



**OFFICIAL MINUTES OF TUALATIN CITY COUNCIL WORK SESSION FOR  
AUGUST 22, 2011**

Present: Mayor Lou Ogden; Council President Monique Beikman; Councilor Wade Brooksby (arrived at 5:11 p.m.); Councilor Frank Bubenik; Councilor Joelle Davis; Councilor Nancy Grimes; Councilor Ed Truax

Staff Present: City Manager Sherilyn Lombos; City Attorney Brenda Braden; City Engineer Mike McKillip; Police Chief Kent Barker; Operations Director Dan Boss; Community Development Director Alice Rouyer; Community Services Director Paul Hennon; Finance Director Don Hudson; Planning Manager Aquilla Hurd-Ravich; Assistant to the City Manager Sara Singer; Program Coordinator Becky Savino; Executive Assistant Maureen Smith

**1. CALL TO ORDER**

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

**2. *Community Enhancement Award Recommendation from the Tualatin Arts Advisory Committee***

Tualatin Arts Advisory Committee member Richard Hager, Arts Advisory Committee Chair Buck Braden, member Gary Thompson, and staff liaison Becky Savino were present to review with Council the Arts Advisory Committee's recommendation for this year's community enhancement award.

Mr. Hager gave a brief background on the Arts Advisory Committee's Arts Enhancement Award program. He explained the Committee's latest recommendation, and said the renovation and enhancement that was done at Boones Ferry Road and Tualatin-Sherwood Road is over and above what needed to be done, and the Committee wants to acknowledge it. The award will be presented in the coming months. Committee Chair Braden added he was pleasantly surprised by the enhancements that were done by the business on their own and thinks it will fit in well with the City's new landscape gateway project. Committee Member Thompson also spoke on the superb enhancements that were done by the business and how it fits in well with other artwork.

It was suggested that this could be included in the City's "ArtWalk" and staff replied that the business is not currently on the loop walk route, but could be included in future expansion. It was asked and answered that there are two private pieces of art in the ArtWalk, and it was also suggested it would be good to have some type of criteria in place for adding private art projects in the City's ArtWalk. Council noted their agreement with the recommendation from the Arts Advisory Committee. Mr. Hager also wanted to thank the City on the use of the student and adult "visual chronicle" artwork on the divider pages of the FY 2011-12 Budget document.

### **3. *Transportation Task Force***

City Engineer Mike McKillip presented a PowerPoint on the City's Transportation System Plan Update and Task Force Discussion. He reviewed the timeline of the process. Staff has been to various events presenting information to the public, and has attended all City advisory committees. More information is available on the website at [www.tualatintsp.org](http://www.tualatintsp.org); comments can be added on the website as well.

Formation of a task force will be an important component of this process, and the proposed structure was reviewed by City Engineer McKillip. Also reviewed were the community partners/agencies that will be part of the task force. Staff plans to finish up and get information on the task force on the City's website this week, and to get information to citizens that signed up for notifications. The Community Involvement Committee will interview candidates and make recommendations.

City Engineer McKillip continued with an overview of the scope of work, and noted staff has been meeting with the technical and public involvement consultants. All information and comments are currently being gathered and staff plans to have the contracts on the September 12, 2011 Council meeting agenda.

It was asked about the role of the Tualatin Planning Advisory Committee (TPAC) in the Task Force; City Engineer McKillip explained that they would be one of the decision-makers before information is sent to Council. It was asked whether there should be more than one TPAC member as part of the "task force" as there are three councilors. It was explained that having three councilors is more of assuring there is representation as all councilors will not always be able to attend every meeting. Council discussed the importance of having councilors attend as many meetings as possible, and it was suggested to have more than one TPAC member attend. The importance of the work groups and reaching out was also discussed. It was suggested by Councilor Davis to have a more formal process (relationship) of connecting with the Community Involvement Organizations (CIOs) in the course of the Transportation System Plan, and she would like to see a more formal acknowledgement noted in the document process.

### **4. *Centennial Celebration Update***

Community Services Director Paul Hennon gave an update on the upcoming *Centennial* celebration of the City's incorporation in 1913. The suggested entities that could be involved in a planning "group" were reviewed, along with funding. It was suggested to include the School District as part of the group.

Brief discussion followed and suggestions were made about how to incorporate events and other activities that already happen in the City with the celebration, such as the annual Crawfish Festival.

Councilors Brooksby, Bubenik, and Grimes volunteered to be part of the Centennial celebration planning.

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

The Consent Agenda was reviewed.

Resolution Regarding "Poo Free" Parks was requested to be removed from the Consent Agenda by Councilor Bubenik, as he had concerns about the "advertisement" element of the proposal.

Community Services Director Paul Hennon said there is no urgency in this item being approved at this point, and gave a brief background on the proposal and company. It was suggested by Parks and Recreation Manager Carl Switzer as a possible way to provide the service to the community at no cost to the City. What is currently used in the parks for dog waste are City-provided tubes at various locations, with people supplying their own bags. The company would provide the signage and bags, which are biodegradable.

This issue has been taken to the Tualatin Parks Advisory Committee for review and they were supportive, and felt that the small signs were not offensive. It has not been presented to the community as a whole, however. Concerns were expressed by Council on the risk if this fairly new company were to go out of business. Community Services Director Hennon explained it would be a three year contract, with one three year renewal, and remains to be seen if it ends up being a viable company.

Tualatin Parks Advisory Committee (TPARK) representative Connie Ledbetter was present and wanted to make sure that the advertisement is noted as "sponsorship" and that after careful review, TPARK unanimously recommended approval. She does understand the angst. Councilor Truax said he would be prepared to approve it. Councilor Bubenik said he doesn't agree and still has concerns, and suggested this be put out to the Community Involvement Organizations (CIOs) for their review. Councilor Grimes thought it is a good idea in this economic climate to find something and think "outside the box," and it could be an opportunity to do something for the community at no cost to them.

Councilor Davis said although she likes the biodegradable factor, she doesn't believe providing bags is going to make people want to pick up their dog waste. She remains concerned about the risk of the advertisement part of the process. Councilor Brooksby said he does like the idea of this, but has issues on both sides and went on to note if bags were to be supplied, will it remove the responsibility of the current responsible dog owner.

Community Services Director Hennon suggested that it could be possible to do a "pilot program." He also said it would be possible to put this off for a year to allow for the CIOs to be up and going; that would give more time to gather input from other cities that have gone with this. Community Services Director Hennon responded to the timeliness of the company and said staff can also figure out the cost of removal and the legal side of issues. Discussion continued on the outreach and timeframe. Staff will take a look at what other cities are doing for now and will provide follow-up. It was decided to removed this item from the agenda in its entirety at this point.

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**Item No. D-4** Resolution No. **5061-11** Approving an Amendment to the August 23, 2010 "Amended and Restated Non-Statutory Development Agreement" Between the City of Tualatin, Tigard-Tualatin School District 23J and Marquis Companies

Council President Beikman expressed her concerns about the developer's timeline of

the project and the general aesthetics of the site. Council President Beikman also said she wanted to be consistent with the architectural review approval period of six month extension and proposed a six month extension, instead of the suggested nine month. Discussion followed.

*Scott Miller, Marquis Companies representative*, was present and explained the difficulty in attaining the HUD funding and they are not opposed to make the site "look better" and could look at putting up a fence. He explained they will do whatever is requested to clean it up. It was explained by staff the reasoning of the suggested nine month extension was to allow for expected delays and to coincide with the HUD financing decision. Discussion followed. Council asked that the site be mowed and to put up a fence/barrier around the rock pile. Mr. Miller explained they want to continue with pursuing the HUD funding, but they are frustrated with the lengthy approval process as well. He added if there is not any progression with HUD by early January they will look at moving ahead with construction.

Council President Beikman said she was satisfied with the explanation of Mr. Miller and the item can remain on the Consent Agenda unless it is asked to be removed by a member of the public at the Council meeting.

City Manager Lombos said the "Budget in Brief" information can be distributed by Finance Director Hudson by e-mail for Council to see what will be going into the City newsletter.

City Attorney Braden gave a brief update on the recent urban reserves land use decision. West Linn and Tualatin presented the argument about the rural designation of the land and also argued there was a lack of uniformity in the criteria. It was taken to the State Land Conservation and Development Commission (LCDC) and while they did not necessarily agree with Metro, gave deference to Metro and upheld the decision. It is only an oral decision at this point however. Brief discussion followed on the appeal process. It was asked and explained how much has been spent and what has been budgeted for.

## **H. GENERAL BUSINESS**

Ordinance No. **1329-11** Regarding Dog Control and Amending TMC 6-3

MOTION by Council President Beikman, **SECONDED** by Councilor Davis for a first reading by title only. MOTION by Council President Beikman, **SECONDED** by Councilor Davis for a second reading by title only. MOTION CARRIED. The poll was unanimous. MOTION by Council President Beikman, **SECONDED** by Councilor Davis to place adoption of the ordinance on the Consent Agenda. MOTION CARRIED.

Ordinance No. **1331-11** Relating to Storage on the Street; and Amending TMC 8-1-260 and TMC 8-1-280; and Repealing TMC 8-1-270 and 8-1-290

MOTION by Council President Beikman, **SECONDED** by Councilor Bubenik for a first reading by title only. MOTION by Council President Beikman, **SECONDED** by Councilor Bubenik for a second reading by title only. MOTION CARRIED. The poll was unanimous. MOTION by Council President Beikman, **SECONDED** by Councilor Bubenik to place adoption of the ordinance on the

Consent Agenda. MOTION CARRIED.

**COMMUNICATIONS**

Councilor Bubenik distributed information he received from the Washington County Commission on Children and Families on the massive changes/cuts that are proposed.

**6. ADJOURNMENT**

The work session adjourned at 7:02 p.m.

Sherilyn Lombos, City Manager



Maureen Smith Maureen Smith, Recording Secretary



**OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR  
AUGUST 22, 2011**

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

**Staff Present:** City Manager Sherilyn Lombos; City Attorney Brenda Braden; City Engineer Mike McKillip; Police Chief Kent Barker; Community Development Director Alice Rouyer; Community Services Director Paul Hennon; Finance Director Don Hudson; Planning Manager Aquilla Hurd-Ravich; Development Manager Eric Underwood; Assistant to the City Manager Sara Singer; Senior Planner William Harper; Program Coordinator Kathy Kaatz; Executive Assistant Maureen Smith

**A. CALL TO ORDER**

Mayor Lou Ogden called the meeting to order at 7:06 p.m.

The Pledge of Allegiance was led by Councilor Frank Bubenik.

**B. ANNOUNCEMENTS**

**1. Introduction of City Employee - *Jerianne Thompson, Community Services Department, Library Division***

Community Services Director Paul Hennon introduced Jerianne Thompson, who replaced retired Library Public Services Manager Tudy Rogers, and gave a brief background. Council welcomed Ms. Thompson to the City.

**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.*

*Kathy Newcomb, 17515 SW Cheyenne Way, Tualatin, OR , mentioned the State Librarian will be speaking at an upcoming Tualatin Historical Society event, and may be of interest.*

**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.*

Under the **Consent Agenda**, the Resolution regarding dog waste bag station services was removed from the agenda in its entirety at Work Session. Under **General Business**, Resolution No. 5063-11 was placed on the Consent Agenda at Work Session, and Ordinance Nos. 1329-11 and 1331-11 had first and second readings at Work Session and were placed on the Consent Agenda.

MOTION by Council President Monique Beikman, **SECONDED** by Councilor Frank Bubenik to adopt the Consent Agenda as amended and read.

**Vote:** 7 - 0 CARRIED.

1. Approval of the Minutes for the Work Session and Meeting of July 25, 2011 and the Minutes of the Special Work Session of the City Council and Tualatin Planning Advisory Committee of July 27, 2011
2. Resolution No. **5059-11** to Adopt an Intergovernmental Agreement Between the Tigard-Tualatin School District and the City of Tualatin for Safe Schools and Healthy Students
3. Resolution No. **5060-11** Accepting Public Improvements Constructed in Association with Powin - Phase 1
4. Resolution No. **5061-11** Approving an Amendment to the August 23, 2010 "Amended and Restated Non-Statutory Development Agreement" Between the City of Tualatin, Tigard-Tualatin School District 23J and Marquis Companies
5. Resolution No. **5062-11** Authorizing Continuance of the Intergovernmental Agreement Between Washington County and the City of Tualatin for Participation in the Regional Solid Waste and Recycling Cooperative
6. Community Involvement Committee Appointments
7. Resolution No. **5063-11** Allowing the Mayor to Sign an Amendment to the Intergovernmental Agreement with the City of Durham for Police Services
8. Ordinance No. **1329-11** Regarding Dog Control and Amending TMC 6-3
9. Ordinance No. **1331-11** Relating to Storage on the Street; and Amending TMC 8-1-260 and TMC 8-1-280; and Repealing TMC 8-1-270 and 8-1-290

**E. SPECIAL REPORTS**

1. ArtSplash Art Show and Sale Presentation

Tualatin Arts Advisory Committee Chair Buck Braden and Program Coordinator Becky Savino presented a brief PowerPoint on the 16th annual ArtSplash Art Show and Sale event. There were approximately 60 entries in the juried show, and it was noted there were a lot of new people to the show. More than 4,000 people attend the event, and sales totaled more in art work than has ever happened since the event began. Arts Advisory Committee Chair Braden continued with a review of the events that happened during the multi-day event.

Councilor Bubenik, as Council liaison on the Arts Advisory Committee, spoke on the event and said it was a great, well-organized event and also noted the good work that is done by staff and the Arts Advisory Committee. Mayor Ogden thanked everyone involved in producing this year's event.

2. Update on the Transportation System Plan

City Engineer Mike McKillip presented an update on the Transportation System Plan. An app is now available for iPhones for project interaction. The website is up and running at [www.tualatintsp.org](http://www.tualatintsp.org). The video contest has been extended to October to allow for more entries. Mapping is available on the website and there have been approximately 200 comments to date. City Engineer McKillip said there are themes emerging from the comments, such as increasing WES service, and bike/pedestrian services, or lack thereof on Grahams and Boones Ferry Roads. Staff continues to work with the consultants on the technical and public involvements aspects. Staff is also in the process of gathering the comments, expectations and involvement and combining into a scope of work.

Mayor Ogden encouraged everyone to get involved by checking out the website and watch for the opportunities to participate on the "task force" and "working groups" that are going to be happening soon. Councilors Beikman, Brooksby and Davis volunteered to be part of the task force.

City Manager Sherilyn Lombos added in response to the discussion that was held in Work Session, a concern raised by Councilor Davis, to assure that the Community Involvement Organizations (CIOs) are part of the process.

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

1. Amending Architectural Review, Partition, and Subdivision Approval and Extension Periods and Conditional Use Approval Period; and Amending Tualatin Development Code (TDC) 32.080, 32.090, 36.160, 36.240, AND 73.056 Planned Text Amendment (PTA-11-05)

Mayor Lou Ogden opened the public hearing.

Assistant Planner Colin Cortes presented the staff report and entered the entire staff report and attachments into the record. This amendment addresses various issues associated with approval timelines giving various projects additional time, due to the economic recession. The proposal is to increase the architectural review and conditional use approval period from one to two years. There is also additional criteria as outlined in the staff report. Staff has received feedback from the Architectural Review Board and the Planning Advisory Committee, recommending approval and to forward to Council for approval. Staff is also working on setting the fee level for these extensions.

PROPONENTS/OPPONENTS - None.

COUNCIL DISCUSSION

Councilor Bubenik asked and staff explained the recommended fees will be incorporated into the next fee schedule update.

Mayor Ogden closed the public hearing.

COUNCIL DELIBERATION

MOTION by Councilor Joelle Davis, SECONDED by Council President Monique Beikman to direct staff to prepare an ordinance granting Plan Text Amendment 11-05 and establish extension fee(s).

**Vote: 7 - 0 CARRIED.**

2. Amending the Tualatin Planning Advisory Committee (TPAC); and Amending Tualatin Development Code (TDC) 2.060; Plan Text Amendment (PTA-11-06)

Mayor Ogden opened the public hearing.

Assistant Planner Colin Cortes explained the proposed changes to amend the Tualatin Development Code to change the Tualatin Planning Advisory Committee (TPAC) membership from nine to seven, remove term limits, and to establish a majority of appointed members as a quorum.

PROPONENTS

*Paul Sivley, 5190 SW Wichita Street, Tualatin, OR* , chair of the Planning Advisory Committee, said he is happy to see this come before Council and the committee will be a more effective, motivated group.

OPPONENTS - None.

PUBLIC COMMENTS

*Kathy Newcomb, 17515 SW Cheyenne Way, Tualatin, OR* , asked and City Attorney Brenda Braden explained about what constitutes a quorum.

COUNCIL DISCUSSION - None.

Mayor Ogden closed the testimony portion of the public hearing.

### COUNCIL DELIBERATION

MOTION by Council President Monique Beikman, SECONDED by Councilor Joelle Davis to direct staff to prepare an ordinance granting Plan Text Amendment 11-06.

**Vote:** 7 - 0 CARRIED.

### **G. PUBLIC HEARINGS – *Quasi-Judicial***

### **H. GENERAL BUSINESS**

1. Ordinance No. **1328-11** Relating to the Citizen Involvement Organization Program; and Adding a New Chapter 11-9 to the Tualatin Municipal Code
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Mayor Ogden gave a brief background on the Citizen Involvement Organization (CIO) Program and how it arrived at this point. Council has been working with an independent with the ad hoc committee to develop Code language and a boundary map for the program. Public comment will be taken to consider adoption of the draft language and boundary map.

### **PUBLIC COMMENTS**

*Mike Riley, 8720 SW Tualatin Road, No. 223, Tualatin, OR*, said he has been part of the ad hoc committee and thanked everyone for all the work that's been done.

*Chamber of Commerce Board of Directors Kevin O'Malley and Paul Sivley* were present and entered into the record a letter from the Chamber President and CEO regarding the CIO process. The Chamber Board is suggesting modifying the code language to be more prescriptive about all CIO meetings being open to the public and subject to public notice.

*Kathy Newcomb, 17515 SW Cheyenne Way, Tualatin, OR*, spoke about the issue raised about "seven-day notice" and suggested whatever meeting noticing is required should be somewhat like the City's meeting notices. Ms. Newcomb also mentioned her concern about having Council meetings on the same night as other City advisory committees.

Councilor Davis said she believes the noticing issue is already addressed in the proposed code language, and questioned why the Chamber was raising this issue. Mr. O'Malley explained that they are looking at being more *prescriptive* about noticing requirements. Mr. Sivley added there is a seven-day notice requirement, but no mention of when, where, how, etc. Councilor Davis explained this was discussed at the subcommittee level about noticing requirements and to not put an undo burden on the CIOs. Mr. Sivley said it is statute that matters, and he remains concerned about specificity of notice requirements. Mr. O'Malley also added in Chapter 11-9-040, Section 2.B. there had been discussion about being "open to the public" and it is not included in the language. It was noted by Council that it is already included in the beginning of the proposed language.

Mayor Ogden explained the ordinance language and Council's intent. The 24-hour emergency process was addressed by Council to allow for anything that could come up. Councilor Bubenik suggested it could perhaps be addressed in each individual CIO by-laws.

Councilor Truax said he hopes the CIOs will be viable, contributing members of the community. The ordinance is allowing for CIOs to form, and although it is not a prescriptive document, he is comfortable with it as presented. Adjustments can always be made as it moves forward.

Mayor Ogden commented it may not be the answer the Chamber is looking for, and Mr. O'Malley said if Council is okay with the process they are fine, and that if issues arise they can be addressed.

Mayor Ogden closed the public comment testimony.

### COUNCIL DISCUSSION

Councilor Bubenik asked and it was explained about the CIO boundary map and businesses addressed as part of an "overlay" of the map. Mayor Ogden said the businesses are not *locationally* recognized, as is residential.

Council discussion followed. It was suggested to have CIO information and meetings centrally located, and utilizing the City's website.

Council President Beikman thanked the ad hoc committee for the work that's been put into this, but explained she will be voting *no* as she does not agree that the Citizen Involvement Coordinating Committee (CICC) language should be included as part of the code.

It was asked and explained about the vote process and taking first and second readings.

MOTION by Councilor Davis, SECONDED by Councilor Bubenik for a first reading by title only. MOTION by Councilor Davis, SECONDED by Councilor Bubenik for a second reading by title only. The poll was unanimous. MOTION by Councilor Davis, SECONDED by Councilor Bubenik to adopt the ordinance. MOTION CARRIED. [**Vote: 6-1** ; YES - Ogden, Brooksby, Bubenik, Davis, Grimes, Truax; NO - Beikman]

2. Ordinance No. **1330-11** Relating to Boards and Committees; Reducing the Size of the Planning Advisory Committee; Removing Term Limits; and Amending TMC 11-1-020, 11-1-040, 11-2-020, 11-3-030, 11-3-040, 11-4-030, 11-5-030, 11-5-040, AND 11-5-070

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MOTION by Council President Beikman, SECONDED by Councilor Davis for a first reading by title only. MOTION by Council President Beikman, SECONDED by Councilor Davis for a second reading by title only. The poll was unanimous. MOTION by Council President Beikman, SECONDED by Councilor Davis to adopt the ordinance as read. MOTION CARRIED.

**I. ITEMS REMOVED FROM CONSENT AGENDA**

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

**J. COMMUNICATIONS FROM COUNCILORS**

Councilor Bubenik thanked Assistant to City Manager Sara Singer and staff for the work done for the City's booth at this year's Crawfish Festival. Mayor Ogden also thanked everyone who attended, the Chamber for spearheading the festival and the volunteers.

**K. EXECUTIVE SESSION - None.**

**L. ADJOURNMENT**

MOTION by Council President Monique Beikman, SECONDED by Councilor Joelle Davis to adjourn the meeting at 8:37 p.m.

**Vote: 7 - 0 CARRIED.**

Sherilyn Lombos, City Manager



Maureen Smith / Recording Secretary