



# TUALATIN CITY COUNCIL AND TUALATIN DEVELOPMENT COMMISSION

Monday, July 9, 2012

CITY COUNCIL CHAMBERS  
18880 SW Martinazzi Avenue  
Tualatin, OR 97062

**WORK SESSION** begins at 5:00 p.m.  
**REGULAR 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 citizen comments on its agenda - *Item C*, following Presentations, at which time citizens may address the Council concerning any item not on the agenda with each speaker 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.ci.tualatin.or.us/government/CouncilPackets.cfm](http://www.ci.tualatin.or.us/government/CouncilPackets.cfm), 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 City's website, the day of the meeting at [www.ci.tualatin.or.us/government/CouncilPackets.cfm](http://www.ci.tualatin.or.us/government/CouncilPackets.cfm).

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, variances, 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 provided 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

Executive session is a portion of the Council meeting that is closed to the public to allow the Council to discuss certain confidential matters. No decisions are made in Executive Session. The City Council must return to the public session before taking final action.

The City Council may go into Executive Session under the following statutory provisions to consider or discuss: *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)* non-public information or records; *ORS 192.660(2)(g)* matters of commerce in which the Council is in competition with other governing bodies; *ORS 192.660(2)(h)* current and pending litigation issues; *ORS 192.660(2)(i)* employee performance; *ORS 192.660(2)(j)* investments; or *ORS 192.660(2)(m)* security issues. **All discussions within this session are confidential.** Therefore, nothing from this meeting may be disclosed by those present. News media representatives are allowed to attend this session (unless it involves labor relations), but shall not disclose any information discussed during this session.



## OFFICIAL AGENDA OF THE TUALATIN CITY COUNCIL MEETING FOR JULY 9, 2012

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

**B. ANNOUNCEMENTS**

1. Youth Advisory Council Update for July 2012
2. Legacy Meridian Park Medical Center and Tualatin Public Library Partnership
3. National Night Out Announcement

**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.*

**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, 1) 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. Approval of the Minutes for the Work Session and Meeting of June 25, 2012
2. Resolution Setting a Hearing Date to Consider Vacating a Portion of SW Sagert Street Right-of-Way Adjacent to 9440 SW Sagert Street
3. Approval of a Change in a Liquor License Application Additional Privilege for Pastini Pastaria Restaurant

**E. SPECIAL REPORTS**

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

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

**H. GENERAL BUSINESS**

**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**

**K. EXECUTIVE SESSION**

**L. ADJOURNMENT**

**City Council Meeting**

**B. 1.**

**Meeting**

**Date:**

07/09/2012

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**ANNOUNCEMENTS**

Youth Advisory Council Update for July 2012

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**Attachments**

A - PowerPoint YAC Update



July 2012

# TUALATIN YOUTH ADVISORY COUNCIL

# YAC End-of-Year BBQ



# Welcome New Executive Board!

- YAC Co-Chairs
  - Bella Koessler
  - Ryan Houlberg
  - Maddie Simmons
- Records Coordinator
  - Jennie Shen
- Finance Coordinator
  - Aparna Govindan
- Communications Coordinator
  - Mandy Pozo
- Community Relations Coordinator
  - Tyler Inberg

# TualaFest 2012



- Teen Battle of the Bands
- Friday, August 10, 6:30-9:30pm
- Tualatin Community Park
- YAC reviewing band applications

*Tualatin YAC – Youth Participating in Governance*

# New Member Recruitment

- Deadline for applications is July 31<sup>st</sup>
- YAC will be reviewing applications and conducting interviews
- Excited to get new members on board!



# Movies on the Commons



## Thank you Sponsors!

- US West Coast TaeKwonDo
- A Group Real Estate
- Azimuth Communications
- Tualatin Chamber of Commerce
- Community Newspapers
- Roxy's Island Grill

*Tualatin YAC – Youth Participating in Governance*

# Movies on the Commons

- July 7 Flushed Away
- July 14 Puss in Boots
- July 21 Ghostbusters
- July 28 The Lion King
- August 4 Tron Legacy
- August 11 The Muppets
- August 18 Kung Fu Panda 2



**City Council Meeting**

**B. 2.**

**Meeting**

**Date:**

07/09/2012

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**ANNOUNCEMENTS**

Legacy Meridian Park Medical Center and Tualatin Public Library Partnership

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**Attachments**

A - PowerPoint

# Legacy Meridian Park Medical Center & Tualatin Public Library Partnering to Provide Health Information in Tualatin



- ▶ 143 books & DVDs donated
- ▶ Ongoing financial support



MERIDIAN PARK  
MEDICAL CENTER





- ▶ Brochures
- ▶ Rotating Displays
- ▶ Health programs
- ▶ Health information from librarians



# Thank you



*City of Tualatin*



**MERIDIAN PARK**  
MEDICAL CENTER

**City Council Meeting**

**B. 3.**

**Meeting**  
**Date:** 07/09/2012

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**ANNOUNCEMENTS**

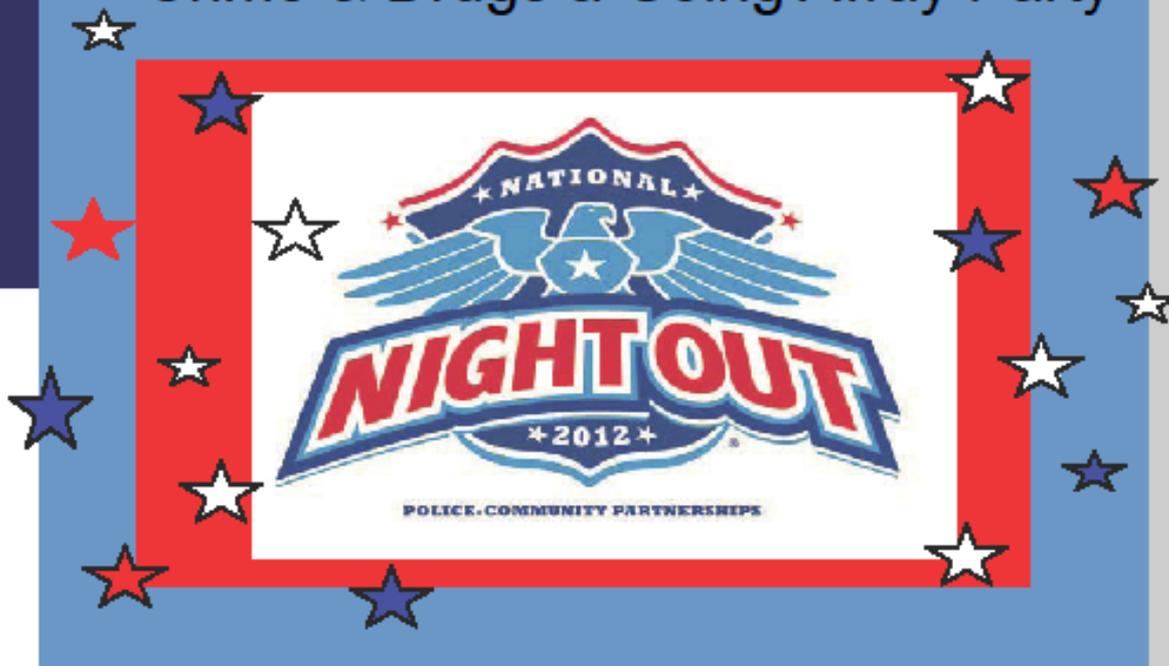
National Night Out Announcement

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**Attachments**

A - PowerPoint

Take a Stand... Give Neighborhood  
Crime & Drugs a Going Away Party



Tuesday, August 7, 2012

4-9pm

29th Annual National Night Out

*Register your party with Jennifer Massey (503) 691-4846. Tualatin  
Police Officers and McGruff the Crime Fighting Dog will visit you!*





# STAFF REPORT

## CITY OF TUALATIN

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

**THROUGH:** Sherilyn Lombos, City Manager

**FROM:** Maureen Smith, Deputy City Recorder

**DATE:** 07/09/2012

**SUBJECT:** Approval of the Minutes for the Work Session and Meeting of June 25, 2012

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

The issue before the Council is to approve the minutes of the work session and meeting of June 25, 2012.

### **RECOMMENDATION:**

Staff respectfully recommends that the Council adopt the attached minutes.

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**Attachments:** A - Work Session Minutes of June 25, 2012  
B - Meeting Minutes of June 25, 2012



## OFFICIAL MINUTES OF TUALATIN CITY COUNCIL WORK SESSION FOR JUNE 25, 2012

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Present: Mayor Lou Ogden; Council President Monique Beikman; Councilor Wade Brooksby (arrived at 6:04 p.m.); Councilor Frank Bubenik; Councilor Joelle Davis; Councilor Nancy Grimes; Councilor Ed Truax

Staff Present: City Manager Sherilyn Lombos; City Attorney Brenda Braden; Police Chief Kent Barker; Community Development Director Alice Rouyer; Operations Director Dan Boss; Community Services Director Paul Hennon; Finance Director Don Hudson; Deputy City Manager Sara Singer; Engineering Manager Kaaren Hofmann; Management Analyst Ben Bryant; Deputy City Recorder Maureen Smith

### 1. **CALL TO ORDER**

The Work Session was called to order at 5:00 p.m. and Council immediately went into executive session pursuant to ORS 192.660(2)(e) to discuss real property transactions.

The remainder of the Work Session continued at 5:31 p.m.

### 2. ***Executive Session***

An Executive Session pursuant to ORS 192.6602)(e) to discuss real property transactions was held at the beginning of the Work Session.

### 3. **Business License Fees**

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Finance Director Don Hudson and Community Development Director Alice Rouyer began the discussion on proposed revisions to the City business license fee schedule. The City's economic development division had been funded prior to 2010, through urban renewal. With revenue no longer collected and once the previous Development Manager vacated the position this past November, there was no longer supported funding of Economic Development staff. The business community, the Budget Advisory Committee and Council have expressed support for continuing the vital services of the economic development program and it provides to the City's local economy. Long-term sustainable funding strategies for an economic development program were done, and a detailed analysis was conducted of Tualatin's business licenses. The proposed economic development manager position is funded for 2012/13, but future funding needs to be determined.

The current business license structure and associated fees were reviewed, with examples of comparables in other surrounding cities. The inequities of the City's current business license fees with larger employers as compared to other cities was explained. A proposed rate structure was shown, and an example of the potential impact to businesses, both large and small. The benefits of what the economic development program can provide to businesses was reviewed and

discussed. The next steps of implementation of the change in fees was shown.

Discussion followed, and concern was expressed about understanding and getting buy-in from the business community. Raising the business license fees to support the economic development program is one component of the program. The importance of providing adequate outreach to businesses and their expectations of what services will be provided by increasing business license fees was discussed. It was also mentioned that the economic development manager should be the contact with the businesses. It was suggested to work with the Commercial Citizen Involvement Organization (CIO), the Chamber, and other outreach that can be done about development of the program and what services will be provided by the fee increase.

Chamber of Commerce CEO Linda Moholt submitted a letter in support of the program, and said the Chamber is looking forward to working with staff and Council on the program.

Consensus of all Council present was to proceed with the staff proposal.

#### 4. Transportation System Plan (TSP) Update

Community Development Director Alice Rouyer and Engineering Manager Kaaren Hofmann presented information on the preliminary evaluation results of the Transportation System Plan (TSP).

A PowerPoint was given of the presentation outline that covered an overview of the evaluation process. Highlights were reviewed by each working group topic area comprised of Bicycle and Pedestrian, Downtown, Industrial and Freight, Major Corridors and Intersections, Neighborhood Livability, and Transit. Since April, the project screening process was discussed with the City Council, Tualatin Planning Commission, and the Parks Advisory Committee. The evaluation framework was finalized and a preliminary evaluation was conducted, with a summarized evaluation by criteria category, taking into account the seven TSP goals and objectives. Areas for additional analysis were also reviewed that include: 1) Tualatin-Sherwood Road options, 2) Nyberg interchange options, 3) Boones Ferry Road options, 4) north to south connectivity, 5) Herman Road and Tualatin Road options, and 6) Tualatin's downtown circulation.

Brief discussion followed. A timeline of the TSP progress was shown, and the next steps in the process were reviewed by Development Director Rouyer.

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

##### **CONSENT AGENDA REVIEW**

Council reviewed the Consent Agenda with no comments or changes.

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

**Item H-3** Ordinance No. **1347-12** Adopting the Core Area Parking District Tax Rate and Credit for Fiscal Year 2012/13

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

**Item H-4** Ordinance No. 1348-12 Updating the Road Utility Fee; and Amending TMC 3-4-080

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

#### **COMMUNICATIONS FROM COUNCILORS**

Councilor Bubenik mentioned a call he received on a towing issue. The person had parked at a local business and was in the process of being towed. To take the car off the "hook," \$200 in cash was needed. If the person had not had cash, the car would have been towed at a cost of \$500.

City Manager Lombos briefly updated Council on this issue. A letter along with a draft ordinance has been sent to all affected businesses and multi-family residential with an explanation of the proposed towing ordinance and requesting their feedback. Council will be revisiting this issue in August.

#### **6. ADJOURNMENT**

The Work Session adjourned at 6:25 p.m.

Sherilyn Lombos, City Manager



Maureen Smith, Recording Secretary



## OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR JUNE 25, 2012

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

Staff Present: City Manager Sherilyn Lombos; City Attorney Brenda Braden; Police Chief Kent Barker; Community Development Director Alice Rouyer; Community Services Director Paul Hennon; Finance Director Don Hudson; Deputy City Manager Sara Singer; Engineering Manager Kaaren Hofmann; Management Analyst Ben Bryant; Deputy City Recorder Maureen Smith

### A. CALL TO ORDER

Mayor Ogden called the meeting to order at 7:00 p.m.

The Pledge of Allegiance was led by Councilor Grimes.

### B. ANNOUNCEMENTS

#### 1. Proclamation Declaring the Month of July 2012 as National Park and Recreation Month

Councilor Bubenik read the proclamation declaring July 2012 as National Park and Recreation Month in the City of Tualatin.

#### 2. Proclamation Honoring the City Attorney Upon the Occasion of Her Retirement

City Manager Sherilyn Lombos recognized City Attorney Brenda Braden, upon her impending retirement, for her dedication and commitment to the City of Tualatin and community for her 17 years of service. Mayor Ogden and Council noted their appreciation and regard for City Attorney Braden's tenure and respect for the job she had done over the years.

Mayor Ogden read the proclamation honoring the City Attorney on the occasion of her retirement, declaring Friday, June 29, 2012 as "Brenda Braden Day" in the City of Tualatin.

### C. CITIZEN COMMENTS

*Kathy Newcomb, (address on record), Tualatin, OR,* spoke about being able to enhance service to existing businesses, and that would help with relieving traffic on Tualatin-Sherwood Road. She suggested a "loop road with bus service would be needed going from east to west, and noted that there is also not a TriMet Park and Ride on Highway 99W, compared to other cities.

Ms. Newcomb also thanked Operations Maintenance Manager Clayton Reynolds for his work on providing hearing aid enhancements for the Council Chambers, Police, and Library meeting rooms.

#### *Gateway Feature Ribbon Cutting Event*

Mayor Ogden wanted to note the ribbon cutting that took place earlier in the evening on the gateway project. Janelle Baglien, Studio Art Direct, and Rip Caswell, sculptor, were present.

Ms. Baglian said the project is her design and Mr. Caswell created the bronzework. Ms. Baglian said, on behalf of Mr. Caswell, herself, and others, that it was a privilege and honor to work on the project. It was a great group of people and the process went smoothly. She said the idea for the concept was to bring the nature that is intertwined in Tualatin out to the doorstep of the entrance to the community, and to be representational, not abstract. The rock is sandstone, and Aamon Hughes did the water feature. Ms. Baglien and Mr. Caswell worked together on the art portion of the project. The idea behind the geese was explained by Ms. Baglien and that she wanted to give a nod to the Native Americans and their reverence of geese.

Rip Caswell said the geese are cast out of bronze, and mentioned the appropriateness of incorporating geese with Tualatin integrated in nature. Mr. Caswell said he commends the City of Tualatin for the pursuit of excellence and quality. As a sculptor, Mr. Caswell said he was honored to be a part of the project, and acknowledged the jobs this project provided to many people.

Council thanked the artists and everyone for the work that has been done on this project.

## **D. CONSENT AGENDA**

Ordinance No. **1347-12** Adopting the Core Area Parking District Tax Rate and Credit for FY 2012/13; and Ordinance No. **1348-12** Updating the Road Utility Fee; and Amending TMC 3-4-080, had first and second reading by title only at the Work Session and placed on the Consent Agenda.

MOTION by Council President Monique Beikman, SECONDED by Councilor Nancy Grimes to adopt the Consent Agenda as amended and read.

**Vote:** 7 - 0 MOTION CARRIED

1. Approval of the Minutes for the Meeting of June 11, 2012

2. Resolution No. **5101-12** Amending Sewer and Surface Water Management Rates Inside the City of Tualatin and Rescinding Resolution 5039-11
3. Resolution No. **5102-12** Authorizing Changes to the Adopted 2011-2012 Budget
4. Resolution No. **5103-12** Certifying City of Tualatin Municipal Services
5. Resolution No. **5104-12** Approving Amendment No. 1 to an Intergovernmental Agreement with Metro for the 2006 Natural Areas Bond Measure Local Share Component
6. Resolution No. **5105-12** Approving and Authorizing the Provision of Workers' Compensation Insurance Coverage to Volunteers of the City of Tualatin and Repealing Resolution No. 5032-11
7. Resolution No. **5106-12** Consenting to the Assignment of Development Agreement by Boones Ferry Road Apartments Investors LLC and National Bank of Arizona
8. **H-3** Ordinance No. **1347-12** Adopting the Core Area Parking District Tax Rate and Credit for Fiscal Year 2012/13
9. **H-4** Ordinance No. **1348-12** Updating the Road Utility Fee; and Amending TMC 3-4-080

**E. SPECIAL REPORTS**

1. Transportation System Plan (TSP) Online Open House Presentation

Community Development Director Alice Rouyer and Eryn Kehe, JLA & Associates presented information on the upcoming online;"open forum" for the Transportation System Plan (TSP) that will be on the City's website, and will be available from July through August.

Ms. Kehe presented a PowerPoint with the first views of the online forum site, and explained the forum will include an interactive map with projects proposed to be included in the TSP. It is currently in beta testing and will go live July 1, and be open through the end of August. Ms. Kehe gave a demo of the online forum and the information that will be available. It will allow for people to engage back and forth on ideas and issues that are important to the community.

Brief discussion followed on the process of the online forum and how information about the forum will be disseminated to the community. It was asked and answered that staff will be attending events and activities over the summer, "bookmarks" will be ready for distribution in the community, and an article will be on the front page of the July newsletter. A short video on the project will also be done. It was suggested that the members of the Transportation Task Force could assist with getting the information out to the community, and staff will be meeting with all Citizen Involvement Organizations (CIOs). It was mentioned about including the faith community, service clubs such as Rotary, etc. and to use as many contact databases as possible.

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

1. Resolution No. **5107-12** Declaring the City's Election to Receive State Revenue Sharing Funds During Fiscal Year 2012-13
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Mayor Ogden opened the public hearing.

Finance Director Don Hudson noted the requirement of holding two public hearings in order to receive state shared revenue funds. This is the second public hearing, the first was held on May 30, 2012 with the Budget Advisory Committee. Director Hudson reviewed the criteria that needs to be met to receive the state shared revenue. Tualatin will receive \$254,800 for general city operations. These revenues are not restricted by the State and are therefore used as a General Fund revenue source.

Mayor Ogden opened the floor to accept comments from the public.

*Linda Moholt, Tualatin Chamber of Commerce CEO* , asked for clarification if the tax is new and Director Hudson replied it is required and is the same every year.

The public hearing closed.

MOTION by Councilor Ed Truax, SECONDED by Council President Monique Beikman to adopt the resolution declaring the City's election to receive state revenue sharing funds during the 2012/13 fiscal year.

**Vote: 7 - 0 MOTION CARRIED**

2. Resolution No. **5108-12** Adopting the City of Tualatin Budget for the Fiscal Year Commencing July 1, 2012, Making Appropriations, Levying Ad-Valorem Taxes, and Categorizing the Levies
- 

Mayor Ogden opened the public hearing.

Finance Director said the hearing is to adopt the Fiscal Year 2012/13 budget, after considering public input. The total budget is \$66,362,995. The tax rate would be approved at \$2.2665 per \$1,000 taxable assessed value, with \$995,000 to be levied for bonded debt. The bond levy is excluded from limitation for local

government operations.

Finance Director Hudson said he was proud to again present a fiscally responsible budget, which the Budget Advisory Committee approved on May 30, 2012. He said some changes have been made since the Budget Advisory Committee approval, and noted that Council has the ability to make changes to the budget up to 10% for items such as carry-overs, etc. The proposed changes were reviewed, and the budget presented includes the changes from the three funds - General, Building, and Road Funds, none of which exceed 10%

Finance Director Hudson said staff recommends that Council adopt the resolution adopting the FY 2012/13 budget as presented.

Mayor Ogden opened the floor to accept any comments from the public. Hearing none, Mayor Ogden went on to thank the Budget Advisory Committee for their time in this process. He also mentioned that Tualatin's tax rate is one of the lowest in the State of Oregon, and is the lowest in the Metro area, and is proud the community has staff, and the leverage of volunteer efforts that is of great value, providing the level of services at Tualatin's current tax rate.

Mayor Ogden closed the public hearing.

MOTION by Council President Monique Beikman, SECONDED by Councilor Frank Bubenik to adopt the resolution, which includes the Budget Committee-approved Fiscal Year 2012-2013 Budget, with additional changes as outlined in the staff report.

**Vote:** 7 - 0 MOTION CARRIED

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

**H. GENERAL BUSINESS**

1. Resolution No. **5109-12** Approving an Agreement with Loaves & Fishes Centers, Inc. to provide a Nutrition Program at the Juanita Pohl Center
- 

Community Services Director Paul Hennon presented information on the Loaves & Fishes Centers, Inc. nutrition program at the Juanita Pohl Center. Executive Director Joan Smith and Operations Director Brent Horn from Loaves & Fishes were also present. Director Hennon noted the shift of management of the Center, and Loaves & Fishes has provided the nutrition program for the past thirty years and will continue to do so.

Director Hennon said it had been suggested by Loaves & Fishes and several residents that the City consider assuming the responsibility of the Pohl Center while continuing the partnership with Loaves & Fishes to provide nutrition services, which would allow for L&F's limited resources to focus on its primary mission of providing nutrition services and the City can achieve the Council Goal of developing recreation, fitness, social, arts and cultural, life-long learning, and other programs for older adults and people of all ages by managing the Pohl Center, Van Raden Community Center, and Lafky House as a multigenerational complex.

The Agreement is needed as the City will begin managing and staffing the Pohl Center, and the current agreement with Loaves & Fishes needs to be replaced to reflect its role in providing the Nutrition Program. The agreement will be effective August 1, 2012. The program is provided in compliance with the senior nutrition program between Loaves & Fishes Centers and Washington County.

Mayor Ogden respectfully acknowledged the 30 year relationship with the City and the Loaves & Fishes organization and for the services provided to Tualatin and thanked Ms. Smith and Mr. Horn for the years of service and to continuing with the partnership. Mayor Ogden presented a plaque, accepted by Executive Director Joan Smith, recognizing Loaves & Fishes and the years of service and partnership with Tualatin. Ms. Smith thanked Council for inviting them to attend the meeting, and only through partnerships such as these, that can multiply and meet the needs of Loaves & Fishes.

MOTION by Council President Monique Beikman, SECONDED by Councilor Joelle Davis to adopt the resolution approving the agreement with Loaves & Fishes, Inc. to provide a nutrition program at the Juanita Pohl Center.

**Vote: 7 - 0 MOTION CARRIED**

**2. Resolution No. 5110-12 Recognizing the Formation of Citizen Involvement Organization Three (CIO 3)**

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Deputy City Manager Sara Singer presented information and a brief PowerPoint on the recognition of the formation of Citizen Involvement Organization (CIO) 3, and is the fifth that has been formed. President of CIO 3, Alex Simshaw, and secretary Tammy Palumbo were present and said they are looking forward to getting to better know their neighbors and encouraging neighborhood involvement that will strengthen the community.

MOTION by Councilor Ed Truax, SECONDED by Councilor Joelle Davis to adopt the Resolution recognizing the formation of CIO 3.

**Vote: 7 - 0 MOTION CARRIED**

- I. ITEMS REMOVED FROM CONSENT AGENDA**
- J. COMMUNICATIONS FROM COUNCILORS**
- K. EXECUTIVE SESSION**

**L. ADJOURNMENT**

MOTION by Council President Monique Beikman, SECONDED by Councilor Joelle Davis to adjourn the meeting at 8:13 p.m.

**Vote:** 7 - 0 MOTION CARRIED

Sherilyn Lombos, City Manager



Maureen Smith Maureen Smith / Recording Secretary



# STAFF REPORT

## CITY OF TUALATIN

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

**THROUGH:** Sherilyn Lombos, City Manager

**FROM:** Tony Doran, Engineering Associate  
Kaaren Hofmann, Engineering Manager

**DATE:** 07/09/2012

**SUBJECT:** Resolution Setting a Hearing Date to Consider Vacating a Portion of SW Sagert Street Right-of-Way Adjacent to 9440 SW Sagert Street

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

Staff is requesting that the City Council set a hearing date to vacate a portion of SW Sagert Street right-of-way adjacent to 9440 SW Sagert Street.

### **RECOMMENDATION:**

Staff recommends that the City Council accept a resolution setting a hearing date for the vacation.

### **EXECUTIVE SUMMARY:**

Ron and Julie Collins own property at 9440 SW Sagert Street, Tax Lot and Map 2S126AB04500. On March 5, 1987 the Collins' dedicated right-of-way beyond the existing 60-foot width to allow SW Sagert Street to end in a cul-de-sac.

On April 26, 2004 City Council approved an option for the extension of SW Sagert Street to SW 95th Place with a 60-foot width to minimize the impacts to adjacent properties. The SW Sagert Street extension and SW 95th Place were constructed during 2004-2005. Because there is no need for this piece of property, staff is initiating the process for the City Council to consider vacating this portion of right-of-way. The vacation process is laid out from ORS 271.080 through 217.230 and requires that the City Council set a public hearing date, hold a public hearing and adopt an ordinance vacating the right of way.

The hearing date is proposed to be August 13, 2012 at which time staff will bring forward an ordinance finalizing this process.

### **FINANCIAL IMPLICATIONS:**

This is a City initiated vacation with no required fees. The City will pay the costs for mailing and posting notices of the vacation hearing plus recording of the vacation.



RESOLUTION NO. \_\_\_\_\_

RESOLUTION SETTING A HEARING DATE TO CONSIDER  
VACATING A PORTION OF SW SAGERT STREET RIGHT-OF-  
WAY ADJACENT TO 9440 SW SAGERT STREET

WHEREAS SW Sagert Street is now constructed through to SW 95th Place there is no longer a need for a cul-de-sac at 9440 SW Sagert Street, and

WHEREAS it is timely to vacate the dedication previously provided by the Collins on SW Sagert Street in excess of the existing 60-foot width, and

WHEREAS City Staff is initiating this vacation, and

WHEREAS ORS 271.100 requires establishment of a public hearing date for a vacation of right-of-way

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

Section 1. The City Council establishes a hearing date of August 13, 2012 to consider whether to vacate a portion of SW Sagert Street right-of-way adjacent to 9440 SW Sagert Street.

INTRODUCED AND ADOPTED this 9<sup>th</sup> day of July, 2012.

CITY OF TUALATIN, OREGON

By \_\_\_\_\_  
Mayor

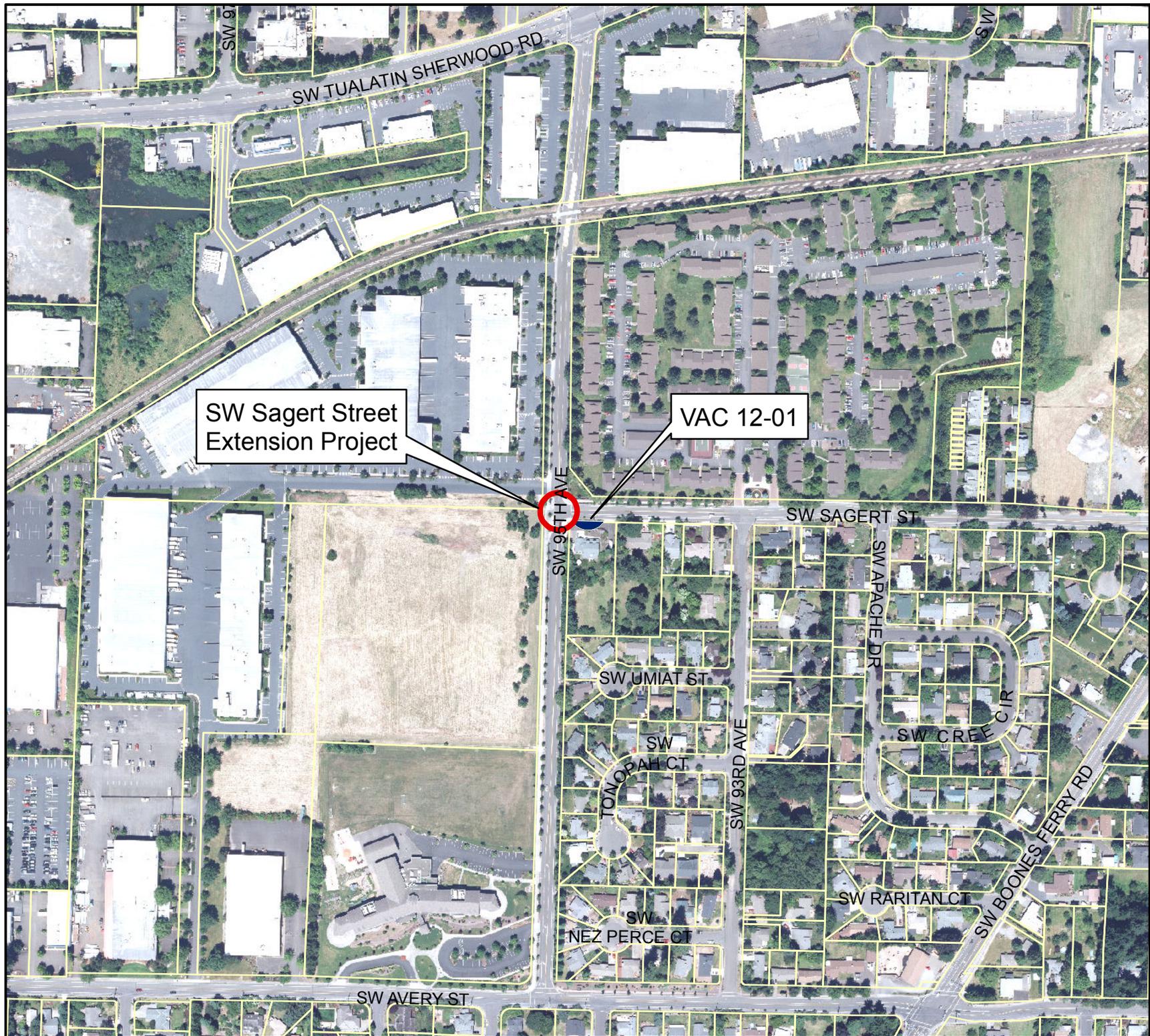
ATTEST:

By \_\_\_\_\_  
City Recorder

Resolution No. \_\_\_\_\_

# VAC 12-01

## Vicinity Map



**VAC 12-01**

9440 SW Sagert Street

SW Sagert Street  
Extension Project

SW Sagert St

SW 95th PI



Area to be  
Vacated  
(0.026 acres)



RESOLUTION NO. 1952-87

A RESOLUTION ACCEPTING ONE (1) DEED OF DEDICATION  
FOR STREET RIGHT-OF-WAY PURPOSES ALONG S.W. SAGERT STREET  
FROM RONALD W. AND JULIE M. COLLINS

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

Section 1. That the Deed of Dedication (attached hereto) is  
for the dedication of property described on the deed to be used  
and held by the City for street, road, right-of-way, and public  
utility purposes, and is hereby accepted by the City of Tualatin  
for the purposes herein stated;

Section 2. That the City Recorder be instructed to cause  
said Deed of Dedication to be recorded on the Book of Records of  
the Washington County Recorder.

INTRODUCED AND ADOPTED this 23rd day of March, 1987.

CITY OF TUALATIN, OREGON

By Luanna D. Shielke  
Mayor

ATTEST:

By Stephen A. Rhodes  
City Recorder

13.00  
10.00  
m

87016931

CITY OF TUALATIN - STANDARD, INDIVIDUAL

DEED OF DEDICATION

KNOW ALL PEOPLE BY THESE PRESENTS, that Ronald William Collins, Jr. and Julie M. Collins, husband and wife, hereinafter called the GRANTORS, do hereby grant unto the City of Tualatin, hereinafter called the CITY, its successors in interest and assigns, all the following real property with the tenements, hereditaments and appurtenances, situated in the County of Washington, State of Oregon, to be used and held by the CITY for street, road, right-of-way and public utility purposes, bounded and described as follows, to wit:

A tract of land in the Northwest quarter, of the Northeast quarter of Section 26, Township (2) South, Range (1) West, Willamette Meridian, Washington County, Oregon, said tract being a portion of that parcel of land conveyed to Ronald William Collins, Jr. and Julie M. Collins, husband and wife, as recorded December 20, 1985 as fee No. 85050309 of the Washington County Records, said tract of land being more particularly described as follows:

Commencing at the North one quarter corner of said Section 26, and running thence S0°02'W 30.00 feet; thence N89°37'E 10.22 feet to the TRUE POINT OF BEGINNING of the tract herein described, being on the South line of S.W. Sagert Street; continuing thence N89°37'E 80.00 feet along said South line of S.W. Sagert Street; thence southwesterly along a 50.00 foot radius curve to the right (non-tangent) 92.73 feet along the arc thru a central angle of 106°15'45" (the long chord bears S89°37'W 80.00 feet) to the TRUE POINT OF BEGINNING. Containing 0.026 acres.

All bearings and distances are based on Washington County Survey Number 6025.

TO HAVE AND TO HOLD, the above described and granted premises unto the said CITY, its successors in interest and assigns forever.

The true consideration of this conveyance is none (CH per Julie Collins 3-17-87) and other valuable consideration, the receipt of which is hereby acknowledged by GRANTORS.

And the GRANTORS above named hereby covenants to and with the CITY, and CITY's successors in interest and assigns that GRANTORS is lawfully seized in fee simple of the above granted premises, free from all encumbrances

and that GRANTORS and their heirs and personal representatives shall warrant and forever defend the said premises and every part thereof to the CITY, its successors in interest and assigns against the lawful claims and demands of all persons claiming by, through, or under the GRANTORS.

WITNESS our hands and seals this 5 day of March, 19 87.

Ronald W. Collins (Seal)  
Julie Marie Collins (Seal)

STATE OF OREGON )  
County of Washington ) ss

On this 5th day of March, 1987, before me, the undersigned, a Notary Public, personally appeared RONALD W. COLLINS, Jr. and JULIE MARIE COLLINS and acknowledge the foregoing instrument to be their voluntary act and deed.

Before me: Linda Kelleher  
Notary Public for Oregon

My Commission Expires: 2-23-90



The undersigned City Manager of the City of Tualatin, being duly authorized and directed by the Council of the City of Tualatin, pursuant to Resolution No. 1952-87, does hereby approve and accept the foregoing

Deed of dedication

on behalf of the City of Tualatin.

Dated this 23 day of March, 1987.

Michael M Killip  
acting City Manager

After recording, return to:  
City of Tualatin  
P. O. Box 369  
Tualatin, OR 97062

STATE OF OREGON  
County of Washington

} SS

I, Donald W. Mason, Director of Assessment and Taxation and Ex-Officio Recorder of Conveyances for said county, do hereby certify that the within instrument of writing was received and recorded in book of records of said county.

Donald W. Mason, Director of  
Assessment and Taxation, Ex-  
Officio County Clerk

1987 APR -6 PM 3:42

# JOHN'S ACRES

IN SECTION 26, T2S, R1W, W.M.  
WASHINGTON COUNTY, OREGON

SCALE - 1" = 100'

*H.P. Barron*  
County Surveyor

MAY, 1949  
Stone

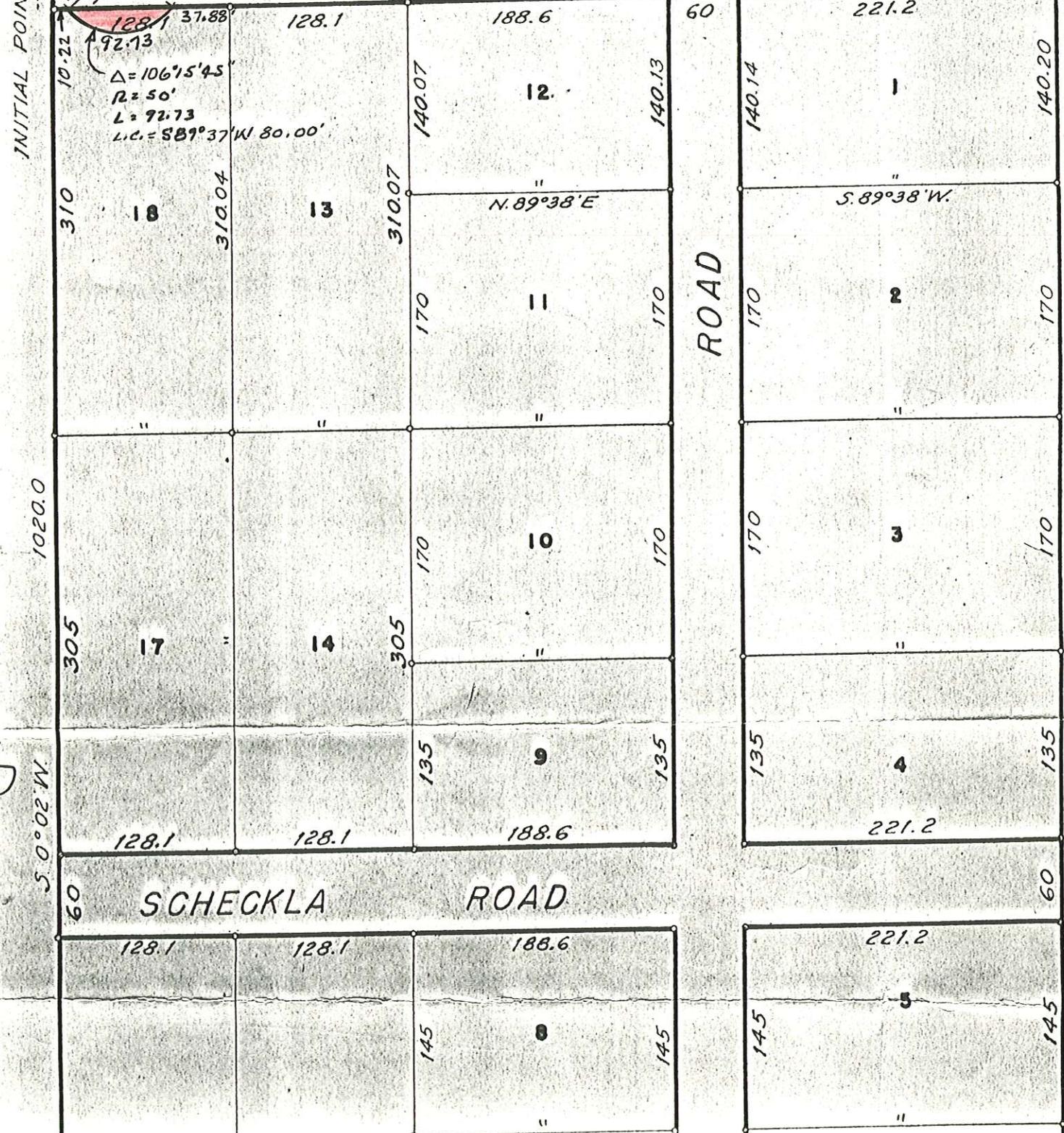
INITIAL POINT

30' Wide Road dedicated in Tualatin Gardens  
**GALBREATH AVENUE**

S. 89° 37' W.

726.0

30.30



1020.2

N. 0° 02' E.

60

145

145

S 49° 17' 23" E 107.85  
1/4 CORNER

5 CH.

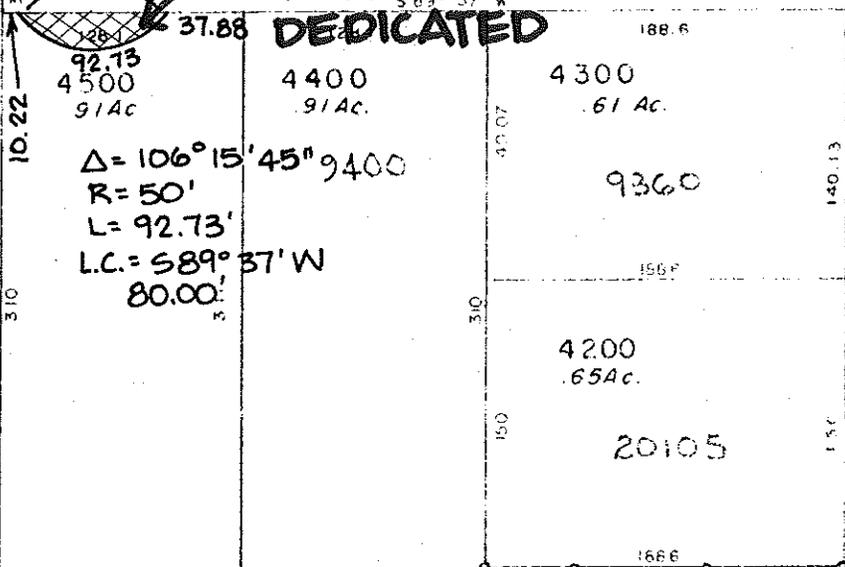
5 CH. N 89° 29' 45" E 94

SW

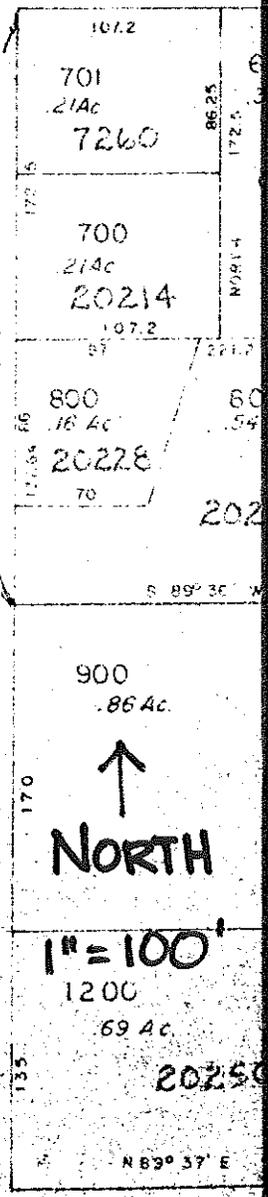
SAGERT

AREA TO BE DEDICATED

726.00  
DEDICATION 61-1857



$\Delta = 106^{\circ} 15' 45''$   
 $R = 50'$   
 $L = 92.73'$   
 $L.C. = 589^{\circ} 37' W$   
 $80.00'$



AVENUE

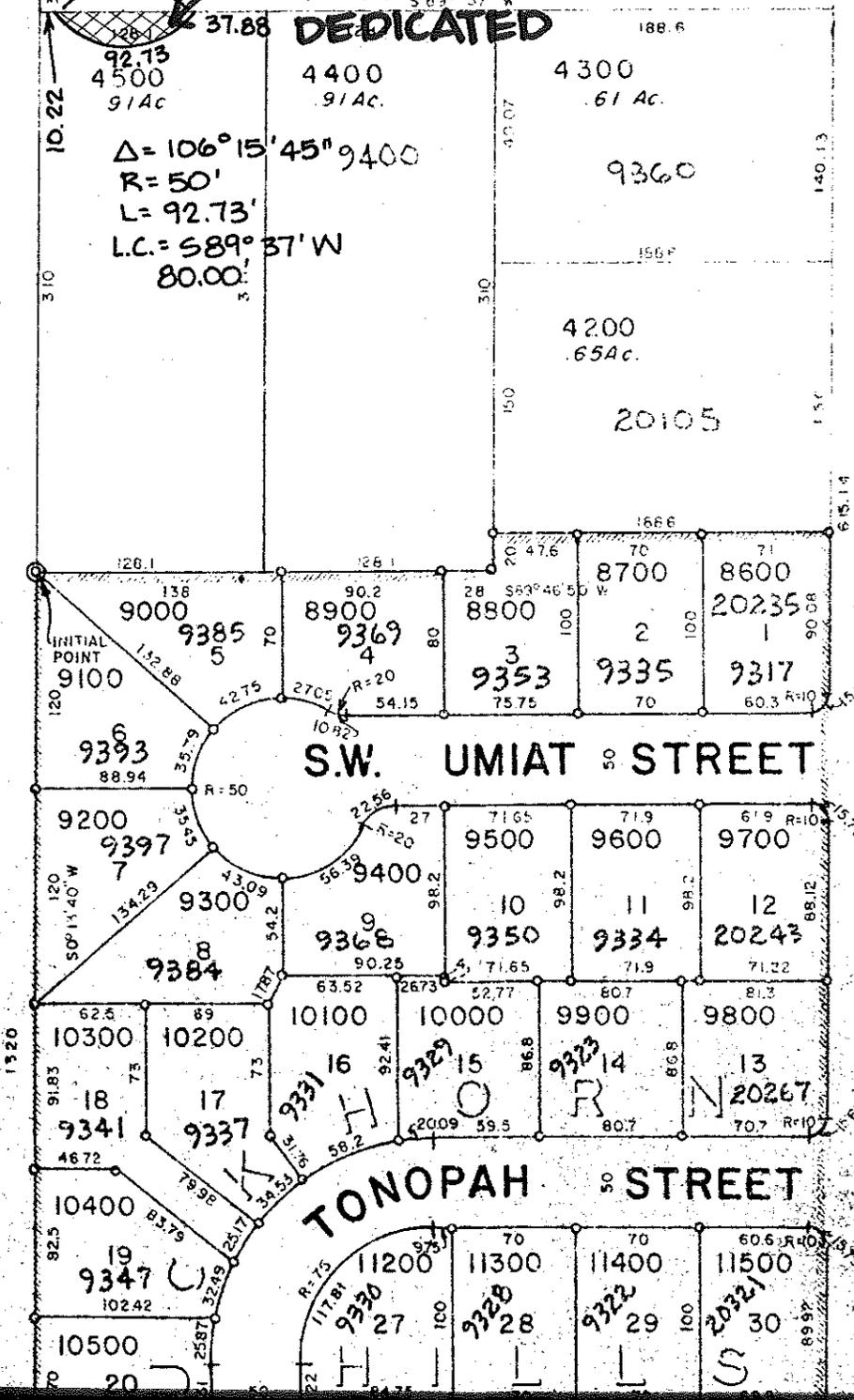
S.W. UMIAT STREET

NORTH

1" = 100'

TONOPAH STREET

93rd



INITIAL POINT  
9100

18  
9341

19  
9347

16  
9331

15  
9329

14  
9323

13  
20267

27  
9330

28  
9328

29  
9322

30  
20321

DEDICATION

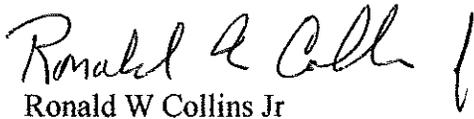
20270

21 June 2012

Tony Doran, EIT  
Kaaren Hofmann, Engineering Manager

Ronald and Julie Collins of 9440 SW Sagert St. Tualatin OR. are in support of of the re-dedication of our property back to us. At the design meeting in 2004 of the west end of Sagert and 95th St improvement, we asked to have the property returned. We had a verbal agreement with the city council that this was to be accomplished. In course of business to construct a new home on the property, we discovered that this was in fact never resolved. In meetings with Tony he said he would look into this matter. With the help of Tony and Kaaren, they have provided the assistance to proceed with this vacation request. We are in full support of this vacation.

Re: City's Vacation 12-01  
Tax Lot and Map #2S126AB04500  
9440 SW Sagert St. Tualatin OR 97062



Ronald W Collins Jr



Julie Marie Collins



# STAFF REPORT

## CITY OF TUALATIN

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

**THROUGH:** Sherilyn Lombos, City Manager

**FROM:** Maureen Smith, Deputy City Recorder

**DATE:** 07/09/2012

**SUBJECT:** Approval of a Change in a Liquor License Application Additional Privilege for Pastini Pastaria Restaurant

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

The issue before the Council is to approve a Change of Liquor License application - Additional Privilege for Pastini Bridgeport, LLC dba Pastini Pastaria Restaurant.

### **RECOMMENDATION:**

Staff respectfully recommends that the Council approve endorsement of the liquor license application additional privilege for Pastini Pastaria Restaurant.

### **EXECUTIVE SUMMARY:**

Pastini Bridgeport, LLC dba Pastini Pastaria has submitted a change in their previous liquor license application, under the category of Off-Premises Sales, Commercial Establishment *Additional Privilege*. Off Premises Sales allows the sale of malt beverages, wine & cider in factory sealed containers for consumption off the licensed premises & allows approved licensees to offer sample tasting of malt beverages, wine & cider. The business is located at 7307 SW Bridgeport Road. The application is in accordance with provisions of Ordinance No. 680-85 which established a procedure for review of liquor licenses by the Council.

Ordinance No. 680-85 establishes procedures for liquor license applicants. Applicants are required to fill out a City application form, from which a review by the Police Department is conducted, according to standards and criteria established in Section 6 of the ordinance. The Police Department has reviewed the new liquor license application and recommended approval.

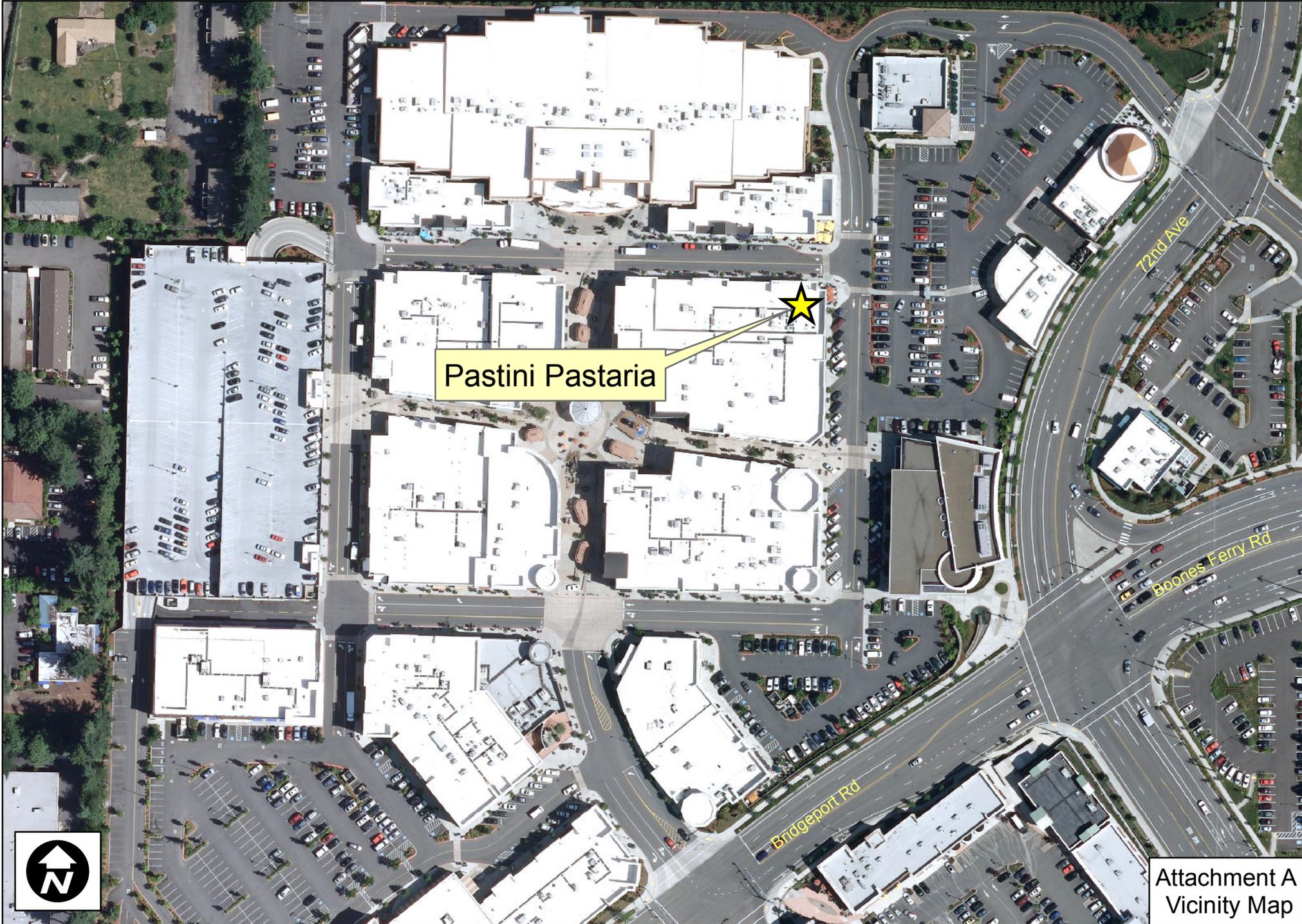
According to the provisions of Section 5 of Ordinance No. 680-85 a member of the Council or the public may request a public hearing on any of the liquor license requests. If such a public hearing request is made, a hearing will be scheduled and held on the license. It is important that any request for such a hearing include reasons for said hearing.

### **FINANCIAL IMPLICATIONS:**

A \$75 change in previous application fee has been paid by the applicant.

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**Attachments:**    A - Vicinity Map  
                          B - License Types  
                          C - Application



## OREGON LIQUOR CONTROL COMMISSION

### LICENSE TYPES

#### FULL ON-PREMISES SALES

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

#### LIMITED ON-PREMISES SALES

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

#### OFF-PREMISES SALES

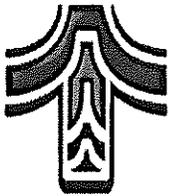
Sell factory-sealed containers of malt beverages, wine, and cider at retail to individuals in Oregon for consumption off the licensed premises. Eligible to provide sample tastings of malt beverages, wine, and cider for consumption on the premises. Eligible to ship manufacturer-sealed containers of malt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

#### BREWERY PUBLIC HOUSE

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

#### WINERY

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



# CITY OF TUALATIN

## LIQUOR LICENSE APPLICATION

Date 6-14-12

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

### SECTION 1: TYPE OF APPLICATION

- Original (New) Application - \$100.00 Application Fee.
- Change in Previous Application - \$75.00 Application Fee.
- Renewal of Previous License - \$35.00 Application Fee. Applicant must possess current business license. License # 11-0002674
- Temporary License - \$35.00 Application Fee.

### SECTION 2: DESCRIPTION OF BUSINESS

Name of business (dba): PASTINI PASTARIA

Business address 7307 SW BRIDGEWAY City TIGARD State OR Zip Code 97224

Mailing [REDACTED] City POX State OR Zip Code 97219

Telephone # 503 595 1361 Fax # 503 595 1365

Name(s) of business manager(s) First CRAG Middle MATTHEW Last BASHER

Date of birth [REDACTED] Social Security # [REDACTED] ODL# [REDACTED] M  L  F

Home address [REDACTED] City POX State OR Zip Code 97211  
(attach additional pages if necessary)

Type of business RESTAURANT

Type of food served ITALIAN - PASTA

Type of entertainment (dancing, live music, exotic dancers, etc.) NONE - MUSIC

Days and hours of operation MON-SUN 11AM TO 9PM OR 10PM

Food service hours: Breakfast NA Lunch 11-4 Dinner 4 TO 9 OR 10PM

Restaurant seating capacity 85 Outside or patio seating capacity 25

How late will you have outside seating? THRU CLOSE How late will you sell alcohol? THRU CLOSE

How many full-time employees do you have? 8 Part-time employees? 22

**SECTION 3: DESCRIPTION OF LIQUOR LICENSE**

Name of Individual, Partnership, Corporation, LLC, or Other applicants PASTINI  
BRIDGEPORT LLC

Type of liquor license (refer to OLCC form) FULL ON PREMISES

Form of entity holding license (check one and answer all related applicable questions): SEEKING ADDITIONAL PRIVILEGE OF OFF PREMISE

**INDIVIDUAL:** If this box is checked, provide full name, date of birth, and residence address.  
Full name \_\_\_\_\_ Date of birth \_\_\_\_\_  
Residence address NA

**PARTNERSHIP:** If this box is checked, provide full name, date of birth and residence address for each partner. If more than two partners exist, use additional pages. If partners are not individuals, also provide for each partner a description of the partner's legal form and the information required by the section corresponding to the partner's form.  
Full name \_\_\_\_\_ Date of birth \_\_\_\_\_  
Residence address \_\_\_\_\_  
Full name \_\_\_\_\_ Date of birth \_\_\_\_\_  
Residence address \_\_\_\_\_

**CORPORATION:** If this box is checked, complete (a) through (c).  
(a) Name and business address of registered agent.  
Full name \_\_\_\_\_  
Business address NA

(b) Does any shareholder own more than 50% of the outstanding shares of the corporation? If yes, provide the shareholder's full name, date of birth, and residence address.  
Full name \_\_\_\_\_ Date of birth \_\_\_\_\_  
Residence address NA

(c) Are there more than 35 shareholders of this corporation? Yes \_\_\_ No \_\_\_ If 35 or fewer shareholders, identify the corporation's president, treasurer, and secretary by full name, date of birth, and residence address.  
Full name of president: \_\_\_\_\_ Date of birth: \_\_\_\_\_  
Residence address: \_\_\_\_\_  
Full name of treasurer: \_\_\_\_\_ Date of birth: \_\_\_\_\_  
Residence address: NA  
Full name of secretary: \_\_\_\_\_ Date of birth: \_\_\_\_\_  
Residence address: \_\_\_\_\_

**LIMITED LIABILITY COMPANY:** If this box is checked, provide full name, date of birth, and residence address of each member. If there are more than two members, use additional pages to complete this question. If members are not individuals, also provide for each member a description of the member's legal form and the information required by the section corresponding to the member's form.

Full name: MB RESTAURANTS LLC Date of birth: 1/1/19  
Residence address: OFFICE [REDACTED]

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

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

**SECTION 4: APPLICANT SIGNATURE**

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

\_\_\_\_\_  
Signature of Applicant \_\_\_\_\_ Date 6-14-12

For City Use Only

Sources Checked:

DMV by [Signature]  LEDS by [Signature]  TuPD Records by [Signature]  
 Public Records by [Signature]

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

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

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

Granted

Denied

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Signature \_\_\_\_\_ Date 6/22/12

Kent W. Barker  
Chief of Police  
Tualatin Police Department