



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: 04/24/2017

SUBJECT: Consideration of Approval of the Minutes for the Work Session and Regular Meeting of April 10, 2017

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve the minutes for the Work Session and Regular Meeting of April 10, 2017.

RECOMMENDATION:

Staff respectfully recommends that the Council adopt the attached minutes.

Attachments: [City Council Work Session Minutes of April 10, 2017](#)
[City Council Regular Meeting Minutes of April 10, 2017](#)



Present: Mayor Lou Ogden; Councilor Frank Bubenik; Council President Joelle Davis; Councilor Paul Morrison; Councilor Jeff DeHaan; Councilor Robert Kellogg .

Absent: Councilor Nancy Grimes

Staff City Manager Sheryl Lombos; City Attorney Sean Brady; Police Chief Bill Steele;

Present: Finance Director Don Hudson; Deputy City Recorder Nicole Morris; Street/Sewer/Storm Division Manager Bert Olheiser; Assistant to the City Manager Tanya Williams; Assistant City Manager Alice Cannon; Parks and Recreation Manager Rich Mueller; City Engineer Jeff Fuchs; Public Works Director Jerry Postema

CALL TO ORDER

Mayor Ogden called the meeting to order at 5:38 p.m.

1. **Road Utility Fee / Fund Update.**

Finance Director Don Hudson and Public Works Director Jerry Postema presented an update on Road Utility Fees. Director Postema presented a brief history on the Road Utility Code and fee structure. He spoke to the Maintenance program and the Pavement Condition Index (PCI). The City's current average condition of the streets maintains a PCI rating of 85. Director Postema spoke to preventative maintenance and the costs associated with maintaining a high PCI rating.

Director Hudson reviewed the history of the Road Utility Fee (RUF). He stated the fee was created in 1990, a sidewalk/street tree fee was added in 1991 with an increase in 2005, and in 2012 the fee was raised when the City adopted indexing standards. Current fees by category were reviewed and compared to neighboring cities. Director Hudson stated a financial analysis on fees had been completed using a ten year outlook. He stated currently \$520,000 is available annually for the program, but it was found through the analysis that roughly \$800,000 annually is needed to maintain a PCI over 80 during the ten year period. He spoke to the use of the ITE manual. They City currently uses the 4th edition of this book from 1987, the current version is the 9th edition, and Washington County uses the 7th edition. Director Hudson proposed the City use the same edition as Washington County so there is synergy. The audit of the non-residential accounts was reviewed against the 7th edition. There were 45 accounts discovered in the wrong categories, 26 in higher categories and 19 in lower. The Finance Department would work with these account holders to make changes effective July 1.

Director Hudson's revenue recommendations are to increase the pavement maintenance portion of the RUF, including new indexing standards, and increase the sidewalk/street tree portion of the RUF for ADA ramp upgrades. Proposed fee

increases by category were presented and compared to neighboring cities. He stated next steps would be to bring back an ordinance with rate changes for adoption on July 1.

Councilor DeHaan asked who determines the PCI scores. Director Postema stated it is a visual evaluation based on criteria in the PCI that all cities follow. Councilor DeHaan asked if PCI is the only thing the City is trying to impact with the rate increase. Director Postema stated the increase will help replace aging infrastructure and meet the new ADA standards.

Council President Davis asked if the County was planning to upgrade to using the 9th edition of the ITE manual. Director Hudson stated they had not expressed a desire to upgrade to him. City Manager Lombos stated the proposed ordinance will have us using the most current version and will not list a specific version.

Councilor Bubenik asked how large of an increase it would be for the accounts moving to the higher category. Director Hudson stated the bumps are no more than two categories and 16 accounts are just over \$1,000 annually.

Mayor Ogden asked how the City got so far behind in rates. Director Hudson stated due to transition within the City the evaluations of the program fell behind. Director Postema noted the cost of construction increases and the aging infrastructure have impacted the costs of repairs.

Mayor Ogden asked which category is the largest. Director Hudson replied category four.

2. *Rights of Way Facilities.*

Management Analyst Carrie Severson presented an analysis and draft components for the Rights of Ways (ROW) ordinance. She recapped information presented at the previous work session. She presented a list of utilities with franchises in the ROW including expiration dates. A list of utilities using the ROW without franchises was presented. Analyst Severson spoke to potential new utilities that could come to Tualatin and how to address their uses in the draft components. Draft components including the purpose and intent, statement of jurisdiction and management of the ROW, regulatory fees, and definitions were reviewed. Major components including registration, licensing, construction permits, ROW use, and attachment fee durations were addressed. Additional provisions for consideration included providing of plans, proprietary information audits, preemption clauses, and violation determinations. Next steps are to draft an ordinance for consideration, conduct outreach on the components, and present to Council.

Councilor Bubenik asked if this proposed process would mean more work for City staff. Analyst Severson stated it would reduce staff time as they would no longer have to negotiate and manage each franchise individually.

Councilor Kellogg asked how the City would capture the tenants of the license holder. Analyst Severson stated the license holder would be required to provide all contact information for their tenants. Councilor Kellogg asked about how the attachment fee would be assessed. Analyst Severson stated the attachment fee would be charged on a per attachment basis.

Mayor Ogden asked what problem this is solving by putting this ordinance in place. Analyst Severson stated it will reduce staff time associated with negotiations of franchises, database creation, and the ability to capture smaller entities that are currently operating without an agreement.

Mayor Ogden asked if the attachment fee is currently part of the program. Analyst Severson stated the City does not currently have any attachments located within City limits but the fee would prepare the City for the future.

Councilor DeHaan asked about ordinance enforcement. Analyst Severson stated enforcement is based upon the issued permits.

Councilor Kellogg asked if the ordinance includes any enforcement on what happens to the lines when licenses are not renewed. Analyst Severson stated the ordinance would address abandonment of lines.

3. *Debrief of the 2017 Council Advance.*

Assistant to the City Manager Tanya Williams presented a debrief from the City Council Advance in February. She reviewed project success from 2015-16 and spoke to upcoming projects in 2017-18. Hot topics of discussion included community engagement, inclusiveness and equity, focused and active transportation, development code update, and downtown core planning/city hall. The Council reaffirmed their vision and talked about the City's "Credimus." Next step for information gathered from the advance includes updating the Council placemats, fine tuning the vision statement, developing work plans for each of the priority items, and sharing the projects and plans with the Community.

Mayor Ogden asked what the strategy was for sharing the information with the Community. Assistant Manager Williams stated the information will be updated on the City's website and in handouts. City Manager Lombos added additional communications will vary by the topics.

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

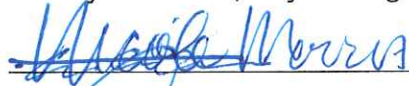
Councilor Kellogg would like the Council to work towards adopting Council Rules. He stated the League of Oregon Cities (LOC) has a model for Council Rules that could be modified for use.

Consensus was reached that a sub-committee of Council President Davis, Councilor Kellogg, and Councilor Bubenik would be formed to prepare a draft of the Council Rules for discussion at a future work session.

ADJOURNMENT

The work session adjourned at 6:59 p.m.

Sherilyn Lombos, City Manager



/ Nicole Morris, Recording Secretary



/ Lou Ogden, Mayor