



**OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR  
AUGUST 13, 2012**

---

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; Operations Director Dan Boss; Community Development Director Alice Rouyer; Community Services Director Paul Hennon; Deputy City Manager Sara Singer; Planning Manager Aquilla Hurd-Ravich; Information Services Manager Lance Harris; Associate Planner Cindy Hahn; Engineering Manager Kaaren Hofmann; Engineer Associate Tony Doran; Management Analyst Ben Bryant; Deputy City Recorder Maureen Smith

**A. CALL TO ORDER**

Mayor Ogden called the meeting to order at 7:02 p.m.

The Pledge of Allegiance was led by Councilor Truax.

**B. ANNOUNCEMENTS**

**1. Tualatin Youth Advisory Council Update for August 2012**

Members of the Tualatin Youth Advisory Council were present and gave a PowerPoint on activities happening in August. Upcoming events in the fall include Walk + Bike to School Day, Pumpkin Regatta, Haunted House, and more. Currently the YAC is recruiting new members and will be reapplying for a grant through Washington County Commission on Children and Families and planning for the National League of Cities conference.

**2. Recognition of Donation of AED Monitors by Local Businesses**

Police Chief Kent Barker and Lt. Greg Pickering were present to recognize Tualatin Valley Fire & Rescue (TVFR) for their work, and local businesses Novellus and Air Products for their donation of additional portable automated external defibrillators (AED) to the Tualatin Police Department.

**3. Swearing-In of Police Officer - *Chris Turner [postponed]***

4. Employee Introduction - *Samantha Wikstrom, Community Services Department, Library*
- 

Community Services Director Paul Hennon introduced new Childrens Librarian Samantha Wikstrom and gave a brief background. Council welcomed Ms. Wikstrom to the City.

**C. CITIZEN COMMENTS**

*Anthony Pabst, Tualatin OR* , complimented the City on their use of the Transportation System Plan (TSP) online map and outreach efforts. He mentioned he is a father of four and small business owner and that it can be difficult to find time to get involved. He asked about the opportunity to use signage to attract people's attention to be a part of the transportation discussion. He asked about the ability to put frequently asked questions on the web, or have a running dialogue about transportation. He asked the age-old question, "Are there ways to improve our government processes to allow busy people to become better engaged."

Mayor Ogden thanked Mr. Pabst for his comments and said we would be in touch to hear more of his ideas for how to get busy people involved in their community.

**D. CONSENT AGENDA**

Item D-2 - *Resolution Adopting the August 2012 Update to the Public Works Construction Code* was removed from the Consent Agenda at the request of Steve Titus.

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

**Vote: 7 - 0 MOTION CARRIED**

1. Approval of the Minutes for the Work Session and Meeting of July 23, 2012
3. Recommendations from the Council Committee on Advisory Appointments
4. Resolution No. **5114-12** Approving an Amendment to the Intergovernmental Agreement Between Washington County and the City of Tualatin for the Coordination of Activities Related to the U.S. Department of Homeland Security's Urban Areas Security Initiative (UASI) Grant Program

**E. SPECIAL REPORTS**

1. Regional Water Providers Consortium Conservation Program
-

Engineering Manager Kaaren Hofmann introduced Regional Water Providers Consortium Program Manager Lindsey Berman. A PowerPoint was given on an overview of the Consortium's conservation program and its outreach to communities on water conservation. The program provides educational materials and informational campaigns to improve conservation. Councilor Truax noted he has been a board member for many years and thanked Ms. Berman for the work they do in the region.

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

1. Ordinance No. **1349-12** Vacating a Portion of SW Sagert Street Right-of-Way Adjacent to 9440 SW Sagert Street
- 

Mayor Ogden opened the public hearing.

Engineer Associate Tony Doran presented a brief background on the street vacation for a portion of SW Sagert Street right-of-way adjacent to 9440 SW Sagert Street. This is a City initiated vacation with no required fees. No public comments were received. Portland General Electric requested a 10-foot wide public utility easement along the frontage of SW Sagert Street which has been obtained and to serve all franchise utilities. No other requests for easements were received from franchise utilities. The City will pay the costs for recording the vacation.

**Proponents/Opponents** - None.

**Council Discussion** - None.

Mayor Ogden closed the hearing.

**Council Deliberations**

MOTION by Councilor Ed Truax, **SECONDED** by Council President Monique Beikman for a first reading by title only. MOTION by Councilor Truax, **SECONDED** by Council President Beikman for a second reading by title only. MOTION **CARRIED**. The poll was unanimous. MOTION by Councilor Truax, **SECONDED** by Council President Beikman to adopt the ordinance. MOTION **CARRIED**.

**Vote:** 7 - 0 MOTION CARRIED

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

**H. GENERAL BUSINESS**

1. Ordinance No. **1350-12** Regarding Sidewalk Maintenance and Amending Tualatin Municipal Code Chapter 2-2
-

Engineering Manager Kaaren Hofmann gave a brief presentation regarding the change to the Tualatin Municipal Code designation that adjacent property owners are responsible to maintain tree grates.

As a part of the Town Center planning and construction, an updated sidewalk standard was implemented. This standard includes tree wells and tree grates instead of planter strips. These standards were never adopted into the Public Works Construction Code for future development to follow or into the Municipal Code to define who has maintenance responsibilities. The revision to the Municipal Code would insert the required language to define that the adjacent property owner is responsible for maintaining the tree grate along with the sidewalk. This is a continuation of the policy that is in place throughout the city.

### **Council Discussion**

Commercial Property Owner David Emami spoke in opposition of the ordinance because he did not feel this should be a responsibility of the property owners to maintain tree grates that had been installed by the City. He had concerns about liability issues regarding the tree grates. Engineering Manager Hofmann and Operations Director Dan Boss responded to the concerns raised by Mr. Emami and the Council.

Brief discussion followed.

Mayor Ogden closed the testimony portion of the discussion.

### **Council Deliberation**

MOTION by Council President Monique Beikman, SECONDED by Councilor Ed Truax to adopt the ordinance as presented. MOTION Rescinded.

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

**Vote: 7 - 0 MOTION CARRIED**

## **I. ITEMS REMOVED FROM CONSENT AGENDA**

### **1. D-2 Resolution Adopting the August 2012 Update to the Public Works Construction Code**

---

Engineering Manager Kaaren Hofmann made a brief presentation regarding the change to the Public Works Code to address standards for tree grates.

*Steve Titus, Tualatin, OR* asked for clarification of the issue.

*David Emami, commercial property owner,* requested that the property owners have options to select the type of tree grates they will be responsible for maintaining.

Discussion with staff and the Council followed, and it was emphasized that there needs to be a standard of consistency while still selecting a tree grate that is safe and of good-quality. Operations Director Dan Boss and Engineering Manager Hofmann responded to the public comments. Discussion followed.

Council directed staff to come back with a few options for tree grates that are consistent in design in which property owners could choose from when a tree grate needs to be installed or replaced. This item will be placed on a future agenda.

**J. COMMUNICATIONS FROM COUNCILORS**

Councilor Bubenik thanked Police Chief Barker and Program Coordinator Jennifer Massey for putting together another great National Night Out event, held on August 7, 2012.

**K. EXECUTIVE SESSION - None.**

**L. ADJOURNMENT**

MOTION by Council President Monique Beikman, SECONDED by Councilor Ed Truax to adjourn the meeting at 9:01 p.m.

**Vote: 7 - 0 MOTION CARRIED**

Sherilyn Lombos, City Manager



Maureen Smith / Recording Secretary