



City of Tualatin

TUALATIN CITY COUNCIL

Monday, October 28, 2013

CITY COUNCIL CHAMBERS
18880 SW Martinazzi Avenue
Tualatin, OR 97062

WORK SESSION- Cancelled
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 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 OCTOBER 28, 2013

A. CALL TO ORDER

Pledge of Allegiance

B. ANNOUNCEMENTS

1. Juanita Pohl Center Program Update
2. Proclamation Declaring October 23-31, 2013 Red Ribbon Week in the City of Tualatin

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 Meeting of October 14, 2013
2. Recommendations from the Council Committee on Advisory Appointments
3. Consideration of **Resolution No. 5174-13** Authorizing Changes to the Adopted 2013-2014 Budget

E. SPECIAL REPORTS

1. Metro Projects Update by Metro Councilor Craig Dirksen

F. GENERAL BUSINESS

1. Consideration of **Ordinance No. 1356-13** Relating to the Towing of Vehicles from Private Property; And Adding Chapter 8-5 to the Tualatin Municipal Code

G. 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.

H. COMMUNICATIONS FROM COUNCILORS

I. ADJOURNMENT

City Council Meeting

B. 1.

Meeting Date: 10/28/2013

ANNOUNCEMENTS: Juanita Pohl Center Program Update

ANNOUNCEMENTS

Juanita Pohl Center Program Update

SUMMARY

Council will be presented with an update on the programs and activities at the Juanita Pohl Center.

Attachments

Juanita Pohl Center Program Update - October 2013



Juanita Pohl Center

Council Update October 28, 2013



Center Highlights

- Over 37,000 visits in Fiscal Year 2012-2013
- Certified Age Friendly facility
- 10 ongoing weekly fitness classes
- Day trips, cooking classes, special events, massage and foot care services, health seminars
- JPC Advisory Committee formed



Special Events

- Oktoberfest
- Social dances
- Veterans' Recognition Breakfast
- Rock N' Roll & Jazz Parties



Upcoming Programs & Events

- Additional fitness classes (cardio, balance)
- Estate planning & elder law seminars
- Valentine Dinner Dance
- 2nd Annual Veterans' Recognition Breakfast
- Holiday afternoon concert



Juanita Pohl Center Partners

- Meals on Wheels People
- Portland Community College
- Legacy Meridian Park Medical Center
- Providence Medical Group Bridgeport
- Elders in Action
- Oregon Research Institute
- Haggen Food & Pharmacy



Meals on Wheels People

- 30+ years relationship with City of Tualatin
- 750 meals per month onsite
- 525 meals per month served via home delivery
- 8,400 volunteer hours in past year



City Council Meeting

B. 2.

Meeting Date: 10/28/2013

ANNOUNCEMENTS: Proclamation Declaring October 23-31, 2013 Red Ribbon Week in the City of Tualatin

ANNOUNCEMENTS

Proclamation Declaring October 23-31, 2013 Red Ribbon Week in the City of Tualatin

Attachments

Proclamation

Proclamation

Proclamation Declaring October 23-31, 2013 Red Ribbon Week in the City of Tualatin

WHEREAS, Alcohol and other drug abuse in this nation has reached epidemic stages; and

WHEREAS, It is imperative that visible, unified prevention education efforts by community members be launched to eliminate the demand for drugs; and

WHEREAS, National Family Partnership (NFP) is sponsoring the Nation Red Ribbon Campaign offering citizens the opportunity to demonstrate their commitment to drug-free lifestyles; and

WHEREAS, The National Red Ribbon Campaign will be celebrated during "Red Ribbon Week" < October 23-31; and

WHEREAS, Business, government, parents, law enforcement, media, medical, religious institutions, schools, seniors, service organizations and youth will demonstrate their commitment to healthy, drug-free lifestyles by wearing and displaying Red Ribbons during this week long campaign.

NOW THEREFORE BE IT RESOLVED, that the City of Tualatin does hereby proclaim October 23-31, 2013 as Red Ribbon Week and encourages its citizens to participate in drug prevention education activities, making a visible statement that we are strongly committed to a drug-free community.

INTRODUCED AND ADOPTED this 28th day of October, 2013.

CITY OF TUALATIN, OREGON

BY _____
Mayor

ATTEST:

BY _____
City Recorder



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Nicole Morris, Deputy City Recorder

DATE: 10/28/2013

SUBJECT: Consideration of Approval of the Minutes for the City Council Work Session and Meeting of October 14, 2013

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve the minutes for the City Council Work Session and Meeting of October 14, 2013

RECOMMENDATION:

Staff respectfully recommends that the Council adopt the attached minutes.

Attachments: [City Council Work Session Minutes of October 14, 2012](#)
[City Council Meeting Minutes of October 14, 2013](#)



OFFICIAL MINUTES OF TUALATIN CITY COUNCIL WORK SESSION FOR OCTOBER 14, 2013

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

Absent: Mayor Lou Ogden; Councilor Wade Brooksby

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; Management Analyst Ben Bryant; Public Works Director Jerry Postema

CALL TO ORDER

Council President Beikman called the meeting to order at 5:30 p.m.

1. ***TriMet's Service Enhancement Study Overview.***

Assistant City Manager Alice Rouyer and Management Analyst Ben Bryant introduced TriMet's Senior Planner Tom Mills to present TriMet's Service Enhancement Study. Planner Mills briefed the Council on the SW Corridor Enhancement Study covering their approach to identify short-term and long-term improvements to the local transit system. Existing service areas were highlighted and the study area was defined from Scholls Ferry Road to the Willamette River. Planner Mills outlined the process noting that they are currently in the public outreach and data collection phase. He also noted that some of the early implementation steps TriMet will take included restoring existing services and this can be expected as early as March 2014.

Council President Beikman would like to see TriMet take the Linking Tualatin Plan into consideration when working on the enhancement study as it speaks to the needs of Tualatin.

Councilor Davis asked how long it will take to see all of the items from this study implemented. Planner Mills stated that the timelines are set at 10 years but short-term improvements will be put into place every year.

Planner Mills will come back to Council this winter once common themes have been identified and the next phase begins.

2. ***Preparation for Joint Council Meeting with Wilsonville.***

Assistant City Manager Alice Rouyer, Planning Manager Aquilla Hurd-Ravich and Management Analyst Ben Bryant presented information for the joint meeting with Wilsonville regarding the Basalt Creek Concept Planning. Analyst Bryant gave background on previous joint meetings where questions were asked such as: What are the big issues facing your city? What are the opportunities you see in the south metro region? And, what do you want to see accomplished for the Basalt Creek and planning areas?

Planning Manger Hurd-Ravich briefed the Council on the questions that will be asked at the roundtable discussion and stated the purpose for tonight's discussion is to develop common goals.

City Manager Lombos asked for clarification for the Council on what they could expect to see come from this concept plan.

Planning Manager Hurd-Ravich stated this document helps to meet requirements in regards to identifying land uses and infrastructure. The primary goal for this document is to help establish jurisdictional boundaries.

Councilor Bubenik asked how the land could possibly be divided.

City Manager Lombos stated that it is best to allow the concept plan process to take place as more data will come from this, and then determine the boundaries for governance.

Councilor Truax, Beikman, and Grimes agreed that it is important to protect the southern border of Tualatin during this process.

3. *Centennial Celebration Update.*

Community Services Director Paul Hennon and Parks and Recreation Manager Carl Switzer presented information regarding the Centennial Time Capsule. Manager Switzer shared the time capsule hardware. He noted that it is a stainless steel box that will be welded shut and placed in a concrete utility box. A plaque will accompany the capsule. The capsule will be placed near the Tualatin Heritage Center at the Sweek Pond Natural Area along the shared path that is part of the Ice Age Tonquin Trail. It is planned that the capsule will be unearthed in 2063. The Centennial Planning Committee met and made recommendations for items to be placed in the capsule.

Council consensus was to proceed with the proposed plaque language and items to be placed in the capsule as recommended. It was decided that the burial ceremony for the capsule would be held on December 19.

Manager Switzer announced upcoming centennial celebration events including the Tualatin Centennial Dinner and Dance on October 26, Centennial Symphony Concert on November 3, and Starry Nights and Holiday Lights on December 6.

4. *Tualatin Tomorrow Vision Update.*

Deputy City Manager Sara Singer and Tualatin Tomorrow Advisory Committee Chair Candice Kelly presented the Tualatin Tomorrow Vision Plan Update. Manager Singer summarized the vision plan update and the project approach. Step one consisted of gathering community ideas. Nearly 1,000 suggestions for Tualatin's future were gathered. The update is currently in step two consisting of action planning. Four teams have been established consisting of community volunteers and leaders, and the teams have begun meeting to discuss action items. Over 100 potential action items have been developed and major themes include a sense of community, mobility, education, economy, and sustainability. The second round of meetings will begin on Monday, October 21.

5. Council Meeting Agenda Review, Communications & Roundtable.

None.

ADJOURNMENT

The work session adjourned at 6:46 p.m.

Sherilyn Lombos, City Manager

_____ / Nicole Morris, Recording Secretary

_____ / Monique Beikman, Council President



OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR OCTOBER 14, 2013

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

Absent: Mayor Lou Ogden; Councilor Wade Brooksby

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; Teen Program Specialist Julie Ludemann; Management Analyst Ben Bryant; Accounting Supervisor Matthew Warner; Public Works Director Jerry Postema

A. CALL TO ORDER

Pledge of Allegiance

Council President Beikman called the meeting to order at 7:00 p.m.

B. ANNOUNCEMENTS

1. Introduction of Arianni Kai'anne Moreno – Tualatin's Centennial Baby

Parks and Recreation Manager Carl Switzer introduced Arianni Kai'anne Moreno the Centennial Baby and her family. Baby Arianni was the 100th baby born in Tualatin to a Tualatin family. She was born September 1st at Legacy Meridian Park Hospital. A plaque was presented to the family by Council President Beikman.

2. Tualatin Youth Advisory Council update for October 2013

Members of the Youth Advisory Committee (YAC) presented a PowerPoint on their latest activities and upcoming events. They invited everyone to attend the Pumpkin Regatta this Saturday, October 19, from 10am-4pm. YAC will be providing concessions sponsored by Whole Foods at the event. The Pumpkin Regatta fundraising proceeds will go to help send senior members to the National League of Cities (NLC) conference. YAC will be holding a Haunted House October 23-26 and this year's theme will be phobias. YAC members thanked Mayor Ogden for his support with fundraising efforts to send members to the NLC conference in November.

3. Announcing the 10th Annual West Coast Giant Pumpkin Regatta

Parks and Recreation Manager Carl Switzer and Recreation Program Specialist Heidi Marx announced the 10th Annual West Coast Giant Pumpkin Regatta. They welcomed everyone to the event this Saturday, October 19, at the Lake at the Tualatin Commons, from 10:00am-4:00pm. This will be a family friendly event with activities for everyone.

4. Proclamation Declaring the Month of October 2013 as "Community Planning Month" in the City of Tualatin

Councilor Davis stated Community Development helps guide how our community grows and develops. Some of the recent examples of Community Development projects include the Transportation System Plan, Linking Tualatin, and the Nyberg Rivers Master Plan. She noted that community planning gives us choices of where we want to live, how we want to commute, the type of housing we live in, and where we play and spend our leisure time.

Councilor Davis read the proclamation declaring October 2013 as Community Planning Month.

Councilor Davis thanked the staff in the Community Development department for all the work they do.

5. New Employee Introduction: Corina Rice, Office Assistant II-Finance and Michele Hodney, Accounting Technician- Finance

Finance Director Don Hudson introduced Corina Rice, Office Assistant II-Finance and Michele Hodney, Accounting Technician- Finance. The City Council welcomed them.

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.

Linda Moholt, Tualatin Chamber of Commerce, invited everyone to participate in this year's Regatta Run to be held Saturday, October 19. She also briefed the Council on the Tualatin Shuttle. The Chamber received a grant that funded two additional vans and extended peak hour service. The new services have been well received by the community.

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.

MOTION by Councilor Nancy Grimes, SECONDED by Councilor Frank Bubenik to approve the consent agenda.

Vote: 5 - 0 MOTION CARRIED

1. Consideration of Approval of the Minutes for the Special City Council Work Session of September 16 and the City Council Meeting of September 23, 2013
2. Intergovernmental Agreement Between the Tigard-Tualatin School District and the City of Tualatin for the School Resource Officer Program
3. Consideration of **Resolution No. 5168-13** Acknowledging the Southwest Corridor Plan and Shared Investment Strategy
4. Consideration of **Resolution No. 5173-13** Authorizing the City Manager to Sign a Contract for Financial Software with Springbrook Software, Inc.

E. SPECIAL REPORTS

F. PUBLIC HEARINGS – *Legislative or Other*

G. PUBLIC HEARINGS – *Quasi-Judicial*

H. GENERAL BUSINESS

1. Consideration of **Ordinance 1361-13** Relating to Noise; Adding Chapter 6-14 to the Tualatin Municipal Code; and Amending Tualatin Municipal Code 6-1-210

City Attorney Sean Brady stated that a work session was held on June 24, 2013 following the City receiving several complaints regarding this ordinance. At the work session, City Council directed staff to prepare an amendment to the noise ordinance. The new noise ordinance draft provides four main elements including a general prohibition on noise disturbances, a separate prohibition against exceeding a decibel level, treats certain common noise activities as either violations or exempt from the noise ordinance, and provides a variance process.

Citizen Comment

Paul Wheatcraft expressed appreciation for the work that was done on this ordinance. He believes that its a excellent tools that will help Tualatin remain an excellent place for all citizens to live.

David Allcroft and Steve Kobor concurred with Mr. Wheatcraft.

MOTION by Councilor Joelle Davis, SECONDED by Councilor Frank Bubenik for first reading by title only.

Vote: 5 - 0 MOTION CARRIED

MOTION by Councilor Nancy Grimes, SECONDED by Councilor Frank Bubenik for second reading by title only.

Vote: 5 - 0 MOTION CARRIED

MOTION by Councilor Nancy Grimes, SECONDED by Councilor Joelle Davis to adopt Ordinance 1361-13 relating to noise; adding Chapter 6-14 to the Tualatin Municipal Code; and amending Tualatin Municipal Code 6-1-210.

Vote: 5 - 0 MOTION CARRIED

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

Councilor Davis reminded everyone that the Pumpkin Regatta costume contest starts at 11:00 a.m., Saturday, October 19. She encouraged everyone to participate.

K. ADJOURNMENT

Council President Beikman adjourned the meeting at 7:32 p.m.

Sherilyn Lombos, City Manager

_____ / Nicole Morris, Recording Secretary

_____ / Monique Beikman, Council President



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Nicole Morris, Deputy City Recorder

DATE: 10/28/2013

SUBJECT: Recommendations from the Council Committee on Advisory Appointments

ISSUE BEFORE THE COUNCIL:

Consideration of re-appointments to the Tualatin Planning Commission and Architectural Review Board, and new appointment to the Tualatin Library Advisory Board and Tualatin Arts Advisory Committee.

RECOMMENDATION:

Staff recommends the City Council approve the recommendations from the Council Committee on Advisory Appointments (CCAA) and appoint the below listed individuals.

EXECUTIVE SUMMARY:

The Council Committee on Advisory Appointments met and interviewed citizens interested in participating on City advisory committees and boards. The Committee recommends appointing and reappointing the following individuals:

<i>Individuals</i>	<i>Board</i>	<i>Term</i>
Terry Novak	Architectural Review Board	Reappointment Term Expiring 6/30/17
William Beers	Tualatin Planning Commission	Reappointment Term Expiring 8/30/16
Reem Alkattan	Tualatin Library Advisory Board-Student Position	Appointment Term Expiring 10/31/14
Kristen Erickson	Tualatin Arts Advisory Committee	Partial Term Expiring 3/31/14

Attachments:



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Don Hudson, Finance Director

DATE: 10/28/2013

SUBJECT: Consideration of **Resolution No. 5174-13** Authorizing Changes to the Adopted 2013-2014 Budget

ISSUE BEFORE THE COUNCIL:

Whether or not to approve changes to the adopted 2013-2014 budget.

RECOMMENDATION:

Staff recommends adopting the attached resolution.

EXECUTIVE SUMMARY:

Occasionally, it becomes necessary after the budget is adopted to increase the total expenditures of a fund. Oregon Revised Statutes (ORS) 294.471, allows for an increase under certain circumstances. One such circumstance is for an occurrence or condition, which had not been ascertained at the time of the preparation of the budget.

The first three items on the attached Exhibit are contingency transfers to cover additional costs related to water reservoir projects, the emergency intertie with Tualatin Valley Water District and the Willamette River supply study in the Water Fund, and storm drain and sidewalk costs on the Martinazzi Avenue Project in the Storm Drain and Gas Tax Funds. There is sufficient contingency available in all three funds to cover the additional costs of the projects.

A second appropriation transfer covers the change in our PERS contribution rate, due to the changes passed as part of SB822 in the 2013 regular legislative session. When the FY 2013-2014 budget was put together, we anticipated an increase in our PERS rates that were passed by the PERS Board late in 2012. The effects of SB822 reduced our contribution rate, but we did not have that information in time to adjust the budget. With the potential for rates to increase beginning in FY 2015-2016, it is prudent to put this money into our PERS Reserve. The attached resolution transfers that portion of the pension appropriation from the budget line items into the reserve appropriation.

RESOLUTION NO. 5174-13

RESOLUTION AUTHORIZING CHANGES TO THE ADOPTED 2013 - 2014 BUDGET

WHEREAS after the budget process for the 2013-2014 fiscal year was completed, an occurrence or condition arose that could not have been ascertained at the time of the budget preparation; and

WHEREAS in order to lawfully comply with the requirements of Local Budget Law, increases in budgeted resources and requirements are necessary; and

WHEREAS Oregon Revised Statutes (ORS) 294.471 allows for the preparation and adoption of a supplemental budget.

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

Section 1. The City Council wishes to comply with Local Budget Law, and authorize spending of additional resources; and

Section 2. Increased resources and requirements should be made as detailed in Exhibit A to this Resolution.

INTRODUCED AND ADOPTED this 28th day of October, 2013.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO LEGAL FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder

Exhibit A-Resolution Oct 2013

**City of Tualatin
Fiscal Year 2013 - 2014
Budget Changes, October 2013**

Existing Appropriation Transfer:

<u>To</u>	<u>Amount</u>	<u>From</u>	<u>Amount</u>	<u>Notes</u>
Fund Projects 012-0000-601.70-09	\$ 250,000	Contingency 012-0000-601.97-01	\$ 250,000	Water Reservoirs TVWD Intertie Willamette River Supply Study
Fund Projects 015-0000-631.70-09	\$ 65,000	Contingency 015-0000-631.97-01	\$ 65,000	Martinazzi Ave Project
Fund Projects 017-0000-621.70-09	\$ 40,000	Contingency 017-0000-621.97-01	\$ 40,000	Martinazzi Ave Project
Transfer to OPS Warehouse Proj Fund 004-4090-515.69-31	\$ 972,715	Fund Projects 004-4090-515.70-09	\$ 972,715	Operations Warehouse Project
General Account Reserve - PERS 001-1990-511.98-03	\$ 389,205	Pension 001-1020-511.11-04	\$ 26,265	Move into PERS Reserve
General Account Reserve - PERS 003-3030-514.98-03	\$ 15,780	Pension 001-1030-511.11-04	\$ 25,205	
General Account Reserve - PERS 004-4090-515.98-03	\$ 33,850	Pension 001-1040-511.11-04	\$ 7,295	
		Pension 001-1050-511.11-04	\$ 8,555	
		Pension 001-1060-511.11-04	\$ 17,410	
		Pension 001-1070-514.11-04	\$ 30,880	
		Pension 001-1080-511.11-04	\$ 17,050	
		Pension 001-1210-521.11-04	\$ 162,435	
		Pension 001-1500-518.11-04	\$ 5,520	
		Pension 001-1510-519.11-04	\$ 6,380	
		Pension 001-1520-552.11-04	\$ 21,830	
		Pension 001-1600-553.11-04	\$ 20,460	
		Pension 001-1610-553.11-04	\$ 39,920	
		Pension 003-3030-514.11-04	\$ 15,780	
		Pension 004-4010-515.11-04	\$ 14,550	
		Pension 004-4020-515.11-04	\$ 13,635	
		Pension 004-4030-515.11-04	\$ 2,110	
		Pension 004-4040-515.11-04	\$ 3,555	

Appropriation of Increased Revenues:

<u>Increase - Revenue</u>	<u>Amount</u>	<u>Increase - Expenditure</u>	<u>Amount</u>	<u>Notes</u>
Operations Fund Beginning Cash Balance 004-0000-400.00-00	\$ 37,285	Transfer to OPS Warehouse Proj Fund 004-4090-515.69-31	\$ 37,285	Beg balance higher than estimated
Operations Warehouse Project Fund Transfer In from Operations Fund 031-0000-456.04-00	\$ 1,010,000	Fund Projects 031-0000-702.70-09	\$ 2,100,000	Operations Warehouse Project
Other Financing Sources-Debt Issuance 031-0000-493.01-01	\$ 1,100,000	Debt Issuance Costs 031-0000-702.49-05	\$ 10,000	

City Council Meeting

E. 1.

Meeting Date: 10/28/2013

SPECIAL REPORTS: Metro Projects Update by Metro Councilor Craig Dirksen

SPECIAL REPORTS

Metro Projects Update by Metro Councilor Craig Dirksen

Attachments

PowerPoint



Metro update



Tualatin City Council



Councilor Craig Dirksen
October 28th, 2013



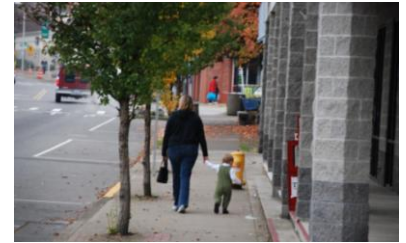
Metro | *Making a great place*

Updates

- Transportation planning and projects
- Urban Growth Management process
- Community Investment Initiative
- Climate Smart Communities
- Natural areas program
- Willamette falls
- Metro venues

Transportation planning updates

- Agreement on Southwest Corridor Plan and shared investment strategy
- Regional Flexible Funds Allocation
- Draft Active Transportation Plan moving forward for refinement
- RTP update in 2014



Urban growth management process

- Technical analysis underway
- Approval of Urban Growth Report by end of 2014
- Growth management decision by end of 2015
- Significant engagement with MPAC and other stakeholders throughout the process



Climate Smart Communities

- State requires region to reduce carbon emissions from cars and small trucks by 20% by 2035
- Metro's approach builds on existing local and regional plans
- Evaluation of different approaches will help inform regional conversations this fall and winter



Community Investment Initiative

- Group of business, community, public sector leaders
- Thinking about our region's infrastructure needs and the shortage of funds for infrastructure
 - Developed strategic plan last summer
 - Recommending Regional Infrastructure Enterprise



Natural areas program

- 5-year levy approved by voters in May allows for needed improvements in natural areas across the region
- Metro seeking applications for conservation education and restoration grants



Willamette Falls Legacy Project



- Help define future of natural and historic site
- Core values: public access, economic development, healthy habitat, historic and cultural interpretation
- Tours of the site available

Metro venues



- Oregon Convention Center hotel moving forward
- Oregon Zoo wins national award, welcomes new lion cubs



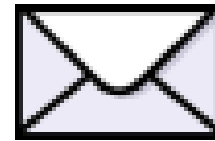
Your questions...

Craig Dirksen

Metro Councilor, District 3

503-797-1549

craig.dirksen@oregonmetro.gov



www.oregonmetro.gov/connect



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Sean Brady, City Attorney

DATE: 10/28/2013

SUBJECT: Consideration of Ordinance No. 1356-13 Relating to the Towing of Vehicles from Private Property; And Adding Chapter 8-5 to the Tualatin Municipal Code

ISSUE BEFORE THE COUNCIL:

Consideration of Ordinance No. 1356-13 Relating to the Towing of Vehicles from Private Property; and Adding Chapter 8-5 to the Tualatin Municipal Code.

RECOMMENDATION:

Staff recommends City Council consider adopting this ordinance.

EXECUTIVE SUMMARY:

The proposed tow ordinance has several components. First, tow companies are required to acquire a license from 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 parking 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; and 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. In addition, the ordinance caps the rates a tow company may charge for each tow; as well as, the rates charged for storage of the vehicle. Finally, the ordinance provides that a violation of the ordinance is a civil infraction with the ability to fine the violator and suspend a license after two violations.

The tow 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 a prior 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 contact tow companies to seek their input on the ordinance. Staff sent a letter, Attachment A, to the following tow companies:

- 21st Century
- Allied Recovery
- American Lenders
- AutoHaus Towing
- Chase Recovery LLC
- Fox Towing
- Newhouse & Hutchings Towing
- Pacific Asset Recovery, Inc.
- Relentless Recovery
- Retriever Towing
- Safeguard Towing
- Sergeants Towing
- Superior Towing
- Titan Towing
- Western International Recovery Bureau

The draft ordinance returned for consideration by the City Council at the June 10, 2013, City Council meeting. Public comment was received, including comments by Retriever Towing and Mr. Ming Ye, the owner of the Royal Panda restaurant. At that time, the Oregon State Legislature was considering enacting additional legislation on tow practices. The City Council did not take action on the tow ordinance, but asked staff to monitor the State legislation and make any adjustments to the draft ordinance to correspond to any changes in State law.

At the close of the regular legislative session, the Oregon State Legislature passed additional towing laws. As a result, the staff modified the proposed ordinance to correspond to the two main changes in that legislation. The first change was to require tow companies that conduct tows without a vehicle owner's permission to obtain a license from the City. The prior version required only registration by the tow companies. The other significant change is that the maximum amount that a tow company may charge a vehicle is based on the size of the vehicle. The prior draft ordinance had a flat rate maximum charge. The remainder of the ordinance terms are substantially the same as the June 10, 2013 version.

As with the prior draft ordinance, staff sent notice to the same tow companies outlined above that City Council is considering adopting a tow ordinance. A copy of that letter is Attachment B.

Attachments: Tow Ordinance
 A. Attachment A
 B. Attachment B

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 motor 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 motor vehicles from private property facilities is performed safely, require private parking facilities to provide adequate notice of prohibited parking areas, and ensure that those whose motor vehicles have been towed can gain knowledge of the location of their motor vehicle. 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 is 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 private parking facility owner 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.

ORDINANCE NO. 1356-13

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

(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 motor vehicle, or a person in lawful possession of the motor vehicle.

8-5-030 Tow Company License.

(1) A tow company must not, without the vehicle owner's consent, tow, cause to be towed, or store a motor vehicle towed from a private parking facility within the City of Tualatin unless the tow company has a valid license issued by the City of Tualatin.

(2) The City shall grant a license to a tow company upon the tow company providing the following:

- (a) The legal business name, address, telephone number and fax number;
- (b) A list of all tow trucks used for tows from private property;
- (c) Addresses of all storage facilities utilized by the tow company to store motor vehicles towed from within the City of Tualatin;
- (d) A 24-hour contact telephone number;
- (e) The names of all owners of the tow company;
- (f) Other information the City Manager determines is necessary to carry out the requirements of this Chapter; and
- (g) Payment of a license fee, the amount of which is established by resolution of the City Council.

(3) The term of the license shall be for a period of one year.

(4) The licensing requirements of this Chapter do not apply to tow companies that tow a motor vehicle with the prior consent or authorization of the vehicle owner.

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

(1) A tow company must not, without the vehicle owner's consent, tow, cause to be towed, or store a motor vehicle towed from a private parking facility unless:

ORDINANCE NO. 1356-13

(a) The tow company has express written authorization from the private parking facility owner to tow motor 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 patrols the private parking facility; and

(iv) A 24-hour telephone number of the tow company or companies to call to obtain release of a motor 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 motor vehicle to be towed and all 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 a tow company to do any of the following:

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

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

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

8-5-050 Tow Requirements. A tow company must comply with the following requirements:

(1) Perform tows in a safe and reasonable manner and not damage any person

ORDINANCE NO. 1356-13

or property while towing or storing motor vehicles;

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

(3) Provide to the person seeking release of a towed motor 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 motor vehicle when the hookup is complete and the tow truck has begun towing the motor 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 motor vehicle storage;

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

(7) Accept as proof of motor vehicle ownership the vehicle's 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 of the location of any towed motor vehicle within one hour of the motor vehicle being placed in storage; and

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

8-5-060 Storage of Towed Vehicles. A tow company must not store a motor 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 motor vehicle while the tow company is still attaching equipment to the motor vehicle, or the motor vehicle is fully attached, but the tow driver has not yet engaged the tow truck's transmission to begin removing the motor vehicle, the tow company must release the motor 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 motor vehicle, the tow company must immediately

ORDINANCE NO. 1356-13

halt the tow and inform the vehicle owner that:

- (a) The motor vehicle will 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 motor vehicle to the storage facility.

8-5-080 Towing and Storage Rates. A tow company must not charge more than the following amounts for motor vehicles towed from private property:

(1) "After Hours Release Fee" of \$25.00 for release of the motor 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.

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

- (a) \$175.00 for motor vehicles weighing less than 10,000 pounds gross vehicle weight;
- (b) \$200.00 for motor vehicles weighing from 10,000 pounds gross vehicle weight to less than 20,000 pounds gross vehicle weight; and
- (c) \$250.00 for motor vehicles more than 20,000 pounds gross vehicle weight.

(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 than 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 motor vehicles over 20 feet long.

ORDINANCE NO. 1356-13

8-5-090 Violation is Civil Infraction.

(1) 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.

(2) In addition to any other remedy provided by law, a tow company that commits more than two violations of this Chapter within one year may have its license revoked for up to one year.

(3) The civil infraction procedures in TMC 7-01 apply to the prosecution of any violation of this Chapter.

Section 2. Severability. Each section of this ordinance, and any part thereof, is severable. 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 28th DAY OF October, 2013.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

BY _____
City Attorney

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. Brady'.

Sean T. Brady
City Attorney



City of Tualatin

www.tualatinoregon.gov

October 17, 2013

Western International Recovery Bureau
9200 NE Halsey St.
Portland, OR 97220

RE: Proposed Tow Ordinance No. 1356-13

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 ten-mile restriction on the maximum distance a vehicle may be towed from the City of Tualatin. The City is also considering limiting the amount of money a towing company can charge for nonconsensual tows. 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 providing you notice of the draft ordinance as it may impact your business.

The ordinance will be considered for adoption at the October 28, 2013 City Council Meeting. For additional information, you can view the City of Tualatin draft ordinance at <http://www.tualatinoregon.gov/citycouncil/city-council-meeting-135> and click on the Council Meeting Agenda.

Sincerely,

A handwritten signature in blue ink, appearing to read 'S-T Brady'.

Sean T. Brady
City Attorney