



City of Tualatin

# TUALATIN CITY COUNCIL

Monday, November 23, 2015

**JUANITA POHL CENTER**

**8513 SW Tualatin Road**

**Tualatin, OR 97062**

**WORK SESSION** begins at 6:00 p.m.  
**BUSINESS MEETING** begins at 7:00 p.m.

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**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 your comments on its agenda, following Announcements, at which time citizens may address the Council concerning any item not on the agenda or to request to have an item removed from the consent agenda. If you wish to speak on a item already on the agenda, comment will be taken during that item. Please fill out a Speaker Request Form and submit it to the Recording Secretary. You will be called forward during the appropriate time; each speaker will be 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](http://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](http://www.tvctv.org). Council meetings can also be viewed by live *streaming video* on the day of the meeting at [www.tualatinoregon.gov/meetings](http://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  
NOVEMBER 23, 2015**

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**A. CALL TO ORDER**  
Pledge of Allegiance

**B. ANNOUNCEMENTS**

1. Starry Nights and Holiday Lights 2015 Announcement
2. Proclamation Declaring Human Rights Week in the City of Tualatin, December 7-13, 2015

**C. CITIZEN COMMENTS**

*This section of the agenda allows anyone to address the Council regarding any issue not on the agenda, or to request to have an item removed from the consent 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 ask Councilors if there is anyone who wishes to remove any item from the Consent Agenda for discussion and consideration. If you wish to request an item to be removed from the consent agenda you should do so during the Citizen Comment section of the agenda. The matters removed from the Consent Agenda will be considered individually at the end of this Agenda under, Items Removed from the Consent Agenda. The entire Consent Agenda, with the exception of items removed 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 Regular Meeting of November 9, 2015
2. Consideration of Approval of a New Liquor License Application for Ebony Wines
3. Consideration of **Resolution No. 5260-15** Authorizing Changes to the Adopted 2015-2016 Budget
4. Consideration of the Parks System Development Charge (SDC) Annual Report for Fiscal Year 2014-15
5. Consideration of **Resolution No. 5261-15** to Establish the City of Tualatin Water Supply Shortage Curtailment Plan

6. Receive for Filing of **Initiative Petition 2015-01i** with the Tualatin City Council.

**E. GENERAL BUSINESS**

*If you wish to speak on a general business item please fill out a Speaker Request Form and you will be called forward during the appropriate item. 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.*

1. Consideration of **Ordinance No. 1386-15** Relating to Civil Exclusions, Adding Tualatin Municipal Code Chapter 5-10; Amending Tualatin Municipal Code Chapters 5-1 and 5-2, and Adding New Provisions.

**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**

**H. ADJOURNMENT**

**City Council Meeting**

**Meeting Date:** 11/23/2015

**ANNOUNCEMENTS:** Starry Nights and Holiday Lights

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**ANNOUNCEMENTS**

Starry Nights and Holiday Lights 2015 Announcement

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A. Starry Nights and Holiday Lights

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★ ★ ★ *The City of Tualatin's* ★ ★ ★  
**Starry Nights & Holiday Lights**

★ *Friday, December 4, 2015 5:00-8:30 pm* ★



★ *Join us at The Lake at Tualatin Commons for:* ★

- *The lighting of Tualatin's floating holiday tree.*
- *Children's choirs from Tualatin schools.*
- *Refreshments and a visit from Santa!*



*The Tualatin Commons is located at 8325 SE Nyberg Street, Tualatin, OR 97062  
For more information call 503-691-3061 or go to [www.tualatinoregon.gov](http://www.tualatinoregon.gov)*





**Performances by:**

- Tualatin High School Brass Ensemble**
- Tualatin High School Crimsonnaires**
- Magic Years Preschool Choir**
- Bridgeport Elementary Holiday Choir**
- Tualatin Elementary Choir**
- Byrom Elementary Choir**
- Twality Middle School Treble Choir**
- Hazelbrook Middle School Choir**



**Count down to tree lighting at 6:00pm**



★ ★ ★ *The City of Tualatin's* ★ ★ ★  
**Starry Nights & Holiday Lights**

★ *Friday, December 4, 2015 5:00-8:30 pm* ★



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*City of Tualatin*



**City Council Meeting**

**Meeting Date:** 11/23/2015

**ANNOUNCEMENTS:** Proclamation Declaring Human Rights Week in the City of Tualatin,  
December 7-13, 2014

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**ANNOUNCEMENTS**

Proclamation Declaring Human Rights Week in the City of Tualatin, December 7-13, 2015

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Proclamation

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# Proclamation

## *Proclamation Declaring December 7-13, 2015 as Human Rights Week in the City of Tualatin*

WHEREAS on December 10, 1948, the member States of the United Nations signed the Universal Declaration of Human Rights and countries of different political, economic and social systems unanimously agreed on the fundamental rights that all people share solely on the basis of their common humanity; and

WHEREAS the Universal Declaration asserts recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace; and

WHEREAS disregard and contempt for human rights have resulted in acts which have outraged the conscience of mankind, and the advent of the world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people; and

WHEREAS the Universal Declaration is referred to as the authoritative definition of human rights standards and increasingly referred to as customary international law, which all countries must abide; and

WHEREAS the primary responsibility to promote respect for these rights and freedoms lies with each individual in the City of Tualatin and each of us can play a major role in enhancing human rights; and

WHEREAS the people of Tualatin reaffirm their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life; and

NOW, THEREFORE, BE IT PROCLAIMED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, Oregon that:

The citizens of Tualatin are hereby encouraged to join in celebrating Human Rights Week from December 7 – 13, 2015.

INTRODUCED AND ADOPTED this 23<sup>rd</sup> day of November, 2015.

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, City Manager

**FROM:** Nicole Morris, Deputy City Recorder

**DATE:** 11/23/2015

**SUBJECT:** Consideration of Approval of the Minutes for the City Council Regular Meeting of November 9, 2015

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**ISSUE BEFORE THE COUNCIL:**

The issue before the Council is to approve the minutes for the City Council Regular Meeting of November 9, 2015.

**RECOMMENDATION:**

Staff respectfully recommends that the Council adopt the attached minutes.

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**Attachments:** City Council Meeting Minutes of November 9, 2015



## OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR NOVEMBER 9, 2015

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

Absent: Councilor Wade Brooksby

Staff Present: City Manager Sherilyn Lombos; City Attorney Sean Brady; Police Chief Kent Barker;  
Community Services Director Paul Hennon; Deputy City Recorder Nicole Morris;  
Information Services Manager Lance Harris; Teen Program Specialist Julie  
Ludemann; Assistant City Manager Alice Cannon; Management Analyst II Kelsey  
Lewis; Management Analyst II Zoe Monahan; Public Works Director Jerry Postema

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

Pledge of Allegiance

Mayor Ogden called the meeting to order at 7:01 p.m.

### **B. ANNOUNCEMENTS**

#### **1. Tualatin Youth Advisory Council Update for November 2015**

Members of the Tualatin Youth Advisory Council (YAC) presented a PowerPoint on their latest activities and upcoming events. The YAC participated in the West Coast Giant Pumpkin Regatta by running the concessions stand and craft areas. The annual Haunted House was held and brought in double the number of participants over last year. YAC will be participating in the Starry Nights and Holiday Lights event on December 4. They will be working as elves with Santa and helping to make cards for soldiers.

#### **2. New Employee Introduction- David Valenzuela, Community Services Officer**

Police Chief Kent Barker introduced Community Services Officer David Valenzuela. The Council welcomed him.

#### **3. New Employee Introduction- Maya Benham, Legal Assistant**

City Attorney Sean Brady introduced Legal Assistant Maya Benham. The Council welcomed her.

#### **4. New Employee Introduction- Chris Reeves, Utility Technician I**

Public Works Director Jerry Postema introduced Utility Technician Chris Reeves. The Council welcomed him.

**C. CITIZEN COMMENTS**

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None.

**D. CONSENT AGENDA**

*The Consent Agenda will be enacted with one vote. The Mayor will ask Councilors if there is anyone who wishes to remove any item from the Consent Agenda for discussion and consideration. If you wish to request an item to be removed from the consent agenda you should do so during the Citizen Comment section of the agenda. The matters removed from the Consent Agenda will be considered individually at the end of this Agenda under, Items Removed from the Consent Agenda. The entire Consent Agenda, with the exception of items removed 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 Joelle Davis to adopt the consent agenda.

Aye: Mayor Lou Ogden, Council President Monique Beikman, Councilor Frank Bubenik, Councilor Joelle Davis, Councilor Nancy Grimes, Councilor Ed Truax

Other: Councilor Wade Brooksby (Absent)

MOTION CARRIED

1. Consideration of Approval of the Minutes for the City Council Work Session and Regular Meeting of October 12 and 26, 2015
2. Consideration of Approval of a New Liquor License Application for Starbucks Coffee #14371

**E. SPECIAL REPORTS**

1. Tualatin Area Aging Task Force and Ride Connection Update

Susan Noack, Chair of the Tualatin Area Aging Task Force, presented an update on the task force's activities. She presented the group's mission statement and highlighted goals including transportation for seniors and safe pathways. The task force is working with AARP to define the needs of seniors in the community and working on an Aging in Place plan for the community.

Alex Page, Service Specialist at Ride Connection, stated the mission of the organization is to link accessible, responsive transportation with community needs. He has been working with the Aging Task Force in Tualatin to help find volunteers to give rides in the area. More information on how to volunteer for Ride Connection is on their website.

Mayor Ogden encouraged citizens to volunteer for Ride Connection.

**F. GENERAL BUSINESS**

*If you wish to speak on a general business item please fill out a Speaker Request Form and you will be called forward during the appropriate item. 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.*

1. Consideration of **Resolution No. 5259-15** Authorizing the City Manager to Enter into an Intergovernmental Agreement with the City of Hillsboro and the Tualatin Valley Water District for a Temporary Connection to the 124th Avenue Pipeline

Public Works Director Jerry Postema presented a resolution for an Intergovernmental Agreement (IGA) between the City of Hillsboro, the Tualatin Valley Water District (TVWD) and the City of Tualatin for a temporary connection of the 124th Avenue pipeline for the purpose of filling and flushing of the transmission lines until the main line is flowing potable water to Hillsboro and TVWD. He stated the sole purpose of the line is to sell water and not receive water.

Councilor Bubenik asked for clarification that the pipe will only flow in one direction. Director Postema stated water will only be flowing to Hillsboro and TVWD. He added assurances including a backflow preventer and a meter will be placed on the pipe to prevent water from flowing back into the City of Tualatin. In 2026 when TVWD has completed the pipe the connection will be removed and sealed, leaving a gap between the two systems.

Councilor Grimes asked about the size of the pipe. Director Postema stated his recommendation is that a 12 inch pipe be installed. The larger pipe would allow for the potential of an emergency connection to be installed.

Councilor Truax stated the City's current water supply will not allow for the expected growth in the area. He stated this pipe would provide the opportunity to have a pipe installed in the right-of-way along 124<sup>th</sup> avenue before it is constructed. The pipe is a good future site for a potential emergency connection.

**PUBLIC COMMENT**

None.

MOTION by Council President Monique Beikman, SECONDED by Councilor Ed Truax to adopt **Resolution No. 5259-15** authorizing the City Manager to enter into an Intergovernmental Agreement with the City of Hillsboro and the Tualatin Valley Water District for a temporary connection to the 124th Avenue pipeline.

Aye: Mayor Lou Ogden, Council President Monique Beikman, Councilor Frank Bubenik, Councilor Joelle Davis, Councilor Nancy Grimes, Councilor Ed Truax

Other: Councilor Wade Brooksby (Absent)

MOTION CARRIED

**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**

Council President Beikman attended the Washington County Coordinating Committee in which four grant requests for the Opportunity Fund were granted. She noted the fund has around one million dollars left.

Councilor Bubenik stated Tualatin's America's Best Community (ABC) Committee submitted its semi-finalist proposal for judging. The group will hear back in January if they will be moving on in the competition. Councilor Bubenik thanked the committee for all their hard work during this process.

Councilor Bubenik stated he attended the Veteran's Breakfast and the Mitch Charter School Student Talent Show, and both events were a success.

Mayor Ogden was approached by a group interested in a sister city relationship with the City. He asked if the Council was interested in having a presentation on the subject at a future work session. Council consensus was reached to not pursue the item.

**I. ADJOURNMENT**

Mayor Ogden adjourned the meeting at 8:00 p.m.

Sherilyn Lombos, City Manager

\_\_\_\_\_ / Nicole Morris, Recording Secretary

\_\_\_\_\_ / Lou Ogden, Mayor



# STAFF REPORT

## CITY OF TUALATIN

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

**THROUGH:** Sherilyn Lombos, City Manager

**FROM:** Nicole Morris, Deputy City Recorder

**DATE:** 11/23/2015

**SUBJECT:** Consideration of Approval of a New Liquor License Application for Ebony Wines

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### **ISSUE BEFORE THE COUNCIL:**

The issue before the Council is to approve a new liquor license application for Ebony Wines.

### **RECOMMENDATION:**

Staff respectfully recommends that the Council approve endorsement of the liquor license application for Ebony Wines.

### **EXECUTIVE SUMMARY:**

Ebony Wines has submitted a new liquor license application under the category of Winery. They must principally produce wine or cider in Oregon. They can manufacture, store, and export wine and cider. This allows for the sale and service of malt beverages, wine, and cider for off-site consumption. The business is located at 19550 SW Cipole Road. The application is in accordance with provisions of Ordinance No.680-85 which established a procedure for review of liquor licenses by the Council. Ordinance No. 680-85 establishes procedures for liquor license applicants. Applicants are required to fill out a City application form, from which a review by the Police Department is conducted, according to standards and criteria established in Section 6 of the ordinance. The Police Department has reviewed the new liquor license application and recommended approval. According to the provisions of Section 5 of Ordinance No. 680-85 a member of the Council or the public may request a public hearing on any of the liquor license requests. If such a public hearing request is made, a hearing will be scheduled and held on the license. It is important that any request for such a hearing include reasons for said hearing.

### **FINANCIAL IMPLICATIONS:**

A fee has been paid by the applicant.

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**Attachments:** [Attachment A - Vicinity Map](#)  
[Attachment B- License Types](#)  
[Attachment C- Application](#)





## OREGON LIQUOR CONTROL COMMISSION LICENSE TYPES

### FULL ON-PREMISES SALES

- **Commercial Establishment**  
Sell and serve distilled spirits, malt beverages, wine, and cider for consumption at that location (*this is the license that most “full-service” restaurants obtain*). Sell malt beverages for off-site consumption in securely covered containers provided by the customer. Food service required. Must purchase distilled liquor **only** from an Oregon liquor store, or from another Full On- Premises Sales licensee who has purchased the distilled liquor from an Oregon liquor store.
- **Caterer**  
Allows the sale of distilled spirits, malt beverages, wine, and cider by the drink to individuals at off-site catered events. Food service required.
- **Passenger Carrier**  
An airline, railroad, or tour boat may sell and serve distilled spirits, malt beverages, wine, and cider for consumption on the licensed premises. Food service required.
- **Other Public Location**  
Sell and serve distilled spirits, malt beverages, wine, and cider for consumption at that location, where the predominant activity is not eating or drinking (for example an auditorium; music, dance, or performing arts facility; banquet or special event facility; lodging fairground; sports stadium; art gallery; or a convention, exhibition, or community center). Food service required.
- **Private Club**  
Sell and serve distilled spirits, malt beverages, wine, and cider for consumption at that location, but only for members and guests. Food service required.

### LIMITED ON-PREMISES SALES

Sell and serve malt beverages, wine, and cider for onsite consumption. Allows the sale of malt beverages in containers (kegs) for off-site consumption. Sell malt beverages for off-site consumption in securely covered containers provided by the customer.

### OFF-PREMISES SALES

Sell factory-sealed containers of malt beverages, wine, and cider at retail to individuals in Oregon for consumption off the licensed premises. Eligible to provide sample tastings of malt beverages, wine, and cider for consumption on the premises. Eligible to ship manufacturer-sealed containers of malt beverages, wine, or cider directly to an Oregon resident.

### BREWERY PUBLIC HOUSE

Make and sell malt beverages. Import malt beverages into and export from Oregon. Distribute malt beverages directly to retail and wholesale licensees in Oregon. Sell malt beverages made at the business to individuals for consumption on or off-site.

### WINERY

Must principally produce wine or cider in Oregon. Manufacture, store, and export wine and cider. Import wine or cider *If bottled, the brand of wine or cider must be owned by the licensee*. Sell wine and cider to wholesale and retail licensees in Oregon. Sell malt beverages, wine, and cider to individuals in Oregon for consumption on or off-site.



CITY OF TUALATIN
LIQUOR LICENSE APPLICATION

Return Completed form to:
City of Tualatin
Attn: Deputy City Recorder
18880 SW Martinazzi Ave
Tualatin, OR 97062

Date October 20, 2015

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

Thank you for your assistance and cooperation.

CITY OF TUALATIN
OCT 29 2015

SECTION 1: TYPE OF APPLICATION

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

MAYOR COUNCIL POLICE ADM
FINANCE COMMDEV LEGAL OPER
COMMSVCS ENG & BLDG LIBRARY

SECTION 2: DESCRIPTION OF BUSINESS

Name of business (dba): Ebony Wines

Business address 19550 SW Cipole Rd. City Tualatin State OR Zip Code 97062

Mailing address 4120 Southshore Blvd. City Lake Oswego State OR Zip Code 97035

Telephone # (503) 939-4155 Fax #

Name(s) of business manager(s) First Kariana Middle Last Peters

Date of birth Social Security # ODL M F X

Home address City State Zip Code

(attach additional pages if necessary)

Type of business Winery

Type of food served None

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

Days and hours of operation Monday - Friday, 9-5

Food service hours: Breakfast None Lunch None Dinner None

Restaurant seating capacity None Outside or patio seating capacity None

How late will you have outside seating? None How late will you sell alcohol? None



Full name: \_\_\_\_\_ Date of birth: \_\_\_\_\_

Residence address: \_\_\_\_\_

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

**SECTION 4: APPLICANT SIGNATURE**

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

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

10-20-15

**For City Use Only**

Sources Checked:

DMV by \_\_\_\_\_  LEDS by \_\_\_\_\_  TuPD Records by \_\_\_\_\_

Public Records by \_\_\_\_\_

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

Number of Tualatin arrest/suspect contacts for \_\_\_\_\_

**It is recommended that this application be:**

Granted

Denied

Cause of unfavorable recommendation: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

11/02/15

Kent W. Barker  
Chief of Police  
Tualatin Police Department



# STAFF REPORT

## CITY OF TUALATIN

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

**THROUGH:** Sherilyn Lombos, City Manager

**FROM:** Don Hudson, Finance Director

**DATE:** 11/23/2015

**SUBJECT:** Consideration of Resolution No. 5260-15 Authorizing Changes to the Adopted 2015-2016 Budget

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### **ISSUE BEFORE THE COUNCIL:**

Whether or not to approve changes to the adopted 2015–2016 budget.

### **RECOMMENDATION:**

Staff recommends adopting the attached Resolution.

### **EXECUTIVE SUMMARY:**

Occasionally, it becomes necessary after the budget is adopted to make changes for occurrences unforeseen when the budget was adopted. Oregon Revised Statutes (ORS) 294.471 dictates the process for a supplemental budget when an occurrence or condition which had not been ascertained at the time of the preparation of the current budget requires a change in financial planning.

At the October 21st Core Area Parking District (CAPD) Board Meeting, staff presented a proposal to convert the lighting in the Core Area parking lots to LED lighting. The opportunity to take advantage of a rebate program through the Energy Trust of Oregon, as well as using City staff to complete the work, makes the project affordable and creates a quicker return on investment. The project is anticipated to cost \$7,500, with a recommended \$500 contingency. The CAPD Board passed a motion to approve the LED lighting conversion and ask the City Council to approve moving available funds from contingency to fund the project in the 2015-2016 fiscal year. There are sufficient funds in contingency to complete the project.

All proposed changes to the adopted budget are included in Exhibit A, attached to the Resolution that follows.

### **FINANCIAL IMPLICATIONS:**

The net effect to the Core Area Parking District Fund is zero, as the resolution transfers existing appropriations from one account to another.

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**Attachments:** Resolution No. 5260-15

RESOLUTION NO. 5260-15

RESOLUTION AUTHORIZING CHANGES TO THE ADOPTED 2015 - 2016 BUDGET

WHEREAS after the budget process for the 2015-2016 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 23rd day of November, 2015.

APPROVED AS TO FORM

CITY OF TUALATIN, OREGON

BY \_\_\_\_\_  
City Attorney

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

ATTEST:

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



**Exhibit A-Resolution Nov 2015**

**City of Tualatin  
Fiscal Year 2015 - 2016  
Budget Changes, November 2015**

**Existing Appropriation Transfer:**

<u>To</u>	<u>Amount</u>	<u>From</u>	<u>Amount</u>	<u>Notes</u>
Fund Projects                      220-00-00-57009	\$     8,000	Contingency	220-00-00-61000     \$     8,000	Convert Lighting in Core Area Lots to LED Lighting



# STAFF REPORT

## CITY OF TUALATIN

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

**THROUGH:** Sherilyn Lombos, City Manager

**FROM:** Kelsey Lewis, Management Analyst II  
Paul Hennon, Community Services Director

**DATE:** 11/23/2015

**SUBJECT:** Consideration of the Parks System Development Charge (SDC) Annual Report for Fiscal Year 2014-15

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### **ISSUE BEFORE THE COUNCIL:**

The Council will review the Parks System Development Charge (Parks SDC) report for FY 2014-15 and consider staff recommendations.

### **RECOMMENDATION:**

- Staff respectfully recommends that Council accept the attached report including the recommendation that the Community Services Director continue to monitor issues that may arise and review their impact on the Parks SDC legislation or fee.
- No changes to the SDC ordinance or Park SDC methods, procedures, or fees are recommended at this time.

### **EXECUTIVE SUMMARY:**

- Council established the current Parks SDC by adopting Ordinance 833-91 in 1991. The attached report fulfills the requirement of ORS 223.311 to provide an annual accounting of the Parks SDC and to recommend any changes to the SDC ordinance.
- In FY 2014-15, \$873,717.37 was collected, including \$867,282.00 in Parks SDC fees, \$809.40 in refunds and \$5,625.97 in interest. No credits or installment payments were authorized.
- Expenditures on qualified parks system improvements totaled \$444,253.83. The specific improvements are listed on page 2 of the attached report.

### **FINANCIAL IMPLICATIONS:**

The Parks SDC beginning fund balance, revenues and expenditures are budgeted in the Parks Development Fund (Fund 436).

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**Attachments:** [Attachment A- FY 2014-15 Parks SDC Report](#)

## **PARKS SYSTEM DEVELOPMENT CHARGE (Parks SDC) ANNUAL REPORT FOR FISCAL YEAR 2014-15**

### **Introduction**

The Parks System Development Charge (Parks SDC) consists of an “improvement fee” that covers the cost of new capacity to meet the demands of new development, based on adopted standards and a capital improvement list. The Parks SDC does not include a “reimbursement fee” since the park system does not include any excess capacity that would be used by new development. The fee is charged per new residential dwelling unit.

Council approved the original Parks SDC in 1984 by adoption of Ordinance 655-84. In 1989 the Legislature enacted House Bill 3224 requiring local governments to meet specific statutory requirements and that system development charges be based upon past and future capital improvements to the system for which it is being collected. In 1991, Council adopted Ordinance 833-91 to repeal the original ordinance and bring the City in compliance with ORS 223.297 through 223.314 (System Development Charges). The fee established in the new ordinance went into effect on July 1, 1991.

In January 2004, Council authorized two actions affecting the Parks SDC. First, by adoption of Resolution 4192-04, the 1991 fee was adjusted to present value by applying an adjustment factor consisting of indexes for both land and construction. The second action taken by Council in January 2004, by adoption of Ordinance 1154-04, was to establish an annual adjustment factor indexing both land and construction costs to enable the Parks SDC to have the purchasing power to pay for park projects it is intended to fund. These changes have been incorporated into the Tualatin Municipal Code, Chapter 2-6, System Development Charges.

### **Purpose**

The purpose of this report is to fulfill the requirements of ORS 223.311, which requires an annual accounting of Park SDCs be performed, and to recommend any changes in the Parks SDC as adopted by the City of Tualatin.

### **Revenue**

During the period covered by this report (July 1, 2014 to June 30, 2015), the City of Tualatin collected \$873,717.37 in Parks SDC fees, refunds and interest on the fee income (\$867,282.00 in fees, \$809.40 in refunds and \$5,625.97 in interest).

### **Credits**

No credits were authorized.

### **Installment Payment Agreements**

No installment payment agreements were authorized.

**Expenditures**

Parks SDC funds were used in the following projects in Fiscal Year 2014-15:

<b><u>Project Description</u></b>	<b><u>Parks SDC Amount</u></b>
1. Tualatin River Greenway Trail design- Barngrover Street to Nyberg Lane	410,583.83
2. Tualatin River Greenway Trail wayfinding sign design- River Ridge Apartments	4,500.00
3. Transfer to General Fund Costs associated with management of Parks SDC	25,970.00
<b>Total Expenditures</b>	<b>441,053.83</b>

**Recommendation**

It is recommended the Community Services Director continue to monitor issues that may arise and review their impact on the Parks SDC legislation or fee.

No changes to the methodology, procedures, or fees for the Parks SDC are recommended at this time.



# STAFF REPORT

## CITY OF TUALATIN

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

**THROUGH:** Sherilyn Lombos, City Manager

**FROM:** Carrie Severson, Management Analyst II  
Jerald Postema

**DATE:** 11/23/2015

**SUBJECT:** Consideration of **Resolution No. 5261-15** to Establish the City of Tualatin Water Supply Shortage Curtailment Plan

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### **ISSUE BEFORE THE COUNCIL:**

Consideration of **Resolution No. 5261-15** to establish the City of Tualatin Water Supply Shortage Curtailment Plan.

### **RECOMMENDATION:**

Staff recommends adopting Resolution No. 5261-15 to establish the City of Tualatin Water Supply Shortage Curtailment Plan.

### **EXECUTIVE SUMMARY:**

Tualatin Municipal Code (TMC) 3-3-200 authorizes the City Council to adopt water use and curtailment rules by resolution. The City requests establishment of a water supply shortage curtailment plan to guide the City Council and City of Tualatin staff in the event of water shortage due to constraints related to the supply or distribution of water resources.

The City's curtailment plan will undertake a variety of curtailment actions depending on the time of year and the expected duration of any water supply shortage. Adoption of the City's curtailment plan will allow the City to communicate with residents about the need to reduce water use and allow for enforcement of water use violations.

Staff requests that Council authorize the City Manager to implement and enforce the Water Shortage Curtailment Plan as appropriate.

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**Attachments:** Resolution - Water Curtailment  
Attachment A - Water Curtailment Plan

RESOLUTION NO. 5261-15

A RESOLUTION ADOPTING THE CITY OF TUALATIN WATER SUPPLY SHORTAGE CURTAILMENT PLAN

WHEREAS, Tualatin Municipal Code (TMC) 3-3-200 authorizes the City Council to adopt water use and curtailment rules by resolution; and

WHEREAS, the City wants to establish a water supply shortage curtailment plan to guide the City Council and City of Tualatin staff in the event of a water shortage due to constraints related to the supply or distribution of water resources; and

WHEREAS, the City's curtailment plan will undertake a variety of curtailment actions depending on the time of year and the expected duration of any water supply shortage; and

WHEREAS, adoption of the City's curtailment plan will allow the City to communicate with residents about the need to reduce water use and allow for enforcement of water use violations;

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

**Section 1.** The City Council adopts the City's Water Supply Shortage Curtailment Plan, which is attached Attachment A and by this reference incorporated.

**Section 2.** The City Manager is authorized to implement and enforce the Water Shortage Curtailment Plan as appropriate.

**Section 3.** This resolution is effective upon adoption.

INTRODUCED AND ADOPTED this 23<sup>rd</sup> day of November, 2015.

CITY OF TUALATIN, OREGON

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

APPROVED AS TO FORM

ATTEST:

BY \_\_\_\_\_  
City Attorney

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

# **Water Supply Shortage Curtailment Plan**

## **City of Tualatin**



**Updated - 2015**

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## I. Introduction

City of Tualatin developed this water supply shortage curtailment plan to guide City of Tualatin staff in the event of a water shortage due to constraints related to the supply or distribution of water resources. City of Tualatin may undertake a variety of curtailment actions, depending on the time of year and the expected duration of any water supply shortage.

Throughout any such shortage, City of Tualatin will continue to pursue the following objectives:

- Maintain adequate volume of high-quality potable water supplies for all City of Tualatin customers.
- Provide clear customer communications and rapid customer service. Be consistent with public expectations based on information shared to date.
- Promote water use efficiency.
- Control costs that come with curtailed water use, such as losses in revenue, or higher-cost water supplies (e.g., the purchase of peaking water from Portland).
- Have an equitable impact on all users—public and private, urban and suburban, business and residential. Prioritize actions to have the least permanent negative impact.

## II. Phased Curtailment Plan

During any stage, no person shall waste City water.

### Stage 1: Routine Summer Advisory

City of Tualatin predicts that we will face these conditions each summer, as warm dry weather settles into the region and drawdown of the Water Sources begin. Summer water use typically doubles or triples winter use, as customers begin to irrigate their landscapes, wash cars, and use water for cooling purposes.

#### Water Reduction Goals & Objectives

Each user should strive to maintain, not exceed, average summer usage levels.

#### Triggers (any of these)

The City Manager, at his/her discretion, may declare a Stage 1 alert based upon any of the following and shall provide notice to City Council at or before the next regularly scheduled meeting:

- Portland Water Bureau activates groundwater wells for non-maintenance or routine purposes.
- Above Average Temperatures
- Below Average Rainfall
- Greater than average water demand

- 
- Infrastructure related matters

### **Public Message: Voluntary Conservation Measures**

- Promote already-existing conservation messages from the Regional Water Consortium and the City of Tualatin’s Conservation Plan, through the City of Tualatin’s website, and social media accounts.
- Ask customers to use the Regional Water Consortium’s weekly water widget to voluntarily reduce outdoor watering schedule, based on the weather.
- Place conservation reminders and tips in *Tualatin Today*, bill message, and on City of Tualatin’s website. Use various venues to distribute information. Set up public information booths where opportunities exist and look for other opportunities for public outreach, such as speaking engagements, etc.

### **Possible City Actions**

- Encourage water efficiency throughout the City of Tualatin-owned facilities, promoting conservation wherever possible and reporting suspected leaks.
- Stop City of Tualatin hydrant flushing program until fall weather patterns resume or until the water situation improves.
- Partner with Regional Water Providers Consortium to send consistent conservation messages to the media.
- Provide free leak detection test for customers who suspect a leak. City staff will help determine the location of leak, if the leak is outdoors, and offer free brochures with conservation information and free conservation devices when applicable.

### **Partners to Contact**

- Work with local agencies to coordinate resources and uniform messages for water customers, and to prepare, review and/or update local water ordinances regarding curtailment enforcement.

### **Stage 2: Moderate Water Supply Shortage**

This may be a temporary condition of several days, caused by service interruptions in the region. During this time, City of Tualatin may redirect supplies to areas experiencing shortages. Or, this may be an intermediate stage of an ongoing water supply shortage. Source water may have begun “summer drawdown,” with no rain in the forecast. Customers should voluntarily limit their use of water.

### **Water Reduction Goals & Objectives**

Decrease overall use by 5 to 10 percent.

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## Triggers (any of these)

The City Manager, at his/her discretion, may declare a Stage 2 alert based upon any of the following and shall provide notice to City Council at or before the next regularly scheduled meeting:

- Portland Water Bureau declares a Level 2 curtailment alert.
- City of Tualatin customer use reaches contractual and/or facility capacity for five consecutive days.
- Governor issues a declaration of drought for Clackamas, Multnomah or Washington County, pursuant to ORS 536.720-740 and a Drought Monitor Rating of D2 or higher for our region.
- Extensive repairs needed on local water infrastructure including pumps, reservoirs, mains and other necessary components.

## Public Message: Voluntary Conservation Measures

- Promote Stage 1 Public Message.
- Send official notification of Moderate Water Supply Shortage to City of Tualatin customers.
- In terms of a long term event such as a drought or sustained turbidity that will interfere with supply, the voluntary measures may not be adequate over time. Notification should advise of the possibility of increasing levels of curtailment activities.
- Issue a notice to the local media that the City is in a Moderate Water Supply Shortage.
- Encourage conservation through volunteer events and outreach through existing volunteer opportunities.
- Routinely publish in the *Tigard Times*, and *The Oregonian* the voluntary conservation measures that the customers are requested to follow during a Moderate Water Shortage.
- Encourage reduction in water use by 10 percent (as a rule of thumb, for example, residential customers in a four-person single-family household should try to reduce their use by about 29 gallons per household per day).
- Promote limitation of water use in commercial businesses (e.g., do not serve water to restaurant customers unless specifically requested).
- Request elimination of wasted running water, such as unattended hoses, obvious leaks, etc.
- Encourage reduction watering of lawns, plants, trees, gardens, shrubbery, and flora on private or public property to the minimum necessary. Conduct outdoor watering between 10pm and 5am.
- Promote elimination of outdoor water use, including:
  - a. Washing down of hard surface areas, decks, buildings, gutters, and vehicles;
  - b. Use of freshwater in fountains, reflection ponds, and decorative water bodies for aesthetic or scenic purposes, except where necessary to support aquatic life or for features that recycle water;
  - c. Filling or maintaining private residential swimming pools or hot tubs (excluding use of children's wading pools);
  - d. Use of fire hydrants for purposes other than firefighting or flushing essential to maintain water quality.

## Possible City Actions

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**Encourage water efficiency throughout the City of Tualatin-owned facilities, promoting conservation wherever possible and reporting suspected leaks.**

- Stop City of Tualatin hydrant flushing program until fall weather patterns resume.
- Turn off automatic irrigation where applicable and reduce operating times for water based play features owned by the City of Tualatin
- Postpone enforcement of landscape ordinances.

**Partners to Contact**

- Partner with Regional Water Providers Consortium to send consistent conservation messages to the media.
- Contact potential institutional partners in water conservation, including local businesses that are the most affected (e.g. landscapers/green industry, commercial carwashes, nurseries, restaurants, water-intensive manufacturers, etc.).
- Make conservation presentations to Community Involvement Organizations (CIOs).
- Notify Tualatin Valley Fire and Rescue of the alert and request refraining from any training activities using City water.

**Stage 3: Severe Water Supply Shortage**

This is a stage of “restricted” watering; customers still have time to prepare and conserve before a loss of service. Scenarios include protracted period of drought or multi-day disruption of service across the City of Tualatin’s service territory.

**Water Reduction Goals & Objectives**

Be able to re-direct unaffected supplies without removing any customers from the system. Decrease overall daily City water use by at least 20 percent through reduction of outdoor water use.

**Triggers (any of these)**

The City Manager, at his/her discretion, may declare a Stage 3 alert based upon any of the following and shall provide notice to City Council at or before the next regularly scheduled meeting:

- Portland moves to groundwater sources entirely.
- The Portland supply cannot meet demands.
- City of Tualatin’s distribution system experiences a significant and sustained reduction of water pressure.
- City of Tualatin customer use reaches contractual and/or facility capacity for five or more consecutive days.
- Failures in the City’s Water Distribution System impacting the ability to provide reliable water service for a sustained period.

**Public Message: Mandatory Curtailment Measures**

**The City will encourage or promote the following:**

Promote Stage 1 and Stage 2 public messages. Focus efforts to educate and encourage indoor and outdoor water conservation. Encourage residents to cache a supply of water for drinking purposes. Reduction of all water use by 20 percent, beginning with outdoor use (as a rule of thumb, for example, residential customers in a four-person single-family household should try to reduce their use by about 58 gallons per household per day). Repair leaks in hoses, faucets, and couplings.

<b>The City will Mandate the following prohibitions of City water Use</b>	
<b>Type of Use Prohibited</b>	<b>Exceptions</b>
i. Irrigation of established lawns/grass /turf (those at least six weeks old); Chemical applications to lawns/grass/turf that requires subsequent watering	Commercial sod farms, high-use athletic fields used for organized play, and daycare providers.
ii. General landscaping	Hand watering of edible garden plants, ornamental plants and flowers permitted between 10pm and 5am
iii. Washing down of hard surface areas, decks, buildings, gutters, or vehicles.	
iv. Ornamental fountains, reflection ponds, and decorative water bodies for scenic purposes.	Water used to support aquatic life
v. Filling of swimming pools, hot tubs or water based play features	
vi. Use of fire hydrants	Firefighting or flushing essential to maintain water quality
vii. Expansion of commercial nursery facilities, placing new irrigated agricultural land in production, or planting or landscaping when required by site design review process.	
viii. Water served only upon request in restaurants and other commercial facilities	
ix. Installations of new, additional, further expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains or other water service facilities of any kind	

b. Water waste prohibition ordinance Tualatin Municipal Code (TMC) §3-3-200 (1)(a) 3-3-200 may be enforced.

TMC §3-3-200 Prohibited Conduct.

(1) It is unlawful and a violation of this ordinance for any person to commit or

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cause any of the following acts:

(a) Wasteful or improper use of water during times of water shortage due to drought, damage to the water system or supply capability or unanticipated substantial demand which threatens the supply or pressure capability of the water system, or some combination of the foregoing. Wasteful or improper use under this paragraph shall include, but not be limited to, the use of water at times or in a manner which is prohibited by the terms of any City Council rule which may be adopted by resolution.

### **Possible City Actions**

- Place messages in *Tualatin Today*, bill message and on the City Web site/social media, as well as on billboards, bus-sides, TV, radio, and movie theatre ads. Turn off automatic irrigation where applicable and decrease time availability of water features owned by the City of Tualatin.
- Issue a statement that the City is experiencing a Severe Water Supply Shortage; notify the local media and send official notification to City of Tualatin customers.
- Routinely publish in the *Tigard Times*, *Tualatin Life* and *The Oregonian* the mandatory restrictions to be placed on the use of water supplied by the City.
- Publicize the penalties to be imposed for violations of mandatory restrictions and the procedures to be followed if a variance in the restrictions is requested, through the media and public outreach efforts, including door hangers.
- Activate conservation information line, including the current supply situation, voluntary measures, and conservation tips.
- Implement the enforcement provisions of City of Tualatin's *Water Supply Shortage Curtailment Plan*.
- City of Tualatin will not reimburse customers for bottled water or hotel stays resulting from any Water Supply Shortage.

### **Partners to Contact**

- Remind business, industrial, and government customers of any letters of cooperation that City of Tualatin may have signed with them to prepare for Stage 4 curtailment situations.
- Inform landscape / green industry of prohibitions on irrigation and chemical applications that require irrigation.
- Work with CIOs and HOA's to temporarily suspend regulations that require the use of water (Landscape requirements, etc.).
- Notify Tualatin Valley Fire and Rescue of the alert and request to refrain from any training activities using City water and request measures to establish and enforce a ban on open burning.

### **Stage 4: Critical Water Supply Shortage**

This may include emergency conditions under which little or no water is flowing to customers (as in the case of natural disasters that result in sudden and acute water loss). It may be necessary for the City to proceed directly to Stage 4. Or, this scenario may indicate an extended period of time in which demand outstrips supply.

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## Water Reduction Goals & Objectives

Protect safety, health, and economic livelihood.

### Triggers (any of these)

The City Manager, at his/her discretion, may declare a Stage 4 alert based upon any of the following and shall provide notice to City Council at or before the next regularly scheduled meeting:

- Portland reduces or removes the City of Tualatin from its system or the City cannot meet customer demands for water.
- Supplies are either physically cut off or become unavailable.
- City of Tualatin customer use reaches contractual and/or facility capacity for five consecutive days.
- Governor declares statewide drought, U.S. Drought Monitor identifies a regional drought of D3 or greater.
- The City of Tualatin declares a water related emergency.

### Public Message: Mandatory Curtailment Measures

<b>The City will Mandate the following prohibitions of City water Use</b>	
<b>Type of Use Prohibited</b>	<b>Exceptions</b>
i. All outdoor water use	
ii. Non-essential residential water use	Basic sanitation, drinking and culinary uses
iii. Non-essential commercial and industrial water use	Fire protection, human health and sanitation
iv. Installations of new, additional, further expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains or other water service facilities of any kind	

- Additional curtailment conditions may be implemented by, or on behalf of the Portland Water Bureau or the State of Oregon.
- Enforcement of City of Tualatin's *Water Supply Shortage Curtailment Plan* includes fines.
- Water waste prohibition ordinance Tualatin Municipal Code (TMC) §3-3-200 (1)(a) 3-3-200 strictly enforced.

TMC §3-3-200 Prohibited Conduct.

(1) It is unlawful and a violation of this ordinance for any person to commit or cause any of the following acts:

(a) Wasteful or improper use of water during times of water shortage due to drought, damage to the water system or supply capability or unanticipated substantial demand which threatens the supply or pressure capability of the water system, or some combination of the foregoing. Wasteful or improper use under this paragraph shall include, but not be limited to, the use of water at times or in a

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manner which is prohibited by the terms of any City Council rule which may be adopted by resolution.

### **Possible City Actions**

- Issue a statement that the City is experiencing a Critical Water Supply Shortage.
- Issue media releases.
- Enforce *Water Supply Shortage Curtailment Plan* with warnings, fines, and discontinued service if necessary.
- Place reminder messages in *Tualatin Today*, in the bill message and on the City Web site/social media, as well as on billboards, bus-sides, TV, radio, and movie theatre ads.
- Activate conservation information line on the current supply situation, voluntary measures, and conservation tips.
- Contact ORWARN (Oregon Water/Wastewater Agency Response Network) for utility help if appropriate.
- Enact the appropriate provisions of the Emergency Management Plan and if necessary, conduct the following emergency actions:
  - a. Activate City of Tualatin's Emergency Operations Center (EOC).
  - b. Begin rationing water as needed.
  - c. Activate any curtailment agreements previously negotiated with customers.
  - d. Open interconnections with neighboring water suppliers.
  - e. Bring ASR well on-line.
- City of Tualatin will not reimburse customers for bottled water or hotel stays resulting from any Water Supply Shortage.

### **Partners to Contact**

- Notify Tualatin Valley Fire and Rescue of the alert and request to refrain from any training activities using City water.
- Activate any previously agreed upon curtailment arrangements with customers.
- Inform developers of the moratorium on all new water service connections and water main extensions.
- Notify and work with neighboring water providers.
- Activate partnerships with bottled water manufacturers, National Guard, Red Cross or other water distributors if needed.
- Contact the Washington County Emergency Management Cooperative for additional resources and open burning, fire pit and fireworks ban.

## **III. Enforcement**

Violation of this Curtailment Plan is considered prohibited conduct under TMC 3-3-200(1) and subject to civil infraction as provided in TMC 3-3-200(2).





# STAFF REPORT

## CITY OF TUALATIN

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

**THROUGH:** Sherilyn Lombos, City Manager

**FROM:** Nicole Morris, Deputy City Recorder

**DATE:** 11/23/2015

**SUBJECT:** Receive for Filing of Initiative Petition 2015-01i with the Tualatin City Council.

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### **ISSUE BEFORE THE COUNCIL:**

Receive for filing of Initiative Petition 2015-01i with the Tualatin City Council.

### **RECOMMENDATION:**

Receive for filing.

### **EXECUTIVE SUMMARY:**

A prospective petition for local measure was filed with the City Elections Official on April 28, 2015. The initiative petition calls for an amendment to the City Charter to impose term limits on all members of City Council. The measure would restrict a person from serving on City Council to no more than 12 years in any 20 year period. The 12-year term limit would apply to the total time served on City Council, regardless of whether a person served as Mayor, Councilor, or both, during the 20 year period. The measure would also prohibit a person from serving on City Council if the person could possibly exceed the 12-year term limit by completing another term of office, despite the person having actually served less than 12 years. The measure would apply term limits retroactively, including to all current members of City Council. The measure would not prohibit current members of City Council from fulfilling their current terms of office. The measure would calculate a year of service to mean 365.25 days.

The initiative petition was approved for circulation of signatures on May 28, 2015. The Chief Petitioner submitted signatures for verification on October 23, 2015. The City and Washington County completed the signature verification process. The County notified the City on October 29, 2015 that the appropriate number of signatures had been verified. As required by state law, the City Elections Official is filing the initiative petition with the City Council. Once an explanatory statement is prepared, the City Elections Official will file the appropriate elections forms with the County to place the initiative on the November 2016 ballot for consideration by the voters.

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**Attachments:** Attachment A- Petition Language

Attachment B - Proposed Charter Amendment

Attachment C- Petition Validation

**CERTIFIED BALLOT TITLE TO CITY ELECTIONS OFFICIAL**  
**INITIATIVE 2015-01i**

**Caption:** Charter Amendment Establishing Term Limits for Members of City Council

**Question:** Should members of City Council be term limited to serving no more than 12 years in any 20 year period?

**Summary:** The measure would amend the City Charter to impose term limits on all members of City Council. The measure would restrict a person from serving on City Council to no more than 12 years in any 20 year period. The 12-year term limit would apply to the total time served on City Council, regardless of whether a person served as Mayor, Councilor, or both, during the 20 year period. The measure would also prohibit a person from serving on City Council if the person could possibly exceed the 12-year term limit by completing another term of office, despite the person having actually served less than 12 years. The measure would apply term limits retroactively, including to all current members of City Council. The measure would not prohibit current members of City Council from fulfilling their current terms of office. If voters approve the measure, the current Mayor and two current Councilors would be term limited upon conclusion of their current terms. The measure would calculate a year of service to mean 365.25 days.

## **Initiative 2015-01i**

### **Charter Amendment Establishing Term Limits for Members of City Council**

The electors of the City of Tualatin hereby amend their Charter to add the following language as a new section of Chapter III entitled "City Council Term Limits":

No person shall be eligible to serve on the City Council more than twelve (12) years in any twenty (20) year period, whether serving as Councilor, Mayor, a pro tem member, or a combination thereof. No person may be elected or appointed to an office on the City Council if completing that term of office would cause a violation of these term limits. The calculation of "years" shall include those preceding the passage of this Section, but shall not prevent any member of the City Council from completing a term of office that commenced prior to its passage. For the purposes of this Section, years of service on the City Council shall be calculated by first determining the aggregate number of days a person has served as a member of the City Council within an applicable window of twenty calendar years, and then attributing a year of service for every 365.25 days of service. This Section becomes effective immediately upon passage.

Number :TUAL 2015-01i Title :Charter Amendment Establishing Term Limits

## Petition Information

**Petition Name :** Charter Amendment Establishing Term Limits

**Petition Date :** 06/01/2015

**Date Filed :** 06/01/2015

**End Circulation Date :** 10/23/2015

**Minimum Signatures Required :** 2109

**Accepted Of Minimum :** ( 101.09% )

**Total Signatures Processed :** 2305

## Processing Summary Sample: All

**Total Accepted Signatures :** 2132 (92% ) **Of Those Processed**

**Total Rejected Signatures :** 173 (8% ) **Of Those Processed**

Accepted Reason	Total	(% Rejected)
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Valid Signature	2132	(100%)
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Rejected Reason	Total	(% Rejected)
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Not in Sample	1	(.5%)
Not Registered	30	(17.3%)
Out of District	17	(9.8%)
Printed Signature	21	(12.1%)
Rejected - Duplicate	8	(4.6%)
Not Registered Canceled	8	(4.6%)
Signatures Do Not Match	59	(34.1%)
Inactive Undeliverable Ballot	8	(4.6%)
Inactive Other or Reason Not Known	6	(3.4%)
Inactive Due To Not Voting In 5 Years	11	(6.3%)
Signed Before Date Registered to Vote (Too Late)	4	(2.3%)



I, **Richard W. Hobernicht**, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, do hereby certify this to be a true and correct copy of the original.

Date: October 29, 2015

By: [Signature]  
Election Supervisor



# STAFF REPORT

## CITY OF TUALATIN

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

**THROUGH:** Sherilyn Lombos, City Manager

**FROM:** Sean Brady, City Attorney

**DATE:** 11/23/2015

**SUBJECT:** Consideration of **Ordinance No. 1386-15** Relating to Civil Exclusions, Adding Tualatin Municipal Code Chapter 5-10; Amending Tualatin Municipal Code Chapters 5-1 and 5-2, and Adding New Provisions.

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### **ISSUE BEFORE THE COUNCIL:**

Consideration of Ordinance No. 1386-15, Relating to Civil Exclusions, Adding Tualatin Municipal Code Chapter 5-10; Amending Tualatin Municipal Code Chapters 5-1 and 5-2, and adding New Provisions.

### **RECOMMENDATION:**

Staff recommends Council consider the ordinance.

### **EXECUTIVE SUMMARY:**

Council is considering a proposed ordinance relating to civil exclusions. The proposed ordinance clarifies the civil exclusion process and the exclusion time periods to allow clear and consistent enforcement for both enforcement officers and the Municipal Court. The proposed ordinance also provides clear expectations for people utilizing City facilities and the consequences of violating the law or City rules.

Civil exclusion is a method of excluding people from a City facility if that person commits a crime or violates a rule at a City facility. The City currently has a civil exclusion ordinance, but it only applies the Library and City Parks. In addition, the current civil exclusion process is located in two different chapters of the TMC (TMC 5-1 for Parks and TMC 5-2 for the Library). Moreover, the exclusion time periods are interspersed throughout each Chapter and makes implementation difficult.

The proposed ordinance amends the current code to provide a uniform exclusion process in one Chapter, TMC 5-10. It also applies the civil exclusion process to all City facilities, not just the Library and City Parks.

Under the proposed ordinance, a civil exclusion may be issued based upon probable cause that a person has committed a felony, misdemeanor, violation, or rules infraction at a City facility. The period of time that a person can be excluded from the facility where the conduct occurred is

based upon the severity of the offense. And, the period of time may be extended if the person has been previously excluded from a City facility within the last year.

The proposed ordinance also contains an appeal process to Municipal Court. If an exclusion is appealed to Municipal Court, the City must prove the person committed the offense by a preponderance of the evidence standard in order to sustain the exclusion. In addition, the proposed ordinance contains a variance process that allows a person to seek a modification of the exclusion from the Municipal Court. The variance is available for such matters as to obtain social services, conduct valid City business, receive educational services, and take immediate family to receive services at the City.

A draft of the ordinance was presented to the Tualatin Library Advisory Committee (TLAC) on November 3, 2015 and TLAC voted unanimously to recommend the City Council adopt the ordinance. A draft of the ordinance was also presented to the Tualatin Parks Advisory Committee (TPARK) on November 10, 2015. TPARK also unanimously recommended the City Council adopt the ordinance.

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**Attachments:**    Civil Exclusion Ordinance

ORDINANCE NO. 1386-15

AN ORDINANCE RELATING TO CIVIL EXCLUSIONS; ADDING TUALATIN MUNICIPAL CODE CHAPTER 5-10; AMENDING TUALATIN MUNICIPAL CODE CHAPTERS 5-1 AND 5-2; AND ADDING NEW PROVISIONS.

WHEREAS, the Tualatin Municipal Code (TMC) Chapters 5-1 and 5-2 contain civil exclusion processes for City parks and the library; and

WHEREAS, the civil exclusion process has been successful in reducing unlawful and criminal activities at City parks and the library; and

WHEREAS, the Council wants to modify the civil exclusion process to apply a consolidated and clear civil exclusion process to all City facilities;

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

**Section 1.** TMC Chapter 5-10 (Civil Exclusion) is created as follows:

**5-10-010. Definitions.** As used in this Chapter, the following terms have the following meanings, unless the context otherwise requires:

(1) "Arrest" means to place a person under actual or constructive restraint, or to take a person into custody, for the purpose of charging that person with the commission of any enumerated offense that is a misdemeanor or felony.

(2) "Cite" means to issue a citation to appear in court to a person for commission of an enumerated offense.

(3) "City Property" means any property or physical structure owned or managed by the City, including but not limited to buildings, greenways, libraries, parks, and parking lots.

(4) "Enumerated offense" means any of the following:

(a) Felony: any crime under Oregon law classified as a Class A, Class B, or Class C felony;

(b) Misdemeanor:

(i) any crime under Oregon law classified as a Class A, Class B, or Class C misdemeanor; or

(ii) any violation of the Tualatin Municipal Code that classifies the offense as a misdemeanor.

(c) Violation or Infraction:



- (i) any violation of Oregon law that classifies the offense as a violation;
- (ii) any violation of the Tualatin Municipal Code that classifies the offense as a violation or infraction; or
- (iii) any violation of the Library Rules of Conduct, Park Rules, Commons Regulations, or any other administrative rule adopted by the City.

(5) "Enforcement officer" means a peace officer as defined by ORS 133.005, or any other person with authority to enforce the Tualatin Municipal Code.

(6) "Essential needs" means food, physical care, and medical attention.

(7) "Travel" means the movement on foot or within or upon a vehicle from one point to another without delay other than to obey traffic control devices.

#### **5-10-020 Civil Exclusion for Committing Enumerated Offense on City Property.**

(1) Any person arrested or cited, based upon probable cause to believe that the person has committed an enumerated offense on City Property, will be prohibited from being present at the City Property where the conduct occurred, except to travel to or from and be present for:

(a) Attendance at a City Council meeting, or other meeting of a city committee or board;

(b) Compliance with obligations ordered by a court or corrections department;

(c) Contact with criminal justice personnel at a criminal justice facility;

(d) Attendance at Municipal Court hearing relating to:

(i) An appeal of that person's Notice of Exclusion;

(ii) The denial, revocation, or amendment of that person's variance;

(iii) A violation proceeding against that person; or

(iv) Pursuant to a validly issued subpoena.

(e) Obtaining, or attempting to obtain, an essential need by accessing the public building that provides an essential need or service when the essential need cannot reasonably be satisfied without the excluded person entering the public building;

(f) Performance of work directly related to lawful employment;

(g) An activity, place, or event as specified by a variance issued by the Municipal Court pursuant to TMC 5-10-070.

(2) The issuance of a civil exclusion is in addition to any other remedy provided by law.

(3) This section is to be enforced to emphasize voluntary compliance with laws and City rules, and so that inadvertent minor violations that would fall under this Chapter can be corrected without resort to an Exclusion Notice.

**5-10-030. Exclusion Notice.**

(1) The Exclusion Notice must be issued by the enforcement officer at the time the person is arrested or cited for the commission of the enumerated offense.

(2) The Exclusion Notice must be in writing and must specify the following:

(a) The enumerated offense;

(b) The City building or facility excluded from or geographical extent of exclusion;

(c) The date exclusion takes effect and the date it ends;

(d) The procedure for filing an appeal; and

(e) A statement indicating the availability of a variance.

(3) If the Exclusion Notice is related to the conduct of a minor, the Exclusion Notice must be:

(a) issued to the parent, guardian, or custodian of the minor; or

(b) issued to the minor with a copy of the Exclusion Notice provided to the minor's parent, guardian, or custodian in person or by first class mail.

**5-10-040 Period of Exclusion.**

(1) The period of exclusion for a person issued an Exclusion Notice is:

(a) 30 days if the enumerated offense is a violation or infraction.

(b) 90 days if the enumerated offense is a misdemeanor.

(c) One year if the enumerated offense is a felony.

(2) The period of exclusion established in subsection (1)(a) and (b) is doubled if the person previously received an Exclusion Notice within one year from the date of receipt of the Exclusion Notice related to the current violation.

(3) The period of exclusion established in subsection (1)(a) and (b) is tripled if the person previously received two or more Exclusion Notices within one year from the date of receipt of the Exclusion Notice related to the current violation.

**5-10-050. Commencement of Exclusion.** The period of exclusion will commence upon the issuance of the Exclusion Notice, but will be stayed immediately upon the person excluded filing a Notice of Appeal under TMC 5-10-060, which stay will remain in place until the Municipal Court issues a decision on the appeal.

**5-10-060 Notice of Appeal; Appeal to Municipal Court.**

(1) A person may appeal the issuance of an Exclusion Notice by filing a Notice of Appeal with the Municipal Court. Failure to file a Notice of Appeal waives the right to appeal the exclusion.

(2) A Notice of Appeal must be filed within 10 business days of receipt of the Exclusion Notice. The Notice of Appeal must contain a copy of the exclusion notice, a request for a hearing or request for written review without a hearing, and a statement setting forth the reason(s) that the Exclusion Notice is invalid, otherwise improper, or why it should be modified.

(3) If, as part of the written appeal, the person requests a hearing, a hearing will be conducted by the Municipal Court, within 10 business days after the Notice of Appeal is filed with the Municipal Court, unless otherwise ordered by the Municipal Court. The Municipal Court will render a decision within 10 business days after the hearing, unless otherwise ordered by the Municipal Court.

(4) The City must prove by a preponderance of evidence standard that the enumerated offense occurred as alleged in the Exclusion Notice. If the City fails to prove the enumerated offense occurred as alleged in the Exclusion Notice, the Exclusion Notice must be dismissed by the Municipal Court.

(5) The determination of facts made by the Municipal Court under this section does not have any collateral estoppel effect on a subsequent criminal prosecution or civil proceeding and does not preclude litigation of those same facts in a subsequent criminal prosecution or civil proceeding.

**5-10-070. Variance from Exclusion.**

(1) The Municipal Court may grant a variance to an excluded person at any time during the period of exclusion upon a showing by the excluded person of a plausible need to grant the variance, which may include but is not limited to the following:

(a) To conduct valid city business.

- (b) To obtain goods or services not otherwise reasonably available;
  - (c) To obtain social services needed for the health or well-being of the person;
  - (d) To obtain educational services or to attend classes;
  - (e) To take the person's immediate family to a location for the benefit of the person's immediate family as provided in subsection (a) through (e). For the purposes of this paragraph, the term "immediate family" means the person's spouse or domestic partner, parents, in-laws, stepparents, siblings, grandparents, children, or grandchildren.
- (2) A request for a variance must be in writing, must state the purpose for which the variance is sought, and the period of time during which the variance is requested to be effective.
- (3) The Municipal Court will either grant or deny the variance request. If granted, the variance decision must be in writing and clearly state the terms of the variance. The variance decision allows relief from exclusion only to the extent provided in the variance decision.
- (4) A copy of the variance decision must be carried by the excluded person while within the area of exclusion, and be presented to any enforcement officer upon request.
- (5) A person excluded who is present within the area of exclusions has the burden to demonstrate, by clear and convincing evidence, that the person is present consistent with the purposes specified in the variance decision.
- (6) A variance is effective upon issuance; a revocation of a variance is effective upon the fifth business day after the date of the mailing of notice of revocation to the excluded person.
- (7) A person may request a variance regardless of whether the person previously filed a Notice of Appeal.

**5-10-080 Revocation of Variance.** The Municipal Court may revoke a variance upon finding that:

- (1) The request for the variance contained false information;
- (2) There is probable cause to believe the excluded person has committed another enumerated offense; or
- (3) Circumstances upon which the variance was granted no longer exist.

**5-10-090. Hearing Procedures.** Except as otherwise provided in this Chapter, the civil infraction procedures in TMC Chapter 7-1 apply to hearings on appeals and variances conducted under this Chapter.

**5-10-100 Violation of Exclusion Notice.**

(1) No person may enter or remain on City Property in violation of an Exclusion Notice issued to the person.

(2) If a person enters or remains on City Property in violation of the Exclusion Notice, the person may be arrested on criminal trespass charges.

(3) In addition to criminal trespass, the person violating an Exclusion Notice may be liable for civil trespass and other civil liability under City or state law.

**Section 2.** TMC Section 5-1-050 is amended to read as follows:

**5-1-050 Specific Library Rules.**

(1) Whenever there is reasonable cause to believe that an individual has committed any of the following acts in or upon Library premises, such individual may be directed to leave the Library. A warning need not be given in advance. Such conduct may be reported to the police. Violation of any of the prohibitions of this subsection may result in exclusion from the library ~~for period not to exceed one year~~ as provided in TMC Chapter 5-10.

It is unlawful to:

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

(2) Whenever there is reasonable cause to believe that an individual has committed any of the following acts, such individual shall be given one warning and if the conduct which led to the warning reoccurs, even on a different day, then such individual may be directed to leave the Library for the remainder of the day. ~~Violation of two or more of the prohibitions of this subsection, each of which results in a directive to leave the Library, within any six month period may also result in exclusion from the Library for a period not to exceed six months.~~

It is unlawful to:

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

(m) To follow the reasonable direction of a library employee.

(3) When there is reasonable cause to believe that an individual ~~has committed any of the following acts, entered or remained in the Library without wearing shoes or sandals, or a shirt or other similar clothing, except for children three years or younger,~~ such individual may be directed to leave the Library until the problem is corrected.

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

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

**Section 3.** The following provisions of the TMC Chapter 5-1 (Library Rules of Conduct) are deleted in their entirety: 5-1-080 and 5-1-090.

**Section 4.** TMC 5-1-100 is amended to read as follows:

5-1-100 Remedies.

(1) Except as otherwise provided, a violation of this ordinance ~~Chapter~~ is a civil infraction and shall be punishable by a fine not to exceed \$500. Each violation of this ordinance ~~Chapter~~ constitutes a separate offense, and each day that a violation of this ordinance ~~Chapter~~ is committed or permitted to continue constitutes a separate offense. ~~In addition to any other forfeiture, remedy, order or penalty provided by law or city ordinance, the court, upon a determination of a violation, may order the exclusion of a person from the Library for such period as may be specified for such violation under TMC 5-1-050, but not to exceed one year.~~

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

(3) Where a person has been refused Library privileges by order of the Library Manager, and such refusal is not in connection with ~~an order otherwise appealable to the Municipal Court~~ a Civil Exclusion under TMC 5-1-080 ~~TMC Chapter 5-10~~, an

aggrieved person may petition in writing to the City Manager or designee for reconsideration of such refusal.

**Section 5.** The following provisions of the TMC Chapter 5-2 (Use of City Parks) are deleted in their entirety: 5-2-070 and 5-2-080.

**Section 6.** TMC 5-2-090 is amended to read as follows:

5-2-090 Remedies.

(1) Except as otherwise provided, a violation of this ~~ordinance~~ Chapter is a civil infraction and shall be punishable by a fine not to exceed five hundred dollars (\$500). Each violation of a provision of this ~~ordinance~~ Chapter shall constitute a separate offense, and each day that a violation of this ~~ordinance~~ Chapter is committed or permitted to continue, shall constitute a separate offense. ~~In addition to any other forfeiture, remedy, order or penalty provided by law or City ordinance, the court, upon a determination of a violation, may order the exclusion of a person from a park or any portion thereof for a period of up to one (1) year.~~

(2) In addition to other remedies provided by this ~~ordinance~~ Chapter or other law, the Parks and Recreation Director is authorized to revoke the permit or approval given or issued to a person who violates any rule or regulation set forth in this ~~ordinance~~ Chapter or any condition under which the permit was issued. Such determination shall be in writing and delivered to the person to whom the permit was issued. Any person aggrieved by the revocation of such permit may appeal such determination ~~in accordance with the procedures provided in Section 8~~ to the City Manager, or designee.

(3) The remedies provided by this ~~ordinance~~ Chapter for violations thereof are cumulative and the pursuit of one remedy shall not preclude the use of another. In addition, where an offense defined under this ~~ordinance~~ Chapter is also punishable under State law or other provisions of the Tualatin Municipal Code Ordinance 706-86, the use of a remedy or remedies provided by this ~~ordinance~~ Chapter shall not be construed as an election of remedies or otherwise preclude the use of additional or alternative remedies or penalties provided by law.

(4) Where a person has been refused a permit or authorization for use of a park by order of the Parks and Recreation Director and such refusal is not in connection with ~~an order otherwise appealable to the Municipal Court under Section 8~~ a Civil Exclusion under TMC Chapter 5-10, an aggrieved person may petition in writing to the City Manager, or designee, for reconsideration of such refusal.



**Section 7. 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 remains in full force and effect.

Adopted by the City Council this \_\_\_\_ day of \_\_\_\_\_, 2015.

CITY OF TUALATIN, OREGON

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

APPROVED AS TO FORM

ATTEST

BY \_\_\_\_\_  
City Attorney

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