



# TUALATIN CITY COUNCIL

Monday, FEBRUARY 22, 2016

**JUANITA POHL CENTER**

**8513 SW Tualatin Road**

**Tualatin, OR 97062**

**EXECUTIVE SESSION** begins at 5:00

**WORK SESSION** begins at 5:40 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 FEBRUARY 22, 2016

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

Pledge of Allegiance

### **B. ANNOUNCEMENTS**

1. Presentation of Government Finance Officer's Association (GFOA) Awards to the City of Tualatin
2. Police Department Promotion Announcements:  
Captain Greg Pickering  
Sergeant Michael Vorberg  
Sergeant Chris Turner
3. Proclamation Declaring Aimee Meuchel as Tualatin's "2015 Employee of the Year"
4. Proclamation Declaring the Week of March 28- April 2, 2016 as "National Community Development Week" in the City of Tualatin

### **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 Work Session and Regular Meeting of February 8, 2016
2. Consideration of Approval of Liquor License Renewals for 2016
3. Consideration of Recommendations from the Council Committee on Advisory Appointments

4. Consideration of **Resolution No. 5268-16** Accepting Public Improvements for Construction of the SW Barngrover Way at SW Boones Ferry Rd. Tualatin River Greenway Shared Use Pathway

**E. SPECIAL REPORTS**

1. Community Enhancement Award Presentation to Mask & Mirror Community Theater
2. Washington County Communications System Bond Measure Presentation
3. 2015 Annual Report of the Tualatin Heritage Center
4. Tualatin Tomorrow 2015 Annual Progress Report

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

1. Consideration of **Resolution No. 5267-16** Adopting Findings in Support of a Special Procurement; Authorizing Direct Negotiation of a Contract for Building Official, Plan Review and Inspection Support Services; and Making a Budget Transfer in the Building Fund

**G. 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 a Draft Ordinance for Outdoor Smoke and Tobacco Free City Spaces Policy for Property Owned and/or Managed by the City or the Tualatin Development Commission
2. Consideration of **Resolution No. 5266-16** Authorizing the City Manager to Execute the First Amendment to the Regional Water Sales Agreement with the City of Portland

**H. ITEMS REMOVED FROM CONSENT AGENDA**

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

**I. COMMUNICATIONS FROM COUNCILORS**

**J. ADJOURNMENT**

## **City Council Meeting**

**Meeting Date:** 02/22/2016

**ANNOUNCEMENTS:** Presentation of GFOA Awards to  
the City of Tualatin

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### **ANNOUNCEMENTS**

Presentation of Government Finance Officer's Association (GFOA) Awards to the City of Tualatin

### **SUMMARY**

For the 24th consecutive year, the City of Tualatin has received the Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officer's Association of the United States and Canada ( GFOA) for the City's Comprehensive Annual Financial Report for the Fiscal Year Ending June 30, 2014. In addition, the City's Fiscal Year 2015-2016 budget document received the GFOA Distinguished Budget Award, the 3rd consecutive year we have received this honor.

Roger Dawes, Past President of the Oregon Government Finance Officers Association (OGFOA), and current GFOA Representative for the OGFOA Board of Directors, will be presenting the City Council and the City's Finance Department with these awards.

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**City Council Meeting**

**Meeting Date:** 02/22/2016

**ANNOUNCEMENTS:** Proclamation Declaring Aimee Meuchel as Tualatin's "2015 Employee of the Year"

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**ANNOUNCEMENTS**

Proclamation Declaring Aimee Meuchel as Tualatin's "2015 Employee of the Year"

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Proclamation

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# Proclamation

## *Proclamation Declaring Aimee Meuchel as Tualatin's "2015 Employee of the Year"*

WHEREAS, the Employee of the Year program is designed to recognize the work and actions which bring credit to the City and improve our ability to deliver excellent service to Tualatin's customers; and

WHEREAS, Aimee Meuchel joined the City of Tualatin Library staff in September of 2006 and was named Tualatin's first Teen Librarian in 2008; and

WHEREAS Aimee was instrumental in forming the Teen Library Committee where teens develop leadership, planning and organizational skills; she developed and leads the popular Summer Teen Library program and is passionate about making the Tualatin Library Teen Room "the place to be"; and

WHEREAS Aimee's approachability, genuineness, creativity, care and concern for the teens she mentors were all qualities that were reflected in nominations submitted by Tualatin teens to the Oregon Young Adult Network for the "You're Excellent Award" which Aimee received at the 2015 Oregon Library Association Conference; this award recognized her for her outstanding work and positive and significant contribution to teens in Oregon libraries; and

WHEREAS Aimee's ability to exhibit grace under pressure, innovation, bubbly personality and can-do attitude is admired and appreciated by all who work with her; she is a model of cooperation and support with coworkers and delivers stellar customer service with resourcefulness, dedication, humility and good humor; and

WHEREAS, Aimee demonstrates Tualatin's core values of TEAMWORK, RESPECT, ONE CITY, EMPOWERMENT, PROBLEM SOLVING, CUSTOMER SERVICE and being NON-BUREAUCRATIC in a multitude of ways every day.

NOW, THEREFORE, BE IT PROCLAIMED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, Oregon that: Aimee Meuchel is named the "2015 City of Tualatin Employee of the Year.

INTRODUCED AND ADOPTED this 22<sup>nd</sup> day of February, 2016.

CITY OF TUALATIN, OREGON

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

ATTEST:

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

**City Council Meeting**

**Meeting Date:** 02/22/2016

**ANNOUNCEMENTS:** Proclamation Declaring the Week of March 28- April 2, 2016 as “National Community Development Week” in the City of Tualatin

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**ANNOUNCEMENTS**

Proclamation Declaring the Week of March 28- April 2, 2016 as “National Community Development Week” in the City of Tualatin

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Proclamation

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# Proclamation

## *Proclamation Declaring the Week of March 28- April 2, 2016 as “National Community Development Week” in the City of Tualatin*

WHEREAS, the week of March 28-April 2, 2016 has been designated as National Community Development Week by the National Community Development Association to celebrate the Community Development Block Grant (CDBG) Program and the HOME Investment Partnerships (HOME) Program; and

WHEREAS, the CDBG Program provides annual funding and flexibility to local communities to provide decent, safe and sanitary housing, a suitable living environment and economic opportunities to low- and moderate-income people; and

WHEREAS, the HOME Investment Partnerships Program provides funding to local communities to create decent, safe, affordable housing opportunities for low-income persons. Nationally, over one million units of affordable housing have been completed using HOME funds; and

WHEREAS over the program's history, the City of Tualatin has received a total of \$1,599,617 in CDBG funds.

NOW, THEREFORE, BE IT PROCLAIMED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, Oregon that: the City of Tualatin designates the week of March 28-April 2, 2016 as National Community Development Week in support of these two valuable programs that have made tremendous contributions to the viability of the housing stock, infrastructure, public services, and economic vitality of our community.

BE IT FURTHER PROCLAIMED that this community urges Congress and the Administration to recognize the outstanding work being done locally and nationally by the Community Development Block Grant Program and the HOME Investment Partnerships Program by supporting increased funding for both programs in fiscal year 2017.

INTRODUCED AND ADOPTED this 22<sup>nd</sup> day of February, 2016.

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:** 02/22/2016

**SUBJECT:** Consideration of Approval of the Minutes for the City Council Work Session and Regular Meeting of February 8, 2016

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

The issue before the Council is to approve the minutes for the City Council Work Session and Regular Meeting of February 8, 2016.

### **RECOMMENDATION:**

Staff respectfully recommends that the Council adopt the attached minutes.

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**Attachments:** City Council Work Session Minutes of February 8, 2016  
City Council Regular Meeting Minutes of February 8, 2016



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; Planning Manager Aquilla Hurd-Ravich; Deputy City Recorder Nicole Morris; Assistant to the City Manager Tanya Williams; Assistant City Manager Alice Cannon

## CALL TO ORDER

Mayor Ogden called the meeting to order at 6:01 p.m.

### 1. ***Update from Clean Water Services.***

Mark Jockers, Government Public Affairs Officer, and Diane Taniguchi, Deputy District Manager, of Clean Water Services (CWS) presented an update. Mr. Jockers spoke to Clean Water Services history and the formation of their water resource management utility. He stated their utility serves 572,000 residents throughout Washington County while working with 12 partner cities. CWS works in resource recovery, surface water management, river flow management, and water security and planning and prides themselves on their innovations and partnerships in these areas. Ms. Taniguchi spoke to CWS's financial strategies and how they are investing in the Tualatin Basin to repair infrastructure, protect the watershed, optimize assets, and plan for growth. Mr. Jockers spoke to local surcharges and the 10 year rate history. Future challenges for CWS include water supply planning and security, managing extreme weather, stormwater, growth planning, and aging infrastructure.

Mayor Ogden asked if CWS had a sense of cost regarding onsite stormwater management for developers. Ms. Taniguchi stated there are several tensions surrounding this issue and CWS is working to figure out costs. Mayor Ogden stated a better job of educating the development community about the importance of stormwater management and the costs needs to be made.

### 2. ***Preview of Proposed Code Change for Medical Center Sign Regulations.***

Planning Manager Aquilla Hurd-Ravich presented proposed amendments to sign code PTA15-001. Manager Hurd-Ravich stated Legacy Meridian Park, applicant, has proposed the changes. The application is to amend the sign code specifically for the Medical Center (MC) Planning District, which Meridian Park mostly occupies. The current code allows for monument, wall, and hospital identification signs. The amendments would allow for freestanding pole signs, additional monument signs, additional wall signs, and a campus sign master plan process.

Additional monument signs would include property boundary, vehicle entrance, and internal signs. Additional wall signs include main signs, tenant signs, and overhead canopy signs. Existing and proposed standards for each amendment were covered. Manager Hurd-Ravich explained the proposed campus sign master plan option. She stated instead of proposed standards a property in the MC Planning District could submit a campus sign master plan to establish sign standards and locations. The master plan would be reviewed by staff in the same manner as a standard application. The proposal was taken to the Planning Commission at their last meeting and they recommended the Commission reviewing the master plan as well. Next steps include a final Planning Commission review on March 17 followed by a public hearing before the City Council on March 28.

Councilor Grimes expressed concerns with the proposed size of the signs in addition to potential light pollution from the amount of proposed signs and the affect to the surrounding neighborhoods. Manager Hurd-Ravich stated the current code addresses the type of lighting that can be used.

Councilor Davis stated the Council over the last several years has made an effort to reduce the amount of pole signs in the City. She would like staff to look into a more effective and attractive solution. Council President Beikman concurred.

Mayor Ogden stated he is interested in more flexibility throughout the code so it offers a more user friendly approach. Manager Hurd-Ravich stated the master plan option offers the flexibility staff is looking for.

**3. Council Meeting Agenda Review, Communications & Roundtable.**

None.

**ADJOURNMENT**

The work session adjourned at 7:09 p.m.

Sherilyn Lombos, City Manager

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

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



## OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR FEBRUARY 8, 2016

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

Absent: Council President Monique Beikman

Staff Present: City Manager Sherilyn Lombos; City Attorney Sean Brady; Police Chief Kent Barker; Deputy City Recorder Nicole Morris; Teen Program Specialist Julie Ludemann; Assistant to the City Manager Tanya Williams; Assistant City Manager Alice Cannon; City Engineer Jeff Fuchs

### A. CALL TO ORDER

Pledge of Allegiance

Mayor Ogden called the meeting to order at 7:09 p.m.

### B. ANNOUNCEMENTS

#### 1. Youth Advisory Council Update for February 2016

Members of the Youth Advisory Council (YAC) presented a PowerPoint on their latest activities and upcoming events. Five YAC seniors will be attending the National League of Cities Conference on March 5-8 in Washington D.C. The conference will provide the group with leadership development skills, civic engagement, and provide networking opportunities. YAC is continuing to prepare for Project FRIENDS to be held on May 20. Bridgeport, Byrom, and Tualatin Elementary will participate in the day long anti-bullying workshop. Other upcoming events the YAC is preparing for include a Youth Summit and Coffee Nights.

#### 2. Proclamation Declaring February 8-14, 2016 as Future Business Leaders of America Week

Mayor Ogden presented the proclamation declaring February 8-14, 2016, as Future Business Leaders of America week. The Tualatin High School Future Business Leaders of America officers accepted the proclamation.

### C. CITIZEN COMMENTS

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**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 Councilor Joelle Davis, SECONDED by Councilor Nancy Grimes to approve the consent agenda.

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

MOTION CARRIED

1. Consideration of Approval of the Minutes for the City Council Work Session and Regular Meeting of January 25, 2016
2. Consideration of **Resolution No. 5265-16** Approving the Sagert Farm Subdivision (SB 15-0002) with Conditions.
3. Consideration of Approval of a New Liquor License Application for Tualatin Home Brew Supply
4. Consideration of **Resolution No. 5264-16** Agreeing to Share Transient Room Tax Revenue with Washington County as Provided in Washington County Code Chapter 3.08 and Authorizing the City Manager to Execute an Intergovernmental Agreement

**E. 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.*

**F. COMMUNICATIONS FROM COUNCILORS**

Mayor Ogden announced the Boot Scooting Barn Dance and BBQ fundraiser to support Meals on Wheels. The fundraiser will be held on February 27, 5-8 p.m., at the Juanita Pohl Center.

**G. ADJOURNMENT**

Mayor Ogden adjourned the meeting at 7:27 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:** 02/22/2016

**SUBJECT:** Consideration of Approval of Liquor License Renewals for 2016

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

The issue before the Council is to approve liquor license renewal applications for 2016. Copies have not been included with this staff report but are available at the City Offices for review.

### **RECOMMENDATION:**

Staff respectfully recommends that the Council approve endorsement of the liquor license renewals for 2016 as listed in Attachment A.

### **EXECUTIVE SUMMARY:**

Annually, the Oregon Liquor Control Commission (OLCC) requires that all liquor licenses are renewed. According to the provisions of City Ordinance No. 680-85, establishing 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 the Ordinance. The liquor license renewal applications are in accordance with all ordinances and the Police Department has conducted reviews of the applications.

According to the provisions of Section 5 of Ordinance No. 680-85 a member of Council or the Public may request a public hearing on any of the liquor license renewal 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 renewal fee of \$35 has been paid by each applicant.

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**Attachments:** [Attachment A- Liquor License Renewals 2016](#)



## **Liquor License Renewals 2016**

76 of Tualatin  
Applebee's Neighborhood Grill  
Big Eddy Tap House  
Birra Deli  
Buffalo Wild Wings  
C.I. Bar & Grill  
Café Yumm  
Chipotle Mexican Grill  
Claim Jumper Restaurant  
Club Sport  
Dickie Jo's Burgers  
Dotty's #13  
El Sol De Mexico  
Famous Daves BBQ  
Fred Meyer #393  
Fuddruckers  
Grampy's Corner Deli  
Hayden's Grill  
Hayden's Grill  
Industry, Inc.  
Jacksons #533  
King Estate Winery  
La Isla Bonita  
Lakeside Bistro  
Lee's Kitchen  
Marinepolis Sushi Land  
Millers Homestead  
New Season's Market  
Oregon Wine Services and Storage  
Outback Steakhouse  
P.F. Changs China Bistro  
Pastini Pastaria - Bridgeport  
Pizza Hut #2878  
Plaid Pantry  
QDOBA Mexican Grill  
Red Robin  
Royal Panda  
Safeway #1047  
Shari's Café & Pies  
Sharkys Woodfired Mexican Grill  
Stafford Hills (2)  
Star's Cabatet - Bridgeport  
Sushi Train  
Sushiville - Tualatin  
Thai Cuisine  
The Grand Hotel

The Seat  
Three Mermaids Tavern  
Tualatin Chevron  
Tualatin Country Club  
Tualatin Food Store  
Tualatin Gas and Food  
Tualatin Indoor Soccer  
Tualatin Island Grill  
Tualatin Valley Elks #2780  
Walgreens  
Whole Foods Market



# 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:** 02/22/2016

**SUBJECT:** Consideration of Recommendations from the Council Committee on Advisory Appointments

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### ISSUE BEFORE THE COUNCIL:

Consideration of appointments to the Architectural Review Board, Tualatin Arts Advisory Committee, Tualatin Parks Advisory Committee, and the Tualatin Library Advisory Committee.

### RECOMMENDATION:

Staff recommends the City Council approve the recommendations from the Council Committee on Advisory Appointments (CCAA).

### EXECUTIVE SUMMARY:

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

<b>Individuals</b>	<b>Board</b>	<b>Term</b>
Carol Bellows	Architectural Review Board	New Appointment Term Expiring 6/30/17
Kristen Erickson	Tualatin Arts Advisory Committee	Re-appointment Term Expiring 3/31/19
Buck Braden	Tualatin Arts Advisory Committee	Re-appointment Term Expiring 3/31/19
Dawn Upton	Tualatin Arts Advisory Committee	Re-appointment Term Expiring 3/31/19
Krista Nanton	Tualatin Parks Advisory Committee	Re-appointment Term Expiring 2/28/19
Stephen Ricker	Tualatin Parks Advisory Committee	Re-appointment Term Expiring 2/28/19
Anthony Warren	Tualatin Parks Advisory Committee	New Appointment Term Expiring 2/28/19
Donald Swygard	Tualatin Library Advisory Committee	New Appointment Term Expiring 10/31/17

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**Attachments:**



# 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:** 02/22/2016

**SUBJECT:** Consideration of **Resolution No. 5268-16** Accepting Public Improvements for Construction of the SW Barngrover Way at SW Boones Ferry Rd. Tualatin River Greenway Shared Use Pathway

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

The Council will consider a resolution authorizing final acceptance of the Tualatin River Greenway Shared Use Pathway Project.

### **RECOMMENDATION:**

Staff respectfully recommends that Council approve the attached resolution authorizing final acceptance.

### **EXECUTIVE SUMMARY:**

The contract was awarded to Brown Contracting, Inc. of Eugene, Oregon on June 8, 2015. Construction of the improvements is complete and staff has inspected the improvements and received all required documents and materials.

### **OUTCOMES OF DECISION:**

The five percent retainage on construction costs will be paid and the Maintenance and Warranty period will begin.

### **FINANCIAL IMPLICATIONS:**

This project was funded through a combination of grants (ConnectOregon V, Washington County MSTIP, Metro Natural Areas Bond Measure, Washington County Visitors Association, Oregon Public Health Institute), cash contributions (CenterCal Properties, LLC) and Park Development funds. The final construction contract amount was \$3,217,663.37.

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**Attachments:** Resolution No. 5268-16

RESOLUTION NO. 5268-16

RESOLUTION ACCEPTING PUBLIC IMPROVEMENTS FOR CONSTRUCTION OF THE SW BARNGROVER WAY AT SW BOONES FERRY RD., TUALATIN RIVER GREENWAY SHARED USE PATHWAY PROJECT

WHEREAS, the City of Tualatin entered into a contract with Brown Contracting, Inc. to construct a new segment of the Tualatin River Greenway between SW Barngrover Way and SW Nyberg Lane; and

WHEREAS, Brown Contracting, Inc. has completed construction of the improvements to the standards required by the City; and

WHEREAS, City staff has inspected and recommends final acceptance of the improvements; and

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

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

**Section 1.** The SW Barngrover Way at SW Boones Ferry Rd, Tualatin River Greenway Shared Use Pathway project is approved and accepted by the City.

**Section 2.** The City Manager, or designee, is authorized to execute any and all documents necessary to close out the contract with Brown Contracting, Inc.

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

INTRODUCED AND ADOPTED this 22<sup>nd</sup> day of February, 2016.

CITY OF TUALATIN, OREGON

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

APPROVED AS TO FORM

ATTEST:

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

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

**City Council Meeting**

**Meeting Date:** 02/22/2016

**SPECIAL** Community Enhancement Award

**REPORTS:** Presentation

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**SPECIAL REPORTS**

Community Enhancement Award Presentation to Mask & Mirror Community Theater

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Community Enhancement Award PowerPoint

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# **COMMUNITY ENHANCEMENT AWARD**



*City of Tualatin*

**Tualatin Arts Advisory Committee**  
**Community Services Department**

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# **PURPOSE OF AWARD**

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- **Created to recognize individuals and organizations for their contributions to significant art endeavors and experiences within the Tualatin community.**
- **The Tualatin Arts Advisory Committee identifies award candidates and makes recommendations to the City Council.**



# **PAST RECIPIENTS**

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- **CenterCal Properties (2015)**
- **Jeannine Miller, Tualatin High School (2014)**
- **The Lewis & Floetta Ide Healing Garden,  
Meridian Park Hospital (2013)**
- **Don Armstrong, McDonald's Restaurants (2011)**
- **Althea Pratt-Broome, Willowbrook Arts Camp (2011)**
- **Lumiere Players Theatre (2010)**

# 2016 AWARD RECIPIENT

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**Mask & Mirror Community Theatre  
for the 2015 production of  
“Singin’ in the Rain”**



# “SINGIN’ IN THE RAIN” PRODUCTION

- **Six performances in August 2015**
- **Afternoon and evening shows**
- **Held at Tualatin High School**



# COMMUNITY BENEFITS

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- **Stimulates private and public support for programs and activities in the arts**
- **Encourages greater opportunities for recognition of arts in Tualatin**
- **Encourages greater opportunities for local performing artists**

**City Council Meeting**

**Meeting Date:** 02/22/2016

**SPECIAL  
REPORTS:**

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**SPECIAL REPORTS**

Washington County Communications System Bond Measure Presentation

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Resolution

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RESOLUTION NO. 5269-16

A RESOLUTION OF THE CITY OF TUALATIN SUPPORTING WASHINGTON COUNTY'S ISSUANCE OF GENERAL OBLIGATION BONDS TO PAY FOR \$77 MILLION IN CAPITAL COSTS FOR EMERGENCY AND 911 EQUIPMENT AND FACILITIES

WHEREAS, Washington County has a population of over 570,000 residents and is expected to continue growing over the next 20 years, creating additional demand and stress on the current 911 system; and

WHEREAS, the current emergency communications system is built on obsolete technology reaching the end of its serviceable life; and

WHEREAS, manufactures of equipment used in the current system have stopped making key parts because they have transitioned to newer technology; and

WHEREAS, all county first responders plus additional users such as schools, public works departments, and hospitals rely on the emergency communications system; and

WHEREAS, there is a nationwide push to move all 911 dispatch centers to a standard digital technology that would allow interoperability between emergency communications systems, and more efficient use of the radio spectrum reserved for emergency communications; and

WHEREAS, the current emergency communications system equipment and facilities need to be strengthened to improve reliability during severe weather, major earthquakes and other hazards; and

WHEREAS, alternate funding mechanisms, such as individual user agencies paying a proportionate share of the \$77 million in capital costs, would have placed an untenable financial burden on these user agencies and their cities; and

WHEREAS, the projected levy rate is not expected to exceed 8¢ of assessed value; and

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

**Section 1.** That the Tualatin City Council does hereby endorse and support and urges the passage of the Washington County Emergency Communications System Bond Measure on the ballot May 17, 2016.

**Section 2.** This resolution is effective immediately upon its enactment by the City Council.

Adopted by the City Council this 22<sup>nd</sup> Day of February, 2016.

CITY OF TUALATIN, OREGON

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

APPROVED AS TO FORM

ATTEST:

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

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

**City Council Meeting**

**Meeting Date:** 02/22/2016

**SPECIAL** 2015 Annual Report of the  
**REPORTS:** Tualatin Heritage Center

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**SPECIAL REPORTS**

2015 Annual Report of the Tualatin Heritage Center

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2015 Heritage Center Annual Report  
Heritage Center PowerPoint Presentation

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# 2015 Annual Report

*It hardly seems like ten years since that August Sunday in 2005 when Tualatin Historical Society and the City of Tualatin collaborated on moving the historic Methodist Church to its present location on Sweek Drive. We look forward to the official anniversary of the Society's official home in February 2016. Over the past 12 months since our last November annual meeting we've been busy carrying forward our mission of preserving and interpreting Tualatin's rich and colorful history in a variety of ways. I'm sure you feel as proud as I am about being a THS member. Art Sasaki, 2015 President*

During November and December, 2014 we last gathered for official business, two new members of your Board were elected and both wasted no time getting involved. Sandra (Lafky) Carlson took on the job of historian and keeps records of Society activities. Ross Baker has been bringing his talents from industry in setting goals and re-examining our committee structure. THS co-founder Loyce Martinazzi presented Yvonne Addington and Christine Tunstall with the Martinazzi-Lafky Award for outstanding service to the Society. Chris was singled out for leading the Pioneer Days since its inception, and Yvonne for her continued leadership to Tualatin's Ice Age-related projects and efforts to resurrect the name "Tualatin Mountain Range" for that distinctive geographical feature stretching from Canby Ferry to near Scappoose as original maps show.

January launched another calendar year of monthly articles on Tualatin history prepared by Loyce Martinazzi. Topics since last November have included: Tualatin's Most Wanted on the FBI List; The Street Where You Live; Tualatin. Through the Season, and the Ages; Ruminations on Appellations; Itinerant Peddler to Merchandising Magnate: The Story of Aaron Meier; The Willamette Cattle Company: The Story of Ewing Young; I Got Spurs That Jingle, Jangle, Jingle as I go Riding Merrily Along; Make Hay While the Sun Shines; How Does Your Garden Grow?; Generations of Bushbaum, Malsam, Raicy and Payne Families go Back to Tualatin's Beginning; Three Men Escape Death as Fire Levels Night Club; 1851 Tualatin Oregon Trail Pioneers: John E. and Catherine Hedges. Our Society's co-founder just keeps on writing and readers love it.

February saw continued regular discussions with National Park Service leadership developing the new National Ice Age Geologic Trail which will come right through Tualatin as the gateway to Willamette Valley legacies of giant floods and ancient mammals.

March saw initial discussions with a Tualatin High School student whose Senior Project will include a plan for how to reach out to younger potential members and how to use social media more proactively. Work also began on replicas of the Tualatin Mastodon's tusk and molars, so that the originals can stay safely in their locked case, while nearly-identical copies can be taken out for "hands on" school and community presentations.

In April, a project to continue an earlier collection of oral histories was reinvigorated with the donation of some user-friendly voice recorders. Interviewers are now going out to capture memories of some 30 high-priority folks who played various roles in Tualatin history.

Late in May, we again enabled some 270 4<sup>th</sup> graders and their adult helpers to re-live what pioneer life was like in Tualatin. Most children write delightful thank you letters describing the many things they learned; some even say this is the highlight of their school year.

In June, we awarded a \$2500 scholarship to Tualatin High School senior Adrienne Tedesco. She is presently attending Oregon State University and we look forward to hearing her progress.

In July, we moved our annual picnic to Ibach Park in south Tualatin to enable members and friends to see how Tualatin parks emphasize local history in signage and play areas. It was a hot summer day and some 30 folks were impressed by the unique dance talent of Ryan Houlberg, a former THS scholarship winner now attending Oregon State University.

In August, work began on a new Tualatin River greenway trail linking Browns Ferry Park and Tualatin Library under the I-5 Bridge. Working with THS, the City design includes an embedded timeline featuring prehistoric times and such features as brass footprints of giant mammals like the Tualatin Mastodon and giant sloth. An overlook behind Cabela's is being named for THS past president Yvonne Addington who was Tualatin's first city manager.

In September, we watched hops growing up a rope hanging from our parking lot light pole climb skyward to maturity. This was an original cutting from the original Cimino farm, carefully nurtured by Lloyd Koch for many years and then planted near the pole with no way to climb until Bob Hughes arranged for its liberation. September 11 marked our 7<sup>th</sup> silent auction and wine tasting on a warm summer evening which netted over \$7,000 for Society operation.

In October, the City of Tualatin replaced the roof of the heritage center which looks superb. Boy Scouts from Tualatin Troop 35 and Tigard Troop 423 completely revamped our planter boxes along the patio with new soil and irrigation system repairs. These will now be replanted with greater care to include local historic and native flora. Their second project was to permanently anchor and replace the pole holding our hanging baskets donated by Garden Corner Nursery. More engraved bricks recognizing individuals and families were also added to our sidewalk leading to the patio.

## **Public Programs Monthly**

Hundreds of persons attended first Wednesday and third Thursday programs each month as we try to accommodate employed persons and retired persons alike. Our evening programs are planned in partnership with the Lower Columbia Chapter/Ice Age Floods Institute. Program ideas are always welcome. Remember these?

December: Bob Setterberg, *The Great Missoula Floods: From an Historical Perspective*

January: Robert Hamm, *Mapping the West in the 16-19<sup>th</sup> Centuries*; staff geologists, *Art and Science of the Rice Museum of Rocks and Minerals*

February: Mike Loftin, *History in Your Attic; What's Hiding in Those Boxes?*; Richard Waitt, *The Great Missoula Floods: Megafloods and the Wenatchee Reach*

March: Bonnie Hendersen, *The Next Tsunami: Living on a Restless Coast*; Joe Baney, *Exploring Antarctica*

April: Alfred Mullett, *Tualatin and Washington County Railroad History*; Greg Nokes, *Massacred for Gold: Murders of Chinese Miners in Hells Canyon*

May: Mike Cafferata, *History of Oregon Forestry*; Bob Setterberg, *The Great Missoula Floods: From an Historical Perspective* (repeat of December program by request)

June: Dr. Carl Abbott, *The World Welcomes Portland: The 1905 Lewis and Clark Exposition*; Mike Full, *Casting Fossils: How We Replicated Mastodon Artifacts*

July: (picnic and fellowship at Ibach Park); Russell Morrow, *The Beauty of our National Parks*

August: Michael Linblad, *How I Make History Interesting to Students* (2015 Oregon Teacher of the Year)

September: Duffy Hamilton, Bill Galbreath, Barbara Stinger, *Tualatin Land Claim Descendants Share Family Stories*; Bill Burgel, *Real Time Seismic Monitoring*

October: Tom Olsen, *The Great Train Robbery of Southern Oregon (Crime of the d'Autremont Brothers)*; Rick Thompson, *Visual Tour of the Proposed National Ice Age Geologic Trail*

## **Membership Overview**

Membership coordinators Norm Parker, Karin Olson and Ross Baker report we have a total of 204 members as this report is prepared. Newcomers in 2015 include Tom Ashcroft, Fran Denley, Mike Cafferata, Michael Lindbland, Michelle Mueller, Rich Mueller, Greg Rickert, Jim Serrill, Joe Bushbaum and Tom Sheridan. We were saddened by the death of Don Sunde, however 22 of our members are 90-years old or more and automatically receive lifetime membership. Be sure to let Karin know if your address or other contact information changes (503-646-4108).

## **Financial Picture of THS**

We are lucky to have Barbara Stinger as our treasurer. She works diligently to track our income and spending and keeps reminding us in Board meetings about where we are either ahead or behind on budget. She makes sure we have a planned budget ready for the start of each new fiscal year starting July 1. We are presently half way through the 2016 fiscal year working with an anticipated budget of over \$50,000. What follows is a general summary of what we typically take in and spend. Final figures will be compiled after books close June 30, 2016 and are available on request.

### Income

Rental of THC in FY 2015 has remained almost the same as the previous year: \$11,782; general donations, \$3,734; memorials, \$385; annual auction (Sept 2014): \$11,425; City of Tualatin subsidies for Center operations,: \$8,100; Memberships: \$3,965; Donations to scholarship fund: \$3,342; Product sales (books, jam):\$2,076; Donations at the door and at programs: \$500; Patio engraved bricks: \$150.

### Expenses

We keep our Tualatin Heritage Center doors open to the public at least five days a week and many times in evenings and on weekends. Meantime, institutions bigger than ours are often unable to operate regular hours. We are grateful to have Lindy Hughes in her eighth year as our on-site manager. Lindy is the mentor for our Experience Works trainee Rhonda Verbeck whose salary for 18 hours/week is paid through a federal employment program. Unfortunately, Rhonda will be leaving us in mid-November and we anticipate a new placement. Payroll expenses total \$24,902. Operational expenses like postage, printing, supplies, telephone and internet services, \$3458; Contract services for bookkeeping, speakers, \$3542; Insurance, security system and equipment maintenance cost, \$4,808; Fundraising expenses, \$1103; Scholarship, \$2500; and other operational costs, such as monitors for certain rentals, \$1094.

### Savings

In addition to temporary funds held in a money market account averaging \$40,000, Barbara monitors a \$27, 540 CD held in part for future exhibits and building modifications as the Board of Directors determines.

### **We Thank Our Supporters**

Rentals of the heritage center provide the foundation of our operations. We are delighted to host two churches on Sundays, one in the morning and one in the afternoon. Former Tualatin artist Linda Aman still travels back to Oregon for regular art classes and two different business networking groups meet early mornings before the Center opens to the public. Our staff works hard to maintain this flow of support. THS is a popular venue for business networking functions, workshops, anniversary celebrations, and memorial gatherings. Avocation groups like watercolor artists and knitters like the ambiance of our space. These hundreds of visitors every month often pause to look at displays and exhibits and sometimes buy items from the gift shop.

Our major fundraiser for THS is the always fun September auction which is headed by Barbara Stinger and Lindy Hughes. It was another good turnout with lots of new friends being made and old-timers sharing memories. A new band calling themselves the Heritage Relics provided background music. Ross and Laura Baker donated a week at their home in Manzanita as the highly-sought raffle prize. Donors who gave gifts of wine, baskets, artworks, business services and gift cards are always greatly appreciated as well as the eager buyers who walked away with smiles on their faces. The actual return from the 2015 auction will be reported in next year's annual report.

Is Tualatin Historical Society a Beneficiary in Your Will?

Would you consider a 1 to 5% earmark or a flat amount from your estate as a reasonable future gift to support THS? Please consider this option as a way to assure

that the work of THS continues for future generations. Projects awaiting funds include restoration and display of an historic farm wagon, proper display cabinets at the heritage center, and appropriate humidity-controlled storage for artifacts and protection in case of fire or other calamity.

### **Visitors to THC Enjoy Exhibits and Displays**

In the 12 months since our last annual meeting, our Heritage Center staff have logged 10,217 persons walking through our doors, many more than once. That's some 600 more than the last report. Diane Swientek coordinates our permanent and revolving displays which these persons see. This year our artifact collection added an old school clock from Tualatin Elementary School donated by Jane Brown whose husband was principal there for many years. It runs just fine and hangs above the pulpit from the old Methodist Church. Our other permanent displays include the Robbins coverlet, family washboard and home picture; items from the original Methodist Church including the program used at the original dedication service in 1926; the original mastodon tusk and molars; and outside the building are the huge glacial erratics and historic plants (Robbins roses, Lafky irises, Martinazzi daffodils, J.R.C. Thompson hydrangeas, and Nyberg snowdrops). Rotating exhibits these past few months included a salute to Tualatin veterans, school artifacts from the 1940s, pictures of Tualatin families, Tualatin fire department memorabilia and Christmas tree décor from the past

### **Tualatin History on View Other Places, Too!**

More Ice Age artifacts and information are on display at Tualatin Library. The bronze sculpture of a young mastodon and young boy is a popular attraction in the Nyberg Rivers Shopping Center provided by CenterCal, developers of Nyberg Rivers Shopping Center. CenterCal also donated \$600,000 to help fund the new Tualatin River Greenway Trail. A permanent display about the early town high school is in a lobby display case at Tualatin High School, featuring both artifacts and photos of people who were legends of their time.

Firehouse Subs, Cabela's, New Seasons Market and CenterCal headquarters at Bridgeport Village all boast historical photos from our collection in their interior décor. Look carefully for these when you visit and see if you can identify who the folks are and where the photos were taken. Ken and Barbara Stinger are the curators of our images so we can quickly respond when requests like these are made. A small fee is charged in most cases. Marquis Company's new care center at the site of the 1939 elementary school has incorporated old bricks and maple flooring from the original gymnasium in the décor of their Tualatin campus. They are now planning a long-awaited community room which will use more materials from the long-time red brick building.

Tualatin Library has also added new artifact replicas of ancient mammals near the permanent exhibit of the Tualatin mastodon. And this winter we will see the opening of the Tualatin River Greenway Trail linking the Library and Browns Ferry Park with appropriate interpretive signs on Tualatin's prehistoric past.

## **Looking Ahead in 2016**

Watch for a new guide to Tualatin historic houses coordinated by THS vice president Kurt Krause. This map will lead residents and visitors to 17 sites whose owners have agreed to have their property marked by a sign showing its original name and year.

Recruiting more members in THS will be a priority thrust. Our Tualatin High School student intern recommends a table at a community location each season to get the word out about what we do.

Laminating Loyce's articles in Tualatin Life will preserve them for later reference by visitors looking for stories of Tualatin in days gone by.

We continue to need volunteers to preserve documents on digital formats, conduct oral history interviews, help keep the Center open longer hours, and to monitor rentals which helps keep costs down. If you have any marketing experience, we need a volunteer gift shop coordinator as well.

We are pleased to have served on your Board of Directors this year and look forward to your participation in THS activities during the months ahead. We also look forward to new officers and directors who will be joining the Board after the November 1 election. Board meetings are typically the Monday before the first Wednesday program each month and are open to all members.

### Officers

Art Sasaki, President  
Kurt Krause, Vice President  
Barbara Stinger, Treasurer  
Loyce Martinazzi, Secretary  
Sandra Carlson, Historian

### Directors

Yvonne Addington  
Ross Baker  
Evie Andrews  
Larry McClure  
Norman Parker

November 1, 2015

# TUALATIN HERITAGE CENTER

## 2015 Annual Report



# Tualatin Historical Society Board of Directors

Yvonne Addington, President  
Kurt Krause, Vice President  
Barbara Stinger, Treasurer  
Loyce Martinazzi, Secretary  
Sandra Lafky Carlson, Historian

Larry McClure, Director  
Evie Andrews, Director  
Ross Baker, Director  
Norman Parker, Director  
Art Sasaki, Director





# Membership and Attendance

- Tenth Year of Heritage Center Operation by Historical Society
- 204 Members
- 270 Students at Pioneer Days
- 10,217 Visitors



# Accomplishments

- National Ice Age Geologic Trail Involvement
- \$2,500 Tualatin High School Senior Scholarship
- Exhibits in New Locations
- Patio Improvements
- Tualatin Life Articles
- Pioneer Days
- New Building Roof



# Programs

Alfalati and Kalapuya History

Art & Science of the Rice Museum  
of Rocks & Minerals

History in Your Attic, What's  
Hiding in Those Boxes



The Next Tsunami: Living on a  
Restless Coast

Washington County Railroad History

History of Oregon Forestry

Tualatin Land Claim Descendants

Great Train Robbery of Southern  
Oregon



# Exhibits and Displays

- Additional Ice Age Artifacts at Library
- Historical Photos on Display at Firehouse Subs, Cabela's, New Seasons & Bridgeport Village
- Tualatin Fire Department Memorabilia
- Early Settlers Display at High School
- School Artifacts
- Tualatin Family Pictures
- Salute to Tualatin Veterans
- Past Holiday Décor



# Looking Ahead in 2016



- Historic House Guide
- Expand Members & Students
- Tualatin Life Articles
- Digital Document Preservation
- Conduct History Interviews
- Longer Center Hours



QUESTIONS/COMMENTS?



**City Council Meeting****Meeting Date:** 02/22/2016**SPECIAL** Tualatin Tomorrow 2015 Annual  
**REPORTS:** Progress Report

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**SPECIAL REPORTS**

Tualatin Tomorrow 2015 Annual Progress Report

**SUMMARY**

The City Council adopted the Tualatin Tomorrow Vision Plan in February 2014, and in two years of implementation, Tualatin's community partners have initiated or completed many of the actions proposed for implementation over a five-year period.

Members from the Tualatin Tomorrow Advisory Committee will present the 2015 Annual Progress Report and share some of the implementation highlights of the Tualatin Tomorrow Vision Plan.

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Progress Report

PowerPoint

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# TUALATIN TOMORROW





## LETTER FROM THE CHAIR

*February 22, 2016*

Dear Mayor Ogden and Members of the Tualatin City Council,


I am pleased to present the second Tualatin Tomorrow Annual Progress Report since completing the five-year Action Plan update. In two years, our community partners have initiated or completed 80 of the 100 actions proposed for implementation over the five-year period.

This year we are especially excited that the Tualatin Tomorrow Vision served as a foundation for our application for the America's Best Communities Competition. The Tualatin Tomorrow Vision Advisory Committee and a number of our partners spearheaded the application process, and our Community Revitalization Plan has now made it into the Semi-finals, and we will be competing for \$100,000 in the next round to advance 20 actions in our Tualatin Tomorrow Vision. This is a shining example of the power of community visioning and how the partnerships established through community visioning can be leverage to achieve the vision.

Many partners were involved in helping to develop the Community Revitalization Plan for the ABC Competition, but many of the other Tualatin Tomorrow Partners have also been very busy working on moving their actions towards implementation as well. Those successes have been documented in the pages that follow. We have also included an overview of Tualatin Tomorrow for readers who may be new to our visioning project.

On behalf of the Tualatin Tomorrow Advisory Committee, I want to thank the Council for your continued support of our community visioning program. We look forward to connecting with you and other community partners in 2016 as we continue our work on the Vision.

Sincerely,



**Candice Kelly, Chair**  
Tualatin Tomorrow Advisory Committee

## ABOUT TUALATIN TOMORROW

The Tualatin Tomorrow Vision and Action Plan was originally adopted in 2007 following a two-year public engagement and planning campaign. In the past seven years, more than 100 community-identified priorities were implemented by the City and partner organizations, including:

- South Tualatin Concept Plan
- New Drug Detection Canine
- City Website Enhancement
- Neighborhood Associations Network (Citizen Involvement Organization (CIO) Program)
- Tualatin Emergency Shelter
- Active Aging Center Expansion
- Tualatin River National Wildlife Refuge Expansion
- Tualatin River Bike and Pedestrian Path
- Summer Arts Festival
- School Inventory and Gap Analysis

As part of its promise to maintain a “living” action plan, the Tualatin Tomorrow Advisory Committee (TTAC) completed a plan update in 2013. Through forums, online surveys, work groups and other outreach activities, more than 1,000 people shared their suggestions and priorities for Tualatin’s future. Four “theme teams” were convened to sort through ideas and develop a new round of actions to advance the community vision plan. In early 2014, the City Council adopted the updated Action Plan which provides a 100-action road map for tackling community goals in the following areas:

- Fostering Shared Sense of Place and Community Identity
- Creating Activities and Attractions for All Ages
- Sustaining Quality Community Services
- Enhancing Mobility
- Promoting Environmental Sustainability
- Ensuring Community Health and Safety
- Creating Economic Opportunity
- Advancing Education and Learning Opportunities

The TTAC continues to oversee and facilitate implementation progress by convening and coordinating with vision partners and provides periodic updates to the community through newsletters and an Annual Progress Report. The Vision Action Plan is available online at [www.tualatintomorrow.org](http://www.tualatintomorrow.org) or in hard copy by visiting Tualatin City Hall.

## 2015 ACTIVITIES SUMMARY

The Tualatin Tomorrow Advisory Committee (TTAC) undertook the following activities in 2014:

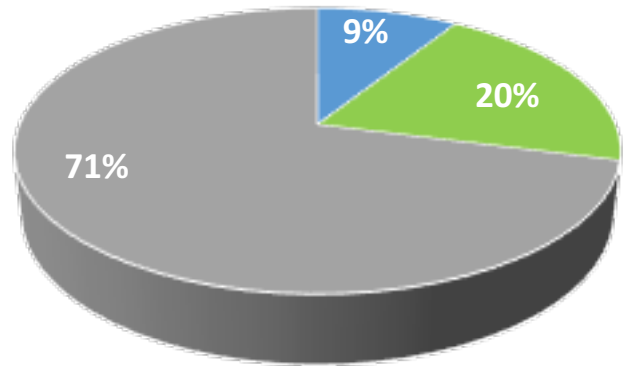
- **TTAC Meetings** – The TTAC met monthly to plan and coordinate vision implementation, partner outreach and other logistics.
- **Partner Events** – TTAC hosted two events to facilitate partner interaction and information-sharing.
- **Partner Survey** – TTAC surveyed lead partners to ascertain implementation progress, and identify highlights and challenges requiring follow-up assistance.
- **America’s Best Communities (ABC) Competition** – The TTAC served on the team developing the ABC application and the Community Revitalization Plan.

### Tualatin Tomorrow Advisory Committee

Chair Candice Kelly  
 Vice-Chair John Bartholomew  
 Councilor Frank Bubenik  
 Ed Casey  
 Diana Emami  
 Larry McClure  
 Linda Moholt  
 Terry Powell  
 Dana Terhune  
 Bethany Wurtz

## OVERALL PROGRESS

In February 2014, the Tualatin City Council adopted an updated Vision Action Plan with 100 proposed actions. One year later, 65 of those actions are underway, 8 are implemented and 27 are not yet started. Implementation is planned on a staggered timeline, with some actions scheduled to begin in the year 1-2 time-frame, others on a 3-5 year timeline and others – typically those requiring intense capital outlays, scheduled to begin in year 6 or beyond. Some of the many actions underway within the various vision focus areas are highlighted below.



■ Implemented ■ Not Started ■ Underway

## PHYSICAL & SOCIAL CONNECTIVITY

### » VISION FOCUS AREA: FOSTERING SHARED SENSE OF PLACE AND COMMUNITY IDENTITY

Community Goals:

Goal 1: Establish a stronger sense of place through improvements to our built environment

Goal 2: Increase sense of belonging by enhancing community connections and amenities

Goal 3: Make it easier for people to gather and connect

Goal 4: Proactively engage diverse community groups in local events and decision-making

#### *Action 1.2: City Gateways*

In the Vision Update, many citizens requested improvements to Tualatin's gateways, and this year the City worked with the business community to improve one of the City's most prominent gateways into Tualatin. The City's Public Works Department staff coordinated with CenterCal and the Community Development Department to improve and expand the City Gateway landscaping on the west side of I-5 north of the Nyberg off ramp.

#### *Action 2.3: Retail Activity Centers*

In 2014, the Nyberg Rivers shopping center opened with the first anchor tenants of Home Goods, Cabelas and New Seasons. The excitement around this new shopping center continued into 2015, as more new restaurants and shops opened their doors including Red Robin, LA Fitness, Pieology, Firehouse Subs and more. The City's Community Development Department played a major role in supporting CenterCal as they developed this property and worked with the new incoming businesses. Other projects underway in 2015 included the Hedges Creek Business Park, where the new Industry Café will be opening in 2016.

#### *Action 3.2: Community Meeting Facility*

In 2015, the City completed a City Facilities Study to identify locations for a new City Hall, community meeting space and open the opportunity to expand the Library. This study examined ways to include additional community meeting space in the facilities analyzed. In addition, through the America's Best Communities application, the team developed a Community Revitalization Plan with a long term goal of building a facility that would include space for workforce development, STEAM education, the arts and community meeting space. The team advanced to the quarter-finals in April 2015 as one of 50 communities out of nearly 400 who applied. In January 2016, the team was notified they would advance as one of 15 to the semi-finals.

#### *Action 4.3: Engage and Empower Youth*

The City's Youth Advisory Council (YAC) continues to contribute actively in this area through giving monthly presentations to City Council on issues that affect youth in the community, hosting seasonal youth activities and participating in the National League of Cities conference. YAC and the Teen Library Committee (TLC) participated in a Youth and Elected Leaders social. Members of TLC and YAC were engaged in the public involvement for Tualatin's America's Best Community competition entry. A member of TLC continues to serve as a teen representative on the Tualatin Library Advisory Committee.

## PHYSICAL & SOCIAL CONNECTIVITY

### » VISION FOCUS AREA: CREATING ACTIVITIES AND ATTRACTIONS FOR ALL AGES

Community Goals:

Goal 5: Develop and facilitate access to activities for residents of all ages

Goal 6: Establish and promote the city as a destination for unique activities

#### ***Action 5.2: More Sports and Recreational Activities for Youth and Adults***

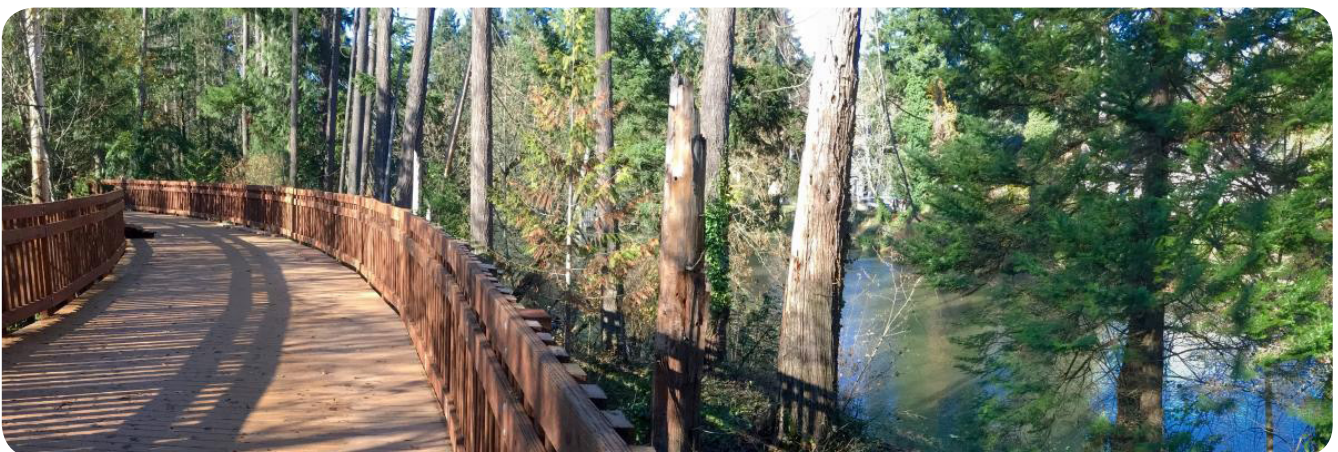
The number of offerings and youth participation in summer camps has increased again in the last year! Summer camps all include physical activity for kids. Participation also increased in the non-competitive, non-timed TRYathlon for kids this year. For adults, the Juanita Pohl Center (Tualatin's Active Aging Center) has partnered with AARP for technology and driving programs, and offers 11 adult fitness classes per week. The Pohl Center also offers adult day trips and family adventure trips for ages 18 and up. The center offers English Is Your Second Language and American Sign Language programs in the evenings, as well as hosting a Latino Women's Support Group.

#### ***Action 6.4: Expanded Theatre Performances***

In 2015, Mask & Mirror Community Theatre expanded its summer programming to include musical performances at Tualatin High School. Their first such production was six shows of the classic musical "Singin' in the Rain", which sold over 1,400 tickets and included a cast of more than thirty and a live pit orchestra. Cast, crew and musicians were unpaid volunteers. Mask and Mirror donated \$500 of the show proceeds to the Foundation for Tigard-Tualatin Schools.

#### ***Action 6.5: Maximize Use and Access to the River***

An exciting new trail connection has been under construction and will open in 2016 providing stunning views of the Tualatin River from new lookout points. A new segment of the Tualatin River Greenway trail (under I-5) was constructed this year and another adjacent to River Ridge Apartments on Highway 99 will be constructed in 2016 which will improve viewing access to the river. The City is in the process of installing street signs and river maps for the Tualatin River Water Trail. This signage project for access to the Tualatin River is a partnership with the Tualatin Riverkeepers and the Washington County Visitors Association.



## PHYSICAL & SOCIAL CONNECTIVITY

### » VISION FOCUS AREA: SUSTAINING QUALITY COMMUNITY SERVICES

Community Goals:

Goal 7: Make municipal services more accessible

Goal 8: Sustain community services through collaborative efforts and stable funding

#### ***Action 7.1: Civic Center***

The first phase of the City Facilities Study was completed in June, and in December, the City Council narrowed the sites to 2 options for further study and consideration.

#### ***Action 7.2: Social Media and Technology***

Connecting with the Tualatin community through social media and technology is an ongoing effort as technology changes and evolves. In 2015, the City continued to increase social media audiences on Facebook and Twitter. The City also added an Instagram account in an effort to reach a more diverse population. In addition, the City also used a new online citizen engagement platform Tualatin Town Hall (mySidewalk) to allow the community to participate in discussions on important topics online without having to attend a meeting.

#### ***Action 8.3: Public Service Funding Education***

This effort happens annually as part of the budget process. Throughout the budget meetings in the spring and following the adoption of the City's budget, informational articles, an award-winning budget/communications document, and a budget in brief are developed to share information about the value of Tualatin's City services. Coming in 2016 will be information about the cost of a new city hall and expanded library.

## PHYSICAL & SOCIAL CONNECTIVITY

### » VISION FOCUS AREA: ENHANCING MOBILITY

#### Community Goals

Goal 9: Make it easier to get around town and to and from employment centers

Goal 10: Make it safer to drive, walk and bike

#### *Action 9.4: Transit Access and Route Options*

One of the most exciting announcements of 2015 was the new bus line to be implemented by TriMet in 2016. TriMet is working with the community to start Line 97 which will run along Tualatin-Sherwood Rd. connecting the cities of Tualatin and Sherwood. The City of Tualatin has been a supporting partner of the project, and the Tualatin Chamber, the CIOs and many others in the community have been advocating for increased transit service in Tualatin.

#### *Action 10.2: Street Crossing Enhancements*

The City has been working closely with the CIOs and residents to identify problem hot spots and implement solutions to improve pedestrian safety in 2015. Improvements include the implementation of “Stop Here for Pedestrian” signing, continental crosswalks, and improved street lighting. The City also installed audible crossings at Seneca and Martinazzi as part of a large street improvement project.

#### *Action 10.3: Sidewalk Network*

The City continues to improve its sidewalk network and improving pedestrian connections. In 2015, Washington County completed a sidewalk connection project along Cipole Road that connects new sidewalks on Pacific Drive with existing sidewalks and transit stops on 99W. The Riverpark CIO was a major advocate for this project. Multiple development projects throughout Tualatin have constructed sidewalk improvements in various locations throughout the City.





## COMMUNITY HEALTH AND WEALTH

### » VISION FOCUS AREA: PROMOTING ENVIRONMENTAL SUSTAINABILITY

#### Community Goals

Goal 11: Facilitate environmentally-friendly practices, programs and policies

Goal 12: Protect and enhance our environmental resources and assets

#### ***Action 11.3: Non-Invasive Tree and Plant Promotion***

Clean Water Services (CWS) has been working closely with the City of Tualatin, the Wetlands Conservancy, and other stakeholders to promote native plants and remove invasive non-natives. City and CWS staff work to educate owners of privately-owned water quality facilities to ensure native plants are installed and properly maintained to remove pollution from runoff. Meanwhile, the City's Putting Down Roots in Tualatin campaign continues to grow and includes individuals, families, civic groups and corporations for their large tree-planting events.

#### ***Action 11.4: Energy Efficient Construction***

The City has been working with code development partners to allow the use of environmentally friendly products, refine energy efficiency measures in construction codes, and provide appropriate level of plan review and inspection oversight to assure energy efficiency in new construction and remodels. Updated building and energy codes were adopted by the State of Oregon and enforced by the City of Tualatin in 2014.

#### ***Action 12.5: Tree for All Program***

Tree for All planted 5,000 native trees/shrubs in Tualatin in FY 2014-15 bringing the total in the past 10 years to 92,000.

#### ***Action 12.6: Wetland and Riparian Clean Up***

Through partnerships with Clean Water Services, the City of Tualatin, Volunteers, and Students from Cascade Education Corps., the Wetlands Conservancy has continued to improve the wetlands and riparian areas of Tualatin, as well as draw more attention to the beautiful natural areas. The work of the community has increased the functions of these areas by increasing habitat and water quality. New relationships have been forged with property owners who have valuable stream and wetland habitats. Within these relationships, large scale projects are being explored that will work to improve the functions and values of Tualatin's watersheds. The Wetlands Conservancy is working on securing funding, maximizing the value of volunteer hours, and increasing awareness and appreciation of Tualatin's wetlands.

## COMMUNITY HEALTH AND WEALTH

### » VISION FOCUS AREA: ENSURING COMMUNITY HEALTH AND SAFETY

Community Goals:

Goal 13: Promote and facilitate community health and wellness

Goal 14: Expand the community public safety network

#### ***Action 13.3: Patient Follow-Up Program***

TVF&R was involved with a pilot program with St. Vincent's Hospital and Legacy Meridian Park Hospital. They provided follow up visits to patients within 30 days of being discharged from the system when patients are most vulnerable. They found that it helps reduce costs for the hospital and helps to reduce the number of 911 calls. This was a pilot study, and now they are studying the results to determine if the program will continue.

#### ***Action 13.7: Drug and Alcohol Addiction Prevention***

Tualatin Together has had a busy year, and there are already efforts underway to expand activities in 2016 through their application for a Prescription Drug Disposal Awareness Campaign for the entire community, as well as raising funds for six of the StandUp Tualatin leadership students and four advisors to travel to a National Prevention Training Conference in Washington, D.C. The youth ran a Red Ribbon Week Campaign at Tualatin High and participated at Hazelbrook Middle School in lunch time education/pledge signing session. The youth and adult coalition made a presentation to the Tualatin City Council advocating for a "Smoke Free Tualatin." They have teamed with the Washington County Tobacco Prevention Coordinator to gain knowledge and share why it is important to respect everyone's right to clean air, what the "norm" for Tualatin's youth looks like, and how it could be changed for a healthier lifestyle.

#### ***Action 13.8: Community Gardens***

Neighbors Nourishing Communities (NNC) had an amazing year helping to facilitate garden plots for low income residents to increase access to fresh and healthy produce. NNC sponsored workshops and celebrations, sometimes in collaboration with Winona Grange. Over 2,000 pounds of fresh produce was donated to the Tualatin Schoolhouse Pantry, 14 low income families were provided their own gardens to feed their families, 27 home gardeners were supported who donated to the pantry, and an extensive seed library was developed with the help of Victory and Territorial Seed Companies in 2015. NNC purchased materials and are building four large mobile seed germinating stations that local students at MITCH Charter School will use for education as well as raising the plant starts for NNC.

#### ***Action 14.1: Drug and Gang Enforcement***

The Tualatin Police Department implemented the new drug detection canine program in 2014. To prevent gang activity, the Tualatin PD has a patrol officer assigned as a Gang Liaison Officer who coordinates and communicates with the Washington County Interagency Gang Enforcement Team (IGET) on anything gang-related in Tualatin. The Department continues to educate students at the High School and Middle Schools regarding Drug and Gang Prevention. In 2015, the Tualatin PD gave two presentations to parents who wanted to learn about drug prevention and identifying trends with youth. The department continues to hold the Summer GREAT camp for middle school students. This is a team-building class that focuses on Gang and Drug resistance for students at a vulnerable age.

## COMMUNITY HEALTH AND WEALTH

### » VISION FOCUS AREA: CREATING ECONOMIC OPPORTUNITY

Community Goals:

Goal 15: Identify and accelerate business development within targeted industry clusters

Goal 16: Prioritize economic development that catalyzes community benefits

#### ***Action 15.2/15.6: Targeted Business Recruitment and Business Services Point of Entry***

The Economic Development program has been able to assist numerous businesses and developers through the permit process, in accessing state assistance programs, and resolving local service issues.

#### ***Action 15.5: Local Business Support***

Through its new Economic Development Program, the City now provides proactive assistance to local businesses from facilitating permitting to accessing assistance programs and resolving service issues. Those efforts are complemented by the Tualatin Chamber through its Ambassador Program that provides small business advocacy and promoted information-sharing.



## COMMUNITY HEALTH AND WEALTH

### » FOCUS AREA: ADVANCING EDUCATION AND LEARNING OPPORTUNITIES

Community Goals:

Goal 17: Maintain and perfect existing education and training programs

Goal 18: Strengthen learning options that align with future employment opportunities

#### *Action 17.2: Coordinate efforts to expand and maximize literacy campaigns*

The Library partnered with Tualatin schools to promote Summer Reading and is working with elementary school principals to share aggregated data to measure whether students participating in Summer Reading maintain or improve their reading levels. The Library brought Summer Reading to the free summer lunch participants at Community Park, including book giveaways and activities. With support from the Tualatin Library Foundation, the Library hosted open houses for elementary students' families to introduce them to Library resources; each child received a free book. Also with the Foundation's support, the Library donated copies of Oregon Battle of the Books (OBOB) titles to Tualatin elementary and middle school libraries to support student participation in the OBOB literacy program.

#### *Actions 18.1 – 18.6 Tualatin Community Revitalization Plan*

These actions were all addressed in the new Community Revitalization Plan developed for the America's Best Communities competition. This plan focuses on increasing opportunity and the standard of living for everyone in the community through advancing STEAM (science, technology, engineering, arts and math) education. The ABC initiative is hyper-focused on one specific target: connecting youth and underserved populations to STEAM education and Career Technical Education training that align with Tualatin's advanced manufacturing industry base. In addition to providing jobs and personal growth opportunities for residents, the plan will help the community begin to develop a workforce pipeline for a large cross-section of employers. The full plan can be found at [www.tualatinabc.org](http://www.tualatinabc.org). The ABC Team will travel to Durham, North Carolina in April 2016 to compete for the next round of funding in the competition.



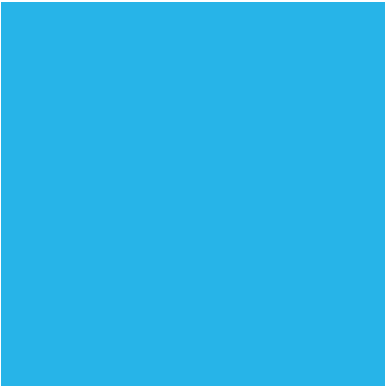
## ACKNOWLEDGEMENTS

The Tualatin Tomorrow Advisory Committee is grateful to the following implementation partners who continually work to bring our community vision to life:

- City of Tualatin
- Clean Water Services
- Community Action Organization
- Core Area Parking Board
- Legacy Meridian Park Hospital
- Mask & Mirror Community Theatre
- Metro
- Neighbors Nourishing Community
- Oregon Institute of Technology
- Portland Community College
- Republic Services
- South Metro-Salem STEM Partnership
- Tigard-Tualatin School District
- TriMet
- Tualatin Arts Advisory Committee
- Tualatin Chamber of Commerce
- Tualatin Citizen Involvement Organizations
- Tualatin Friends of the Library
- Tualatin Historical Society
- Tualatin Library Foundation
- Tualatin Library Advisory Committee
- Tualatin Parks Advisory Committee
- Tualatin Planning Commission
- Tualatin School House Pantry
- Tualatin Together
- Tualatin Valley Fire and Rescue
- Vision Action Network
- Washington County
- Wetlands Conservancy
- Willowbrook
- Winona Grange

Project Manager and Vision Advisory – Sara Singer, J Robertson and Company





**TUALATIN**  
**TOMORROW**



**TUALATIN**  
**TOMORROW**

# TUALATIN TOMORROW VISION + ACTION PLAN

## 2016 ANNUAL PROGRESS REPORT

City Council Presentation – February 22, 2016



# Tualatin Tomorrow Vision

- **In 2014, the Council adopted the updated vision which included 100 actions to tackle goals in these areas:**
  - ▣ Fostering Shared Sense of Place and Community Identity
  - ▣ Creating Activities and Attractions for All Ages
  - ▣ Sustaining Quality Community Services
  - ▣ Enhancing Mobility
  - ▣ Promoting Environmental Sustainability
  - ▣ Ensuring Community Health and Safety
  - ▣ Creating Economic Opportunity
  - ▣ Advancing Education and Learning Opportunities

# Plan in Summary

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- 8 Focus Areas
- 18 Community Goals
- 100 Actions



**TUALATIN**  
**TOMORROW**

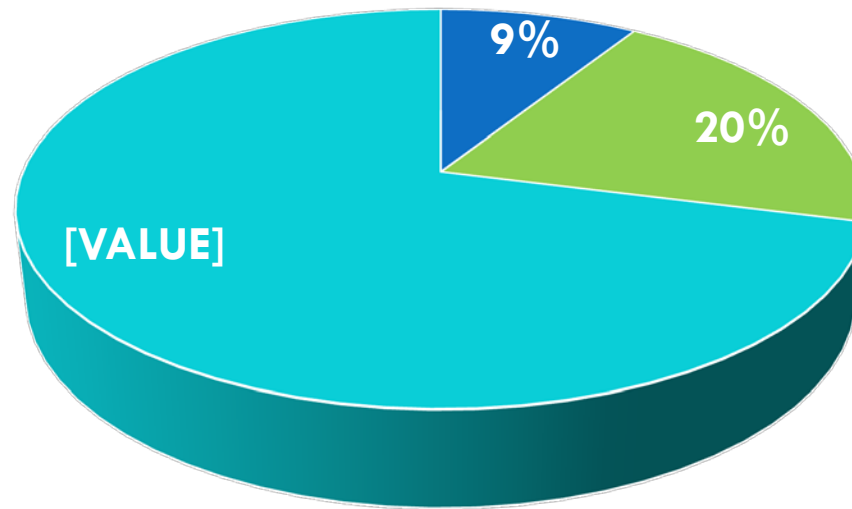
# 2015 Activities Summary



- Monthly TTAC Meetings
- Partner Events
- Partner Survey
- America's Best Communities Grant

# Overall Progress

- In less than two years, partners have initiated or completed 80 out of 100 actions proposed for implementation over the next five years!



■ Implemented    ■ Not Started    ■ Underway

# Thanks to the Committee

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- Chair Candice Kelly
- Vice-Chair John Bartholomew
- Councilor Frank Bubenik
- Ed Casey
- Diana Emami
- Larry McClure
- Linda Moholt
- Terry Powell
- Dana Terhune
- Bethany Wurtz

# Most Importantly...Thanks to the Lead Partners!!

- City of Tualatin
- Washington County
- Clean Water Services
- Legacy Meridian Park Hospital
- Neighbors Nourishing Communities
- Tigard-Tualatin School District
- Tualatin Chamber of Commerce
- TriMet
- Tualatin Citizen Involvement Organizations
- Tualatin Together
- Tualatin Valley Fire & Rescue
- Wetlands Conservancy
- Republic Services
- Mask & Mirror
- Tualatin Historical Society
- All City Advisory Committees

# On the Horizon!

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- New Partner Recruitment
- Spring Partner Event - Transportation Forum:
  - Wednesday, March 2 at 6:00 p.m.
- Continued Outreach and Education on Partner Activities and Vision Progress
- Support the Tualatin ABC Team in the Semi-Finals!!

Thank You

Council Questions and Comments





# STAFF REPORT

## CITY OF TUALATIN

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

**THROUGH:** Sherilyn Lombos, City Manager

**FROM:** Ginny Kirby, Office Coordinator  
Alice Cannon, Assistant City Manager

**DATE:** 02/22/2016

**SUBJECT:** Consideration of **Resolution No. 5267-16** Adopting Findings in Support of a Special Procurement; Authorizing Direct Negotiation of a Contract for Building Official, Plan Review and Inspection Support Services; and Making a Budget Transfer in the Building Fund

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

Council will consider a resolution adopting findings in support of a special procurement; authorizing direct negotiation of a contract for Building Official, Plan Review and Inspection Support Services; and making a budget transfer in the Building Fund.

### **RECOMMENDATION:**

Staff recommends Council adopt the attached Resolution.

### **EXECUTIVE SUMMARY:**

The attached resolution authorizes the City Manager to enter into a direct negotiation contract with Clare Company, Inc to provide Building Official, Plan Review and Inspection Support Services to the City for an interim period, while the City is recruiting to fill three positions within the Building Division.

The special procurement and authorization for direct negotiation is based on the following findings:

A. Nature of the Contract. The nature of the contract is a direct negotiation contract with Clair Company, Inc. to provide Building Official, Plan Review, and Inspection Support Services for the City of Tualatin for an interim period, while the City is recruiting to fill three positions within the Building Division.

In October 2015, following an unforeseen employee resignation in the Community Development Department Building Division, the City entered into a Personal Services Contract with the Clair Company to provide Building Official Services through February 2016, during the recruitment period for a replacement of the vacant position. Two additional unforeseen employee resignations occurred in the Building Division in December 2015. The City amended the October 2015 contract in December 2015 to allow for the Clair Company to provide temporary

inspection and plan review staffing during the recruitment period for three permanent positions in the Building Division. Given the projected length of the recruitment period, the possible need for additional plan review services to meet customer service expectations and the need for seamless service in the Building Division, staff is proposing to enter into a direct negotiation contract with Clair Company to extend the length of their service.

B. Estimated Cost. The estimated contract cost is up to \$200,000. The actual cost will be dependent on the length of the staff recruitment period and the need for any additional plan review services, based on plan review workload demand.

1. Substantial Cost Savings. This process will produce a cost savings because the City has already been using the Clair Company for building, plan review, and inspection services. Bringing in another service provider through a competitive bidding process would require disruption of current services during a period of significant short-staffing. It would require a substantial time commitment for a different provider to become familiar with the City's Building Official, Plan Review and Inspection Service processes and needs. The City would need to pay a different provider the time to become as familiar with the City's personnel, policies and procedures. Extending the current contract would result in a substantial cost savings, given the disruption and "start-up" costs that would be required to replace the current consultant with a new provider. The Building Division is currently experiencing a heavy workload, given the uptick in the economy and the presence of substantial vacant industrial and commercial land within the City. There is the periodic need to spend extra time to address complex customer issues, as well as keep up with current workload. The current service provider is familiar with the complex projects underway in the City and is therefore providing the service in a time-efficient manner, making use of the City's existing staff resources to quickly address customer concerns as they arise and quickly make decisions that result in more certainty for customers and staff. This efficiency not only results in substantial cost savings, but it also results in time savings for the customer.
2. The exemption is unlikely to encourage favoritism in the awarding of public improvement contracts or substantially diminish competition for public improvement contracts, or would otherwise substantially promote the public interest in a manner that could not be practicably be realized by complying with the solicitation requirements that would otherwise be applicable.

(1) Favoritism is defined as "selection based on friendship or factors other than merit." "Encourage" is defined as "promoting the growth and development." Granting an exemption for these services will be unlikely to encourage favoritism because this is a single contract exemption that is the result of unforeseen vacancies in Building Division staffing. The selection of the current service provider was not based on favoritism, but on an arms-length negotiation that resulted from several employee vacancies within the Building Division. This special procurement opportunity is limited to a single contract and therefore does not encourage the awarding of public contracts founded on favoritism or other similar factors excluding merit. Moreover, this particular contract has a limited pool of qualified applicants because the services require licensing by the Oregon Building Codes Division. The proposed contractor has the proper licensing.

(2) The terms and conditions of the contract will be the result of "arms-length" contract negotiations and the contract will be reviewed and approved by the Assistant City Manager, City Attorney and City Manager. During the contract period, the provider will be required to comply with all City policies, procedures and contract provisions. These requirements are the same as if the provider was competitively selected through a competitive process, and thus, the City will not be engaging in favoritism in the execution of the contract documents.

(3) The City's need for the contract exemption is the result of unique circumstances surrounding the vacancy of three positions within the Building Division. Because this service would not be procured without this unique circumstance, it is unlikely that this exemption will encourage favoritism in the awarding of public contracts in the future when the circumstance of staff vacancies is not a factor.

(4) The public interest is best promoted by providing seamless building official, plan review and inspection support services to the City's customers. Exempting this contract extension from complying with the solicitation requirements would result in uninterrupted services to the Building Division's customers at a time of high demand and volume for building services.

**FINANCIAL IMPLICATIONS:**

The estimated contract cost is up to \$200,000, depending on the length of the staff recruitment period and the need for additional overflow plan review services from the contractor in 2016 based on customer demand. Funds are budgeted and available to cover the cost of this contract. Salary savings due to staff vacancies will provide the funds needed to cover this contract amount. This resolution also authorizes the transfer of existing appropriations from the Building Fund Personnel Services to the Building Fund Materials and Services section to cover the contract costs.

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**Attachments:**    A - Resolution 5267-16

## RESOLUTION NO. 5267-16

A RESOLUTION ADOPTING FINDINGS IN SUPPORT OF A SPECIAL PROCUREMENT; AUTHORIZING DIRECT NEGOTIATION OF A CONTRACT FOR BUILDING OFFICIAL, PLAN REVIEW, AND INSPECTION SUPPORT SERVICES; AND MAKING A BUDGET TRANSFER IN THE BUILDING FUND

WHEREAS, the City adopted its public contracting rules pursuant to Oregon Revised Statutes (ORS) 279A.010 et seq.; and

WHEREAS, the City Council is designated as the Local Contract Review Board for the City of Tualatin, pursuant to ORS 279A.060 and Tualatin Municipal Code (TMC) Chapter 1-21; and

WHEREAS, ORS 279B.085 and TMC 1-21-090 authorize the City Council to authorize a special procurement upon a public hearing and adoption of certain written findings; and

WHEREAS, the City published notice of the public hearing in the *Oregonian*; and

WHEREAS, ORS 294.463 allows the Council to authorize transfers of appropriations within a fund or between funds; and

WHEREAS, in order to remain in compliance with Oregon Budget Law it is necessary to transfer appropriations within the Building Fund.

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

**Section 1.** The Council approves the special procurement for Building Official, Plan Review and Inspection Support Services Contract.

**Section 2.** The City Manager is authorized to use a direct negotiation process to select the contractor for the Building Official, Plan Review and Inspection Support Services Contract and enter into an agreement with the selected contractor to perform the work.

**Section 3.** The special procurement and authorization for direct negotiation is based on the following findings:

**A. Nature of the Contract.** The nature of the contract is a direct negotiation contract with Clair Company, Inc. to provide Building Official, Plan Review, and Inspection Support Services for the City of Tualatin for an interim period, while the City is recruiting to fill three positions within the Building Division.

In October 2015, following an unforeseen employee resignation in the Community Development Department Building Division, the City entered into a Personal Services Contract with the Clair Company to provide Building Official Services through February 2016, during the recruitment period for a replacement

of the vacant position. Two additional unforeseen employee resignations occurred in the Building Division in December 2015. The City amended the October 2015 contract in December 2015 to allow for the Clair Company to provide temporary inspection and plan review staffing during the recruitment period for the three positions in the Building Division. Given the projected length of the recruitment period, the possible need for additional plan review services to meet customer service expectations and the need for seamless service in the Building Division, a direct negotiation contract with Clair Company to extend the length of their service and the “not to exceed” maximum payment is needed.

**B. Estimated Cost.** The estimated contract cost is up to \$200,000. The actual cost will be dependent on the length of the staff recruitment period and the need for any additional plan review services, based on plan review workload demand.

**C. Substantial Cost Savings.** This process will produce a cost savings because the City has been using the Clair Company for building, plan review, and inspection services. Bringing in another service provider through a competitive bidding process would require disruption of current services during a period of significant short-staffing. It would require a substantial time commitment for a different provider to become familiar with the City’s Building Official, Plan Review and Inspection service processes and needs. The City would need to pay a different provider the time to become as familiar with the City’s personnel, policies and procedures. Extending the current contract would result in a substantial cost savings, given the disruption and “start-up” costs that would be required to replace the current consultant with a new provider.

The Building Division is currently experiencing a heavy workload, given the uptick in the economy and the presence of substantial vacant industrial and commercial land within the City. There is the periodic need to spend extra time to address complex customer issues, as well as keep up with current workload. The current service provider is familiar with the complex projects underway in the City and is therefore providing the service in a time-efficient manner, making use of the City’s existing staff resources to quickly address customer concerns as they arise and quickly make decisions that result in more certainty for customers and staff. This efficiency not only results in substantial cost savings, but it also results in time savings for the customer over the long-term.

**D. The exemption is unlikely to encourage favoritism in the awarding of public improvement contracts or substantially diminish competition for public improvement contracts, or would otherwise substantially promote the public interest in a manner that could not be practicably be realized by complying with the solicitation requirements that would otherwise be applicable.**

(1) Favoritism is defined as “selection based on friendship or factors other than merit.” “Encourage” is defined as “promoting the growth and development.” Granting an exemption for these services will be unlikely to encourage favoritism because this is a single contract exemption that is the result of unforeseen vacancies in Building Division staffing. The selection of the current service provider was not based on favoritism, but on an arms-length negotiation that resulted from several employee vacancies within the Building Division. This special procurement opportunity is limited to a single contract and therefore does not encourage the awarding of public contracts founded on favoritism or other similar factors excluding merit. Moreover, this particular contract has a limited pool of qualified applicants because the services require licensing by the Oregon Building Codes Division. The proposed contractor has the proper licensing.

(2) The terms and conditions of the contract will be the result of “arms-length” contract negotiations and the contract will be reviewed and approved by the Assistant City Manager, City Attorney and City Manager. During the contract period, the provider will be required to comply with all City policies, procedures and contract provisions. These requirements are the same as if the provider was competitively selected through a competitive process, and thus, the City will not be engaging in favoritism in the execution of the contract documents.

(3) The City’s need for the contract exemption is the result of unique circumstances surrounding the vacancy of three positions within the Building Division. Because this service would not be procured without this unique circumstance, it is unlikely that this exemption will encourage favoritism in the awarding of public contracts in the future when the circumstance of staff vacancies is not a factor.

(4) The public interest is best promoted by providing seamless building official, plan review and inspection support services to the City’s customers. Exempting this contract extension from complying with the solicitation requirements would result in uninterrupted services to the Building Division’s customers at a time of high demand and volume for building services.

**E. Proposed Contracting Method.** The proposed contracting method is a Direct Negotiation contract.

**F. Estimated Contract Execution.** The proposed contract will be negotiated and executed within two weeks of Council approval.

**Section 4.** The Council authorizes the transfer of existing appropriations from the Building Fund - Personal Services to the Building Fund - Material and Services, in the amount of \$125,000.

**Section 5.** This resolution is effective upon adoption.

INTRODUCED AND ADOPTED this 22<sup>nd</sup> day of February, 2016.

CITY OF TUALATIN OREGON

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

APPROVED AS TO LEGAL FORM

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

ATTEST

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



# STAFF REPORT

## CITY OF TUALATIN

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

**THROUGH:** Sherilyn Lombos, City Manager

**FROM:** Richard Mueller, Parks and Recreation Manager  
Paul Hennon, Community Services Director

**DATE:** 02/22/2016

**SUBJECT:** Consideration of a Draft Ordinance for Outdoor Smoke and Tobacco Free City Spaces Policy for Property Owned and/or Managed by the City or the Tualatin Development Commission

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

Council consideration of a draft ordinance for adopting an Outdoor Smoke and Tobacco Free City Spaces Policy for property owned and/or managed by the City or the Tualatin Development Commission.

### **RECOMMENDATION:**

Staff recommends Council review, consider and provide direction for an ordinance (Attachment A) on Outdoor Smoke and Tobacco Free City Spaces for property owned and/or managed by the City or the Tualatin Development Commission.

### **EXECUTIVE SUMMARY:**

On July 28, 2014 representatives of the Tualatin Together organization requested that the City Council restrict smoking and tobacco in the City (Attachment B). Per Council direction, staff presented additional information about restricting smoking in parks and other properties owned or managed by the City at the Council work session on October 12, 2015. During this work session Council directed staff to involve the public in the conversation. At the January 25, 2016 Council work session staff presented the public input received during November and December 2015. The Council provided direction on policy alternatives for a draft ordinance. The reports, presentations and information from the October and January work sessions can be found in Attachment C (Council Project Framing) and Attachment D (Council Policy Alternatives).

There is an established trend among federal, state, and municipal agencies and jurisdictions, as well as private business and nonprofit organizations, to regulate smoking and tobacco use in outdoor spaces to promote public health and wellness, reduce operating costs, increase fire safety, community image and perception, avoid environmental harm and provide consistent policy.



Support for this kind of policy can be found in the City Council 2020 Vision, Community Services Department mission and goals, Tualatin Tomorrow goals, Public Health vision, mission and goals, and health care provider initiatives.

Staff received Council direction at the Work Session on January 25, 2016 to include the following policy alternatives in a draft ordinance:

#### Council Direction to Include

- Smoke Free
  - Burning or Lighted (cigarettes, cigars and pipes)
  - Inhalant Delivery Systems (vaping and e-cigarettes)
- Tobacco Free
  - Smoking
  - Chewing

#### Not Included

- Medical inhalers and medical patches

#### Locations Included

- Parklands (parks, natural areas, trails, greenways)
- Plazas (library)
- Tualatin Commons
- Departments (police, operations)

#### Exemption to Locations

The issue of whether to include parking lots and adjacent sidewalks was not determined during the January 25, 2016 Council work session. Based on the Council discussion at the January 25, 2016 work session, the draft ordinance includes options for exemptions for parking lots and adjacent sidewalks.

- Parking Lots
  - All parking lots owned and/or managed by the City or the Tualatin Development Commission
  - Core Area parking lots (green, blue, white, red, yellow)
- Sidewalks
  - All Sidewalks adjacent to City or the Tualatin Development Commission property
  - Sidewalks adjacent to Core Area parking lots

#### Enforcement

Enforcement and penalties for smoke and tobacco free outdoor City spaces are to apply to consumption and use only, not possession. The proposed intent is to treat a violation of this policy like other park rule violations such as littering and failure to clean up dog waste through the following approaches:

- Voluntary compliance/enforcement through social influence (self enforcing)
- Warning
- Civil exclusion
- Civil infraction

#### Next Steps

After Council conducts the hearing and provides additional direction, the next steps to implement such a policy are:

- Staff to return with final ordinance for Council consideration
- Recommended implementation on May 31, 2016 which coincides with World No Tobacco Day

#### **FINANCIAL IMPLICATIONS:**

If Council chooses to move forward with this policy, costs would include approximately \$7,000 for updating signage for parklands and signage on other property owned and/or managed by the City or the Tualatin Development Commission, with public information materials to be absorbed in current budget allocations.

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**Attachments:**    [Attachment A: Draft Ordinance](#)  
                          [Attachment B: Work Session July 28, 2014](#)  
                          [Attachment C: Work Session October 12, 2015 \(Council Project Framing\)](#)  
                          [Attachment D: Work Session January 25, 2016 \(Council Policy Alternatives\)](#)  
                          [Attachment E: PowerPoint Presentation](#)

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE AMENDING TUALATIN MUNICIPAL CODE CHAPTER 6-9 TO PROHIBIT THE USE OF TOBACCO PRODUCTS AND INHALANT DELIVERY SYSTEMS ON CITY PROPERTY AND RUNUMBERING CERTAIN PROVISIONS.

WHEREAS, the City of Tualatin has general management, control, and supervision of all City property; and

WHEREAS, tobacco use on City property affects public health and safety; and

WHEREAS, smoking and tobacco products consumed in public spaces are often discarded on the ground requiring additional maintenance expenses, diminishing the beauty and cleanliness of such spaces, and posing a risk to children, pets and wildlife, and of fire; and

WHEREAS, it is the desire of the City of Tualatin to protect and promote public health, safety and welfare by providing environments free of smoking, use of inhalant delivery systems, vaping and tobacco use at all City property;

NOW, THEREFORE, THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

**Section 1.** Tualatin Municipal Code Chapter 6-9 is amended to add the following provisions:

**TMC 6-9-010. Definitions.**

- (1) "Inhalant Delivery System" means any noncombustible product that employs mechanical heating element, electronic element, battery, circuit, cartridge, or other system and that is capable of being used to ingest tobacco, nicotine, or other drug or plant solution, and includes electronic cigarettes, devices or products.
- (2) "Smoking" means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, grass, plant, liquid, vapor or any other tobacco or tobacco-like product or any substance in any manner or any form. This includes the use of any inhalant delivery system, electronic smoking device, or other delivery devices, which creates smoke, vapor, aerosol or any other byproduct, in any manner or in any form.
- (3) "Tobacco Product" means any product that contains tobacco or nicotine, or is derived from tobacco or nicotine. This includes all combustible, smokeless and electronic products and devices, and includes smokeless tobacco products such as dips, snuffs, and chewing tobacco.

- (4) "Tobacco Use" means smoking, inhaling, exhaling, vaping, use of an inhalant delivery system, use of an electronic cigarette or other smoking device, the use of smokeless tobacco products, dips, snuffs, chewing tobacco, and any other ingestion or consumption of a tobacco product.

**TMC 6-9-020. Tobacco Use and Use of Inhalant Delivery System Prohibited on City Premises.**

- (1) Tobacco use, smoking, and the use of any inhalant delivery system is prohibited in the following areas:
- (a) All property owned or managed by the City of Tualatin or the Tualatin Development Commission, including but not limited to libraries, civic facilities, parklands, plazas, open spaces, easements, and greenways.
  - (b) Option 1: All parking lots owned or managed by the City of Tualatin or the Tualatin Development Commission;  
Option 2: All parking lots owned or managed by the City of Tualatin or Tualatin Development Commission, excluding those parking lots within the Core Area Parking District established in TMC 11-3; and
  - (c) Option 1: All sidewalks and landscaped areas immediately adjacent to property or parking lots owned or managed by the City of Tualatin or Tualatin Development Commission.  
Option 2: All sidewalks and landscaped areas immediately adjacent to property or parking lots owned or managed by the City of Tualatin or Tualatin Development Commission, excluding sidewalks and landscaped areas immediately adjacent to or within the Core Area Parking District established in TMC 11-3.
- (2) The City Manager is directed to post signs in appropriate locations to provide public notice that tobacco use is prohibited on City Premises.

**TMC 6-9-030. Exceptions to Prohibition of Tobacco Use on City Premises.**

The provisions of TMC 6-9-020 do not apply to United States Food and Drug Administration (FDA) approved tobacco cessation products or other FDA approved prescription medications.

**TMC 6-9-040. Violation is Civil Infraction.** A person who violates or refuses to comply with this Chapter commits a civil infraction and is subject to a fine. The amount of the fine will be \$100 for the first violation and \$500 for each subsequent violation occurring within 12 months of the first violation. Each violation of this Chapter constitutes a separate civil infraction.

**Section 2.** TMC 6-9-010, adopted by Ordinance No. 1075-01, is renumbered 6-8-035. TMC 6-9-020 and 6-9-030, adopted by Ordinance No. 1075-01, are deleted in their entirety.

**Section 3. Effective Date.** This ordinance is effective on May 31, 2016.

**Section 4. Severability.** 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.

INTRODUCED AND ADOPTED this 14<sup>th</sup> Day of March, 2016.

CITY OF TUALATIN OREGON

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

APPROVED AS TO LEGAL FORM

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

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:** 08/25/2014

**SUBJECT:** Consideration of Approval of the Minutes for the City Council Work Session and Regular Meeting of July 28, 2014

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### ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve the minutes for the City Council Work Session and Regular Meeting of July 28, 2014.

### RECOMMENDATION:

Staff respectfully recommends that the Council adopt the attached minutes.

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**Attachments:** City Council Work Session Minutes of July 28, 2014  
City Council Regular Meeting Minutes of July 28, 2014



## OFFICIAL MINUTES OF TUALATIN CITY COUNCIL WORK SESSION FOR JULY 28, 2014

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

Absent: Council President Monique Beikman

Staff City Manager Sherilyn Lombos; City Attorney Sean Brady; Community Services

Present: Director Paul Hennon; Deputy City Manager Sara Singer; Deputy City Recorder Nicole Morris; Information Services Manager Lance Harris; Police Captain Mark Gardner; Assistant City Manager Alice Cannon; Library Manager Jerianne Thompson

### CALL TO ORDER

Mayor Ogden called the meeting to order at 5:47p.m.

#### 1. *Tualatin Together Presentation.*

Cyndy Hillier, Tualatin Together Community Coalition Coordinator, and Carla Bennett, Washington County Tobacco Prevention and Education Program Coordinator presented updates on their programs.

Ms. Hillier explained how Tualatin Together is organized and their mission. She asked Council to consider an ordinance calling for smoke and tobacco free parks and city maintained areas. Ms. Hillier added that Tualatin Together and the Library Advisory Committee are in agreement that such an ordinance should be passed.

Ms. Bennett presented information and facts on the use of electronic cigarettes and smokeless products including dissolvable and combustible tobacco products. She stated one of their organization's focus areas is to reduce youth smoking rates by decreasing access and availability of tobacco products. She requested the Council adopt an ordinance for tobacco and smoke free areas for City properties and parks. An additional request to change the current smoke and tobacco free policies to include electronic smoking (e-cigarettes) devices was made.

Councilor Grimes asked about regulations surrounding e-cigarettes and minors. Ms. Bennett stated there are no regulations in place at this time for e-cigarettes.

Councilor Davis asked if there are age restrictions on dissolvable tobacco products. Ms. Bennett explained dissolvable products are regulated the same as regular tobacco products. Councilor Davis stated she is in support of an ordinance to make City properties and parks tobacco and smoke free.

Councilor Truax presented concerns with imposing an ordinance for tobacco and smoke free environments. He requested more information before making a decision.

Mayor Ogden asked what is accomplished by having smoke and tobacco free parks. Ms. Bennett stated that reducing access and availability helps to prevent teens from starting to smoke. Ms. Hillier added that posting signs in parks creates an environment that smoking in those locations is unacceptable. It also allows peers to self enforce the ordinance.

Councilor Davis expressed concerns over the negative impacts of smoking at city events. She noted these events are held in shared spaces and should be able to be enjoyed by all citizens without the negative impacts of second hand smoke.

Councilor Bubenik asked about smoking areas for employees. Ms. Bennett explained that creating a place for employees to smoke is not a best practice put forth by the CDC.

Mayor Ogden asked about the status of Hookah Bars being banned. Ms. Bennett stated that several communities in the state have banned these types of bars.

Councilor Grimes, Davis, Brooksby, and Mayor Ogden all support perusing an ordinance that would make all City properties and parks smoke and tobacco free. They would also like a draft policy that would prohibit the sale and possession of e-cigarettes to and by minors. It was agreed that this information would be brought back at a future work session for further review and discussion.

## **2. *Civic Facilities Study Update.***

Deputy City Manager Sara Singer updated the Council on the process for the Civic Facilities Study. She stated the goal of the project is to help the City plan for future facilities for the organization and the community. The project approach was presented along with key objectives. Deputy City Manager Singer highlighted the project schedule with the total process taking 6-8 months.

Councilor Brooksby asked why the process would take so long. Deputy City Manager Singer explained the time frame is typical for gathering the information needed to fully complete the study and gather the necessary community feedback.

Councilor Bubenik recommended a steering committee be formed that would work with staff on this project.

Mayor Ogden would like this project to be community driven. He would prefer a stakeholder committee be formed instead of a steering committee. He also requested monthly status reports on the project.

Councilor Grimes would like to make sure all the data is gathered before community meetings start and the consultant teams to be well versed in the facts. Deputy City Manager Singer stated a needs assessment will be completed before the community meetings begin and that the consultant team will be prepared with the technical information necessary for the community meetings and discussions.

Councilor Brooksby requested community groups be asked for specific information instead of allowing broad input. He believes this will help the process run smoother.



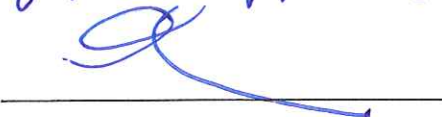
3. **Council Meeting Agenda Review, Communications & Roundtable.**

**ADJOURNMENT**

The work session adjourned at 6:57 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:** 11/09/2015

**SUBJECT:** Consideration of Approval of the Minutes for the City Council Work Session and Regular Meeting of October 12 and 26, 2015

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### ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve the minutes for the City Council Work Session and Regular Meeting of October 12 and 26, 2015.

### RECOMMENDATION:

Staff respectfully recommends that the Council adopt the attached minutes.

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**Attachments:** City Council Work Session Minutes of October 12, 2015  
City Council Regular Meeting Minutes of October 12, 2015  
City Council Work Session Minutes of October 26, 2015  
City Council Regular Meeting Minutes of October 26, 2015



Present: Mayor Lou Ogden; Councilor Wade Brooksby; Councilor Frank Bubenik; Councilor Joelle Davis; Councilor Ed Truax

Absent: Council President Monique Beikman; Councilor Nancy Grimes

Staff City Manager Sherilyn Lombos; City Attorney Sean Brady; Police Chief Kent Barker;  
Present: Community Services Director Paul Hennon; Planning Manager Aquilla Hurd-Ravich;  
Deputy City Recorder Nicole Morris; Information Services Manager Lance Harris;  
Assistant City Manager Alice Cannon; Management Analyst II Kelsey Lewis; Parks  
and Recreation Manager Rich Mueller; Management Analyst II Zoe Monahan; Public  
Works Director Jerry Postema; Management Analyst Carrie Severson

## CALL TO ORDER

Mayor Ogden called the meeting to order at 5:07 p.m.

### 1. ***Metro Update with Councilor Craig Dirksen.***

Metro Councilor Greg Dirksen presented an update on Metro activities over the last quarter. He distributed the Regional Snapshot to the Council. The snapshot is a new monthly handout produced by Metro that will be covering different topics of importance.

Councilor Dirksen updated the Council on the SW Corridor Steering Committee meeting. He stated the main barrier to bringing light rail into downtown Tualatin is cost. He noted the federal government process does not allow the committee to discard a option based on cost. The committee in turn has declared the option nonviable and has been removed from consideration.

Mayor Ogden stated Bridgeport Village is the likely terminus for Tualatin. The area is still being studied and he does not want this option removed from the table due to funding capacity. Councilor Dirksen added no further decisions will be made until February.

Councilor Dirksen updated the Council on the Urban Growth Boundary (UGB) remand. The State remanded the study back to Metro and Metro Council is now working on addressing the findings from the State. Metro has been in conversations with Clackamas County regarding the remand but the County is not interested in the direction Metro is heading with the plan. Metro would like to keep the scope narrow and not reopen the boundary map. The first public hearing on the remand was held on October 8 with the majority of participants agreeing to keeping the scope narrow.

Mayor Ogden stated Tualatin's concern with the study is transportation. The

findings of the study don't address the current transportation issues and will not improve traffic in the area. He stated until the issues are addressed Tualatin cannot support the study.

Councilor Dirksen stated when the original study was submitted the transportation portion was part of the 2010 Transportation Plan. The 2010 plan did not include improvements to Borland Road and I-5, a update was completed in 2014 which includes those improvements qualifying them for funding. He noted that including these improvements in the UGB would only qualify them for development sometime in the next 50 years.

Mayor Ogden noted the Regional Mayors group has been meeting and is proposing changes to the UGB process. The group would like to see future plans focus on local aspirations and not on total capacity of the region. The mayors group also proposed the formation of a work group to help meet that goal.

Councilor Dirksen stated Metro does not currently have staff capacity to support a work group while they are working on the remand. He stated in the future he could see the group as a good tool when working through the UGB process.

## **2. *Outdoor Smoke & Tobacco Free City Spaces Policy.***

Parks and Recreation Manager Rich Mueller and Community Services Director Paul Hennon presented a proposal for a smoke and tobacco free city spaces policy. The proposed policy is in response to Council direction from a prior work session in which Council requested additional information. Manager Mueller presented the history of the proposal to date. The policy was originally brought forward as a initiative from Tualatin Together and ran through the advisory committees for their recommendations. The policy was brought to the Council in July 2014 and the policy was reconfirmed as a priority. Manager Mueller recapped existing practices and policies regarding tobacco uses on City properties. A matrix of surrounding jurisdictions policies was presented. Currently 88 jurisdictions have no smoking and tobacco policies. Manager Mueller stated Council feedback is being requested on scope, locations, schedule, public involvement, pre-mortem, and purpose. Next steps for the policy include public information and involvement and a draft ordinance with policy recommendations.

City Manager Lombos stated the policy is currently in the framing process as part of the decision making process set forth by Council.

Councilor Davis asked why marijuana is considered outside the scope. Director Hennon stated it is covered under other City regulations.

Councilor Bubenik stated he is supportive of smoke free environments around public facilities. He would like to receive City employee feedback on the policy as they will be affected. Councilor Bubenik added he would like to see heavy public involvement around the policy.

Mayor Ogden would like to see smoking only allowed in cars with the windows up. Councilor Davis added the State of Oregon follows that practice. Mayor Ogden added he would like to see rights of ways adjacent to public spaces included in smoke free spaces.

### **3. *Water Supply Shortage Curtailment Plan.***

Public Works Director Jerry Postema and Management Analyst Carrie Severson presented the draft Water Supply Shortage Curtailment Plan. Director Postema stated the plan addresses drought declarations and the process and procedures for informing and curtailing the public. Analyst Severson stated the City of Tualatin currently contracts with the Portland Water Bureau which requires the City to have a water curtailment plan to help protect the water system in case of drought. The four stages of the draft plan were reviewed. Stage one is a routine summer advisory that promotes conservation. Stage two is a moderate water supply shortage, building off stage one, and encourages voluntary conservation techniques. Stage three is a severe water supply shortage and enacts a mandatory curtailment of outdoor water use. Stage four is a critical water supply shortage and is a mandatory curtailment that prohibits outdoor and non-essential uses. Analyst Severson noted stage one through three are issued by the City Manager and stage four is issued by the Council.

Councilor Bubenik asked why Portland Water Bureau's curtailment triggers are different than the ones laid out in the draft plan. Analyst Severson stated the City's customer base is smaller so the percentages for curtailment are adjusted accordingly.

Councilor Bubenik noted the Portland Water Bureau states earthquake as the biggest threat to Portland. Their plan addressed moving the conduits from over the Sandy River to under it. He asked when that was slated to happen. Director Postema stated they are currently working on seismic updates and do not have a schedule at this time.

Councilor Davis questioned when the Council should become involved in the plan. She would like to see the Council be involved in stage three when mandatory requirements are put in place.

Mayor Ogden asked why the Council is responsible for declaring a stage four curtailment. Director Postema responded in a event of a catastrophic event it would require immediate action. Mayor Ogden would like to see Council notification added to all stages of the plan.

Director Postema stated the next steps are to prepare amendments to the water ordinance to adopt the plan. Mayor Ogden requested public involvement on the ordinance updates to serve as an education tool on the plan.

### **4. *Civil Exclusion Code.***

City Attorney Sean Brady presented proposed revisions to the civil exclusion process. Attorney Brady explained the current process only applies to the Library and Parks and are two separate processes. The proposed revisions provide for a uniform code, apply to all City facilities, and are issued based upon probable cause, such as felony and misdemeanor acts and violation of rules. The proposed timeline for exclusion is based on the severity of the offense and ranges from thirty days to one year. The proposal also includes an appeal and variance process available through the Municipal Court.

Councilor Davis asked if a exclusion longer than one year could be included. Attorney Brady stated it is not recommended based on due process considerations.

Mayor Ogden asked what enhancements are included. Attorney Brady stated if there is more than one violation within a certain time period the exclusion period could be doubled.

Attorney Brady stated next steps include bringing a draft ordinance back to Council. Mayor Ogden asked what the public involvement plan for the ordinance would be. He would minimally like to see it go before the advisory committees.

**5. Council Meeting Agenda Review, Communications & Roundtable.**

Councilor Davis proposed a resolution to the Council recognizing the second Monday in October as Indigenous People's Day in Tualatin. She stated draft language is based on the City of Portland and Seattle's resolutions.

Mayor Ogden stated he would only be in favor of the resolution with modifications in language to exclude subjects regarding racism and injustices.

Councilor Brooksby stated he would like to see the resolution put on a future work session for further discussion as he is not in favor of the negative tone of the resolution as presented.

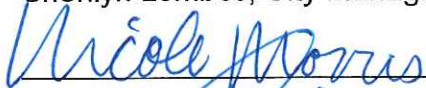
Mayor Ogden stated the resolution is important and applauds the spirit of it. Consensus was reached to forward it to the regular meeting for further discussion and action.

Councilor Bubenik stated the City of Hillsboro and Tigard are considering pulling out of the Community Development Block Grant. He will be discussing the topic further during the regular Council meeting.

**ADJOURNMENT**

The work session adjourned at 7:00 p.m.

Sherilyn Lombos, City Manager



/ Nicole Morris, Recording Secretary



/ Lou Ogden, Mayor



# MEMORANDUM

## CITY OF TUALATIN

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

**THROUGH:** Sherilyn Lombos, City Manager

**FROM:** Richard Mueller, Parks and Recreation Manager  
Paul Hennon, Community Services Director

**DATE:** 10/12/2015

**SUBJECT:** Consideration of Outdoor Smoke and Tobacco Free City Spaces Policy for property owned and/or managed by the City

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

Council consideration of adopting an Outdoor Smoke and Tobacco Free City Spaces Policy for property owned and/or managed by the City.

### **EXECUTIVE SUMMARY:**

This initiative is to consider Council adopting an Outdoor Smoke and Tobacco Free City Spaces Policy for property owned and/or managed by the City. At the Council work session on July 28, 2014, Tualatin Together presented information to Council with a proposal to restrict smoking and tobacco in parks and other properties owned and/or managed by the City. The Council requested additional information be brought back at a future work session for further review and discussion.

There is an established trend among federal, state, and municipal agencies and jurisdictions, as well as private business and nonprofit organizations, to regulate smoking and tobacco use in outdoor spaces to promote public health and wellness, reduce operating costs, and for other reasons.

Support for this kind of policy can be found in the City Council 2020 Vision, Community Services Department mission and goals, Tualatin Tomorrow goals, Public Health vision, mission and goals, and health care provider initiatives. The Tualatin Library Advisory Committee and Tualatin Park Advisory Committee have recommended the Council consider smoke and tobacco free outdoor City areas.

Currently, the Tualatin Municipal Code, Chapter 06-07: Tobacco Use in Public Places, does not address outdoor smoking in parks or City owned or managed property, except as it relates to near the entrance of an enclosed area (near the doors of a building).

### **DISCUSSION:**

### Key policy questions for Council consideration include:

- Should smoke free policy include all tobacco and inhalant delivery systems (vapor)?
- Should tobacco free policy include all smoking and chewing items, methods, products and devices?
- Should regulation focus on consumption or use and not possession?

### Not included in the scope or consideration:

- Retail sales and/or advertising or display of smoking and tobacco products
- Hookah establishments
- Smoking or tobacco use inside buildings

### Where should smoke and tobacco products be regulated?

- Option: All Outdoor property owned or managed by City  
Includes all parklands, Library plaza, City offices, Tualatin Commons, property surrounding the Police Department, Operations building, and core area parking lots.
- Option: Selected Locations, but not all sites  
Could include any mix of parklands (parks, natural areas, trails, greenways), Tualatin Commons, Library Plaza, Police Department, Operations Department, City Parking Lots (core area)

### Purpose and Reasons for Policy

The purpose and reasons for implementing a smoke and tobacco free outdoor city space policy include:

- Reduction of maintenance (litter)
- Fire safety
- Public health and wellness (second hand smoke)
- Community image and perception (social norms for youth)
- Environmental harm (wildlife)
- Consistency in policy from the federal, state, county, and municipal levels of government

### Key Considerations

Key considerations for Council review and policy direction regarding an Outdoor Smoke and Tobacco Free City Spaces Policy include:

- Reason and Purpose
- Locations Included
- Implementation Schedule
- Public Involvement
- Constraints and Opposition
- Opportunities and Support
- Penalties and Enforcement

### Financial Implications:

Financial implications would include the cost of refreshing signage for parklands and other property owned or managed by the City and public information materials. An estimate of these costs will be completed, if Council chooses to move forward with a Outdoor Smoke and Tobacco Free City Spaces Policy.

### Next Steps

The next steps to implement such a policy are: 1) public information and public involvement, followed by 2) preparation of a draft ordinance for Council consideration and direction. Then, 3)



Council adoption of an ordinance, and 4) implementation over a designated period of time.

**RECOMMENDATION:**

Staff recommends Council review and consider aspects to include or not include in an Outdoor Smoke and Tobacco Free City Spaces Policy for property owned and/or managed by the City, and provide direction for next steps.

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**Attachments:**     Attachment A: Jurisdictional Comparison Regarding Outdoor Smoke and Tobacco Free Policy  
                              Attachment B: Power Point Presentation

Jurisdictional Comparison Regarding Outdoor Smoke and Tobacco Free Policy

Organization	Scope / Materials Affected	Outdoor Policy?	Locations	Purpose	Schedule	Public Involvement	Constraints/Opposition	Opportunities/Support	Public Information Plan/Process	Penalty
Beaverton	Includes all tobacco products and e-cigarettes.	Yes.	In all interior spaces owned, rented or leased by the City; all outside property or grounds owned or wholly leased by the city (including parking areas); and in all City vehicles at all times and locations.	Public/staff health and wellness. Grant stipulations.	Worked closely with med insurance vendors to determine timeline. In total, 9 months of preparation.	None.	Some staff opposition.	Suggested reaching out to medical insurance vendors, American Heart Association, Wellness Committee and stakeholders to craft communication.	Worked with Public Information Manager to develop strategic plan so they could inform public.	No penalty.
Corvallis	Includes all tobacco products (lighted or otherwise), vapor, smoking devices. Does not include tobacco cessation products.	Yes.	All City property and the County Public Library (including PROW and area within 50 ft). Does not include designated parking areas, private property, and private vehicles. Added Parks, trails, and natural areas in 2005.	Not available.	Not available.	For 2005 addition: Advisory Board had public testimony opportunity.	Not available.	For 2005 addition: Benton County Tobacco-Free Coalition; Parks, Natural Areas, and Recreation Advisory Board.	Not available.	\$50-100 for 1st offense; subsequent fines increase up to \$500. Fine up to \$500/day for each offense (\$4,000/mo max) for any person who owns, manages, operates premise.
Eugene	Includes all tobacco products (lighted or otherwise) and smoking devices. Vaping added last year.	Yes.	All public spaces, PROW, places of employment, and exterior of buildings serving children. Includes city pools and Rec Centers, but not Senior Centers.	Health, wellness, and litter.	Not available.	Not available.	Not available.	Not available.	Not available.	\$50-\$100 fine for first offense. Subsequent fines increase up to \$500, or an administrative civil penalty up to \$2000/day, or both.
Forest Grove	Includes all tobacco products, smoking products, and e-cigarettes	Yes.	Designated parks, city-owned or leased property and city-sponsored events. Does not include City streets and sidewalks.	Public health, litter reduction, allows law enforcement to contact suspects who may be persons of interest in other cases.	Effective 30 days for "education period" where warning citations issued	3 public comment opportunities during Parks and Rec Commission meetings; City Council held two duly-noticed public hearing	Fiscal impact estimated (signage costs of \$250-\$600). Perception that City-wide policy would be too difficult to implement or litigious. Minimal opposition.	Supported by public health organizations, advisory committees and City Council Goals.	Handed out policy cards to those smoking as education period. Media was used as positive education piece (5-6 articles).	\$100 to \$250 fine. Enforcement officer may cite into Municipal Court.
Hillsboro	All tobacco products (lit or otherwise), vaping, and electronic products/devices. Tobacco product definition includes anything intended to be put in human body. Does not include tobacco cessation products.	Yes.	Includes any public lands, city-sponsored event, and city owned or controlled personal property, including, but not limited to, vehicles. Does not include sidewalk ROW.	Consistency in policies, public health, wellness, and public safety.	Effective 30 days after adoption.	No major outreach. Coordinators did informal survey of Adult Softball Teams who were biggest tobacco users.	Minimal opposition.	Handful of supporters for banning vaping. Anecdotal comments from public about better experiences with smoke ban.	Signage in all of the parks, news releases, TV spots, notice given of new rule, treated as educational tool not punitive.	Warning issued first, then exclusion for up to 90 days. A violation of an exclusion notice constitutes criminal trespass.
Lake Oswego	Includes all tobacco products and smoking. Does not mention e-cigarettes or vaping.	No.	Includes all places of employment. Does not include: smoking-designated hotel or motel rooms and retail tobacco stores; makes exception for bars and taverns that prohibit minors.	Public health and safety.	Not available.	At least two Council meetings with public testimony	Some opposition from public, one Councilor voted against policy.	Larger support from public.	Not available.	Warning for first offense with educational materials & tobacco program referral; fine suspended if violator cooperates with remedial activity. Fine increases with subsequent violations up to \$500.

Jurisdictional Comparison Regarding Outdoor Smoke and Tobacco Free Policy

Organization	Scope / Materials Affected	Outdoor Policy?	Locations	Reason / Purpose	Schedule	Public Involvement	Constraints/Opposition	Opportunities/Support	Public Information Plan/Process	Penalty
Portland	Includes all tobacco products (lit or otherwise), vapor, smoking devices, and marijuana.	Yes.	All park grounds and facilities. Also includes Portland International Raceway, golf courses, and leased properties. Does not include public ROW.	Public health and safety, environmental health, consistency in policies and goals.	Effective 5 months after adoption to educate, post signage.	Parks Board and community members recommended policy to Council. City sent out online survey for feedback, no public hearings.	Internal concerns from staff (smokers) about how it would impact work. Minimal opposition.	Overwhelming community support, in addition to County support. City created designated smoking areas, which staff could request.	Created policy handouts (Spanish and English), FAQ webpage, posters/ads, email blast to partners, newsletter articles and posted signage.	Exclusion for remainder of the day.
Sherwood	Includes all tobacco products (lit or otherwise). Does not mention e-cigarettes or vaping.	Yes.	Includes any city-owned, controlled or managed property, including, but not limited to, buildings, parks, vehicles, and other real and personal property. Does not include public ROW.	Not available.	Not available.	Not available.	Not available.	Not available.	Not available.	Fine of \$50-\$500
Tigard	Smoking	No.	City facilities, including City-owned buildings, vehicles, individual employee offices, and offices or other facilities rented or leased by the City.	Not available.	Not available.	Not available.	Not available.	Not available.	Not available.	Not available.
Tualatin Hills Park & Recreation District	Includes all lit tobacco and non-tobacco substances, marijuana, and e-cigarettes. Does not include chewing tobacco.	Yes.	District grounds, facilities or buildings including parks, trails, parking lots, and athletic fields.	Public health and safety, litter reduction, consistency in mission.	Effective 2 months after board approval to allow preparation and public notification.	Public meetings (at least 2), survey of residents and other organizations, other communications over several months.	Minimal opposition.	Parks Advisory Committee and Washington County Public Health Division.	Publications, social media outreach, added to parks rules sign, notification on website, and ongoing education.	Exclusion (30-180 days/occurrence) or misdemeanor. Arrest and criminal trespass in 2nd degree if violates exclusion.
Washington County	Includes all lit tobacco products, vapor, smoking devices. Does not include chewing tobacco.	Yes.	Most County property, except in parks- areas where people congregate.	Public health.	Effective 90+ days after adoption (2014).	Public information	Minimal opposition.	Community support for health and wellness.	On effective date, flooded grounds with notices; designated employees to hand out print material as policy guide	Reminders. Not many repeat offenders.
Wilsonville	Includes all tobacco products and smoking. Does not mention e-cigarettes or vaping.	Yes.	City park property, park facilities and buildings.	Received CDC Grant; health and wellness; litter reduction; economic impacts.	Effective 30 days after second reading/adoption	Goals presented to Parks and Rec Board. Involved various organizations- students, businesses, etc. Data collected on citizen attitudes.	2% of respondents to poll indicated there should be no policy on tobacco in parks.	98% of poll respondents voted for either: Wilsonville Parks should be tobacco free, or children's play areas in parks should be tobacco free.	Not available.	Class C misdemeanor



City of Tualatin

# Smoke & Tobacco Free

Consideration of Smoke and Tobacco  
Free City Spaces Policy for Outdoor  
Property Owned or Managed by the City

# History

- Tualatin Together (initiative)
- Advisory Committees (recommendation)
- Council Workshop (July 28, 2014)
- Existing Practices & Policies (Appendix A)



# Other Jurisdictions

Jurisdictional Comparison Regarding Outdoor Smoke and Tobacco Free Policy

Organization	Scope / Materials Affected	Outdoor Policy?	Locations	Purpose	Schedule	Public Involvement	Constraints/Opposition	Opportunities/Support	Public Information Plan/Process	Penalty
Beaverton	Includes all tobacco products and e-cigarettes.	Yes.	In all interior spaces owned, rented or leased by the City; all outside property or grounds owned or wholly leased by the city (including parking areas); and in all City vehicles at all times and locations.	Public/staff health and wellness. Grant stipulations.	Worked closely with med insurance vendors to determine timeline. In total, 9 months of preparation.	None.	Some staff opposition.	Suggested reaching out to medical insurance vendors, American Heart Association, Wellness Committee and stakeholders to craft communication.	Worked with Public Information Manager to develop strategic plan so they could inform public.	No penalty.
Corvallis	Includes all tobacco products (lighted or otherwise), vapor, smoking devices. Does not include tobacco cessation products.	Yes.	All City property and the County Public Library (including PROW and area within 50 ft). Does not include designated parking areas, private property, and private vehicles. Added Parks, trails, and natural areas in 2005.	Not available.	Not available.	For 2005 addition: Advisory Board had public testimony opportunity.	Not available.	For 2005 addition: Benton County Tobacco-Free Coalition; Parks, Natural Areas, and Recreation Advisory Board.	Not available.	\$50-100 for 1st offense; subsequent fines increase up to \$500. Fine up to \$500/day for each offense (\$4,000/mo max) for any person who owns, manages, operates premise.
Eugene	Includes all tobacco products (lighted or otherwise) and smoking devices. Vaping added last year.	Yes.	All public spaces, PROW, places of employment, and exterior of buildings serving children. Includes city pools and Rec Centers, but not Senior Centers.	Health, wellness, and litter.	Not available.	Not available.	Not available.	Not available.	Not available.	\$50-\$100 fine for first offense. Subsequent fines increase up to \$500, or an administrative civil penalty up to \$2000/day, or both.
Forest Grove	Includes all tobacco products, smoking products, and e-cigarettes	Yes.	Designated parks, city-owned or leased property and city-sponsored events. Does not include City streets and sidewalks.	Public health, litter reduction, allows law enforcement to contact suspects who may be persons of interest in other cases.	Effective 30 days for "education period" where warning citations issued	3 public comment opportunities during Parks and Rec Commission meetings; City Council held two duly-noticed public hearing	Fiscal impact estimated (signage costs of \$250-5600). Perception that City-wide policy would be too difficult to implement or litigious. Minimal opposition.	Supported by public health organizations, advisory committees and City Council Goals.	Handed out policy cards to those smoking as education period. Media was used as positive education piece (5-6 articles).	\$100 to \$250 fine. Enforcement officer may cite into Municipal Court.
Hillsboro	All tobacco products (lit or otherwise), vaping, and electronic products/devices. Tobacco product definition includes anything intended to be put in human body. Does not include tobacco cessation products.	Yes.	Includes any public lands, city-sponsored event, and city owned or controlled personal property, including, but not limited to, vehicles. Does not include sidewalk ROW.	Consistency in policies, public health, wellness, and public safety.	Effective 30 days after adoption.	No major outreach. Coordinators did informal survey of Adult Softball Teams who were biggest tobacco users.	Minimal opposition.	Handful of supporters for banning vaping. Anecdotal comments from public about better experiences with smoke ban.	Signage in all of the parks, news releases, TV spots, notice given of new rule, treated as educational tool not punitive.	Warning issued first, then exclusion for up to 90 days. A violation of an exclusion notice constitutes criminal trespass.
Lake Oswego	Includes all tobacco products and smoking. Does not mention e-cigarettes or vaping.	No.	Includes all places of employment. Does not include: smoking-designated hotel or motel rooms and retail tobacco stores; makes exception for bars and taverns that prohibit minors.	Public health and safety.	Not available.	At least two Council meetings with public testimony	Some opposition from public, one Councilor voted against policy.	Larger support from public.	Not available.	Warning for first offense with educational materials & tobacco program referral; fine suspended if violator cooperates with remedial activity. Fine increases with subsequent violations up to \$500.

# Key Issues

## Scope (What's Included)

- Smoke Free (Tobacco & inhalant delivery systems)
- Tobacco Free (Smoking & Chewing)
- Regulation on consumption/use (Not Possession)
- Where (Locations)

## Out of Scope (Not Included)

- Retail sales, advertising or displays
- Marijuana (including edible packaged products)
- Hookah Establishments
- Indoor Buildings



# Purpose & Reasons

- Reduction of Maintenance (litter)
- Fire Safety
- Public Health (second hand smoke)
- Community Image and Perception (social norms for youth)
- Environmental Harm (wildlife)
- Consistency in Policy



## **3 boys charged in Oregon trestle fire**

SHERWOOD, Ore. (AP) — Police have charged three boys with reckless burning in connection with a fire that destroyed a train trestle in Sherwood, Oregon.

A fire investigator said careless smoking was the cause of the Aug. 10 fire that burned eight acres along with the 85-year-old Portland and Western Railroad trestle.



# Key Considerations

- Scope
- Locations (where)
- Schedule
- Public Involvement
- Pre-Mortem (Constraints, Opposition, Opportunities & Support)
- Reason & Purpose



# Next Steps

- Council Direction (Oct. 12)
- Public Information & Involvement (Nov. & Dec.)
- Draft Ordinance to Council with Policy Recommendations (Jan.)
- Ordinance Adoption
- Implementation of Ordinance





## MEMORANDUM CITY OF TUALATIN

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

**FROM:** Sherilyn Lombos, City Manager

**DATE:** January 25, 2016

**SUBJECT:** Work Session for January 25, 2016

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**6:15 p.m. (30 min) – Outdoor Smoke & Tobacco Free City Spaces Policy Alternatives.** Staff will present information to Council regarding all of the public involvement on this issue and ask for direction on the specific components of an ordinance to be brought back for public testimony.

**6:45 p.m. (15 min) – Council Meeting Agenda Review, Communications & Roundtable.** Council will review the agenda for the January 25<sup>th</sup> City Council meeting and brief the Council on issues of mutual interest.



# MEMORANDUM

## CITY OF TUALATIN

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

**THROUGH:** Sherilyn Lombos, City Manager

**FROM:** Richard Mueller, Parks and Recreation Manager  
Paul Hennon, Community Services Director

**DATE:** 01/25/2016

**SUBJECT:** Consideration of Policy Alternatives for Outdoor Smoke and Tobacco Free City Spaces Policy for Property Owned and/or Managed by the City

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

Council consideration of policy alternatives for adopting an Outdoor Smoke and Tobacco Free City Spaces Policy for property owned and/or managed by the City.

### **EXECUTIVE SUMMARY:**

On July 28, 2014 representatives of the Tualatin Together organization requested that the City Council restrict smoking and tobacco in the city. At the direction of Council, staff presented additional information about restricting smoking in parks and other properties owned and/or managed by the City at the Council work session on October 12, 2015. At that time Council directed staff to involve the public in the conversation and return the results at a future Council meeting.

Public involvement took place during November and into December through a variety of methods including the City website, Facebook, My Sidewalk, news media, City newsletter, flyers and employee outreach. Facebook received 400 likes, comments and shares. Staff involved five City advisory committees and seven community organizations or agencies. The public involvement responses and input can be found in Attachment A.

There is an established trend among federal, state, and municipal agencies and jurisdictions, as well as private business and nonprofit organizations, to regulate smoking and tobacco use in outdoor spaces to promote public health and wellness, reduce operating costs, fire safety, community image and perception, environmental harm and consistency of policy.

Support for this kind of policy can be found in the City Council 2020 Vision, Community Services Department mission and goals, Tualatin Tomorrow goals, Public Health vision, mission and goals, and health care provider initiatives.

Staff is seeking direction from Council on the following policy alternatives in order to prepare a

draft ordinance:

Which products should the Policy include?

- Smoke Free  
Burning or Lighted (cigarettes, cigars & pipes)  
Inhalant Delivery Systems (vaping & e-cigarettes)
- Tobacco Free  
Smoking  
Chewing

Verify Not Included

- Medical inhalers
- Medical patches

Which locations should be included?

- System-wide (all City owned and/or managed property)
- Parklands (parks, natural areas, trails, greenways)
- Plazas (library)
- Tualatin Commons
- Core Area Parking Lots (green, blue, white, red, yellow)
- Departments (police, operations)
- Sidewalks adjacent to City Property

Enforcement

Enforcement and penalties for smoke and tobacco free outdoor City spaces are intended to apply to consumption and use only, not possession. The proposed intent is to treat a violation of this policy like other park rule violations such as littering and failure to clean up dog waste through the following progression:

- Voluntary compliance/enforcement through social influence (self enforcing)
- Warning
- Civil exclusion
- Civil infraction

Next Steps

The next steps to implement such a policy are:

- Preparation of a draft ordinance for Council consideration and direction.
- Council adoption of an ordinance.
- Implementation over a designated period of time to allow for public information and notification.

Financial Implications

If Council chooses to move forward with this policy, the financial implications would include the cost of updating signage for parklands and signage on other property owned and/or managed by the City projected at approximately \$7,000, with public information materials to be absorbed in current budget allocations.

**RECOMMENDATION:**

Staff recommends Council review, consider and provide direction for guiding which policy alternatives to include or not include in an Outdoor Smoke and Tobacco Free City Spaces Ordinance for property owned and/or managed by the City.

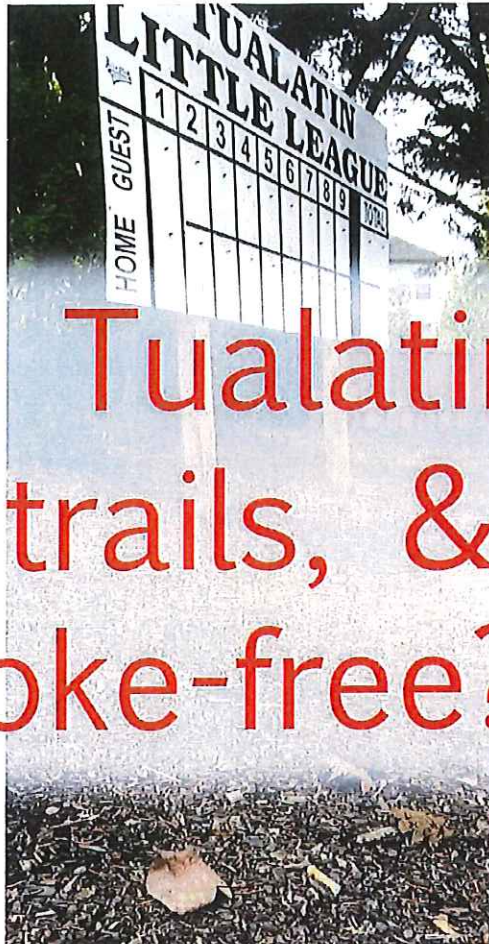
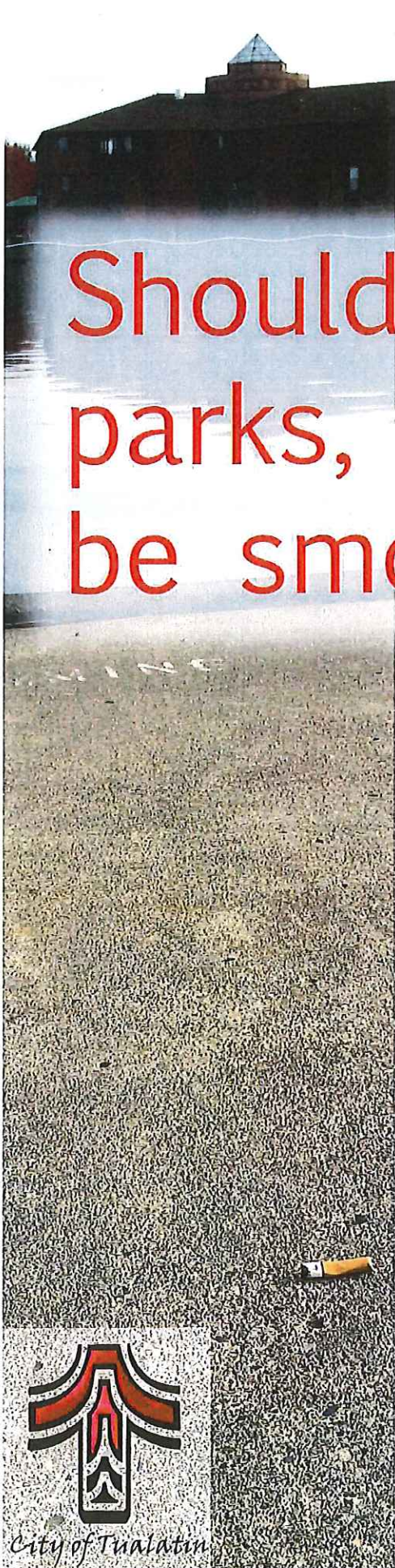
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**Attachments:**    Summary of Public Information and Involvement  
                          PowerPoint Presentation

## Outdoor Smoke and Tobacco Free City Space Policy for property owned and/or managed by the City

### **Summary of Public Information and Involvement**

1. Informational flyer seeking input
2. City Advisory Committee's recommendations and support
3. Washington County Department of Health & Human Services letter
4. Tualatin Together letter
5. Facebook statistics & responses
6. My Sidewalk/Tualatin Townhall comments
7. Public responses received by email, walk-ins, phone & letter
8. Employee responses
9. City newsletter
10. Tualatin Life news article
11. The Times news articles, comments & reader's letter



# Should Tualatin's parks, trails, & plazas be smoke-free?

Tualatin City Council is considering a policy for smoke-free and tobacco-free outdoor City spaces. The City of Tualatin wants your input:

What should be restricted?

- tobacco (smoke and chew)
- inhalant delivery systems (vaping)

Which locations should be included?

- Tualatin Commons
- Library plaza
- all parks and trails
- parking lots
- all City-owned or managed properties

Join the discussion: [TualatinOregon.gov](http://TualatinOregon.gov)  
Comments accepted through November

Questions? Contact Rich Mueller, Parks & Recreation Manager, at [rmueller@ci.tualatin.or.us](mailto:rmueller@ci.tualatin.or.us) or 503.691.3064



City of Tualatin



## **Summary of Tualatin's Advisory Committee's input on an Outdoor Smoke & Tobacco Free City Spaces Policy for property owned and/or managed by the City**

### **Core Area Parking District**

There was a consensus to support the implementation of the ordinance regarding an Outdoor Smoke and Tobacco Free City Spaces Policy for property owned and/or managed by the City, including right of ways.

October 21, 2015

### **Tualatin Library Advisory Committee**

There was consensus among committee members to recommend Council adopt such a policy prohibiting all tobacco and inhalant delivery systems at the Library plaza, parks, trails, and greenways.

November 3, 2015

### **Tualatin Parks Advisory Committee**

Recommends the City Council adopt a policy restricting all types of smoking and tobacco use in outdoor city property owned or managed by the City, including adjacent right of ways.

November 10, 2015

### **Tualatin Arts Advisory Committee**

By consensus, the Committee supports the Council enacting an ordinance to restrict smoking and tobacco products, including chewing and vaping, in park lands and other property owned or managed by the City and adjoining rights of way, with the exception that smoking be allowed inside cars parked in parking lots with the windows up.

November 17, 2015

### **Tualatin Planning Commission**

The Commission was in favor of the implementation of the Tobacco Free City Spaces Policy to restrict smoking and tobacco use on property owned or managed by the City.

November 19, 2015



## WASHINGTON COUNTY OREGON

November 20, 2015

City of Tualatin  
18880 SW Martinazzi Ave  
Tualatin, OR 97062

Dear Tualatin City Council:

On behalf of Washington County Department of Health and Human Services, I would like to commend the City of Tualatin in its ongoing efforts to promote healthy lifestyles and environments, and offer our support in your consideration of adopting a smoke and tobacco-free ordinance for City properties. To compliment wellness initiatives and protect the health of the community, the Centers for Disease Control and Prevention recommends adopting smoke and tobacco-free policies to safeguard youth from exposure to tobacco and nicotine products.

Tobacco use is expensive and remains the #1 cause of preventable death worldwide, nationwide and in Oregon. In Washington County alone, 57,000 adults are still smoking cigarettes. The U.S. Surgeon General states "there is no safe level of secondhand smoke exposure." This includes both indoor and outdoor areas. In addition to conventional cigarettes, electronic inhalant delivery systems (also known as e-cigs and vape pens) have not been proven safe. According to the Oregon Health Authority, preliminary testing has identified chemicals known to cause cancer and birth defects in both first and secondhand vapor emitted from these delivery systems.

The City of Tualatin took great leadership in adopting City Code Chapter 06-07: Tobacco Use in Public Places. By building on this foundation and adopting a comprehensive smoke and tobacco-free ordinance for all City properties (inclusive of park and recreation areas), Tualatin will be providing consistency and protection for the community from the dangers of tobacco use and nicotine addiction.

Local jurisdictions across Oregon and in Washington County are adopting smoke and tobacco free policies, aligning efforts with health divisions and agencies across the nation to reduce the impact of tobacco use and nicotine addiction in our communities. Washington County has partnered with community coalitions, agencies and local jurisdictions to assist with these efforts. We have assisted other cities such as Forest Grove, Hillsboro and North Plains in adopting comprehensive ordinances that prohibit smoking, tobacco use and electronic inhalant delivery systems both indoors and outdoors, on all city properties. Policies like these protect people from secondhand smoke exposure, help people quit tobacco and nicotine products, and help prevent youth from starting.

We would like to offer our support and technical assistance to the City of Tualatin in adopting a comprehensive smoke and tobacco-free ordinance for all City properties and events to further improve the health of the community.

Sincerely,

A handwritten signature in blue ink that reads "Marni Kuyl".

Marni Kuyl, RN, MS  
Robert Wood Johnson Executive Nurse Fellow  
Director of Health and Human Services



**Tualatin Together**  
COMMUNITY ENGAGEMENT • COMMUNITY DEVELOPMENT • COMMUNITY IMPROVEMENT

REC'D  
CITY OF TUALATIN  
OCT 09 2015

BOARD OF COMMUNITY DEVELOPMENT  
PLANNING COMMISSION  
CITY OF TUALATIN  
COMMUNITY ENGAGEMENT

September 30, 2015

Tualatin City Council  
c/o City of Tualatin  
18880 SW Martinazzi Avenue  
Tualatin, OR 97062

Dear Tualatin City Council:

On behalf of Tualatin Together, we would like to show our support for an ordinance that would support a community environment that discourages and reduces substance abuse through adopting a smoke and tobacco-free policy for all City properties (including outdoor venues). Strengthening local tobacco ordinances is instrumental to the efforts of reducing youth access to tobacco products. Now is the opportune time to increase our efforts to protect the health of everyone that lives, works, and plays in our community.

Scientific evidence has shown that exposure to secondhand smoke has no risk-free level. The U.S. Surgeon General determined that secondhand smoke causes premature death and disease in both non-smoking adults and children<sup>i</sup>. Secondhand smoke exposure in adults has immediate adverse effects on the cardiovascular system and causes coronary heart disease and lung cancer<sup>1,ii</sup>. Secondhand smoke exposure in children can cause ear infections, asthma attacks and other respiratory symptoms<sup>1,2</sup>. The smokeless tobacco waste and byproducts can also expose others to carcinogenic chemicals. In addition, environmental impacts of tobacco are numerous. Studies have shown that the most prominent litter items found are cigarettes and cigarette butts, which do not biodegrade and are toxic.<sup>iii</sup> Both young children and pets can become ill or potentially die from ingesting cigarette butts<sup>iv</sup>.

Emerging issues causing concern are the rapid rise of youth using hookah and electronic smoking devices<sup>v</sup>. Many youth falsely think that hookah tobacco is less dangerous because it is bubbled through water and very often contain flavors such as: apple blitz, latte, s'mores, and raspberry cheesecake, to name a few. In fact, hookah tobacco contains nicotine and the same cancer-causing agents found in other tobacco products which can lead to respiratory disease, heart disease, and various types of cancer<sup>vi</sup>. To put it in perspective, a typical one-hour hookah smoking session is the equivalent to inhaling the smoke of 100-200 cigarettes (5-10 packs)<sup>6</sup>.

Electronic Inhalant delivery systems (also known as vaporizers, vape pens or e-cigarettes) also greatly appeal to youth. They have enough nicotine to be addictive and are available in a variety of flavors. Studies have found the existence of toxic chemicals in the vapor, and with a lack of adequate labeling and design flaws, significant concerns about health and quality control issues are raised.<sup>vii, viii</sup> Until the safety of electronic inhalant delivery systems has been further evaluated scientifically by independent research, the devices should be considered as harmful to health as conventional cigarettes.

As an organization founded on and who depends on collaborating with our partners to educate and reduce youth substance abuse in our community, we look forward to watching the Tualatin City Council's leadership in adopting a comprehensive smoke and tobacco policy for all City properties, fostering a culture of health, respect for others, and the environment.

Sincerely,

Cindy Hillier  
Executive Director, Tualatin Together  
5505 SW Borland Road  
Tualatin, OR 97062

<sup>2</sup> U.S. Department of Health and Human Services. *A Report of the Surgeon General: How Tobacco Smoke Causes Disease: What It Means to You*. U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2010

<sup>3</sup> Novotny TE, Lum K, Smith E, Wang V, Barnes R. *Cigarettes Butts and the Case for an Environmental Policy on Hazardous Cigarette Waste*. International Journal of Environmental Research and Public Health. 2009;6(5):1691-1705. <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2697937/>

<sup>4</sup> Novotny TE, Hardin SN, Hovda LR, Novotny DJ, McLean MK, Khan S. *Tobacco and cigarette butt consumption in humans and animals*. Tobacco Control. 2011;20(Suppl\_1):i17-i20. doi:10.1136/tc.2011.043489. <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3088460/>

<sup>5</sup> Centers for Disease Control and Prevention. *Tobacco Use Among Middle and High School Students—United States, 2011–2014*. Morbidity and Mortality Weekly Report, 2015;64(14):381–5

<sup>6</sup> World Health Organization Study Group on Tobacco Product Regulation. *Advisory Note: Waterpipe Tobacco Smoking: Health Effects, Research Needs, and Recommended Action by Regulators*, 2005, [http://www.who.int/tobacco/global\\_interaction/tobreg/Waterpipe%20recommendation\\_Final.pdf](http://www.who.int/tobacco/global_interaction/tobreg/Waterpipe%20recommendation_Final.pdf)

<sup>7</sup> U.S. Department of Health and Human Services, U.S. Food and Drug Administration. *Evaluation of E-Cigarettes*, 2009, <http://www.fda.gov/downloads/Drugs/ScienceResearch/UCM173250.pdf>

<sup>8</sup> Anna Trichounian & Prue Talbot. *Electronic nicotine delivery systems: Is there a need for regulation?* Tobacco Control 2011, [www.tobaccocontrol.bmj.com](http://www.tobaccocontrol.bmj.com)

Signed also by Tualatin Together Coalition Members:

Andy Cantrell, Sr. Program Educator, Washington County HHS  
Victoria L. Villanov, Program Educator, Public Health, Washington County HHS  
Guy Chen, Program Coordinator, Public Health, Washington County HHS  
Candice Kelly, Tualatin Resident  
Angela R. Pettit, Community Representative, Board of Directors  
Kimi S. Demarachi, Parent Educator / Family Coach, Tualatin Resident  
Maki Lei Kato, Healthcare, Emergency Room RN, Tualatin Resident  
Jane Crowell, RPh Healthcare Board of Directors Tualatin Resident  
Jovan Guzman, Community Representative, TT Board Member  
Alvise Hoque, Tualatin Together  
Susan M. Wise, Treasurer Tualatin Together, TT Board Member  
Mark Began, Pastor of Families, Rolling Hills Community Church Board President



**City of Tualatin - Government** shared a link.

Published by Sidewalk [?] · October 29 · Edited ·



### Should Tualatin's parks, trails, and plazas be smoke-free?

Tualatin's City Council is considering a policy for smoke-free and tobacco-free outdoor City spaces. The City wants your input on what should be...

MYSIDEWALK.COM

141 people reached

**Boost Post**

4 Likes 1 Comment

Like Comment Share

Annie Bartelamia, James Gill and 2 others like this.

Chronological ▾



**Marty Nelson Denis** Maybe just the commons. At concerts, we are in such close proximity there is no way to avoid smokers.

Like · Reply · Message · October 29 at 3:55pm



Write a comment...



**141** People Reached

**5** Likes, Comments & Shares

<b>4</b> Likes	<b>4</b> On Post	<b>0</b> On Shares
<b>1</b> Comments	<b>1</b> On Post	<b>0</b> On Shares
<b>0</b> Shares	<b>0</b> On Post	<b>0</b> On Shares

**8** Post Clicks

<b>0</b> Photo Views	<b>2</b> Link Clicks	<b>6</b> Other Clicks <i>z</i>
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**NEGATIVE FEEDBACK**

- 0** Hide Post
- 0** Hide All Posts
- 0** Report as Spam
- 0** Unlike Page

### Post Details

Reported stats may be delayed from what appears on posts X



#### City of Tualatin - Government

Published by Sidewalk [?] · October 30 at 8:57am ·

We have updated this question to add more options:



### Should all City-owned or managed property be smoke-free and tobacco-free?

Tualatin City Council is considering a policy for smoke-free and tobacco-free outdoor City spaces....

MYSIDEWALK.COM

117 people reached

Not Boosted

Like Comment Share

117 People Reached

0 Likes, Comments & Shares

0 Likes On Post On Shares

0 Comments On Post On Shares

0 Shares On Post On Shares

6 Post Clicks

0 Photo Views 6 Link Clicks 0 Other Clicks

#### NEGATIVE FEEDBACK

0 Hide Post 0 Hide All Posts

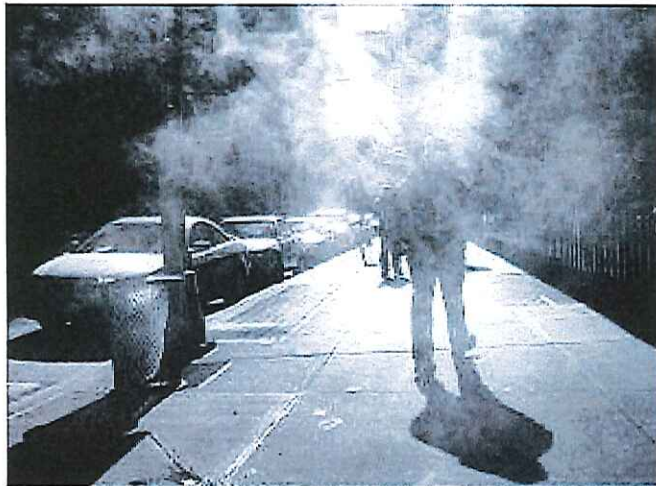
0 Report as Spam 0 Unlike Page



**City of Tualatin - Government**

Published by Kelsey Lewis [?] · November 6 ·

How do you feel about restricting smoking in Tualatin's downtown area public parking lots? <http://bit.ly/1WDhQbV>



937 people reached

**Boost Post**

12 Likes 6 Comments

Like Comment Share

**937** People Reached

**25** Likes, Comments & Shares

**17** Likes **12** On Post **5** On Shares

**7** Comments **6** On Post **1** On Shares

**1** Shares **0** On Post **1** On Shares

**131** Post Clicks

**11** Photo Views **12** Link Clicks **108** Other Clicks

**NEGATIVE FEEDBACK**

**1** Hide Post **0** Hide All Posts

**0** Report as Spam **0** Unlike Page



### City of Tualatin - Government

Published by Kelsey Lewis [?] · November 13 ·

Do you feel people have a right to smoke tobacco in City parks?



2,418 people reached

[View Results](#)

23 Likes 48 Comments

[Like](#) [Comment](#) [Share](#)

**2,418** People Reached

**198** Likes, Comments & Shares

<b>30</b> Likes	<b>23</b> On Post	<b>7</b> On Shares
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<b>168</b> Comments	<b>61</b> On Post	<b>107</b> On Shares
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<b>0</b> Shares	<b>0</b> On Post	<b>0</b> On Shares
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**512** Post Clicks

<b>41</b> Photo Views	<b>0</b> Link Clicks	<b>471</b> Other Clicks
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#### NEGATIVE FEEDBACK

<b>2</b> Hide Post	<b>0</b> Hide All Posts
<b>0</b> Report as Spam	<b>0</b> Unlike Page





**City of Tualatin - Government**

Published by Kelsey Lewis [?] · November 20 ·

Should vaping be restricted on outdoor City property?



497 people reached

Not Boosted

4 Likes 8 Comments

Like Comment Share

**497** People Reached

**17** Likes, Comments & Shares

<b>4</b> Likes	<b>4</b> On Post	<b>0</b> On Shares
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<b>13</b> Comments	<b>12</b> On Post	<b>1</b> On Shares
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<b>0</b> Shares	<b>0</b> On Post	<b>0</b> On Shares
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**87** Post Clicks

<b>9</b> Photo Views	<b>0</b> Link Clicks	<b>78</b> Other Clicks /
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**NEGATIVE FEEDBACK**

<b>1</b> Hide Post	<b>0</b> Hide All Posts
<b>0</b> Report as Spam	<b>0</b> Unlike Page



### City of Tualatin - Government

Published by Kelsey Lewis [?] · November 27 at 12:00pm · Edited [?] ·

How do you feel about restricting smoking outside the Tualatin Public Library?



2,723 people reached

[View Results](#)

99 Likes · 39 Comments · 1 Share

[Like](#) [Comment](#) [Share](#)

**2,723** People Reached

**155** Likes, Comments & Shares

<b>100</b> Likes	<b>99</b> On Post	<b>1</b> On Shares
<b>49</b> Comments	<b>46</b> On Post	<b>3</b> On Shares
<b>6</b> Shares	<b>1</b> On Post	<b>5</b> On Shares

**309** Post Clicks

<b>33</b> Photo Views	<b>0</b> Link Clicks	<b>276</b> Other Clicks <sup>?</sup>
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#### NEGATIVE FEEDBACK

<b>2</b> Hide Post	<b>1</b> Hide All Posts
<b>0</b> Report as Spam	<b>1</b> Unlike Page

## Smoke and Tobacco Free City Spaces

### Facebook Comments



#### City of Tualatin - Government

##### Post #1

October 29 at 2:37 pm

**Should Tualatin's parks, trails, and plazas be smoke-free?**

**Marty Nelson Denis** Maybe just the commons. At concerts, we are in such close proximity there is no way to avoid smokers.

October 29 at 11:29 am

4 Likes

##### Post #2

October 30 at 8:57 am

**Should all City-owned or managed property be smoke-free and tobacco-free?**

No comments received

##### Post #3

November 6 at 1:44 pm

**How do you feel about restricting smoking in Tualatin's downtown area public parking lots?**

**David Knowles** A little overboard there dont ya think?

November 6 at 2:11 pm

1 Like

**John Lea** There gonna go till it's no longer excepted anywhere

November 6 at 2:32 pm

1 Like

**Jodi White Plank** I hate walking through people's disgusting smoke.

November 6 at 2:44 pm

4 Likes

**Sharon Ferland** Poor smokers...they are so annoying.

November 6 at 3:45 pm

**Gordon W. Hieronimus** stop limiting my liberties...

Attachment A

November 6 at 3:57 pm  
1 Like

**John Lea** All they really want to do is stop people from killing themselves, not to bad of an offer if you ask me  
November 6 at 8:33 pm · Edited

**Post #4**

November 13 at 3:30 pm

**Do you feel people have a right to smoke tobacco in City parks?**

**Julai Baldwin** People should not smoke where children play.  
November 13 at 3:44pm  
Likes 5

**Flick Chew** I totally agree. I know they should not be doing that because people at some not all the parks just throw the cigarette trash on floor or leave half smoked cigs on the ground where children can get their hands on.  
November 13 at 4:05pm  
Likes 3

**David Knowles** I think the government should stop taking our freedom away  
November 13 at 4:09pm  
Likes 5

**Replies 6**

**Annie Bartelamia** I agree, however when someone smokes in a public place you are affecting others which it is not ones right to do.  
November 13 at 4:15pm  
Like 2

**David Knowles** True, unfortunately there are smokers that dont care about others well being, when Im out in public I always find a spot where no one else is around and light up, and I dispose of my trash properly, if more smokers did that, I dont think it would be much of an issue.  
November 13 at 4:30pm  
Likes 2

**John Lea** I think parks are not a place to smoke. To many people with to many kids. Although, not to sure why non smokers get to choose when and were people that smoke can smoke. How about if you don't smoke, you can go to a non smoking park  
November 13 at 5:25pm  
Like 1

**Skylar Morris** @David Knowles.. Do you own the park? Last time I checked, the CITY OF TUALATIN OWNS THE PARK... When you own something, you can do what you want with your property... What makes you special that you can walk onto others property and tell them what to do? Don't give me the tax crap either. Everyone pays

Attachment A

taxes to the city, so if the majority dont want smoking in the park, GUESS WHAT NO SMOKING IN THE PARK!

November 14 at 2:20pm

Like 1

**David Knowles** Dude Skylar Morris Im thinking some anger management classes might do you some good, I never brought up any ownership or any tax anything, I stated that when Im out in public I respect other people, nobody wants to breathe my smoke so I find areas AWAY...See More

November 14 at 4:24pm

**John Lea** Hey skylar, what makes you think the majority is non smokers?

November 14 at 4:27pm

**Ethan Lamb** I hate cigarettes but, yes. Cigarette smokers pay for the parks, too.

November 13 at 4:14pm

Likes 6

**Replies 2**

**Linda Close** I agree I think what bothers me is the smoke in my face. But then...smoke follows beauty!!

November 13 at 5:04pm · Edited

**Ethan Lamb** Litter is another issue but I agree with you. Cigarette butts should be considered garbage and fines issued to those who toss them to the ground.

November 13 at 11:25pm

**David Dunn** Is it a "right "? Shouldn't the question be, should they be allowed to.

November 13 at 4:16pm

**Edward J. Palumbo** They have that right, but they have the corresponding responsibility to properly dispose of their cigarette butts. The world is not an ashtray.

November 13 at 4:36pm

Like 1 ·

**Reply 1**

**Skylar Morris** They have no right. the city owns the park

November 14 at 2:21pm

**Jesse Keller** I'm a cigarette smoker and its our constitutional right to do so. Now that being said, cigarette smokers need to be mindful of where the smoke is going because children don't need that in their lungs and we need to be respectful of the people around us that don't smoke.

November 13 at 5:24pm

Likes 6 ·

**Replies 2**

**Tony Kilburn** There is no such thing as a constitutional "right to smoke," since the U.S. Constitution does not extend special protection to smokers.

Attachment A

Smoking is not a specially protected liberty right under the Due Process Clause of the Constitution. The fundament...See More  
November 14 at 9:51am

**Skylar Morris** Thank you Tony... Lol and Jesse Keller do you own the park? Last time I checked, City of Tualatin owns the park, and they can make there own rules.  
November 14 at 2:22pm

**Toni Carrasco** Do drugs in private. I don't want to breathe it when I walk in the same area.  
November 13 at 5:26pm  
Likes 3

**John Lea** What makes you so special toni?  
November 13 at 5:39pm

**Beth Hancock** No. No more smoking. Please.  
November 13 at 7:22pm  
Likes 2

**Reply 1**

**David Knowles** Wish I could just give it up, unfortunately its not that easy.  
November 13 at 8:32pm

**Jeffrey Rehder** I'm a smoker and I don't smoke in parks or even where kids might be, like shopping centers.  
November 13 at 7:28pm  
Likes 4

**Ethan Lamb** Litter is another issue but I agree with you. Cigarette butts should be considered garbage and fines issued to those who toss them to the ground.  
November 13 at 11:25pm

**Parker Knight** Yes. My car makes more pollution than that. Or bus. Or truck.  
November 14 at 3:41am

**Parker Knight** Dog poop has more bio hazard.  
November 14 at 3:41am

**Parker Knight** What is more worse? Garbage cans. Yeah. 1 per house 24/7 emitting methane as food rots until picked up and still releasing gas.  
November 14 at 3:43am

**Clark Johnson** No!! No cigarettes or dope smokers allowed!!  
November 14 at 8:26am  
Like 1

**Ken Abell** Its getting ridiculous now. People throw trash on the ground, so no eating allowed in parks either.  
November 14 at 8:55am  
Like 1

Attachment A

**Patrick Michael Mullen** No.  
November 14 at 8:57am

**Tim Hayden** Most smokers I know do not litter with butts my question is how about drinking and driving your kids home. ??? That doesn't seem to be a problem. A lot of wine drinkers leave bottles behind what's with that? ??  
November 14 at 9:30am  
Like 1

**Brian Winterfield** No smoking please!  
November 14 at 11:13am  
Like 1

**Howard Silverman** No!!!!!!!  
November 14 at 11:19am

**Jim Odoms** Hell NO  
November 14 at 2:37pm

**Lee Graves** Yes I do.  
November 14 at 2:52pm

**Paul Mondragon** Yes  
November 14 at 3:13pm

**Derick Cain** The parks are primarily full of kids, and the last thing I want when I take my kids is someone smoking. Please smoke in your car.  
November 14 at 7:41pm  
Likes 3

**Robert Evans** I'll smoke when and where ever I want but away from kids  
November 14 at 7:43pm  
Like 1

**Terri Denemy** I'm a non smoker, but yes they should. It's outdoor's for goodness sakes. Share the world have some tolerance.  
Yesterday at 4:30am  
Likes 2

**Sebastian Zavage Villanueva** smoking anything should be allowed in parks  
12 hrs

**Gordon W. Hieronimus** when are you going to try to stop it on sidewalks? or while driving through the city?Where do you stop???  
15 hrs  
Like 1

**Dana Meinecke** Yes....we have rights too  
3 hrs

Attachment A

**Amy Lopez** Smoking is not a "right" for anyone, regardless of where you are. So to answer the question, no, they don't have the right to smoke in city parks. They do have the right to peaceful enjoyment and comfort, and if that means smoking, so be it. If that peace infringes on the peace of another (smoking where it will affect me, a non-smoker), then that is a problem.

18 mins

Update 11/17/15 at 8:40 am

Likes 6

**Todd Allison** Yes

November 17 at 9:37am

**Eric Lively** I am a non cigarette smoker. Also ex smoker from over 20 years ago. I don't believe smoking anything is a right of any sort. But adults should be able to smoke whatever they want. In a public place around others who have the right no...See More

November 17 at 12:09pm

Likes 2

**Kimberly DeMarchi** No! Tualatin is a beautiful city with wonderful people.....keep it safe and healthy for everyone.

November 17 at 12:41pm

Likes 2 ·

**Chris Hatzi** Sure...as long as they don't exhale

November 17 at 3:37pm

Likes 2 ·

**Reply 1**

**Penny Hatzi-Lewman** Oh My God! Really?? This is hilariously absurd!!!

November 17 at 3:59pm

**Shawn O'Connor** No. Too many times the smoke still wafts into other people's lungs as second hand smoke.

November 17 at 4:27pm

Likes 2 ·

**Jonathan Crane** Even as a non-smoker, I think saying no smoking in parks is too broad. Perhaps prohibiting it around play structures and bleachers during sports events would be a happy medium.

November 17 at 5:15pm · Edited

Likes 1 ·

**Gregg Walther** No

November 17 at 5:08pm

**Mairah G Sagrero Silva** Have a Smoking only area

November 17 at 6:20pm

**Barry M. Greenberg** Until you're able to limit the damage and the repulsiveness to the smoker, smoking in public cannot be a right.

November 17 at 8:58pm



Likes 1 ·

**Stacey Mark Taft** IF there is a smoking zone or smoking allowed, I'm afraid that it might end up being more pot smokers than nicotine smokers... that is NOT something I'm okay with... especially where kids play!

November 18 at 4:09pm

**Margie Bradley** How would enforcement of such a law be handled?

November 19 at 6:29am

Likes 1 ·

**Karen Koch** I am a smoker, but also trying to quit. So many rights have been taken from smokers, that it is ridiculous. It is legal, so you should have the right to smoke in an outside place, as long as it is not affecting anyone around you. I have ALWAYS been respectful of other peoples feelings when smoking, and I think most smokers are.

November 19 at 11:23am

**Brandy Shrope** I am really not trying to attack, but why should smokers have rights? My right to breath clean air gets violated everytime I walk by a smoker. You should have the right to smoke in your home or your car. Just as you can't drink alcohol and, now, sm...See More

November 19 at 12:13pm

Likes 4 ·

**Kristine Cox** Absolutely not. Smoking is vile.

November 19 at 12:25pm

Likes 2 ·

**Kirsten Ostrander** Since smoke has no awareness of boundaries, smoking areas are essentially useless. Smoke goes where it goes. And I have no desire to breathe it. If someone chooses to smoke, they should take it somewhere that it doesn't affect others. Working in me...See More

November 19 at 1:55pm

Likes 2 ·

**Phil Cartozian** No.

November 19 at 4:33pm

**Laura Talamantes-Zepeda** Nope! We go to the park to enjoy fresh air and the beautiful scenery. Only, to get stuck behind a smoker who then flicks the cigarette butt into the grass left to be everyone else's problem.

November 19 at 6:16pm

**Trevor L Owens** No

November 19 at 7:20pm

Likes 1 ·

**Post #5**

November 20 at 5:30 pm

**Should vaping be restricted on outdoor City property?**

Attachment A

**Ethan Lamb** No. This was once a free country.  
November 20 at 7:31pm  
Likes 2 ·

**Cyndy Darrh Hillier** Yes. Exhaling those chemicals is a danger to all around. It is about the rights of those walking a recreating in our community too. Not just one group making dangerous health decisions.  
November 20 at 8:40pm · Edited  
Likes 4 ·

**Jasmine Wilder** What chemicals? Do you know how a vapor pen works?  
November 21 at 5:34am

**Julian Betka** I agree cyndy.  
November 21 at 7:19am

**Toni Carrasco** Still smells like nicotine  
November 21 at 5:03pm

**Cindy Anderson-Callahan** No!  
November 20 at 11:06pm  
Like 1 ·

**Jasmine Wilder** No. This is irritating. You dont want cigarettes but you dont want what helps people quit safely either?  
Do some research. Once exhaled there's only slight trace amounts of nicotine and vapor. (If they're even using nicotine eliquid.) Some people vape with no nicotine at all.  
November 21 at 5:33am

**Gordon W. Hieronimus** what is next? farting in public???  
November 21 at 9:15am  
Reply 1

**Sara Evans** thats already illegal... its called assault with a deadly weapon  
3 · November 21 at 1:51pm

**Sharon Ferland** Yes it's just as annoying.  
November 21 at 2:01pm  
Like 1 ·

**Elena Villasenor** Yes, please respect every body...  
Yesterday at 6:53am

**Ed Casey** Look up the levels of formaldehyde in vaping - can be MUCH higher than cigarettes - scary ! Be aware.  
22 hrs

**Post #6**

November 27 at 12:00pm ·

**How do you feel about restricting smoking outside the Tualatin Public Library?**

**Karen Bleker** Yes

November 27 at 12:15pm

**Lindsey Schwenke** yes please!

November 27 at 12:15pm

**Melanie Nicole Garcia-Mijares** Please do it. I love this city and love taking advantage of all it's public services like this library, but I must say that the amount of transient smokers hanging out front has kept me and my daughters away for the past 4-5 months. It's uncomfortable ...See More

November 27 at 12:16pm

Likes 5

**Molly Sammons Burns** Yes. Restrict smoking and alcohol and drug use. The atmosphere has become dangerous.

November 27 at 12:24pm

**Reply 1**

**City of Tualatin** - Government Alcohol and drug use are prohibited inside the Library and on Library grounds, and Library staff actively enforces the Library's behavior rules with assistance from Tualatin Police. If you observe someone behaving inappropriately, please notify staff immediately so appropriate action can be taken.

November 27 at 3:15pm · Edited

**Ethan Lamb** I feel that the government needs to butt out of our lives. Pun intended.

November 27 at 12:43pm

Likes 2

**Edward J. Palumbo** I'm not a smoker, but I wouldn't forbid smoking OUTSIDE the library, well away from the doors.

November 27 at 1:03pm

Likes 2

**Flick Chew** I agree

November 27 at 1:16pm

**James Gill** It's a public place, it should be, as all public places should.

November 27 at 1:35pm

**Cindy Anderson-Callahan** People should be allowed to smoke outdoors!

November 27 at 2:36pm

Likes 3

**Jim Odoms** Restrict smoking everywhere t

November 27 at 2:43pm

**Tita Shadian** Yes please do it..  
November 27 at 2:50pm

**Julian Betka** Please  
November 27 at 3:48pm

**Dorinda Moore** Yes yes and yes  
November 27 at 4:16pm

**Natalie Eckhoff** Yes  
November 27 at 4:26pm

**Mark Thoenes** I am not a smoker, and I would prefer not to be subject to second-hand smoke outdoors in any Tualatin public area...including school grounds, public parks, the lake, et. al. So if Tualatin elects to ban outdoor smoking in ALL public areas, so be it...but banning outdoor smoking just on the library foot print seems to be a partisan move by a special interest group, which I find self-serving and disrespectful.....

November 27 at 4:31pm  
Like 1

**Replies 2**

**Derek Richards** How is prohibiting smoking a partisan move, and by what special interest group? Mind you, that they're asking the public what they would prefer. The lion's share seem to prefer no smoking. Does that make us a special interest group?  
November 28 at 11:54am

**Mark Thoenes** Derek, re-read what I wrote. Banning smoking in ONLY ONE PUBLIC AREA, AND NOT ALL PUBLIC AREAS, can be partisan and lead by a special interest group who cares solely about the outdoor foot print of the Tualatin library and NO OTHER TUALATIN PUBLIC AREA!!! I indicated I was in favor of banning smoking in ALL Tualatin public areas....please do not misinterpret my words and misconstrue them as such...thank you...smile emoticon  
November 28 at 3:49pm · Edited

**Barry M. Greenberg** Do. It.  
November 27 at 4:45pm

**Dave Edelman** You are all forgetting this is a free country. Ban this ban that pretty soon we are not free.

November 27 at 5:21pm  
Like 1

**Sheila Gardner** yes (smile emoticon)  
November 27 at 5:26pm

**Cheryl Malmsten** Less restrictions I feel is best!  
November 27 at 5:37pm

**Sarah Hall** Yes, please! Taking my kids past the smoke to go in and out of the library bothers us.

November 27 at 6:45pm

Attachment A

**Mark Fossier** I feel with my hands!

November 27 at 7:26pm

Like 1

**Pam Ankrim** Yes

November 27 at 8:10pm

**Gordon W. Hieronimus** stop limiting liberty and freedoms... good grief where does it end?

November 28 at 8:54am

**Michelle Evans Wolfersberger Sabins** (thumbs up)

November 28 at 9:29am

**Michelle Evans Wolfersberger Sabins** Stop selling cigarettes period!

November 28 at 9:30am

**Derek Richards** For those complaining about regulations stripping them of their liberty, remember this saying? Your right to swing your arms stops when your fist hits my face. Doesn't someone else's right to smoke stop with that smoke enters my airway? Do I not have the right to NOT breathe tobacco smoke into my lungs?

November 28 at 11:57am

Likes 4

**Chris Coronado** Let's make all of Tualatin smoke free! Inside, outside, downside, topside, all side smile emoticon

November 28 at 1:19pm

Like 2

**Mark Punzel** Nada

November 28 at 6:38pm

**Dana Meinecke** No..we have rights too. We pay taxes!!!!!!!\*\*\*

8 hrs

Like 1

**Sebastian Zavage Villanueva** Let ppl smoke their weed outside of the library

18 hrs

Likes 2

**Katelyn Maier** YES! It was awful one day, I had my three year old waiting near the door while I got my baby out of the car in one of the front parking spots....a teenage boy walked up, sat on one of the tables, and lit up his cigarette less than 10 ft from my son. I obviously was already hurrying to get the baby out to go in the library, but knowing I had the choice of having my 3 yr old come closer to me (closer to cars) or stay where he was and be exposed to cigarette smoke was a pretty disheartening feeling. To those worried about the laws taking away their freedoms-stop taking away my children's rights to a smoke free trip to the library. Stop taking my right to walking from my car to the grocery store without the need to cover my face or have physical symptoms for an hour due to an allergy. I don't care if you smoke, I DO care when you make me smoke.

Attachment A

14 hrs

**Sheryl Christmas** I don't smoke, and I don't like being around others who smoke. But I'm not comfortable with the vendetta-style drive to ban all smoking everywhere. Whether I like their habit or not, smokers are people too.

That said, the library is not only a public place, it is a public place frequented by children. Smoking should not be permitted near the main entrance.

1 hr

**Dana Meinecke**

1 hr

(graphic of animated creature)

**Susan Canedo** Inside buildings ok... within 6 feet of the entrance ok... anything else outside... really people????

December 3 at 12:22pm

**LaTonya Freauf** Yes, please! I'm not sure why this hasn't already been done?!

December 3 at 3:15pm

**Sary Dealba** (smiley face)

December 3 at 7:47pm

**Erin Ehrhart** Absolutely! !

December 3 at 10:59pm

**Kirsten Ostrander** Why should the smokers be allowed to limit the use for the non smokers? For those that smoke and do so in public spaces where we all congregate, we are left smelling like smoke, breathing in the smoke and for some, paying the consequences of allergies due to that smoke. Your rights end where mine begin and I want to breathe. If you feel the need to smoke, do so in an area that non smokers do not congregate.

December 4 at 10:20am

## Smoke and Tobacco Free City Spaces

### Tualatin Townhall Comments



City of Tualatin

October 30 Edited  
Tualatin, OR posted

Should all City-owned or managed property be smoke-free and tobacco-free?



Tualatin City Council is considering a policy for smoke-free and tobacco-free outdoor City spaces. Do you have an opinion? Key issues include:  
What should be restricted (e.g., tobacco (smoke and chew), inhalant delivery systems (vaping))?  
Which locations should be included (e.g., Tualatin Commons, Library plaza, all parks and trails, parking lots, all City-owned or managed properties)?

#### **Candice Kelly**

Tualatin City Council is considering a policy for smoke-free and tobacco-free outdoor City spaces. Do you have an opinion?  
YES all the below should be included!!!! Key issues include:  
What should be restricted (e.g., tobacco (smoke and chew), inhalant delivery systems (vaping))?  
YES all of the above should be included.  
Which locations should be included (e.g., Tualatin Commons, Library plaza, all parks and trails, parking lots, all City-owned or managed properties)?  
ALL city owned property and other places where city staff work and the public visit should be included.  
November 5

**Mike Dempster**

YES, but I also recognize smokers should have access to the parks other public areas as well so I would also be in favor of designated smoking areas away from playgrounds and sports fields where children will be. All public locations would include all city owned or managed properties available to the public. I would include smoke, chew, vaping, and non tobacco as well (marijuana which may already be prohibited).

November 9

**Stephanie M**

Yes. All City owned properties should ban all tobacco (smoke and chew), marijuana, inhalant delivery systems (vaping), but should include an exception for prescribed medical inhalers (asthma).

November 9

**Nancy B.**

Yes, all City owned properties should ban tobacco (smoke and chew), inhalant delivery systems (vaping), but not prescription medical inhalers.

November 9

**Lauren S.**

All forms of tobacco and inhalant delivery systems should be banned from city property in all locations, including parks, Tualatin Commons, etc.

November 10

**Adam L**

I don't think that we should necessarily ban inhalers or chew, but all other forms that would effect others should be banned (smoking, vaping, etc.)

As for locations, I think all of the listed places should be subject to these regulations. I could see parking lots being an exception, though.

November 10

**Lisa Thorpe**

Yes, I think all City owned properties should ban tobacco, including smoked and chewed, and vaping, but should not include prescription medical inhalers.

November 13

**1 person** likes this

**Candice Kelly**

I agree and had not thought about medical inhalers etc being included so I too would amend my comments to all BUT prescription medical inhalers

November 13

**Betty Abadia**

All but medical use should be restricted. Thank you.

November 21



**Jennifer Bach**

Yes, I feel there are parts of this ban that make sense.....in my opinion.....tobacco can be used in many ways that do not effect anybody except the intended user. I feel that chewing tobacco is not like cigarette/cigar/pipes because there is no residual effect of tobacco chewing like second hand smoke. The only individual being effected by the tobacco chewing is the chewer himself. As far as cigarettes/cigars, pipes and vapes: Yes I absolutely, strongly feel that any type of tobacco smoking article that creates second hand smoke that can expose children and adults other than the smoker to second hand carcinogenic smoke should be banned from City owned property. This should not include prescription medical inhalers.

November 23

**Bethany Veil**

How is this going to be enforced? Are we going to put up a bunch of signs everywhere to warn people? Are cops going to be issuing tickets? Is it that much of a problem to make it an enforceable ordinance? I have not noticed that many people smoking in public spaces in Tualatin to go through the trouble of an ordinance and enforcement and the money that will cost that could be spent in other ways. I do not smoke and don't like it around me, but it has never seemed to be an issue in Tualatin to me.

November 30

## Smoke and Tobacco Free City Spaces Policy

### Public Responses

#### By Email

11-2-15

Jim Muir

**Subject: Smoke Free Outdoor Spaces**

While I am not a fan of government having to regulate common sense, I am overwhelmingly in favor of smoke-free outdoor spaces everywhere. There are so many community events I would love to attend (I'm a life-long Tualatin resident), I don't because I can't stand the smoke. And now we not only have to contend with cigarettes and cigars, now there are nasty smelling e-cigs and pot. I work downtown Portland, and you can't even go out at lunchtime for a walk without being assaulted. And there is a proven health risk with second-hand smoke, so for me it is a no-brainer. I spent 2014 and half of 2015 battling breast cancer. I sure don't want to go another round with that just because someone is too lazy to put down the cigarettes. I think it is time the rest of us got a turn at enjoying our fair city and activities, and they can stay home for a change. Ban it everywhere please! If they want to smoke, they can do it at home. With their windows shut. It has gotten so you can't even enjoy your home's patio in the summer due to neighbors puffing away. You'd have thought by now everyone would have learned. Alas.

11-2-15

L. Rotunno, Tualatin resident

**Subject: Smoke Free Policy**

Don't turn Tualatin into a wacko town. Smokers are not criminals, let people enjoy life.

L. Rotunno

Tualatin resident

11-3-15

Sharon Davis

**Subject: Smoke-Free Outdoor City Spaces**

Hello,

I am glad you are asking for opinions.

I am all for making all city spaces a smoke-free area!

Because of my asthma, I have always a hard time passing smokers. Smokers do not usually think about how the second hand smoke effects those who come near them. And if they are right in a pathway that I have to go through (**like where the Wetlands bridge walk way meets Alara Hedges Creek Apartments...**) I have no choice but to breathe in their smoke. I also do not like smelling like cigarettes. Libraries, parks walkways near store doors, etc. should be smoke-free. Non-smokers should not be subjected to inhaling second hand smoke.

But I also have another question, will these smoke-free areas also include pot smokers? Because these smokers are around somewhere as I also smell this when my husband and take our daily walks.

Thank you for thinking of everyone's health!  
Sharon Davis

**11-3-15**

**Carolann Curthoys**

**Subject: smoke-free outdoor spaces**

I would like the city to designate all city-owned and managed property no smoking, drinking alcohol, sleeping, begging, doing or selling drugs, urinating or defecating areas. The number of people doing these things in public is beginning to make my small town look like the Burnside area of Portland and that is totally unacceptable. Thank you. Carolann Curthoys

**11-5-15**

**Candice Kelly**

**Subject: So I went to the Smoking site and**

I think I did it right but on the off chance I didn't I will post to you here as well:

Tualatin City Council is considering a policy for smoke-free and tobacco-free outdoor City spaces. Do you have an opinion?

YES all the below should be included!!!! Key issues include:

What should be restricted (e.g., tobacco (smoke and chew), inhalant delivery systems (vaping)?

YES all of the above should be included.

Which locations should be included (e.g., Tualatin Commons, Library plaza, all parks and trails, parking lots, all City-owned or managed properties)?

ALL city owned property and other places where city staff work and the public visit should be included!

And then I am making notes for the Tualatin Together Champions Event for the debrief, so if you have any comments you would like me to send on the Cyndy and the team, let me know!

Thanks, have a good rest of the week, Rich!

Candice

**11-17-15**

**Mark Began**

**Subject: Smoke & Tobacco Free City Spaces Feedback**

Dear Rich,

I wanted to let you know that I highly endorse the proposed Smoke & Tobacco Free City Spaces ordinance. I've worked with children and students in youth sports for years and believe the value in adults modeling healthy behavior is vital to keeping our kids healthy for a lifetime. I believe our parks and common spaces need to be used in a way that they were intended, for the promotion of a healthy community and thriving relationships. Too many times second hand smoke has caused an unpleasant environment for parties and spectator sports. I've also seen that underage smoking happens often in those common environments too. This ordinance can help law enforcement since it doesn't have to look at or try to discern the age of the offender in order to deal with the situation. Plus, I believe the benefits of positive self-policing can greatly outweigh the potential challenges of habitual violators.

I'm in favor of this ordinance and hope it gets finalized soon!

Mark Began  
Pastor of Family Ministries  
Rolling Hills Community Church  
[mark.began@rollinghills.org](mailto:mark.began@rollinghills.org)

**11-17-15**  
**Mason Hall**  
**Subject: RE: TAAC meeting Tues, November 17**

Hi Kelsey,

I'm sorry, but I'm not feeling well so I'm going to pass on the meeting tonight. However, I would like to offer my view concerning the policy of smoke and tobacco free outdoor spaces in the city. I am a non-smoker, but a strong supporter of civil liberties. As much as I dislike the fumes from burning cigarettes, I have a much stronger distaste for excessive restrictions on something that is already legislated by the state. I recognize the health and safety concerns, but believe these to adequately mitigated by current policies.

Thanks, and I hope this gets to you in time.

Mason

**11-21-15**  
**Rachael Mortensen**  
**Re: Smoke & Tobacco Free City Spaces**

In a perfect world, there would be no smoking of any type in public areas. While people have a right to enjoy legal substances without fear of judgement, when it comes to the health of our children and families, we have a responsibility to provide a smoke-free community for young children and teens. It's a bit more complicated than it may appear, truly, but with second hand smoke being such a huge health risk, and the unknown dangers of vaping, we believe that smoke free public spaces create a safe place for children and under-age teens to enjoy.

If we ask ourselves "what harm can come from the decision to make all public places smoke-free," there are far more benefits than liabilities.

Thank you for asking.

### **Walk-In to Office**

**11-12-15**  
**Joe Lipscomb & Bev Phelps**  
Restrict smoking and tobacco of all kinds in every form and at every location/everywhere.

### **By Phone**

**12-1-15**  
**Cathy & Bob Nucome**  
Smoke free outdoor city spaces, specifically parks and library plaza, no smoking of any kind (tobacco & marijuana).

Nov. 28, 2015



Rick Mueller - rmueller @ ci - tualatin, or. us  
 or Tualatin Oregon . gov

The parks belong to everyone. The air belongs to everyone.

It's hard to believe a puff of smoke from a cigarette in the open air is going to harm anyone - offend? Yes, there are those who would control many things we do, that are not pleasing to them. Whatever happened to the old saying "live and let live?" Certainly forgotten these days.

I have not smoked for 20 years, but I remember the nasty looks and outright mean comments of someone walking by while I smoked outdoors. What gave them the right? Oh yes, popular opinion.

I'm sure we don't believe that by forbidding smoking on all city property (which actually belongs to us taxpayers) will stop anyone from smoking. Of course the world we live in now doesn't believe in personal responsibility - we must be told what we can't say, what we can't do and day by day we are losing more of our personal freedom. When will it stop?

When you think about ~~it~~ the air pollution from cars and bus exhaust how foolish it seems to believe someone smoking a cigarette could make a difference. It's just another method of control far holier than those people who must have their "rights" while depriving others of theirs. That's the world we live in. Too bad.

Mary Glassmeyer  
 Native Oregonian and Tualatin  
 citizen for 38 years

## Smoke and Tobacco Free City Spaces Policy

### Employee Responses

**11-9-15**

I'm emailing you directly to tell you that I fully support the City going to a non-smoking stance at City Buildings, Spaces, and parks.

**11-9-15**

My opinion:

1. *Should all City-owned or managed property be smoke-free and tobacco-free?*  
No.
2. *What should be restricted (e.g., tobacco (smoke and chew), inhalant delivery systems (vaping))?*  
N/a because "no" above.
3. *Which locations should be included (e.g., Tualatin Commons, Library plaza, all parks and trails, parking lots, all City-owned or managed properties)?*  
N/a because "no" above.

**11-10-15**

I would question if city employees will be expected to enforce this policy?

**11-10-15**

Include all smoke, chew, vap

Locations parkland, plaza, events

Find a way to accommodate employees who want space to smoke or chew

Designated area for employees not in public eye

**11-12-15**

I have long said it would clean up a lot of the problems we have at the skate park if we prohibited smoking in the park. I would love to see it gone. Of course it would help with litter and health. You would have my support for sure.

### Smoke-Free Outdoor City Spaces

The Tualatin City Council is considering a policy regarding outdoor smoke and tobacco free City spaces. Key issues include what may be restricted, such as tobacco and vapor, and which locations may be included, such as all City owned and managed property, or only selected areas like parks and the Library plaza. Do you have an opinion? The City welcomes your comments! Please contact Parks and Recreation Manager Rich Mueller at 503.691.3064, email [rmueller@ci.tualatin.or.us](mailto:rmueller@ci.tualatin.or.us), or join the discussion at [www.tualatintownhall.com](http://www.tualatintownhall.com).

### Southwest Corridor Plan

The Southwest Corridor Project is focused on studying high capacity transit (HCT) from Southwest Portland to Tigard and Tualatin. The City of Tualatin partnered with Metro, TriMet, ODOT, the cities of Portland, Tigard, Sherwood, Durham, Beaverton and Washington County to study the proposed alignment. The project team has been evaluating multiple alternatives along the alignment to present to the Steering Committee, which is made up of representatives from each of the partner agencies.

Recently, the Steering Committee discussed the Tigard and Tualatin alignments as well as direct service options to Portland Community College (PCC) Sylvania Campus. The Steering Committee is scheduled to make a decision regarding the preferred terminus location in December 2015. In February 2016, the steering committee will select a mode, which could be bus rapid transit or light rail. In February, they will also determine if direct service to PCC will continue to be studied.

To learn more about the project, provide public comment or to see the Steering Committee schedule please visit [www.oregonmetro.gov/public-projects/southwest-corridor-plan](http://www.oregonmetro.gov/public-projects/southwest-corridor-plan).

### Street Sweeping – November 2-13, Weather Permitting

Street sweeping will occur November 2-13 weather permitting. For specific information on street sweeping in your area, check out our street sweeping map at [www.tualatinoregon.gov/publicworks/street-sweeping-program](http://www.tualatinoregon.gov/publicworks/street-sweeping-program)

## Starry Nights and Holiday Lights



Please join us as we kick off the holidays with the Starry Nights and Holiday Lights celebration. Come be a part of a special night filled with thousands of twinkling lights, hundreds of song-filled voices, and the lighting of the floating holiday tree. This free family event is possible thanks to our major sponsor Comcast and will include music from our local youth choirs, the tree lighting, crafts, a visit from Santa, hot cocoa from Starbucks, and cookies from New Seasons Market.

For more information on this exciting event, please visit our website at [www.tualatinoregon.gov](http://www.tualatinoregon.gov).

Tualatin Lake of the Commons  
8325 SW Nyberg St.  
Friday, December 4, 5:00-8:30 pm.

#### Schedule of events:

- 5:00 - Tualatin High School Brass Ensemble
- 5:30 - Tualatin High School Crimsonnaires
- 6:00 - Countdown to tree lighting and Santa arrives
- 6:15 - Magic Years Preschool and Reaching New Heights Kindergarten Choir
- 6:35 - Tualatin Elementary Choir
- 6:55 - Bridgeport Elementary Holiday Choir
- 7:15 - Byrom Elementary Choir
- 7:35 - Hazelbrook Middle School Choir
- 7:55 - Tuality Middle School Treble Choir

### Juanita Pohl Center Veterans Recognition Breakfast

Veterans Day was originally established to honor Americans who served in World War I. Today Veterans Day honors veterans of all wars for their patriotism and willingness to serve in the military and sacrifice for our country. There are over 23 million military veterans in the United States. The brave men and women who have served and protected our country come from all walks of life; they are our friends, neighbors, co-workers, parents, children and grandparents.

On Monday, November 9, the Juanita Pohl Center will host the annual Veterans Recognition Breakfast from 8:00 am to 9:30 am. This year's event will have special guest speakers, a delicious breakfast, and fun gift give-a-ways. All veterans can register FREE and non-veterans pay only \$6.00. The registration deadline is Monday, November 2. Interested participants can sign-up at the center or online at [www.tualatinoregon.gov/recreation/pohl-center-special-events](http://www.tualatinoregon.gov/recreation/pohl-center-special-events). Call the Juanita Pohl Center at 503.691.3061 for more information.

### CenterCal Properties Honored with the Tualatin Community Enhancement Award



The Tualatin Arts Advisory Committee (TAAC) conceived the Community Enhancement Award in an effort to recognize art endeavors within the community that result in the enhancement of the visual or performance arts experience in Tualatin. TAAC discussed candidates and voted to recommend CenterCal Properties for

the "I Wonder" mastodon (also known as "Dean") and boy bronze sculpture in front of Cabela's in the Nyberg Rivers shopping center. The mastodon sculpture was created by sculptor Brian Keith. It benefits the community by enhancing the City's efforts to interpret Tualatin's natural history of prehistoric animals and the Ice Age floods along with the mastodon bones at our Library and the Ice Age Discovery Trail. Chad Hastings, General Manager accepted the award on behalf of CenterCal.

If you would like to recommend an individual or organization for their contributions to the Tualatin community through the arts, please contact the City at 503.691.3062.

## Tualatin River Greenway Trail Project Update

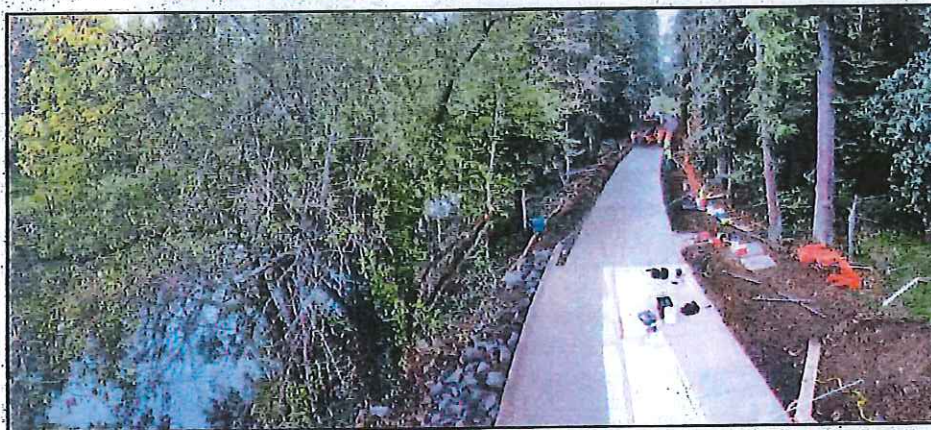
BY KELSEY LEWIS, MANAGEMENT ANALYST, CITY OF TUALATIN - COMMUNITY SERVICES

The City of Tualatin is constructing a new three quarter mile segment of the Tualatin River Greenway Trail. The new segment is located between the new Barngrover Way (near the library) and Nyberg Lane (including an undercrossing of I-5). The trail will be open for public use in the Winter of 2015/2016.



Brown Contracting employees place concrete for path under I-5. Fencing, railing, and daytime lighting will be installed before the trail opens in the Winter of 2015/2016.

Keep an eye out for more updates on the City website [tualatinoregon.gov](http://tualatinoregon.gov).



Path construction continues east of I-5 along the Tualatin River north of the Nyberg Woods Shopping Center.

## Smoke Free Outdoor City Spaces Policy

BY KELSEY LEWIS, MANAGEMENT ANALYST, CITY OF TUALATIN - COMMUNITY SERVICES

The Tualatin City Council is considering a policy regarding smoke and tobacco free outdoor City spaces. Public health, reducing youth smoking, fire safety, maintenance reduction and environmental harm are some of the reasons this policy is being considered. Key issues include: what may be restricted, such as tobacco (smoke and chew) and inhalant delivery systems (vapor);



and which locations should be included, such as all City owned or managed property, or only selected areas like parks, parking lots and the library plaza. Do you have an opinion? The City welcomes your comments through the month of November. Please join the discussion at [www.TualatinTownhall.com](http://www.TualatinTownhall.com) or contact Rich Mueller, Parks and Recreation Manager at [rmueller@ci.tualatin.or.us](mailto:rmueller@ci.tualatin.or.us) or 503.691.3064.

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## Winter Wishes and Holiday Dreams

It may be too early to think about winter, and it's certainly too early for the onslaught of holiday jingles, but the season is always right for making wishes and dreams come true. For your local chamber of commerce, this is a true sentiment, and is echoed by Tualatin business and leaders who are

to offer new opportunities for businesses and the community to come together. It's no wonder the chamber's motto is Business and Community Working Together!


So this holiday season, the Tualatin Chamber wants to continue the tradition



2<sup>nd</sup> ANNIVERSARY HOLIDAY



## Tualatin eyes tobacco ban for city facilities, sidewalks

Created on Monday, 12 October 2015 18:35 | Written by [Mark Miller](#) | 

[6 Comments](#)

Ordinance could come before City Council in early 2016

Smokers in Tualatin could soon have to find a new spot to light up away from city parks, plazas and other public facilities.

Members of the Tualatin City Council, led by Mayor Lou Ogden, agreed Monday to proceed with exploring an ordinance that would ban the use of tobacco on city-owned land, including sidewalks adjacent to public facilities. The council could take up such a ban as early as January.

Ogden argued for a nearly comprehensive ban, saying he is concerned about secondhand smoke, which medical experts say is a major public health risk due to carcinogens in tobacco products.

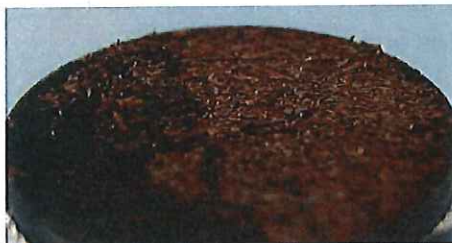
"My straw ordinance would be systemwide, smoking in a parking lot with your windows rolled up tight ... as long as your dog's not in there with you," the mayor said. "I would include the right-of-way adjacent to public property."

Ogden also said he would include the use of "vaping" devices, such as electronic cigarettes, and "spitting," or smokeless, tobacco under the ban.

Under a timeline presented by Tualatin Community Services' Paul Hennon and Rich Mueller, members of the public would be invited to comment on the proposed ban in November and December, with a draft ordinance going before the City Council in January. Mueller said staff is envisioning a "fairly extended schedule with public involvement" for the issue.

Councilor Frank Bubenik said he wants to be sure a tobacco policy takes the wishes of city employees, some of whom use tobacco, into account as well.

"We're trying to discourage a bad habit, but depending on your viewpoint, it might not be a bad habit," he said.



FILE - Smokeless tobacco would be banned in city parks and other public facilities, as well as on adjacent sidewalks, under an ordinance sought by Tualatin Mayor Lou Ogden.

Bubenik and Ogden agreed they would like the city's advisory committees to weigh in as well.

Councilor Ed Truax asked why the city doesn't go a step further and curtail tobacco sales in Tualatin.

"What I've heard tonight is that one of the main goals of this ... (is) to change people's habits. Well, if we're genuine about that and that's one of our goals, then why facilitate it by selling tobacco products in Tualatin?" he asked.

State law governs the sale of tobacco, Hennon responded. While Tualatin has enacted regulations to limit where marijuana can be sold, there appeared to be little appetite on the City Council to limit tobacco sales, and Hennon and Mueller specifically said retail sales were not

included in the scope of the discussion.

The ordinance, as proposed, would apply only to city facilities and adjacent right-of-way. Sidewalks in neighborhoods away from public parks and other city facilities would not be affected by the tobacco ban, nor would private property.

Several other cities near Tualatin, including [Portland](#) and [Beaverton](#), have already adopted tobacco bans in public parks and other city facilities, Mueller noted.



FILE - Electronic cigarettes like this one would be included in a proposed ban on tobacco use on or adjacent to public parks and facilities in Tualatin, as outlined by Mayor Lou Ogden at a work session.

6 Comments

Pamplin Media

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**Bret Lieuallen** • 11 days ago

Legislating personal choice legal products. Bad, bad.

It's one thing to say it's protecting OTHERS health, as in second hand smoke.

But vaping and smokeless tobacco?

You've left out sugery drinks, fatty foods, jogging on roads and voting common sense and personal freedom in Tualatin. All dangerous.

1 • Reply • Share



**Howard Hoyle** • 10 days ago

As a coach in the community for over a decade now, I can honestly say that it is not in the best interest of our kids to allow smoking in our parks. When kids are running hard they should not be exposed to second hand smoke. All youth sports leagues require no smoking in the park while practices or games are going on. That is not limited to just right next to the field, that is in the entire park. While I do not believing in curtailing someone's personal choice to smoke, they should not be making that choice for someone else nearby, especially when they are running & breathing hard. Further, we have a huge problem with marijuana use in our parks, especially at TCP (Tualatin Community Park). Since the recent changes in the laws, it seems that people have taken that to mean they can smoke it anywhere, which is not true. There was one day when there were 10-20 people with multiple large bonges at the old picnic shelter getting high while there was a group of 8-9-10 year olds practicing softball. Our kids should not be exposed to that, and our Police Dept needs to be empowered to issue citations and remove that from our parks.

• Reply • Share



**Howard Hoyle** • Howard Hoyle • 10 days ago

P.S. The use of marijuana at TCP is not a 'sometime' thing, it is being used somewhere in the park more than 1/2 the times I'm there.

• Reply • Share



**Bret Lieuallen** • Howard Hoyle • 9 days ago

Second hand smoke is a legitimate arguement.

But what's a legitimate arguement that trumps personal choice with

Owner & Neighbor  
Dr. Robert B. Pamplin, Jr.



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# The Times

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Monday, November 09, 2015

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**Tigard**  
Cloudy  
Humidity: 86%  
Wind: 0 mph  
45°F

9 Nov 2015 : 10 Nov 2015

51°F 67°F      53°F 64°F

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### News

- Seven arrested on prostitution charges
- Tigard High School thanks veterans during annual assembly
- Tigard independent to run for Legislature

## Tualatin seeks public input on 'smoke-free' proposal

Created on Friday, 30 October 2015 13:57 | Written by [Mark Miller](#) | [Print](#)

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[VIEW DISCUSS VIEW COMMENTS](#)

### City Council looking at options for smoking, tobacco ban

**Should all city-owned or managed property be smoke-free and tobacco-free?**  
Government, Public Availability in Tualatin, OR



SCREENSHOT - An online form has been set up on Tualatin's city website to gather public feedback on a proposed tobacco ban on the city's public land.

restricted, such as tobacco (smoke and chew) and inhalant delivery systems (vapor), and which locations should be included, such as all City owned or managed property, or only selected areas like parks, parking lots and the library plaza."

Mayor Lou Ogden also suggested on Oct. 12 that the ban should extend to public sidewalks adjacent to city property.

To add your comments for the city's consideration, visit the [website](#) or contact Rich Mueller at 503-691-3064 or [rmueller@ci.tualatin.or.us](mailto:rmueller@ci.tualatin.or.us).

If Tualatin adopts a tobacco ban, it would join several other local cities, including [Portland](#) and [Beaverton](#), that have already banned tobacco in their parks and other city facilities.

The city of Tualatin is gathering public comments through next month as the Tualatin City Council considers whether to prohibit smoking and tobacco use on city-owned property.

City councilors discussed implementing a ban on Oct. 12. A draft ordinance could be presented to the council as soon as January.

The scope of the policy has yet to be defined. According to the city website, "Key issues include: what may be

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# Opinion

The Times Thursday, December 31, 2015

ly bring more of the types of stories that we will treasure forever. Stories about our neighbors, family and friends reaching out to help others in their community.

Stories about coming together to support one another, through good times and bad.

After a deadly earthquake in Nepal, the Tigard Nepalese community stepped up to help, raising money for loved ones overseas. Medical Teams International, which bases its international headquarters near Southwest 72nd Avenue, responded to dozens of emergencies across the globe this year, and when wildfires sparked up across Oregon this summer, it was local firefighters from Tualatin Valley Fire & Rescue who hit the road to help protect families and communities across the state.

This is what our communities are about, and these are the kinds of stories that we hope we will be able to tell more of in the weeks and months to come.

So have a happy New Year, Tigard, Tualatin and Sherwood, and let's aim to fill 2016 with the kinds of stories that show how great our community really is.

## READER'S LETTER

### Smoke-free spaces won't help — just control people more

The parks belong to everyone. The air belongs to everyone. It's hard to believe a puff of smoke from a cigarette is going to harm anyone, or offend.

Yes, there are those who would control many things we do that are not pleasing to them. Whatever happened to the old saying "live and let live?" Certainly forgotten these days.

I have not smoked for 20 years, but I can remember that nasty looks and outright mean comments of someone passing by while I smoked a cigarette outdoors. What gave them the right? Oh yes, popular opinion.

I'm sure we don't believe that by for-

bidding smoking on all city property (which actually belongs to us taxpayers) will stop anyone from smoking. Of course, the world we live in now doesn't believe in personal responsibility — we must be told what we can't say, what we can't do, and day by day, we are losing more of our personal freedoms. Where when will it stop?

When you think about the air pollution from a car and bus exhaust, how foolish it seems to believe someone smoking a cigarette could make a difference. It's just another method of control for holier-than-thou people who must demand their rights while depriving of others of theirs.

That's the world we live in. Too bad.

Mary Glassmeyer  
Tualatin

### About letters to the editor

Hey, Times readers, we like to get letters from you, but there are a few rules you need to know. Because our goal is to run every letter we receive from a local person, they need to be no longer than 300 words, and in the interest of fairness you might be limited to one per month. We will not publish anonymous letters, and we need addresses to tell where the letters are coming from. Deadline for letters is noon Monday.

Send your opinions to Letters to the Editor, P.O. Box 22109, Portland 97269 or via email, mvance@commnewspapers.com.

# The Times

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Tualatin High School Freshman Natali Danning (right) controls the ball in front of West Salem's Delaney (left). TIMES PHOTO: DAN BROOD

...and six rebounds despite play-  
basket placed in the quarter, as  
Sherwood closed out the 61-17  
win.

ma Markel coming with 3  
minutes and 32 seconds left to



City of Tualatin

# Smoke & Tobacco Free

Consideration of Policy Alternatives for  
Outdoor Smoke and Tobacco Free City  
Spaces Policy for Property Owned  
and/or Managed by the City

# History

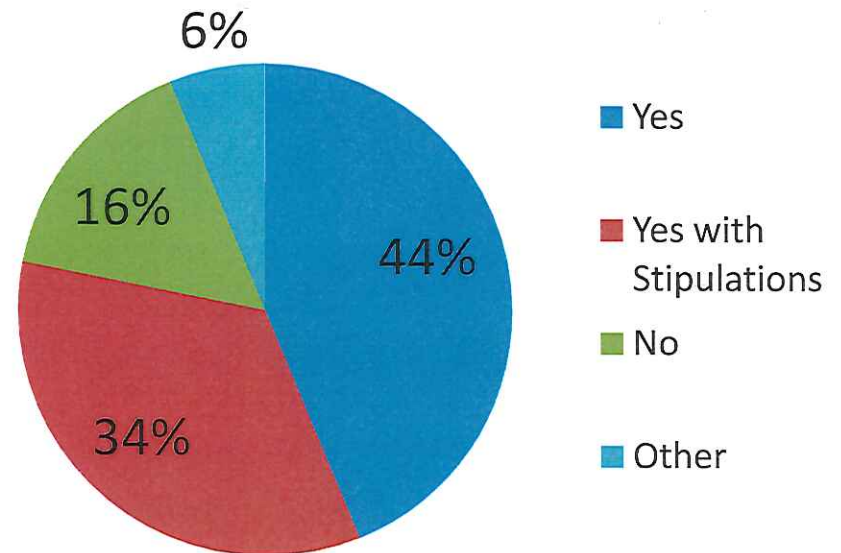
- Tualatin Together (initiative)
- Advisory Committees (recommendation)
- Council Work Session (July 28, 2014)
- Council Work Session (October 12, 2015)
- Public Involvement (November & December 2015)



# Public Involvement

- City Website
- Facebook (400)
- My Sidewalk (11)
- Email Responses (8)
- Calls (2)
- Walk-in (1)
- Letters (3)
- Media – newspaper (3)
- City Newsletter
- Employee Outreach (5)

Should all City owned or managed property be smoke and tobacco-free?



# Public Involvement

## Advisory Committees

- Parks (TPARK)
- Library (TLAC)
- Planning (TPC)
- Arts (TAAC)
- Core Area Parking





# Public Involvement

## Community Organizations & Agencies

- Washington County Health Department
- Community Involvement Organizations
- Youth Advisory Council
- Pohl Center Advisory Committee
- Chamber of Commerce
- Tualatin Together
- Tualatin Tomorrow



# Policy Alternatives

## Should the Policy Include

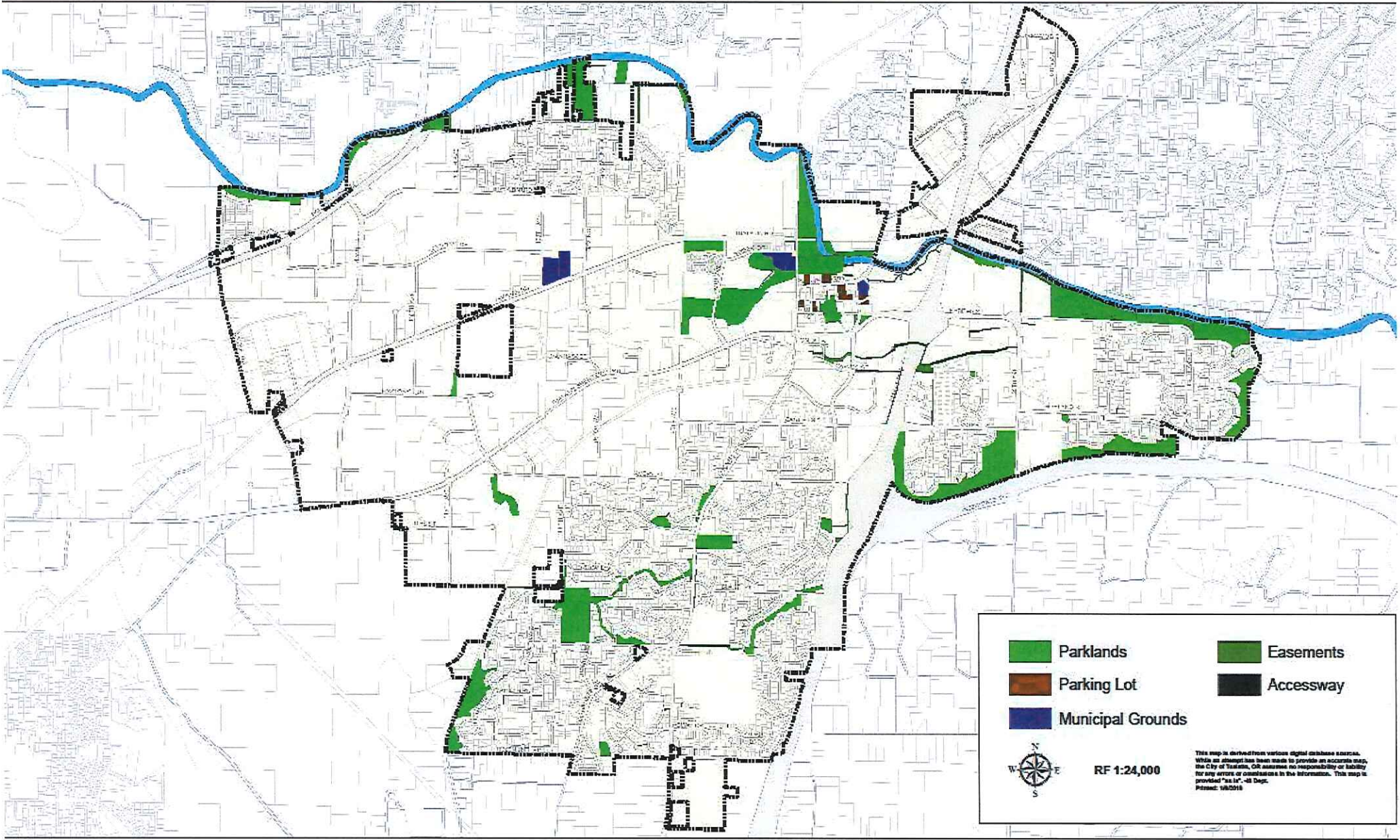
- Smoke Free
  - Burning or Lighted (cigarette, pipe, cigar)
  - Inhalant Delivery Systems (vaping & e-Cigarettes)
- Tobacco Free
  - Smoking
  - Chewing

## Verify Not Included

- Medical Inhalers
- Medical Patches



# Tualatin Owned and Managed Properties



# Policy Alternatives

## Direction on Locations to be Included

- System Wide (all City owned or managed property)
- Parklands (parks, natural areas, trails, greenways)
- Plazas (library)
- Tualatin Commons
- Core Area Parking Lots (green, blue, white, red, yellow)
- Departments (police, operations)
- Sidewalks Adjacent to City Property

# Policy Alternatives

## Enforcement

- Regulation on consumption or use (not possession)
- Treat like other park rule violations (litter, dog waste)

Self Enforcing

Warning

Civil Exclusion

Civil Infraction

## Verify Exception(s)

- Within private vehicles with doors and windows closed  
(within all city owned and managed parking lots)

# Next Steps

- Ordinance to Council for Public Hearing/Testimony
- Council Final Decision (Ordinance Adoption)
- Implementation of Ordinance (suggested 90 day period for public information & notification)





City of Tualatin

# Smoke & Tobacco Free

Consideration of Draft Ordinance for  
Outdoor Smoke and Tobacco Free City  
Spaces for Property Owned and/or  
Managed by the City or the Tualatin  
Development Commission

# History

- Tualatin Together (initiative)
- Advisory Committees (recommendation)
- Council Work Sessions (July 28, 2014 & Oct. 12, 2015)
- Public Involvement (November & December 2015)
- Council Work Session (January 25, 2015)





# Purpose & Reasons

- Reduction of Maintenance (litter)
- Fire Safety
- Public Health (second hand smoke)
- Community Image and Perception (social norms for youth)
- Environmental Harm (wildlife)
- Consistency in Policy



## **3 boys charged in Oregon trestle fire**

SHERWOOD, Ore. (AP) — Police have charged three boys with reckless burning in connection with a fire that destroyed a train trestle in Sherwood, Oregon.

A fire investigator said careless smoking was the cause of the Aug. 10 fire that burned eight acres along with the 85-year-old Portland and Western Railroad trestle.

# Public Involvement

## **Citizen Outreach**

- City Website
- Facebook
- My Sidewalk
- Email Responses
- Calls
- Walk-in
- Letters
- News Media
- City Newsletter
- Employee Outreach

## **Advisory Committees**

- Parks (TPARK)
- Library (TLAC)
- Planning (TPC)
- Arts (TAAC)
- Core Area Parking

## **Community Organizations**

- Tualatin Together
- Tualatin Tomorrow
- Community Involvement Organizations
- Washington County Health Department
- Youth Advisory Council
- Pohl Center Advisory Committee
- Chamber of Commerce

# Other Jurisdictions

Over 80 Cities, Counties and Special Districts in Oregon State have restrictions on outdoor smoke & tobacco

City of Tigard  
City of Lake Oswego  
City of Sherwood  
City of Wilsonville  
Tualatin Hills Parks &  
Recreation District  
Washington County  
City of Forest Grove  
North Clackamas Parks &  
Recreation District  
Multnomah County

City of Portland  
City of Beaverton  
City of Hillsboro  
City of Salem  
City of Eugene  
City of Corvallis  
City of McMinnville  
City of Canby  
City of Happy Valley

# Policy Direction

## Council Direction to Include

- Smoke Free
  - Burning or Lighted (cigarette, pipe, cigar)
  - Inhalant Delivery Systems (vaping & e-Cigarettes)
- Tobacco Free
  - Smoking
  - Chewing

## Not Included

- Medical Inhalers
- Medical Patches



# Policy Direction

## Locations Included

- Parklands (parks, natural areas, trails, greenways)
- Plazas (library)
- Tualatin Commons
- Departments (police, operations)

## Exemptions

Options to be Determined by Council

- Parking Lots
  - All
  - Core Area
- Sidewalks
  - All Adjacent to City Property
  - Adjacent to Core Area Parking Lots (green, blue, white, red, yellow)

# Policy Enforcement

Regulation on consumption or use (not possession)

Treat like other park rule violations (litter, dog waste)

- Self Enforcing
- Warning
- Civil Exclusion
- Civil Infraction



**Smoke and tobacco-free parks help keep kids healthy.**

Let's get out and play!

 **PORTLAND PARKS & RECREATION**  
Healthy Parks. Healthy Portland

 **Multnomah County**  
Health Department

# Next Steps

- Council Final Decision (Ordinance Adoption)
- Implementation of Ordinance  
(allowing time for public information and notification)





# STAFF REPORT

## CITY OF TUALATIN

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

**THROUGH:** Sherilyn Lombos, City Manager

**FROM:** Jerry Postema, Public Works Director

**DATE:** 02/22/2016

**SUBJECT:** Consideration of **Resolution No. 5266-16** Authorizing the City Manager to Execute the First Amendment to the Regional Water Sales Agreement with the City of Portland

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

Consideration of Resolution No. 5266-16 Authorizing the City Manager to Execute the First Amendment to the Regional Water Sales Agreement with the City of Portland.

### **RECOMMENDATION:**

Staff recommends the City Council authorize Resolution 5266-16 allowing the City Manager to execute the First Amendment to the Regional Water Sales Agreement with the City of Portland

### **EXECUTIVE SUMMARY:**

In June of 2006, the City entered into an Agreement with the City of Portland by which Portland agreed to furnish and sell, and Tualatin agreed to purchase, a firm supply (an average of 4.4 million gallons per day) of potable water on an annual basis for the life of the Agreement. The City of Portland also agreed to furnish and sell an interruptible supply of water to be made available for purchase by the City of Tualatin at the City's discretion, subject to terms of the Agreement.

The City of Portland and the City of Tualatin have different interpretations on how summer interruptible water is nominated, taken and paid for, and how its purchase and use affects peaking factors under the Agreement, so the parties to the Agreement have engaged in dispute resolution as provided in the Agreement.

The First Amendment establishes new terms reflecting the best efforts by the parties to resolve the outstanding dispute associated with the purchase of summer interruptible water and other outstanding issues related to interpretation of specific contract terms.

Section 3 of the newly drafted Agreement has been added establishing criteria to allow renegotiation only of the contract provisions set forth in this First Amendment, specifically on Summer Interruptible Water, without initiating dispute resolution and without effect upon or application to any other provisions of the Agreement.



The First Amendment modifies the Regional Water Sales Agreement, including, but not limited to, the calculation of peaking factors under Section 5, only in the circumstances described in this First Amendment. In all other circumstances, the provisions of the Regional Water Sales Agreement are in full force and effect and not modified.

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**Attachments:**    [Reso 5266-16-Amend Water IGA Portland](#)  
                          [First Amendment to the Regional Water Sales Agreement with the City of](#)  
                          [Portland](#)  
                          [Amendment Agreement Example](#)

RESOLUTION NO. 5266-16

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE FIRST AMENDMENT TO THE REGIONAL WATER SALES AGREEMENT WITH THE CITY OF PORTLAND

WHEREAS, the City of Tualatin (Tualatin) and the City of Portland (Portland) entered into a Regional Water Sales Agreement (Agreement) on or about June 7, 2006 by which Portland agreed to furnish and sell, and Tualatin agreed to purchase, a firm supply of potable water on an annual basis for the term of the Agreement; and

WHEREAS, the Agreement provides for the purchase of interruptible water in the winter and summer at reduced rates with no effect on peaking factors, but the water is made available on a non-firm basis; and

WHEREAS, Tualatin requested and purchased summer interruptible water from Portland in 2010, 2011, and 2012 without issue, but in subsequent years Tualatin and Portland have different interpretations of the terms of Agreement as it pertains to interruptible water.

WHEREAS, Tualatin and Portland have engaged in dispute resolution, as provided in the Agreement, which has resulted in the negotiation of a First Amendment to the Water Sales Agreement (Exhibit A); and

WHEREAS, the First Amendment to the Water Sales Agreement establishes new terms to resolve the outstanding dispute associated with the purchase of interruptible water and other issues;

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

**Section 1.** The City Manager is authorized to execute the First Amendment to the Regional Water Sales Agreement, which is attached as Exhibit A and incorporated by reference.

**Section 2.** This resolution is effective upon adoption.

INTRODUCED AND ADOPTED this 22<sup>nd</sup> day of February, 2016.

CITY OF TUALATIN OREGON

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

APPROVED AS TO LEGAL FORM

ATTEST

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

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

## **FIRST AMENDMENT TO REGIONAL WATER SALES AGREEMENT**

This First Amendment to the Regional Water Sales Agreement (First Amendment) between the City of Tualatin, a municipal corporation of the State of Oregon and is authorized by its charter or by state law or both to operate a municipal water system, (Purchaser) and the City of Portland, a municipal corporation of the State of Oregon hereinafter called City is effective this \_\_\_\_ day of \_\_\_\_\_, 2016.

### **The Parties recite:**

- A.** The Parties entered into the Regional Water Sales Agreement on June 7, 2006 (Agreement) by which City agrees to furnish and sell, and Purchaser agrees to purchase a firm supply (an average of 4.4 million gallons a day) of potable water on an annual basis for the life of this Agreement. The City further agrees to furnish and sell an interruptible supply of water to be made available for purchase at the City's discretion subject to terms of the agreement.
- B.** The Agreement provides for the purchase of interruptible water in the winter or summer at reduced rates with no effect on peaking factors but on a non-firm basis under the Agreement.
- C.** Purchaser has requested and purchased interruptible water from the City, but the City and Purchaser have different interpretations of how summer interruptible water is nominated, taken and paid for and how its purchase and use affects peaking factors under the Agreement; in consequence, the Parties have engaged in dispute resolution as provided in the Agreement.
- D.** This First Amendment establishes new terms reflecting the best effort by the parties to resolve the outstanding dispute associated with purchase of summer interruptible water and other outstanding issues related to interpretation of specific contract terms and being fully advised.

### **NOW, THEREFORE THE PARTIES AGREE**

#### **I. Section 3 – Duration of Agreement and Renewal**

New Section 3.G is added to establish criteria to allow renegotiation only of the contract provisions set forth in this First Amendment without initiating dispute resolution and without effect upon or application to any other provisions of the Agreement.

“G. Periodic Review and Renegotiation Regarding Section 6 Interruptible Water

1. The First Amendment to the Agreement makes changes to the provisions of Sections 6.C. and 6.E., Summer Interruptible Water and Section 15.B.

regarding billing and payment that the Parties find mutually beneficial but may result in unanticipated consequences, outcomes or need for further clarifications or interpretations that are not apparent until the Parties have operated under the terms of this First Amendment.

2. In light of potential unintended consequences, the Parties agree to the following provisions to allow reopening (reopener) the terms of this First Amendment:
  - (a) The scope of the reopener is limited to the terms specifically established in this amendment, Section 6.C. and 6.E. and Section 15.B. The reopener does not apply to any other terms established in the original agreement that are unchanged by this amendment.
  - (b) This First Amendment to Sections 6.C. and 6.E. and 15.B. shall be in full force and effect for no less than two full summer operational seasons commencing July 1 and concluding September 30 (break-in period) after the date this First Amendment is approved by both Parties before the reopener can be exercised.
  - (c) Any time after the initial break-in period of two summer seasons, either Party may provide written Notice to the other to require negotiation of the terms of this First Amendment. In providing such notice, the Party providing notice will identify the specific term(s) of the First Amendment that gives rise to the Notice, will propose modified amendment language and proposed implementation schedule, which if agreed to by the other party, would result in a revision to this First Amendment without the need for negotiations.
  - (d) If, following the notice process of 3.G.2.c above, negotiations need to occur, the Parties commit to negotiate in good faith over a period of not less than one year (365 calendar days) from the date of the Notice to resolve any and all outstanding issues, unless otherwise extended by mutual agreement of both Parties. Until mutual agreement is reached by negotiations, the terms and operating protocols established under this First Amendment remain in force and effect.
  - (e) If mutual agreement to revisions to this First Amendment is not reached by the Parties prior to expiration of the minimum period for negotiations, then either Party may provide the other Party with written Notice of Impasse. In the event of an impasse, all terms and conditions established under this First Amendment are void and all terms and conditions of the original Agreement shall apply. Reversion to terms of the original Agreement shall be effective on the subsequent January 1 following Notice of Impasse unless the City has approved the purchase of summer interruptible water for the current

year, in which case reversion to the terms of the original Agreement will occur no sooner than October 1 following the date of the Notice of Impasse.”

## **II. Sections 6.C. and E. – Confirmed Summer Interruptible Water Accounting & Payment**

Sections 6.C. and E. are amended by the addition of: (i) new terms defining method to account for summer interruptible water use (by day and month); (ii) new terms for limitations and calculation of peaking factors when summer interruptible water is used; (iii) new terms defining how to account for summer interruptible water use and peaking factor calculations when summer interruptible water is interrupted; and (iv) new terms to establish a cap on the quantity of summer interruptible water that can be requested each year.

Section 6.C. is amended to read as follows:

“C.2. (a) No later than March 15 of each year, Purchaser may submit to the City, in writing, its offer to purchase summer interruptible water supplies. The offer must identify the quantities of summer interruptible water to be purchased for each month of June through September and also monthly estimates of anticipated deliveries of the Purchaser’s guaranteed purchase quantity for those same months. The total of the monthly estimates of guaranteed purchase quantity deliveries must be consistent with the Purchaser’s seasonal peaking factor as determined by Section 5 as altered, as appropriate, by this Section 6. The monthly estimates must be expressed in million gallons per day as a daily average for the entire month and shall be designated the Purchaser’s Base Demand for the month. Upon confirmation by the City under Section 6.C.3, or offer and acceptance under Sections 6.C.4 and 6.C.5, the approved quantity of summer interruptible water shall be known as the Confirmed Summer Interruptible Water. Nothing in this subsection relieves the Purchaser of its other notification obligations found in this agreement, including subsection 15.A.2.

(b)The City may, at its discretion, limit the total quantity of Confirmed Summer Interruptible Water Purchaser may purchase for the months of June, July, August and September based on the following:

$$CSIW_t = 6.0\% * \{(Jul_p + Aug_p + Sept_p) - CSIW_p\}$$

or

$$CSIW_t = 6.0\% * \{(GPQ_r * PSPF_r * 92)\}$$

or

38.6 MG

whichever is greater.

Where:

$CSIW_t$  = Total quantity of Confirmed Summer Interruptible Water  
(million gallons)

$Jul_p$  = Total quantity of water delivered in July of the previous year  
(million gallons)

$Aug_p$  = Total quantity of water delivered in August of the previous year  
(million gallons)

$Sept_p$  = Total quantity of water delivered in September of the previous  
year (million gallons)

$CSIW_p$  = Total quantity of Confirmed Summer Interruptible Water  
delivered in previous year (million gallons)

$GPQ_r$  = Guaranteed purchase quantity for the contract year for which the  
Purchaser has requested summer interruptible water (million  
gallons per day)

$PSPF_r$  = Peak Season Peaking Factor for the contract year that for which  
the Purchaser has requested summer interruptible water  
(dimensionless)”

Section 6.E is amended to read as follows:

“E. Confirmed Summer Interruptible Water Measurement and Payment

1. Purchaser’s Obligation to Make Payment.

Once Purchaser and the City have agreed on a quantity of interruptible water to be purchased each month, as provided under the terms of Section 6.C., and subject to the billing provisions of Section 15, the Purchaser shall pay the City for that quantity of water agreed to at the price established by Section 8 of this Agreement. The amount due shall be the Confirmed Summer Interruptible Water Payment.

2. Calculation of Delivery and Use of Confirmed Summer Interruptible Water

The Purchaser’s use of the annual guaranteed purchase quantity and Confirmed Summer Interruptible Water will be accounted for on a daily basis by month. The quantity of water applied to and accounted for as part of the Purchaser’s annual guaranteed purchase quantity will be the actual

water delivered by City to Purchaser less the quantity of Summer Interruptible Water delivered.

Summer Interruptible Water delivered to the Purchaser will be accounted for by the City and reported to the Purchaser on a monthly basis for each month of June through September during which Purchaser purchased interruptible water. Summer Interruptible Water shall be applied and accounted for as delivered only on days of the month where actual water delivered exceeds Purchaser's daily Base Demand for the month. For those days where actual demand does not exceed Base Demand, then Summer Interruptible Water will not be applied and on such days, the quantity of delivered interruptible water shall be counted as zero. For those days on which Summer Interruptible Water is applied, the quantity delivered shall be calculated using the following formula:

$$IW_d = \left( \frac{A_d - B_d}{C_m} \right) * (CSIW_m \text{ or } C_m, \text{ whichever is less})$$

Where:

$IW_d$  = Quantity of interruptible water used for the day (million gallons)

$A_d$  = Actual quantity of water delivered for the day (million gallons)

$B_d$  = Base Demand for the day (million gallons)

$C_m$  = Sum of  $(A_d - B_d)$  during the month for those days when  $(A_d - B_d) > 0$  (million gallons)

$CSIW_m$  = Quantity of Confirmed Summer Interruptible Water for the month (million gallons)

Unless the City has agreed to the sale of additional summer interruptible water, summer interruptible water delivered in any month shall not exceed the monthly quantity of Confirmed Summer Interruptible Water. An example of this allocation is included in Exhibit A, attached hereto and incorporated by reference.

### 3. Peaking Factors

The calculations and use of peaking factors taking into account the Purchaser's purchases of summer interruptible water will be as following:

- A. For any year in which the Purchaser purchases summer interruptible water, the Peak Season Peaking Factor and Daily Peaking Factor nominated by Purchaser for that year shall be known as the Purchaser's "Frozen Peaking Factors." Thereafter, the Frozen Peaking Factors for each year shall be used in the five-year averaging provided for in Section 5.D. and 5.E. in lieu of the Purchaser's Actual Peaking Factors unless:

- a. Purchaser's Actual Peaking Factors (peak season and peak day) for the applicable year, for either of them, is greater than the Frozen Peaking Factors; or
  - b. City interrupts the delivery of Confirmed Summer Interruptible Water for the applicable year under Section 6.F.
- B. In these two cases, the Purchaser's Actual Peaking Factors for the applicable year will be used in the five-year averaging of the Purchaser's Seasonal Peaking factor and Daily Peaking factor. In the event the Actual Peaking Factor is greater than the Frozen Peaking Factor, the Actual Peaking Factor will be used only for that Factor (or both) that exceeded the Frozen Peaking Factor. Further, in these two cases, for purposes of determining Actual Peaking factors in the applicable year, Purchaser's actual monthly, seasonal, and daily demand shall be the total quantity of water actually delivered less the quantity of any summer interruptible water delivered.
- C. Provided further, that notwithstanding any other provision of this Amendment to the Agreement, for purposes of calculating the five-year average peaking factors, the Purchaser's Frozen Peaking Factors shall be as follows:

Contract Year	Frozen Peak Season Peaking Factor	Frozen Peak Day Peaking Factor
2010-11	1.25	1.56
2011-12	1.25	1.56
2012-13	1.25	1.56
2013-14	1.25	1.56
2014-15	1.25	1.56
2015-16	1.25	1.56

- D. The Purchaser's nomination of peaking factors used in rate making for the next contract year will be consistent with Sections 5.D. and 5.E. Purchaser may request changes to nominated peaking factors as allowed in Section 5.D. and 5.E. relying on its five-year average peaking factor calculated as provided in Subsection 3.A. above."

4. Reduction in Confirmed Summer Interruptible Water Payment

If the entire quantity of Confirmed Summer Interruptible Water was not available to be delivered or was interrupted by the City, the Purchaser's obligation for payment shall be limited to the quantity of summer interruptible water delivered and the Purchaser shall not be obligated to pay for any quantity not delivered.



5. Scenarios

Illustrations of the method of accounting for Summer Interruptible Water use by day and month shall be according to the scenarios set forth in Exhibit A, attached hereto and incorporated by reference as though fully set forth.

**III. Section 15.B – Billing for Confirmed Summer Interruptible Water**

Section 15.B. is restated to remove existing language so that Confirmed Summer Interruptible Water is billed by month for the months such water is requested. Section 15.B. is restated as follows:

“B. Confirmed Summer Interruptible Water

If the Purchaser and City have agreed to the sale of Confirmed Summer Interruptible Water, the City shall bill the Purchaser by month for the water purchased during June, July, August and September.”

**IV. Effect of Amendment**

This First Amendment modifies the Regional Water Sales Agreement, including, but not limited to, the calculation of peaking factors under Section 5, only in the circumstances described in this First Amendment. In all other circumstances, the provisions of the Regional Water Sales Agreement are in full force and effect and not modified.

IN WITNESS WHEREOF, Purchaser has, pursuant to official action of its governing body on the \_\_\_\_ day of \_\_\_\_\_, 2016, duly authorizing the same, caused its proper officers to execute this instrument to be signed on its behalf, and City has caused this instrument to be signed by its Mayor and the Commissioner-in-Charge of the Portland Water Bureau, all of which is in triplicate.

**PURCHASER:  
City of Tualatin**

**City of Portland**

By: \_\_\_\_\_  
City Manager

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

Attest: \_\_\_\_\_  
City Recorder

By: \_\_\_\_\_  
Commissioner-in-Charge

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Approved as to Form:

Approved as to Form

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

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

## EXHIBIT A - SCENARIOS

Below are the scenarios presented in the Exhibit.

Scenario	Description
<b>A</b>	Actual Delivery = Base Demand + Confirmed Interruptible Water. No Interruptions.
<b>B</b>	Actual Delivery < Base Demand + Confirmed Interruptible Water. No Interruptions.
<b>C</b>	Actual Delivery > Base Demand + Confirmed Interruptible Water. No Interruptions.
<b>D</b>	Actual Delivery < Base Demand. No Interruptions.
<b>E</b>	Actual Delivery < Base Demand. CSIW Interrupted 8/8 through 8/11.
<b>F</b>	Actual Delivery < Base Demand. CSIW Interrupted 8/12 through 8/31.

## DESCRIPTION OF TABLES

All six scenarios are presented in the exhibit using the same tabular format. Because the tabular format is generalized to accommodate the varied applications of the methodology of the amendment, some of the scenarios do not use all columns in the tabular format. The column definitions are described here.

Column	Description
<b>A</b>	Hypothetical date for the day of a scenario.
<b>B</b>	Indicator of whether or not interruptible water was interrupted on a hypothetical day.
<b>C</b>	Total water actually delivered to Tualatin for each hypothetical day.
<b>D</b>	The monthly demands (expressed as MGD) provided to the City by Tualatin in the March 15th letter required by Section 15.A.2. of the Regional Water Sales Agreement.
<b>E</b>	The amount by which column C exceeds column D. Zero if D exceeds C.
<b>F</b>	The percentage that the value for each hypothetical day in column E is of the total for column E.
<b>G</b>	The application of the CSIW to each hypothetical day by using the percentages in column F. This value is limited so that the sum cannot exceed the CSIW or the total in column E, whichever is less.
<b>H</b>	The amount of CSIW that would have been applied each day that was interrupted (by having a "Yes" in Column B). This column has no values unless the scenario has an interruption of delivery of CSIW.
<b>I</b>	The allocated amount of interruptible water applied to each day for those scenarios where there is no interruption.

<b>Column</b>	<b>Description</b>
<b>J</b>	For scenarios where there are interruptions, this column presents the amount of water that can still be applied (after the initial allocation of CSIW) to each day before that day's remaining demands are taken below the base in column D. This only applies to scenarios with interruptions.
<b>K</b>	For each hypothetical day, the percentage of that day's value from column J to the total of column J.
<b>L</b>	The allocation of interrupted water to the days using the percentage in column K. The reallocation is limited so that no day's remaining demands drop below the base in column D.
<b>M</b>	Total interruptible taken by summing columns I and L.
<b>N</b>	The difference between the actual deliveries in Column C and the total interruptible taken in Column M. These are the daily values used in calculating the Purchaser's GPQ and peaking factors (PSPF and PDPF) for the year.

A. Actual Delivery = Base Demand + Confirmed Interruptible Water. No Interruptions.

(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)	(L)	(M)	(N)
Date	Interrupted	Actual Deliveries (MG)	Base Demand (MG)	Quantity Over Daily Base (MG)	Percentage Over Daily Base	Interruptible Demand (MG)	Interrupted Quantity (MG)	Initial Interruptible (MG)	Excess Base Available for Reallocation (MG)	Percentage Excess Base Available for Reallocation	Reallocation of Interrupted (MG)	Total Interruptible Taken (MG)	Guaranteed Purchase Water Quantity (MG)
8/1/2014	No	19.20	19.08	0.12	0.22%	0.11	0.00	0.11	0.00	0.00%	0.00	0.11	19.09
8/2/2014	No	19.98	19.08	0.90	1.65%	0.83	0.00	0.83	0.00	0.00%	0.00	0.83	19.15
8/3/2014	No	20.68	19.08	1.60	2.94%	1.47	0.00	1.47	0.00	0.00%	0.00	1.47	19.21
8/4/2014	No	20.61	19.08	1.53	2.81%	1.41	0.00	1.41	0.00	0.00%	0.00	1.41	19.20
8/5/2014	No	20.64	19.08	1.56	2.87%	1.43	0.00	1.43	0.00	0.00%	0.00	1.43	19.21
8/6/2014	No	21.27	19.08	2.19	4.02%	2.01	0.00	2.01	0.00	0.00%	0.00	2.01	19.26
8/7/2014	No	22.45	19.08	3.37	6.19%	3.10	0.00	3.10	0.00	0.00%	0.00	3.10	19.35
8/8/2014	No	23.94	19.08	4.86	8.93%	4.46	0.00	4.46	0.00	0.00%	0.00	4.46	19.48
8/9/2014	No	25.52	19.08	6.44	11.83%	5.92	0.00	5.92	0.00	0.00%	0.00	5.92	19.60
8/10/2014	No	23.78	19.08	4.70	8.63%	4.32	0.00	4.32	0.00	0.00%	0.00	4.32	19.46
8/11/2014	No	24.79	19.08	5.71	10.49%	5.25	0.00	5.25	0.00	0.00%	0.00	5.25	19.54
8/12/2014	No	24.32	19.08	5.24	9.63%	4.81	0.00	4.81	0.00	0.00%	0.00	4.81	19.51
8/13/2014	No	21.28	19.08	2.20	4.04%	2.02	0.00	2.02	0.00	0.00%	0.00	2.02	19.26
8/14/2014	No	20.41	19.08	1.33	2.44%	1.22	0.00	1.22	0.00	0.00%	0.00	1.22	19.19
8/15/2014	No	20.23	19.08	1.15	2.11%	1.06	0.00	1.06	0.00	0.00%	0.00	1.06	19.17
8/16/2014	No	19.07	19.08	0.00	0.00%	0.00	0.00	0.00	0.00	0.00%	0.00	0.00	19.07
8/17/2014	No	19.07	19.08	0.00	0.00%	0.00	0.00	0.00	0.00	0.00%	0.00	0.00	19.07
8/18/2014	No	19.07	19.08	0.00	0.00%	0.00	0.00	0.00	0.00	0.00%	0.00	0.00	19.07
8/19/2014	No	19.63	19.08	0.55	1.01%	0.51	0.00	0.51	0.00	0.00%	0.00	0.51	19.12
8/20/2014	No	20.11	19.08	1.03	1.89%	0.95	0.00	0.95	0.00	0.00%	0.00	0.95	19.16
8/21/2014	No	20.46	19.08	1.38	2.54%	1.27	0.00	1.27	0.00	0.00%	0.00	1.27	19.19
8/22/2014	No	19.20	19.08	0.12	0.22%	0.11	0.00	0.11	0.00	0.00%	0.00	0.11	19.09
8/23/2014	No	17.81	19.08	0.00	0.00%	0.00	0.00	0.00	0.00	0.00%	0.00	0.00	17.81
8/24/2014	No	17.68	19.08	0.00	0.00%	0.00	0.00	0.00	0.00	0.00%	0.00	0.00	17.68
8/25/2014	No	17.35	19.08	0.00	0.00%	0.00	0.00	0.00	0.00	0.00%	0.00	0.00	17.35
8/26/2014	No	20.13	19.08	1.05	1.93%	0.96	0.00	0.96	0.00	0.00%	0.00	0.96	19.17
8/27/2014	No	20.09	19.08	1.01	1.86%	0.93	0.00	0.93	0.00	0.00%	0.00	0.93	19.16
8/28/2014	No	20.10	19.08	1.02	1.87%	0.94	0.00	0.94	0.00	0.00%	0.00	0.94	19.16
8/29/2014	No	20.60	19.08	1.52	2.79%	1.40	0.00	1.40	0.00	0.00%	0.00	1.40	19.20
8/30/2014	No	21.14	19.08	2.06	3.78%	1.89	0.00	1.89	0.00	0.00%	0.00	1.89	19.25
8/31/2014	No	20.87	19.08	1.79	3.29%	1.64	0.00	1.64	0.00	0.00%	0.00	1.64	19.23
<b>Total</b>		<b>641.48</b>	<b>591.48</b>	<b>54.43</b>		<b>50.00</b>	<b>0.00</b>	<b>50.00</b>	<b>0.00</b>		<b>0.00</b>	<b>50.00</b>	<b>591.48</b>

<b>Summary:</b>	
Confirmed Summer Interruptible Water Purchased (MG)	50.00
Less Interrupted Water (MG)	0.00
Plus Reallocated Interrupted Water (MG)	0.00
Confirmed Summer Interruptible Water Taken (MG)	50.00
Number of Days of Interruption	0
Credit of Interruptible Water Purchased (MG)	0
Seasonal Peaking Factor	Frozen Peaking Factor

B. Actual Delivery < Base Demand + Confirmed Interruptible Water. No Interruptions.

(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)	(L)	(M)	(N)
Date	Interrupted	Actual Deliveries (MG)	Base Demand (MG)	Quantity Over Daily Base (MG)	Percentage Over Daily Base	Interruptible Demand (MG)	Interrupted Quantity (MG)	Initial Interruptible (MG)	Excess Base Available for Reallocation (MG)	Percentage Excess Base Available for Reallocation	Reallocation of Interrupted (MG)	Total Interruptible Taken (MG)	Guaranteed Purchase Water Quantity (MG)
8/1/2014	No	18.12	19.08	0.00	0.00%	0.00	0.00	0.00	0.00	0.00%	0.00	0.00	18.12
8/2/2014	No	18.86	19.08	0.00	0.00%	0.00	0.00	0.00	0.00	0.00%	0.00	0.00	18.86
8/3/2014	No	19.52	19.08	0.44	1.59%	0.44	0.00	0.44	0.00	0.00%	0.00	0.44	19.08
8/4/2014	No	19.45	19.08	0.37	1.34%	0.37	0.00	0.37	0.00	0.00%	0.00	0.37	19.08
8/5/2014	No	19.48	19.08	0.40	1.45%	0.40	0.00	0.40	0.00	0.00%	0.00	0.40	19.08
8/6/2014	No	20.07	19.08	0.99	3.58%	0.99	0.00	0.99	0.00	0.00%	0.00	0.99	19.08
8/7/2014	No	21.19	19.08	2.11	7.63%	2.11	0.00	2.11	0.00	0.00%	0.00	2.11	19.08
8/8/2014	No	22.59	19.08	3.51	12.69%	3.51	0.00	3.51	0.00	0.00%	0.00	3.51	19.08
8/9/2014	No	24.08	19.08	5.00	18.08%	5.00	0.00	5.00	0.00	0.00%	0.00	5.00	19.08
8/10/2014	No	22.45	19.08	3.37	12.19%	3.37	0.00	3.37	0.00	0.00%	0.00	3.37	19.08
8/11/2014	No	23.40	19.08	4.32	15.62%	4.32	0.00	4.32	0.00	0.00%	0.00	4.32	19.08
8/12/2014	No	22.95	19.08	3.87	14.00%	3.87	0.00	3.87	0.00	0.00%	0.00	3.87	19.08
8/13/2014	No	20.08	19.08	1.00	3.62%	1.00	0.00	1.00	0.00	0.00%	0.00	1.00	19.08
8/14/2014	No	19.26	19.08	0.18	0.65%	0.18	0.00	0.18	0.00	0.00%	0.00	0.18	19.08
8/15/2014	No	19.09	19.08	0.01	0.04%	0.01	0.00	0.01	0.00	0.00%	0.00	0.01	19.08
8/16/2014	No	18.00	19.08	0.00	0.00%	0.00	0.00	0.00	0.00	0.00%	0.00	0.00	18.00
8/17/2014	No	18.00	19.08	0.00	0.00%	0.00	0.00	0.00	0.00	0.00%	0.00	0.00	18.00
8/18/2014	No	18.00	19.08	0.00	0.00%	0.00	0.00	0.00	0.00	0.00%	0.00	0.00	18.00
8/19/2014	No	18.52	19.08	0.00	0.00%	0.00	0.00	0.00	0.00	0.00%	0.00	0.00	18.52
8/20/2014	No	18.98	19.08	0.00	0.00%	0.00	0.00	0.00	0.00	0.00%	0.00	0.00	18.98
8/21/2014	No	19.31	19.08	0.23	0.83%	0.23	0.00	0.23	0.00	0.00%	0.00	0.23	19.08
8/22/2014	No	18.12	19.08	0.00	0.00%	0.00	0.00	0.00	0.00	0.00%	0.00	0.00	18.12
8/23/2014	No	16.81	19.08	0.00	0.00%	0.00	0.00	0.00	0.00	0.00%	0.00	0.00	16.81
8/24/2014	No	16.69	19.08	0.00	0.00%	0.00	0.00	0.00	0.00	0.00%	0.00	0.00	16.69
8/25/2014	No	16.37	19.08	0.00	0.00%	0.00	0.00	0.00	0.00	0.00%	0.00	0.00	16.37
8/26/2014	No	19.00	19.08	0.00	0.00%	0.00	0.00	0.00	0.00	0.00%	0.00	0.00	19.00
8/27/2014	No	18.96	19.08	0.00	0.00%	0.00	0.00	0.00	0.00	0.00%	0.00	0.00	18.96
8/28/2014	No	18.97	19.08	0.00	0.00%	0.00	0.00	0.00	0.00	0.00%	0.00	0.00	18.97
8/29/2014	No	19.44	19.08	0.36	1.30%	0.36	0.00	0.36	0.00	0.00%	0.00	0.36	19.08
8/30/2014	No	19.95	19.08	0.87	3.15%	0.87	0.00	0.87	0.00	0.00%	0.00	0.87	19.08
8/31/2014	No	19.70	19.08	0.62	2.24%	0.62	0.00	0.62	0.00	0.00%	0.00	0.62	19.08
<b>Total</b>		<b>605.41</b>	<b>591.48</b>	<b>27.65</b>		<b>27.65</b>	<b>0.00</b>	<b>27.65</b>	<b>0.00</b>		<b>0.00</b>	<b>27.65</b>	<b>577.76</b>

<b>Summary:</b>	
Confirmed Summer Interruptible Water Purchased (MG)	50.00
Less Interrupted Water (MG)	0.00
Plus Reallocated Interrupted Water (MG)	0.00
Confirmed Summer Interruptible Water Taken (MG)	27.65
Number of Days of Interruption	0
Credit of Interruptible Water Purchased (MG)	0
Seasonal Peaking Factor	Frozen Peaking Factor

C. Actual Delivery > Base Demand + Confirmed Interruptible Water. No Interruptions.

(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)	(L)	(M)	(N)
Date	Interrupted	Actual Deliveries (MG)	Base Demand (MG)	Quantity Over Daily Base (MG)	Percentage Over Daily Base	Interruptible Demand (MG)	Interrupted Quantity (MG)	Initial Interruptible (MG)	Excess Base Available for Reallocation (MG)	Percentage Excess Base Available for Reallocation	Reallocation of Interrupted (MG)	Total Interruptible Taken (MG)	Guaranteed Purchase Water Quantity (MG)
8/1/2014	No	20.13	19.08	1.05	1.26%	0.63	0.00	0.63	0.00	0.00%	0.00	0.63	19.50
8/2/2014	No	20.95	19.08	1.87	2.25%	1.13	0.00	1.13	0.00	0.00%	0.00	1.13	19.82
8/3/2014	No	21.69	19.08	2.61	3.14%	1.57	0.00	1.57	0.00	0.00%	0.00	1.57	20.12
8/4/2014	No	21.61	19.08	2.53	3.05%	1.52	0.00	1.52	0.00	0.00%	0.00	1.52	20.09
8/5/2014	No	21.64	19.08	2.56	3.08%	1.54	0.00	1.54	0.00	0.00%	0.00	1.54	20.10
8/6/2014	No	22.30	19.08	3.22	3.88%	1.94	0.00	1.94	0.00	0.00%	0.00	1.94	20.36
8/7/2014	No	23.54	19.08	4.46	5.37%	2.69	0.00	2.69	0.00	0.00%	0.00	2.69	20.85
8/8/2014	No	25.10	19.08	6.02	7.25%	3.63	0.00	3.63	0.00	0.00%	0.00	3.63	21.47
8/9/2014	No	26.76	19.08	7.68	9.25%	4.63	0.00	4.63	0.00	0.00%	0.00	4.63	22.13
8/10/2014	No	24.94	19.08	5.86	7.06%	3.53	0.00	3.53	0.00	0.00%	0.00	3.53	21.41
8/11/2014	No	26.00	19.08	6.92	8.34%	4.17	0.00	4.17	0.00	0.00%	0.00	4.17	21.83
8/12/2014	No	25.50	19.08	6.42	7.73%	3.87	0.00	3.87	0.00	0.00%	0.00	3.87	21.63
8/13/2014	No	22.31	19.08	3.23	3.89%	1.95	0.00	1.95	0.00	0.00%	0.00	1.95	20.36
8/14/2014	No	21.40	19.08	2.32	2.79%	1.40	0.00	1.40	0.00	0.00%	0.00	1.40	20.00
8/15/2014	No	21.21	19.08	2.13	2.57%	1.28	0.00	1.28	0.00	0.00%	0.00	1.28	19.93
8/16/2014	No	20.00	19.08	0.92	1.11%	0.55	0.00	0.55	0.00	0.00%	0.00	0.55	19.45
8/17/2014	No	20.00	19.08	0.92	1.11%	0.55	0.00	0.55	0.00	0.00%	0.00	0.55	19.45
8/18/2014	No	20.00	19.08	0.92	1.11%	0.55	0.00	0.55	0.00	0.00%	0.00	0.55	19.45
8/19/2014	No	20.58	19.08	1.50	1.81%	0.90	0.00	0.90	0.00	0.00%	0.00	0.90	19.68
8/20/2014	No	21.09	19.08	2.01	2.42%	1.21	0.00	1.21	0.00	0.00%	0.00	1.21	19.88
8/21/2014	No	21.45	19.08	2.37	2.86%	1.43	0.00	1.43	0.00	0.00%	0.00	1.43	20.02
8/22/2014	No	20.13	19.08	1.05	1.26%	0.63	0.00	0.63	0.00	0.00%	0.00	0.63	19.50
8/23/2014	No	18.68	19.08	0.00	0.00%	0.00	0.00	0.00	0.00	0.00%	0.00	0.00	18.68
8/24/2014	No	18.54	19.08	0.00	0.00%	0.00	0.00	0.00	0.00	0.00%	0.00	0.00	18.54
8/25/2014	No	18.19	19.08	0.00	0.00%	0.00	0.00	0.00	0.00	0.00%	0.00	0.00	18.19
8/26/2014	No	21.11	19.08	2.03	2.45%	1.22	0.00	1.22	0.00	0.00%	0.00	1.22	19.89
8/27/2014	No	21.07	19.08	1.99	2.40%	1.20	0.00	1.20	0.00	0.00%	0.00	1.20	19.87
8/28/2014	No	21.08	19.08	2.00	2.41%	1.20	0.00	1.20	0.00	0.00%	0.00	1.20	19.88
8/29/2014	No	21.60	19.08	2.52	3.04%	1.52	0.00	1.52	0.00	0.00%	0.00	1.52	20.08
8/30/2014	No	22.17	19.08	3.09	3.72%	1.86	0.00	1.86	0.00	0.00%	0.00	1.86	20.31
8/31/2014	No	21.89	19.08	2.81	3.39%	1.69	0.00	1.69	0.00	0.00%	0.00	1.69	20.20
<b>Total</b>		<b>672.66</b>	<b>591.48</b>	<b>83.01</b>		<b>50.00</b>	<b>0.00</b>	<b>50.00</b>	<b>0.00</b>		<b>0.00</b>	<b>50.00</b>	<b>622.66</b>

<b>Summary:</b>	
Confirmed Summer Interruptible Water Purchased (MG)	50.00
Less Interrupted Water (MG)	0.00
Plus Reallocated Interrupted Water (MG)	0.00
Confirmed Summer Interruptible Water Taken (MG)	50.00
Number of Days of Interruption	0
Credit of Interruptible Water Purchased (MG)	0
Seasonal Peaking Factor	Actual Peaking Factor

D. Actual Delivery < Base Demand. No Interruptions.

(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)	(L)	(M)	(N)
Date	Interrupted	Actual Deliveries (MG)	Base Demand (MG)	Quantity Over Daily Base (MG)	Percentage Over Daily Base	Interruptible Demand (MG)	Interrupted Quantity (MG)	Initial Interruptible (MG)	Excess Base Available for Reallocation (MG)	Percentage Excess Base Available for Reallocation	Reallocation of Interrupted (MG)	Total Interruptible Taken (MG)	Guaranteed Purchase Water Quantity (MG)
8/1/2014	No	14.09	19.08	0.00	0.00%	0.00	0.00	0.00	0.00	0.00%	0.00	0.00	14.09
8/2/2014	No	14.67	19.08	0.00	0.00%	0.00	0.00	0.00	0.00	0.00%	0.00	0.00	14.67
8/3/2014	No	15.18	19.08	0.00	0.00%	0.00	0.00	0.00	0.00	0.00%	0.00	0.00	15.18
8/4/2014	No	15.13	19.08	0.00	0.00%	0.00	0.00	0.00	0.00	0.00%	0.00	0.00	15.13
8/5/2014	No	15.15	19.08	0.00	0.00%	0.00	0.00	0.00	0.00	0.00%	0.00	0.00	15.15
8/6/2014	No	15.61	19.08	0.00	0.00%	0.00	0.00	0.00	0.00	0.00%	0.00	0.00	15.61
8/7/2014	No	16.48	19.08	0.00	0.00%	0.00	0.00	0.00	0.00	0.00%	0.00	0.00	16.48
8/8/2014	No	17.57	19.08	0.00	0.00%	0.00	0.00	0.00	0.00	0.00%	0.00	0.00	17.57
8/9/2014	No	18.73	19.08	0.00	0.00%	0.00	0.00	0.00	0.00	0.00%	0.00	0.00	18.73
8/10/2014	No	17.46	19.08	0.00	0.00%	0.00	0.00	0.00	0.00	0.00%	0.00	0.00	17.46
8/11/2014	No	18.20	19.08	0.00	0.00%	0.00	0.00	0.00	0.00	0.00%	0.00	0.00	18.20
8/12/2014	No	17.85	19.08	0.00	0.00%	0.00	0.00	0.00	0.00	0.00%	0.00	0.00	17.85
8/13/2014	No	15.62	19.08	0.00	0.00%	0.00	0.00	0.00	0.00	0.00%	0.00	0.00	15.62
8/14/2014	No	14.98	19.08	0.00	0.00%	0.00	0.00	0.00	0.00	0.00%	0.00	0.00	14.98
8/15/2014	No	14.85	19.08	0.00	0.00%	0.00	0.00	0.00	0.00	0.00%	0.00	0.00	14.85
8/16/2014	No	14.00	19.08	0.00	0.00%	0.00	0.00	0.00	0.00	0.00%	0.00	0.00	14.00
8/17/2014	No	14.00	19.08	0.00	0.00%	0.00	0.00	0.00	0.00	0.00%	0.00	0.00	14.00
8/18/2014	No	14.00	19.08	0.00	0.00%	0.00	0.00	0.00	0.00	0.00%	0.00	0.00	14.00
8/19/2014	No	14.41	19.08	0.00	0.00%	0.00	0.00	0.00	0.00	0.00%	0.00	0.00	14.41
8/20/2014	No	14.76	19.08	0.00	0.00%	0.00	0.00	0.00	0.00	0.00%	0.00	0.00	14.76
8/21/2014	No	15.02	19.08	0.00	0.00%	0.00	0.00	0.00	0.00	0.00%	0.00	0.00	15.02
8/22/2014	No	14.09	19.08	0.00	0.00%	0.00	0.00	0.00	0.00	0.00%	0.00	0.00	14.09
8/23/2014	No	13.08	19.08	0.00	0.00%	0.00	0.00	0.00	0.00	0.00%	0.00	0.00	13.08
8/24/2014	No	12.98	19.08	0.00	0.00%	0.00	0.00	0.00	0.00	0.00%	0.00	0.00	12.98
8/25/2014	No	12.73	19.08	0.00	0.00%	0.00	0.00	0.00	0.00	0.00%	0.00	0.00	12.73
8/26/2014	No	14.78	19.08	0.00	0.00%	0.00	0.00	0.00	0.00	0.00%	0.00	0.00	14.78
8/27/2014	No	14.75	19.08	0.00	0.00%	0.00	0.00	0.00	0.00	0.00%	0.00	0.00	14.75
8/28/2014	No	14.76	19.08	0.00	0.00%	0.00	0.00	0.00	0.00	0.00%	0.00	0.00	14.76
8/29/2014	No	15.12	19.08	0.00	0.00%	0.00	0.00	0.00	0.00	0.00%	0.00	0.00	15.12
8/30/2014	No	15.52	19.08	0.00	0.00%	0.00	0.00	0.00	0.00	0.00%	0.00	0.00	15.52
8/31/2014	No	15.32	19.08	0.00	0.00%	0.00	0.00	0.00	0.00	0.00%	0.00	0.00	15.32
<b>Total</b>		<b>470.89</b>	<b>591.48</b>	<b>0.00</b>		<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>		<b>0.00</b>	<b>0.00</b>	<b>470.89</b>

<b>Summary:</b>	
Confirmed Summer Interruptible Water Purchased (MG)	50.00
Less Interrupted Water (MG)	0.00
Plus Reallocated Interrupted Water (MG)	0.00
Confirmed Summer Interruptible Water Taken (MG)	0.00
Number of Days of Interruption	0
Credit of Interruptible Water Purchased (MG)	0
Seasonal Peaking Factor	Frozen Peaking Factor



E. Actual Delivery < Base Demand. CSIW Interrupted 8/8 through 8/11.

(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)	(L)	(M)	(N)
Date	Interrupted	Actual Deliveries (MG)	Base Demand (MG)	Quantity Over Daily Base (MG)	Percentage Over Daily Base	Interruptible Demand (MG)	Interrupted Quantity (MG)	Initial Interruptible Delivered (MG)	Excess Base Available for Reallocation (MG)	Percentage Excess Base Available for Reallocation	Reallocation of Interrupted (MG)	Total Interruptible Taken (MG)	Guaranteed Purchase Water Quantity (MG)
8/1/2014	No	20.13	19.08	1.05	1.26%	0.63	0.00	0.63	0.42	1.86%	0.30	0.93	19.20
8/2/2014	No	20.95	19.08	1.87	2.25%	1.13	0.00	1.13	0.74	3.31%	0.53	1.65	19.30
8/3/2014	No	21.69	19.08	2.61	3.14%	1.57	0.00	1.57	1.04	4.62%	0.74	2.31	19.38
8/4/2014	No	21.61	19.08	2.53	3.05%	1.52	0.00	1.52	1.01	4.48%	0.71	2.24	19.37
8/5/2014	No	21.64	19.08	2.56	3.08%	1.54	0.00	1.54	1.02	4.53%	0.72	2.26	19.38
8/6/2014	No	22.30	19.08	3.22	3.88%	1.94	0.00	1.94	1.28	5.70%	0.91	2.85	19.45
8/7/2014	No	23.54	19.08	4.46	5.37%	2.69	0.00	2.69	1.77	7.89%	1.26	3.94	19.60
8/8/2014	Yes	25.10	19.08	6.02	7.25%	3.63	(3.63)	0.00	0.00	0.00%	0.00	0.00	25.10
8/9/2014	Yes	26.76	19.08	7.68	9.25%	4.63	(4.63)	0.00	0.00	0.00%	0.00	0.00	26.76
8/10/2014	Yes	24.94	19.08	5.86	7.06%	3.53	(3.53)	0.00	0.00	0.00%	0.00	0.00	24.94
8/11/2014	Yes	26.00	19.08	6.92	8.34%	4.17	(4.17)	0.00	0.00	0.00%	0.00	0.00	26.00
8/12/2014	No	25.50	19.08	6.42	7.73%	3.87	0.00	3.87	2.55	11.36%	1.81	5.68	19.82
8/13/2014	No	22.31	19.08	3.23	3.89%	1.95	0.00	1.95	1.28	5.71%	0.91	2.86	19.45
8/14/2014	No	21.40	19.08	2.32	2.79%	1.40	0.00	1.40	0.92	4.10%	0.65	2.05	19.35
8/15/2014	No	21.21	19.08	2.13	2.57%	1.28	0.00	1.28	0.85	3.77%	0.60	1.88	19.33
8/16/2014	No	20.00	19.08	0.92	1.11%	0.55	0.00	0.55	0.37	1.63%	0.26	0.81	19.19
8/17/2014	No	20.00	19.08	0.92	1.11%	0.55	0.00	0.55	0.37	1.63%	0.26	0.81	19.19
8/18/2014	No	20.00	19.08	0.92	1.11%	0.55	0.00	0.55	0.37	1.63%	0.26	0.81	19.19
8/19/2014	No	20.58	19.08	1.50	1.81%	0.90	0.00	0.90	0.60	2.65%	0.42	1.33	19.25
8/20/2014	No	21.09	19.08	2.01	2.42%	1.21	0.00	1.21	0.80	3.56%	0.57	1.78	19.31
8/21/2014	No	21.45	19.08	2.37	2.86%	1.43	0.00	1.43	0.94	4.19%	0.67	2.10	19.35
8/22/2014	No	20.13	19.08	1.05	1.26%	0.63	0.00	0.63	0.42	1.86%	0.30	0.93	19.20
8/23/2014	No	18.68	19.08	0.00	0.00%	0.00	0.00	0.00	0.00	0.00%	0.00	0.00	18.68
8/24/2014	No	18.54	19.08	0.00	0.00%	0.00	0.00	0.00	0.00	0.00%	0.00	0.00	18.54
8/25/2014	No	18.19	19.08	0.00	0.00%	0.00	0.00	0.00	0.00	0.00%	0.00	0.00	18.19
8/26/2014	No	21.11	19.08	2.03	2.45%	1.22	0.00	1.22	0.81	3.59%	0.57	1.80	19.31
8/27/2014	No	21.07	19.08	1.99	2.40%	1.20	0.00	1.20	0.79	3.52%	0.56	1.76	19.31
8/28/2014	No	21.08	19.08	2.00	2.41%	1.20	0.00	1.20	0.80	3.54%	0.56	1.77	19.31
8/29/2014	No	21.60	19.08	2.52	3.04%	1.52	0.00	1.52	1.00	4.46%	0.71	2.23	19.37
8/30/2014	No	22.17	19.08	3.09	3.72%	1.86	0.00	1.86	1.23	5.47%	0.87	2.73	19.44
8/31/2014	No	21.89	19.08	2.81	3.39%	1.69	0.00	1.69	1.12	4.97%	0.79	2.49	19.40
<b>Total</b>		<b>672.66</b>	<b>591.48</b>	<b>83.01</b>		<b>50.00</b>	<b>(15.95)</b>	<b>34.05</b>	<b>22.48</b>		<b>15.95</b>	<b>50.00</b>	<b>622.66</b>

<b>Summary:</b>	
Confirmed Summer Interruptible Water Purchased (MG)	50.00
Less Interrupted Water (MG)	15.95
Plus Reallocated Interrupted Water (MG)	15.95
Confirmed Summer Interruptible Water Taken (MG)	50.00
Number of Days of Interruption	4
Credit of Interruptible Water Purchased (MG)	0
Seasonal Peaking Factor	Actual Peaking Factor

F. Actual Delivery < Base Demand. CSIW Interrupted 8/12 through 8/31.

(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)	(L)	(M)	(N)
Date	Interrupted	Actual Deliveries (MG)	Base Demand (MG)	Quantity Over Daily Base (MG)	Percentage Over Daily Base	Interruptible Demand (MG)	Interrupted Quantity (MG)	Initial Interruptible Delivered (MG)	Excess Base Available for Reallocation (MG)	Percentage Excess Base Available for Reallocation	Reallocation of Interrupted (MG)	Total Interruptible Taken (MG)	Guaranteed Purchase Water Quantity (MG)
8/1/2014	No	20.13	19.08	1.05	1.26%	0.63	0.00	0.63	0.42	2.34%	0.42	1.05	19.08
8/2/2014	No	20.95	19.08	1.87	2.25%	1.13	0.00	1.13	0.74	4.18%	0.74	1.87	19.08
8/3/2014	No	21.69	19.08	2.61	3.14%	1.57	0.00	1.57	1.04	5.83%	1.04	2.61	19.08
8/4/2014	No	21.61	19.08	2.53	3.05%	1.52	0.00	1.52	1.01	5.65%	1.01	2.53	19.08
8/5/2014	No	21.64	19.08	2.56	3.08%	1.54	0.00	1.54	1.02	5.72%	1.02	2.56	19.08
8/6/2014	No	22.30	19.08	3.22	3.88%	1.94	0.00	1.94	1.28	7.19%	1.28	3.22	19.08
8/7/2014	No	23.54	19.08	4.46	5.37%	2.69	0.00	2.69	1.77	9.96%	1.77	4.46	19.08
8/8/2014	No	25.10	19.08	6.02	7.25%	3.63	0.00	3.63	2.39	13.44%	2.39	6.02	19.08
8/9/2014	No	26.76	19.08	7.68	9.25%	4.63	0.00	4.63	3.05	17.15%	3.05	7.68	19.08
8/10/2014	No	24.94	19.08	5.86	7.06%	3.53	0.00	3.53	2.33	13.09%	2.33	5.86	19.08
8/11/2014	No	26.00	19.08	6.92	8.34%	4.17	0.00	4.17	2.75	15.45%	2.75	6.92	19.08
8/12/2014	Yes	25.50	19.08	6.42	7.73%	3.87	(3.87)	0.00	0.00	0.00%	0.00	0.00	25.50
8/13/2014	Yes	22.31	19.08	3.23	3.89%	1.95	(1.95)	0.00	0.00	0.00%	0.00	0.00	22.31
8/14/2014	Yes	21.40	19.08	2.32	2.79%	1.40	(1.40)	0.00	0.00	0.00%	0.00	0.00	21.40
8/15/2014	Yes	21.21	19.08	2.13	2.57%	1.28	(1.28)	0.00	0.00	0.00%	0.00	0.00	21.21
8/16/2014	Yes	20.00	19.08	0.92	1.11%	0.55	(0.55)	0.00	0.00	0.00%	0.00	0.00	20.00
8/17/2014	Yes	20.00	19.08	0.92	1.11%	0.55	(0.55)	0.00	0.00	0.00%	0.00	0.00	20.00
8/18/2014	Yes	20.00	19.08	0.92	1.11%	0.55	(0.55)	0.00	0.00	0.00%	0.00	0.00	20.00
8/19/2014	Yes	20.58	19.08	1.50	1.81%	0.90	(0.90)	0.00	0.00	0.00%	0.00	0.00	20.58
8/20/2014	Yes	21.09	19.08	2.01	2.42%	1.21	(1.21)	0.00	0.00	0.00%	0.00	0.00	21.09
8/21/2014	Yes	21.45	19.08	2.37	2.86%	1.43	(1.43)	0.00	0.00	0.00%	0.00	0.00	21.45
8/22/2014	Yes	20.13	19.08	1.05	1.26%	0.63	(0.63)	0.00	0.00	0.00%	0.00	0.00	20.13
8/23/2014	Yes	18.68	19.08	0.00	0.00%	0.00	0.00	0.00	0.00	0.00%	0.00	0.00	18.68
8/24/2014	Yes	18.54	19.08	0.00	0.00%	0.00	0.00	0.00	0.00	0.00%	0.00	0.00	18.54
8/25/2014	Yes	18.19	19.08	0.00	0.00%	0.00	0.00	0.00	0.00	0.00%	0.00	0.00	18.19
8/26/2014	Yes	21.11	19.08	2.03	2.45%	1.22	(1.22)	0.00	0.00	0.00%	0.00	0.00	21.11
8/27/2014	Yes	21.07	19.08	1.99	2.40%	1.20	(1.20)	0.00	0.00	0.00%	0.00	0.00	21.07
8/28/2014	Yes	21.08	19.08	2.00	2.41%	1.20	(1.20)	0.00	0.00	0.00%	0.00	0.00	21.08
8/29/2014	Yes	21.60	19.08	2.52	3.04%	1.52	(1.52)	0.00	0.00	0.00%	0.00	0.00	21.60
8/30/2014	Yes	22.17	19.08	3.09	3.72%	1.86	(1.86)	0.00	0.00	0.00%	0.00	0.00	22.17
8/31/2014	Yes	21.89	19.08	2.81	3.39%	1.69	(1.69)	0.00	0.00	0.00%	0.00	0.00	21.89
<b>Total</b>		<b>672.66</b>	<b>591.48</b>	<b>83.01</b>		<b>50.00</b>	<b>(23.03)</b>	<b>26.97</b>	<b>17.81</b>		<b>17.81</b>	<b>44.78</b>	<b>627.88</b>

<b>Summary:</b>	
Confirmed Summer Interruptible Water Purchased (MG)	50.00
Less Interrupted Water (MG)	23.03
Plus Reallocated Interrupted Water (MG)	17.81
Confirmed Summer Interruptible Water Taken (MG)	44.78
Number of Days of Interruption	20
Credit of Interruptible Water Purchased (MG)	5.22
Seasonal Peaking Factor	Actual Peaking Factor