$4.20/ESU	\$ 4.20	Local SWM @ \$4.30/ESU	\$ 4.30	\$ 0.10
	Monthly Total	\$ 5.41	Monthly Total	\$ 5.64	Monthly Total	\$ 5.86	\$ 0.22
Road Maintenance:							
- Rates set by City Council - 1/7th goes to street light operation	Road Utility Fee @ \$1.42/house	\$ 1.42	Road Utility Fee @ \$1.42/house	\$ 1.42	Road Utility Fee @ \$1.42/house	\$ 1.42	\$ -
	Sidewalk/StreetTree Reverse Frontage	\$ 2.00	Sidewalk/StreetTree Reverse Frontage	\$ 2.50	Sidewalk/StreetTree Reverse Frontage	\$ 2.50	\$ -
	Monthly Total	\$ 3.42	Monthly Total	\$ 3.92	Monthly Total	\$ 3.92	\$ -
Net Change	\$ 71.01		\$ 73.19		\$ 75.53		\$ 2.34

- All new rates take effect on July 1



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Don Hudson, Finance Director

DATE: 06/10/2013

SUBJECT: Consideration of Resolution No. 5146-13 Declaring the City's Election to Receive State Revenue Sharing Funds During Fiscal Year 2013-14

ISSUE BEFORE THE COUNCIL:

Whether or not to receive State Revenue Sharing Funds.

RECOMMENDATION:

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

EXECUTIVE SUMMARY:

In order for the City to receive state shared revenues, the City must have levied property taxes in the prior fiscal year, pass a resolution approving participation in the program and hold two public hearings on the use of state revenue sharing funds. The first public hearing, before the budget committee, is to discuss possible uses of the funds. That public hearing was held on May 29, 2013. The second public hearing, before the City Council this evening, is to discuss the proposed uses of the funds.

The City is set to receive \$294,300 in State Revenue Sharing Funds in 2013-14. This amount is a portion of the Liquor Tax and is apportioned to cities based upon a calculation defined in Oregon Revised Statutes (ORS) 221.770 using factors such as adjusted population and state per capita income.

The City also receives allocations for another portion of Liquor Tax funds, as well as Cigarette and Gas Taxes, based upon a per capita distribution. These funds are governed under ORS 221.760. The law provides that cities located within a county having more than 100,000 inhabitants, must provide four or more municipal services (out of a list of seven types of services) to be eligible to receive these revenues. Council must pass a resolution stating that these services are provided (on this evening's Council Agenda), and are therefore not part of tonight's public hearing.

These revenues are not restricted by the State and are therefore used as a General Fund revenue source.

OUTCOMES OF DECISION:

If the Council approves the Resolution, the City will be eligible to receive state shared revenues. If the Council does not approve the Resolution, the City will not receive state shared revenues and will need to reduce its expenditures or contingencies.

FINANCIAL IMPLICATIONS:

The City has budgeted \$294,300 of state shared revenues in the General Fund for general city operations in Fiscal Year 2013-2014.

Attachments: State Revenue Sharing Resolution

RESOLUTION NO. 5146-13

A RESOLUTION DECLARING THE CITY'S ELECTION TO RECEIVE STATE
REVENUE SHARING FUNDS DURING THE 2013-14 FISCAL YEAR

WHEREAS Oregon Revised Statutes (ORS) 221.770 requires that the City Council pass a resolution declaring the City's election to receive State Revenue Sharing funds; and

WHEREAS the 2013-14 budget for the City of Tualatin contains State Shared Revenues as a resource in the budget year beginning July 1, 2013; and

WHEREAS the Budget Advisory Committee held a public hearing to discuss the possible uses of state revenue sharing funds on May 29, 2013 and the City Council held a public hearing on June 10, 2013 to discuss the proposed use of the funds for Fiscal Year 2013-14.

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

Section 1. Pursuant to ORS 221.770, the City hereby elects to receive State Revenue Sharing Funds for Fiscal Year 2013-14.

INTRODUCED AND ADOPTED this 10th day of June, 2013.

APPROVED AS TO FORM

CITY OF TUALATIN, OREGON

BY _____
City Attorney

BY _____
Mayor

ATTEST:

BY _____
City Recorder



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Sean Brady, City Attorney

DATE: 06/10/2013

SUBJECT: Consideration of Ordinance No. 1356-13 Relating to the Towing of Vehicles from Private Property

ISSUE BEFORE THE COUNCIL:

Considering Ordinance No. 1356-13 Relating to the Towing of Vehicles from Private Property

RECOMMENDATION:

Staff requests that the Council review the ordinance and provide direction.

EXECUTIVE SUMMARY:

The ordinance proposes to regulate towing activities occurring at private parking facilities. The ordinance has several components. First, tow companies are required to register with the City and furnish their contact information. Second, the ordinance requires owners of private parking facilities to prominently display warnings and information to motorists of towing restrictions and how to retrieve vehicles towed from private property facilities. Additionally, the ordinance regulates the manner in which tows are performed. This includes prohibiting predatory towing practices, requiring tow companies to provide notice to the City's Police Department of vehicles towed and their location, as well as a ten mile limit on the distance a vehicle may be stored after being towed. The ordinance also requires a vehicle to be released at the scene if the owner arrives at the vehicle before the tow is complete. Finally, the ordinance caps the rates a tow company may charge for each tow, as well as the rates charged for storage of the vehicle.

The ordinance is in response to a series of work sessions conducted by the City Council on the topic. At the work session on February 11, 2013, City Council directed staff to modify the draft ordinance to include regulations prohibiting predatory towing, a limit on the distance a vehicle may be stored after being towed from the City limits, and a cap on the amount a tow company may charge for tows. The City Council also directed staff to seek input from tow companies. Staff sent a letter (Attachment A) to the following tow companies outlining the regulations being considered:

- Sergeants Towing
- Titan Towing
- 21st Century Towing

- Retriever Towing
- Fox Towing
- Allied Recovery
- Pacific Asset Recovery
- Superior Towing
- Autohaus
- Safeguard
- Relentless Recovery
- American Lenders
- Newhouse & Hutchings Towing
- Chase Recovery, LLC
- Western International Recovery Bureau

The City received one response to that letter (Attachment B).

Attachments: Ordinance 1356-13
 A. Attachment A - Example Tow Ordinance Letter
 B. Attachment B - Response from Sergeants Towing

ORDINANCE NO. 1356-13

AN ORDINANCE RELATING TO TOWING FROM PRIVATE PROPERTY; AND
ADDING CHAPTER 8-5 TO THE TUALATIN MUNICIPAL CODE

WHEREAS, the towing of vehicles from private property implicates the safety and welfare of the general public;

WHEREAS, the City of Tualatin has a significant governmental interest in protecting the health, safety, and welfare of the general public and preserving the public order; and

WHEREAS, the City Council desires to minimize and control the harmful and adverse affects that occur during the towing of motor vehicles from private property;

NOW THEREFORE, THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. Chapter 8-5 is added to the Tualatin Municipal Code to read as follows:

8-5-005 Purpose.

The purpose of this chapter is to ensure that towing vehicles from private property facilities is performed safely, require private parking facilities to provide adequate notice of prohibited parking areas, and ensure those whose vehicles have been towed can gain knowledge of their vehicle's location. The provisions of this Chapter shall be construed in conformity with the laws and regulations of the State of Oregon regarding towing from private property. Nothing in this section creates or intended to create a special relationship, as that term is defined under Oregon law, between any person and the City.

8-5-010 Administrative Authority.

The City Manager or the City Manager's designee is authorized to prescribe administrative rules and policies to implement the requirements of this chapter.

8-5-020 Definitions

(1) "Private parking facility" means any property used for motor vehicle parking at which the property owner or manager restricts or reserves parking.

(2) "Private parking facility owner" means the owner, operator, lessee, manager, or designated agent of a private parking facility.

(3) "Storage facility" means any property used for the storage of motor vehicles towed from a private parking facility.

(4) "Tow" means to haul, carry, pull along, or otherwise transport or remove a motor vehicle by means of another vehicle.

ORDINANCE NO. 1356-13

(5) "Tow company" means any person, firm, corporation, or other entity that engages in, or owns or operates a business which engages in, the towing or removal of motor vehicles for compensation.

(6) "Vehicle owner" means the person registered with the Department of Motor Vehicles as the owner of the vehicle, or a person in lawful possession of the vehicle.

8-5-030 Registration of Tow Companies.

No tow company shall tow, cause to be towed, or store a motor vehicle towed from a private parking facility within the City of Tualatin until the tow company provides the City of Tualatin with the following information:

- (1) The legal business name, address, telephone number and fax number;
- (2) A list of all tow trucks used for tows from private property;
- (3) Addresses of all storage facilities utilized by the tow company to store vehicles towed from within the City of Tualatin;
- (4) A 24-hour contact telephone number;
- (5) The names of all owners; and
- (6) Other information the City Manager determines is necessary to carry out the requirements of this Chapter.

8-5-040 Towing Vehicles from Private Parking Facilities.

(1) No tow company may, without the vehicle owner's consent, tow, cause to be towed, or store a motor vehicle towed from a private parking facility unless:

- (a) The tow company has express written authorization from the private parking facility owner to tow vehicles from the private parking facility;
- (b) The private parking facility contains at least one sign at each entryway that prominently displays the following information:
 - (i) A statement that parking is prohibited, reserved, or otherwise restricted;
 - (ii) A statement of the hours the prohibition, reservation, or restriction applies;
 - (iii) The name of the tow company or companies that services the private parking facility; and
 - (iv) A 24-hour telephone number of the tow company or companies

ORDINANCE NO. 1356-13

to call to obtain release of a vehicle towed.

(c) If a private parking facility serves multiple businesses and restricts or reserves parking spaces for each business, each parking space must be clearly marked to indicate which spaces are restricted or reserved for each business;

(d) The tow company photographs the vehicle to be towed and signs posted prior to hookup; and

(e) The tow company complies with all requirements of this chapter and all administrative rules and policies.

(2) It is unlawful for any tow company to do any of the following:

(a) Park within 1,000 feet of a private parking facility for the purpose of monitoring vehicles to tow;

(b) Post an observer at or near a private parking facility for the purpose of monitoring or ordering the towing of vehicles; and

(c) Patrol a private parking facility for the purpose of monitoring vehicles to tow.

8-5-050 Tow Requirements.

Tow companies must comply with the following requirements:

(1) Perform tows in a safe and reasonable manner and not damage any person or property while towing or storing vehicles.

(2) Fully cooperate with any police agency to facilitate processing of stolen vehicles;

(3) Provide to the person seeking release of a towed vehicle a clearly legible receipt complete with all required information and with all fees and charges itemized;

(4) Be considered to be in possession of a vehicle when the hookup is complete and the tow truck has begun towing the vehicle by engaging the tow truck's transmission and moving forward;

(5) Offer to call for, or provide transportation to, the vehicle owner from within the immediate vicinity of the tow scene to the location of the towed vehicle storage;

(6) Have staff available at all times to provide information about the location of the towed vehicle and the information for obtaining a release of the towed vehicle;

ORDINANCE NO. 1356-13

(7) Accept as proof of ownership vehicle title or registration in addition to valid photo-identification of the person seeking the release;

(8) Accept at least cash or valid credit card for payment for any fees or charges assessed;

(9) Notify the City of Tualatin Police Department within one hour of the vehicle being placed in storage the location of a vehicle towed from the City of Tualatin; and

(10) Exercise reasonable care of any animal found to be in a towed vehicle.

8-5-060 Storage of Towed Vehicles.

No tow company may store a vehicle towed from a private parking facility within the City of Tualatin at a storage facility located more than ten miles from the city limits of the City of Tualatin.

8-5-070 Release at Scene.

(1) If a vehicle owner returns to the vehicle while the tow company is still attaching equipment to the vehicle, or the vehicle is fully attached, but the tow driver has not yet engaged the tow truck's transmission to begin removing the vehicle, the tow company shall release the vehicle to the vehicle owner or operator at no charge.

(2) If the vehicle owner stops the tow company when the hookup is complete and the tow truck is in motion with the vehicle, the tow company shall immediately halt the tow and inform the vehicle owner that:

(a) the vehicle may be released if the vehicle owner pays to the tow company the Release at Scene Fee;

(b) the amount of the Release at Scene Fee; and

(c) the vehicle owner has up to 15 minutes, without additional charge, to provide payment of the Release at Scene Fee.

(3) If a tow company complies with subsection (2) of this section and the vehicle owner fails to provide payment within 15 minutes, the tow company may proceed to tow the vehicle to the storage facility.

8-5-080 Towing and Storage Rates.

A tow company may not charge more than the following amounts for vehicles towed from private property:

(1) "After Hours Release Fee" of \$25.00, for release of the vehicle between the hours of 6:00 p.m. and 8:00 a.m., Monday through Friday; and all hours on Saturday, Sunday, and City recognized holidays.

ORDINANCE NO. 1356-13

(2) "Hookup Fee" of no more than \$175.00, which includes hookup, dollies, driveline or axle pull, 30 minutes of on-scene time, tower's dispatch, and photo fees.

(3) "Mileage Fee" of no more than \$4.50 per towed mile, up to a maximum of ten miles.

(4) "Release at Scene Fee" of no more \$175.00, which includes the Hookup Fee.

(5) Storage Fee per 24 hour period from completion of the tow of no more than:

(a) \$25.00 per day; or

(b) \$35.00 per day for vehicles over 20 feet long.

8-5-090 Violation is Civil Infraction.

A tow company that violates or refuses to comply with this chapter commits a civil infraction and shall be subject to a fine of up to \$500. Each violation, and each day that a violation continues, constitutes a separate civil infraction.

Section 2. Severability. If any part of this ordinance is held invalid by a court of competent jurisdiction the remainder of this ordinance shall remain in full force and effect.

INTRODUCED AND ADOPTED this 10th Day of June, 2013.

APPROVED AS TO LEGAL FORM

CITY OF TUALATIN, OREGON

BY _____
CITY ATTORNEY

BY _____
Mayor

ATTEST:

BY _____
City Recorder



City of Tualatin

www.tualatinoregon.gov

February 28, 2013

Titan Towing
15280 SW 75th Ave.
Tigard, OR 97223

RE: Proposed Tow Ordinance

The City of Tualatin is considering enacting an ordinance to address nonconsensual towing practices within the City of Tualatin. Among the items under consideration is a restriction on the maximum distance a vehicle may be towed from the City of Tualatin. The City is considering a 10 mile or 15 mile distance restriction for any vehicle towed from private property without the vehicle owner's consent. The City is also considering limiting the amount of money a towing company can charge for nonconsensual tows, similar to the monetary restrictions enacted by the City of Portland and City of Fairview. Other terms of the draft ordinance are similar to requirements already provided in state law.

As a towing company doing business within the City of Tualatin, the City is interested in your comments about the ordinance. In particular, how the distance restrictions may impact your business.

For additional information, you can view the City of Tualatin City Council work session presentation, draft ordinance, and meeting minutes, as well as listen to audio of the work session at <http://www.tualatinoregon.gov/citycouncil/city-council-work-session-meeting-note-start-time-530pm>.

Please respond with your comments no later than March 14, 2013 to Linda Odermott, Paralegal, at lodermott@ci.tualatin.or.us.

Sincerely,

A handwritten signature in blue ink, appearing to read "S-T Brady".

Sean T. Brady
City Attorney