



**OFFICIAL MINUTES OF TUALATIN CITY COUNCIL WORK SESSION FOR JUNE 13, 2011**

Present: Mayor Lou Ogden, Councilor Monique Beikman, Councilor Joelle Davis, Councilor Wade Brooksby (arrived at 6:13 p.m.), Councilor Frank Bubenik, Councilor Ed Truax

Absent: Council President Chris Barhyte

Staff Present: City Manager Sherilyn Lombos, City Attorney Brenda Braden, City Engineer Mike McKillip, Police Chief Kent Barker, Operations Director Dan Boss, Human Resources Director Nancy McDonald, Finance Director Don Hudson, Planning Manager Aquilla Hurd-Ravich, Development Manager Eric Underwood, Senior Planner William Harper, Assistant Planner Colin Cortes, Parks and Recreation Manager Carl Switzer, Library Manager Abigail Elder, Civil Engineer Kaaren Hofmann, Engineer Associate Tony Doran, Volunteer Services Coordinator Victoria Eggleston, Program Coordinator Kathy Kaatz, Management Intern Ben Bryant, Executive Assistant Maureen Smith, Assistant to the City Manager Sara Singer, Community Development Director Alice Rouyer

**1. CALL TO ORDER**

Mayor Ogden called the work session to order at 5:02 p.m.

**2. ITEMS FOR DISCUSSION**

**A. Discussion of Council Security and Council's Role During an Emergency**

Police Chief Barker began by explaining the changes that have been made regarding security at Council meetings, and the Council Chambers. Chief Barker further explained what actions Council can take with someone that is armed.

Operations Director Dan Boss continued with a PowerPoint on the roles of Council during an emergency. He reviewed the organization and how the City handles emergencies. During large emergencies a new department is "created," an incident command structure. The City uses the National Incident Command System. 1990 was the first emergency plan adopted by Council. Staff holds two exercises a year. Operations Director Boss reviewed Council's role prior to and during an emergency. Brief discussion followed.

**B. Land Use Decision Approval & Extension Periods: Research & Alternative Actions**

Planning Manager Aquilla Hurd-Ravich began with a brief background on the first extension that was done in 2009, explaining the different hurdles that arose, primarily due to the economic downturn. In May, there was another request and approval that extended the time frame for some other architectural reviews. Staff then started looking at different ways to make the process work better by being able to give a longer period of time/extension. It also gives developers a reasonable amount of time to get started on their project, and less costly with extensions.

Assistant Planner Colin Cortes continued with an explanation of what an extension entails. It was asked and explained what it means to get a "project" going, and the permitting process. Giving a longer approval period from one to two years would allow for a developer to address issues such as financing, other agency regulations, and timeframes, etc. In looking at other cities, comparatively Tualatin has a short approval period. It was asked and explained about the costs associated with re-noticing for an extension request.

Discussion followed. It was asked about regulations that could change during the extension period, and how it would be addressed, and staff explained the proposal is to keep language that is already included to be able to deal with regulations changes. It was noted how Milwaukie handles their procedure.

City Manager Lombos summarized the discussion and said staff will bring back a draft, including some of the Milwaukie language, and present at a future Council meeting.

**C. Citizen Involvement Organization Program Proposed Code Language**

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City Attorney Brenda Braden and Assistant to the City Manager Sara Singer presented a PowerPoint on the Citizen Involvement Organization Program, proposed code language. Ms. Singer also noted an e-mail received from Steve Stolze requesting it be included for the record.

Ms. Singer gave a recap of the May 23, 2011 special Council Work Session that was held, and the outcomes evolving around Scenario 2, which determined to include four main components of minimum criteria be included in the bylaws. City Attorney Brenda Braden recapped the legal issues that were raised at the special work session, and reiterated the issue of unlawful delegation of legislative authority. The three scenarios presented in her legal analysis were reviewed and possible legal issues associated with them.

Staff ran through each of the proposed section code language, that included, 11-9-020 Purpose, 11-9-030 Definition, which was modified, as was 11-9-040 Membership. A question was asked about having the Community Involvement Organizations (CIOs) follow Oregon's public meeting laws, however staff explained that the alternative added in the code was from Council's discussion. The other alternative is about being certain meetings are not closed, etc., that was discussed at the May 23rd meeting. Staff said this would then not be as stringent as adhering to the public meetings law. Also the issue of the City Manager addressing the paperwork associated with establishment of CIOs. Section 11-9-050 Termination or Recognition was reviewed. It was mentioned that original 11-9-050 was deleted based on Council direction and replaced with Termination and Recognition. Section 11-9-060 Boundaries, was reviewed with three alternatives were shown. 11-9-070 Responsibility, lists three alternatives and 11-9-080 CIO Rights and Responsibilities, and was explained it was removed as it made mention of bylaws, and also the grant funding language was removed. 11-9-090 Expenditure of Funds was reviewed. 11-9-100 Community Involvement Coordinating Committee (CICC) was reviewed and explained. Discussion followed and continued explanation of how the process was done by staff based on the discussion at the May 23, 2011 special work session.

Staff reviewed the Community Involvement Organization Program proposed boundary map, and staff's concerns of the proposed boundaries. Staff concluded the discussion.

Discussion followed by Council on what the next steps are. It was note that an e-mail was sent this date, from the ad hoc committee on their differences from staff's proposal. It was suggested having a subcommittee meet with members of the ad hoc committee on the areas of difference. Council discussed how the process could move forward, whether to have a subcommittee, or that there is enough information already for Council to make a policy decision. It was also suggested that Council could address the alternatives now, before having a subcommittee meet.

Discussion followed and two options were reviewed - address the issues prior to a subcommittee meeting, or create a subcommittee of three Council members and three ad hoc committee members to review the issues on the table. It was determined to proceed with a Council subcommittee, comprised of Councilors Brooksby, Davis and Truax, to meet with three members of the ad hoc committee.

### **3. AGENDA REVIEW**

There were no questions on the Consent Agenda.

#### **H. GENERAL BUSINESS**

2. Ordinance No. **1324-11** Amending the Extension of the Approval Periods of Certain Architectural Review Decisions and Amending TDC 73.056 (PTA-11-03)

MOTION by Councilor Truax, SECONDED by Councilor Beikman for a first reading by title only. MOTION by Councilor Truax, SECONDED by

Councilor Beikman for a second reading by title only. MOTION CARRIED . The poll was unanimous. [*Barhyte absent.*] MOTION by Councilor Truax, SECONDED by Councilor Beikman to place the ordinance on the Consent Agenda. MOTION CARRIED .

**4. EXECUTIVE SESSION**

*None.*

**5. COMMUNICATIONS FROM COUNCILORS**

City Manager Lombos mentioned the special work session regarding Council position interviews for the vacancy created by Council President Barhyte's resignation. Binders with candidate information were distributed and Council discussed the process. It was suggested having a ballot process, the same as when Council votes for Council president. Discussion followed on the balloting process.

**6. ADJOURNMENT**

The work session adjourned at 6:55 p.m.

Sherilyn Lombos, City Manager



Maureen Smith, Recording Secretary



OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR  
JUNE 13, 2011

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Present: Mayor Lou Ogden, Councilor Monique Beikman, Councilor Wade Brooksby, Councilor Frank Bubenik, Councilor Ed Truax, Councilor Joelle Davis

Absent: Council President Chris Barhyte

Staff Present: City Manager Sherilyn Lombos, City Attorney Brenda Braden, City Engineer Mike McKillip, Police Chief Kent Barker, Community Development Director Alice Rouyer, Human Resources Director Nancy McDonald, Finance Director Don Hudson, Planning Manager Aquilla Hurd-Ravich, Development Manager Eric Underwood, Assistant to the City Manager Sara Singer, Senior Planner William Harper, Associate Planner Cindy Hahn, Parks and Recreation Manager Carl Switzer, Engineer Associate Tony Doran, Teen Program Specialist Julie Ludemann, Program Coordinator Kathy Kaatz, Management Intern Ben Bryant, Executive Assistant Maureen Smith

**A. CALL TO ORDER**

Mayor Ogden called the meeting to order at 7:04 p.m.

Pledge of Allegiance was led by Boy Scout Troop 530.

**B. ANNOUNCEMENTS**

1. New Employee Introductions - *Heidi Blaine, Community Development Department*
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Community Development Director introduced Heidi Blaine, the new Office Coordinator for the Community Development Department, Planning Division.

2. Farmers Market Update - *Beth Roach*
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Tualatin Farmers Market representatives Beth Roach and Jane Morrill were present and gave a PowerPoint presentation on the grand opening of the Farmers Market for 2011 on June 17, 2011. There are new additions to the market, and also some expanded market programs. Ms. Morrill thanked everyone that has helped support this event, including sponsors and City Manager Sherilyn Lombos and Parks and Recreation Manager Carl Switzer.

**C. CITIZEN COMMENTS**

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

*Toni Anderson, 17790 SW Cheyenne Way, Tualatin, OR , was present to comment on the citizen involvement issue. Mayor Ogden explained this portion of the agenda is for matters that are not on the agenda, and noted her comments would be heard when the item is discussed later in the meeting.*

**D. CONSENT AGENDA**

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

Ordinance No. 1324-11 had first and second readings and was placed on the Consent Agenda at Work Session.

MOTION by Councilor Ed Truax, SECONDED by Councilor Monique Beikman to adopt the Consent Agenda as amended and read.

**Vote:** 6 - 0 CARRIED.

1. Approval of the Minutes for Special Work Session of April 26, 2011, Work Session and Meeting of May 9, 2011, and Special Work Session of May 23, 2011
2. Resolution No. 5032-11 Approving and Authorizing the Provision of Workers' Compensation Insurance Coverage to Volunteers and Repealing Resolution No. 4978-10
3. Resolution No. 5033-11 Authorizing Non-Represented Employee Personal Services Updates for Fiscal Year 2011/2012
4. Resolution No. 5034-11 to Provide City-Designated Electronic Devices to New Council Members
5. Resolution No. 5035-11 Authorizing Changes to the Adopted 2010-2011 Budget
6. Resolution No. 5036-11 Certifying City of Tualatin Municipal Services
7. Resolution No. 5037-11 to Close Out the Library Improvement Fund and Transfer Remaining Funds to the General Fund
8. Resolution No. 5038-11 Approving the Allied Waste Services Rate Increase

9. Resolution No. **5039-11** Amending Sewer and Surface Water Management Rates Inside the City of Tualatin and Rescinding Resolution 4979-10
10. Resolution No. **5040-11** Awarding the Bid for the Saum Creek Landslide Repair
11. Resolution No. **5041-11** Authorizing an Intergovernmental Agreement for Concept Planning the Basalt Creek Area
12. Resolution No. **5042-11** Accepting Renewal of an Intergovernmental Cooperation Agreement with Washington County for the Community Development Block Grant Program
13. Resolution No. **5043-11** Approving Amendment No. 2 to a Contract with Washington County for a Community Development Block Grant to Expand and Renovate the Juanita Pohl Center
14. Resolution No. **5044-11** Authorizing the Mayor to Execute the Public Library Services Agreement and the WCCLS Information Network Agreement between the City of Tualatin and Washington County on Behalf of the Washington County Cooperative Library Services
15. Ordinance No. **1324-11** Amending the Extension of the Approval Periods of Certain Architectural Review Decisions and Amending TDC 73.056 (PTA-11-03)

**E. SPECIAL REPORTS**

1. Presentation of the 2011 Tualatin Science & Technology Scholarship Awards

Councilor Monique Beikman presented information on the Tualatin Science & Technology Scholarship recipients. This year's winners are Jason Cross and Monica Pleitez.

Councilor Beikman noted the scholarship committee is comprised of Chamber of Commerce representative Michael Halvorson, City Council representative Monique Beikman, and Tigard-Tualatin School Board representative Dr. Barry Albertson.

2. Presentation of the Tualatin Youth Advisory Council 2010/11 Annual Report

Representatives from the Tualatin Youth Advisory Council gave a PowerPoint presentation on their annual report. The five members present were graduating seniors that are all attending college in the fall. The youth thanked everyone for their support of the Youth Advisory Council.

Mayor Ogden presented to all Youth Advisory Council members that were present, a certificate of appreciation. Council congratulated the youth for their hard work and dedication while serving on the Advisory Council.

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

1. Resolution No. 5045-11 Declaring the City's Election to Receive State Revenue Sharing Funds During Fiscal Year 2011-12
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Mayor Ogden opened the public hearing.

Finance Director Don Hudson presented the staff report and noted the public hearing is required for the City to receive state revenue shared funds, and briefly explained what the City is required to do to be able to accept the funds.

PROPOSERS/OPPONENTS - None.

Mayor Ogden closed the public hearing.

COUNCIL DISCUSSION/DELIBERATION

MOTION by Councilor Ed Truax, SECONDED by Councilor Monique Beikman to adopt the Resolution to accept state revenue shared funds.

**Vote:** 6 - 0 CARRIED.

2. Consideration of a Plan Text Amendment (PTA) that would Amend Storm Water Quality Regulations to Allow a Regional Public Water Quality Facility to Serve Private, Non-Residential Development; and Amend TDC 74.650 (PTA-11-04)
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Mayor Ogden opened the legislative public hearing.

Senior Planner Will Harper presented the staff report and entered the entire staff report into the record, and went on to explain the requirements to allow for water quality facilities to serve private, non-residential development. A PowerPoint was reviewed

PROPOSERS/OPPONENTS - None.

COUNCIL DISCUSSION

Councilor Bubenik had concerns about the financing of a private storm water facility and that the citizens would pay in the end, and Senior Planner Harper explained how the process would work. It was asked and answered that this would be tied to the owner of the property, whether it is occupied or not. Senior Planner Harper continued with explanation of the costs associated with the construction, etc. of the water quality facility.

Councilor Truax noted the letter of testimony included in the staff report requesting regional detention facilities, and Senior Planner elaborated on the request from PacTrust. They were interested in doing a regional facility and raised the idea of public detention in conjunction with private water quality facilities. Staff is reluctant to support the request but believes PacTrust will be able to do what they need to do without having a regional facility. It was asked and answered that this would not be used often or in the near future. Planning Manager Aquilla Hurd-Ravich said when the Southwest Concept Plan begins however, more of these will be seen. It was asked and answered that most all other surrounding cities have these same type of regulations.

Mayor Ogden closed the public hearing.

#### COUNCIL DELIBERATION

MOTION by Councilor Ed Truax, SECONDED by Councilor Monique Beikman to approve PTA-11-04 as presented in the staff report.

**Vote:** 5 - 1 CARRIED.

Nay: Councilor Frank Bubenik

#### **G. PUBLIC HEARINGS – Quasi-Judicial** *None.*

#### **H. GENERAL BUSINESS**

##### **1. An Ordinance Allowing Regional Public Facilities To Treat Private Developments Stormwater and Amending TMC 3-5-340, 3-5-380, and 3-5-390**

MOTION by Councilor Truax, SECONDED by Councilor Beikman for a first reading by title only. MOTION by Councilor Truax, SECONDED by Beikman for a second reading by title only. The poll was unanimous. MOTION CARRIED . [Barhyte absent.] MOTION by Councilor Truax, SECONDED by Councilor Davis to adopt the ordinance. MOTION CARRIED .

**Vote** : 5 - 1

Nay: Councilor Frank Bubenik  
Absent: Councilor Chris Barhyte

##### **2. An Ordinance Amending the Extension of the Approval Periods of Certain Architectural Review Decisions and Amending TDC 73.056 (PTA-11-03)**

The ordinance had first and second readings at Work Session and was placed on the Consent Agenda.

##### **3. Authorizations for the Use of City Resources and Facilities by the Chamber of Commerce for the 2011 Crawfish Festival**

Linda Moholt, Chamber of Commerce, and Carl Switzer, Parks and Recreation Manager were present and noted the staff report is to authorize use of city resources and facilities for the 61st annual Crawfish Festival on August 12 - 13, 2011.

A PowerPoint was presented by Linda Moholt giving a brief background of the history of the Crawfish Festival, and this year's activities and events that will take place. This theme for 2011 is "Crawfish in Paradise."

MOTION by Councilor Ed Truax, SECONDED by Councilor Joelle Davis to authorize the use of City resources and facilities by the Chamber of Commerce for the 2011 Crawfish Festival.

**Vote: 6 - 0 CARRIED.**

**4. Resolution Adopting Principles of Citizen Involvement**

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Mayor Ogden noted these policies came out of the discussion the Council had regarding citizen involvement. There are six area of principles of citizen involvement as determined by the Council at various work sessions.

MOTION by Councilor Joelle Davis, SECONDED by Councilor Frank Bubenik to approve the Resolution adopting Principles for Enhancing Citizen Involvement.

**Vote: 6 - 0 CARRIED.**

**I. ITEMS REMOVED FROM CONSENT AGENDA**

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

**J. COMMUNICATIONS FROM COUNCILORS**

Councilor Bubenik noted at the last Washington County Commission on Children and Families meeting, Tualatin has been selected as part of a pilot project of the summer lunch program for children, to be available at Atfalati Park, in addition to Bridgeport Elementary. Bridgeport will also have breakfast available.

**K. EXECUTIVE SESSION**

*None.*

**L. ADJOURNMENT**

MOTION by Councilor Ed Truax, SECONDED by Councilor Monique Beikman to adjourn the meeting at 8:13 p.m.

**Vote: 6 - 0 CARRIED.**

Sherilyn Lombos, City Manager

*Maureen Smith* Maureen Smith / Recording Secretary