



TUALATIN CITY COUNCIL AND TUALATIN DEVELOPMENT COMMISSION

Monday, September 10, 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.

**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 Announcements, 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.tualatinoregon.gov/meetings, 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. Council meetings can also be viewed by live *streaming video* on the City's website, the day of the meeting at www.tualatinoregon.gov/meetings.

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, 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 SEPTEMBER 10, 2012

A. CALL TO ORDER

Pledge of Allegiance

B. ANNOUNCEMENTS

1. Tualatin Youth Advisory Council Update for September, 2012
2. Tualatin Farmers Market Update
3. Transportation Summit
4. Oregon Passenger Rail Open House - September 13th
5. Employee Introductions - *Sean Brady, City Attorney*
Matt Warner, Finance Accounting Supervisor

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 August 27, 2012
2. Resolution to Adopt an Intergovernmental Agreement Between the Tigard-Tualatin School District and the City of Tualatin for the School Resource Officer Program
3. Approval of a Change of Ownership Liquor License Application for Applebee's Neighborhood Grill & Bar

E. SPECIAL REPORTS

1. Quarterly Financial Update

F. PUBLIC HEARINGS – Legislative or Other

G. PUBLIC HEARINGS – Quasi-Judicial

H. GENERAL BUSINESS

1. Transportation System Plan (TSP) Work Session Follow-Up and Consideration of Projects to be Presented at the September 20, 2012 Transportation Summit

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: 09/10/2012

ANNOUNCEMENTS

Tualatin Youth Advisory Council Update for September, 2012

Attachments

A - PowerPoint Presentation YAC Update

September 10, 2012

TUALATIN YOUTH ADVISORY COUNCIL

TualalaFest 2012



- Teen Battle of the Bands
- Friday, August 10, 6:30-9:30pm
- Tualatin Community Park
- Part of Tualatin Crawfish Festival
- Bands Performing:
 - Boys Without Toys
 - The Kronstadt Sailors
 - Ozymandias
 - Supernova



Tualatin YAC – Youth Participating in Governance

New Member Recruitment

- YAC conducted interviews on August 30 and September 6
- Excited to get new members on board!
- Recruitment has been re-opened



Movies on the Commons



Summer 2012 Movies

- 8 movies
- 1500 people
- 20 pounds of popcorn
- Fun free activity for everyone!

Coming Soon!

- Walk + Bike to School Day, October 3rd
- West Coast Giant Pumpkin Regatta
- Haunted House
- Washington County Commission on Children and Families – grant application
- National League of Cities

City Council Meeting

B. 2.

Meeting

Date:

09/10/2012

ANNOUNCEMENTS

Tualatin Farmers Market Update

Attachments

A - PowerPoint Presentation

Tualatin Farmers Market Continues through Friday September 28th, 4-8 pm



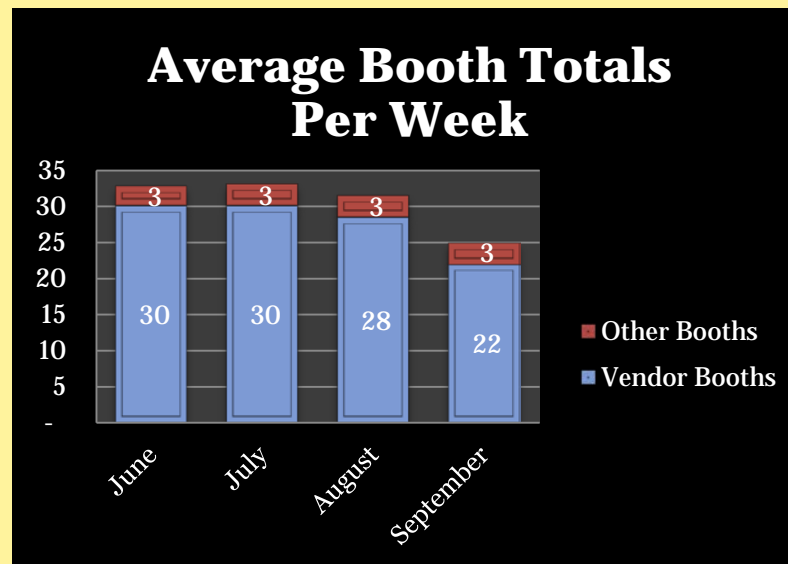
Feeding Community

Tualatinfarmersmarket.com

Year 3 – Tualatin Farmers Market



- 34 Booths were full about every week this year – about 10% increase
- Average of 2800 shoppers per week- 10% increase



11 Member Organizing Committee



- Tualatin Farmers Market Manager: Melanie Whitt
- Tualatin Farmers Market Cashier: Marianne Hyatt
- Tualatin Farmers Market Committee:
 - President Beth Roach
 - Vice President Tonya Peterson
 - Secretary Kirin Nelson
 - Treasurer Jodie Krivens
 - VP Marketing Jane Morrill
 - Volunteers Julie Popma
 - Community Booth - Jan Guinta, CIO
 - Music Robert Richter
 - Annual Report & SNAP (EBT) Cristina Payne

Thank You!



Feeding Community

City of Tualatin & Local Organizations and Businesses

Thanks again to Whole Foods, Pacific Natural Foods, The Times, City of Tualatin, Providence, Legacy Meridian Park, Tualatin Life, Launa Helton, Attorney at Law, Hayden's Lakefront Grill, Tualatin Chamber of Commerce, West Coast Bank, Tualatin Web, and Citizen Involvement Organization!

Tualatinfarmersmarket.com

City Council Meeting

B. 3.

Meeting
Date: 09/10/2012

ANNOUNCEMENTS

Transportation Summit

Attachments

A - Transportation Summit Announcement

Save the Date!

Tualatin Transportation Summit September 20, 2012

Does the Transportation System Plan work for you?

This summit is an opportunity for the people of Tualatin to give their input before the final Transportation System Plan is developed. This your chance to review all of the transportation improvement ideas, see how suggested projects impact travel through the City, and suggest changes.

Don't miss your opportunity to be part of the decision!

Doors at 5:00 pm

Presentation at 5:30 pm

Tualatin Police Department
8650 SW Tualatin Road

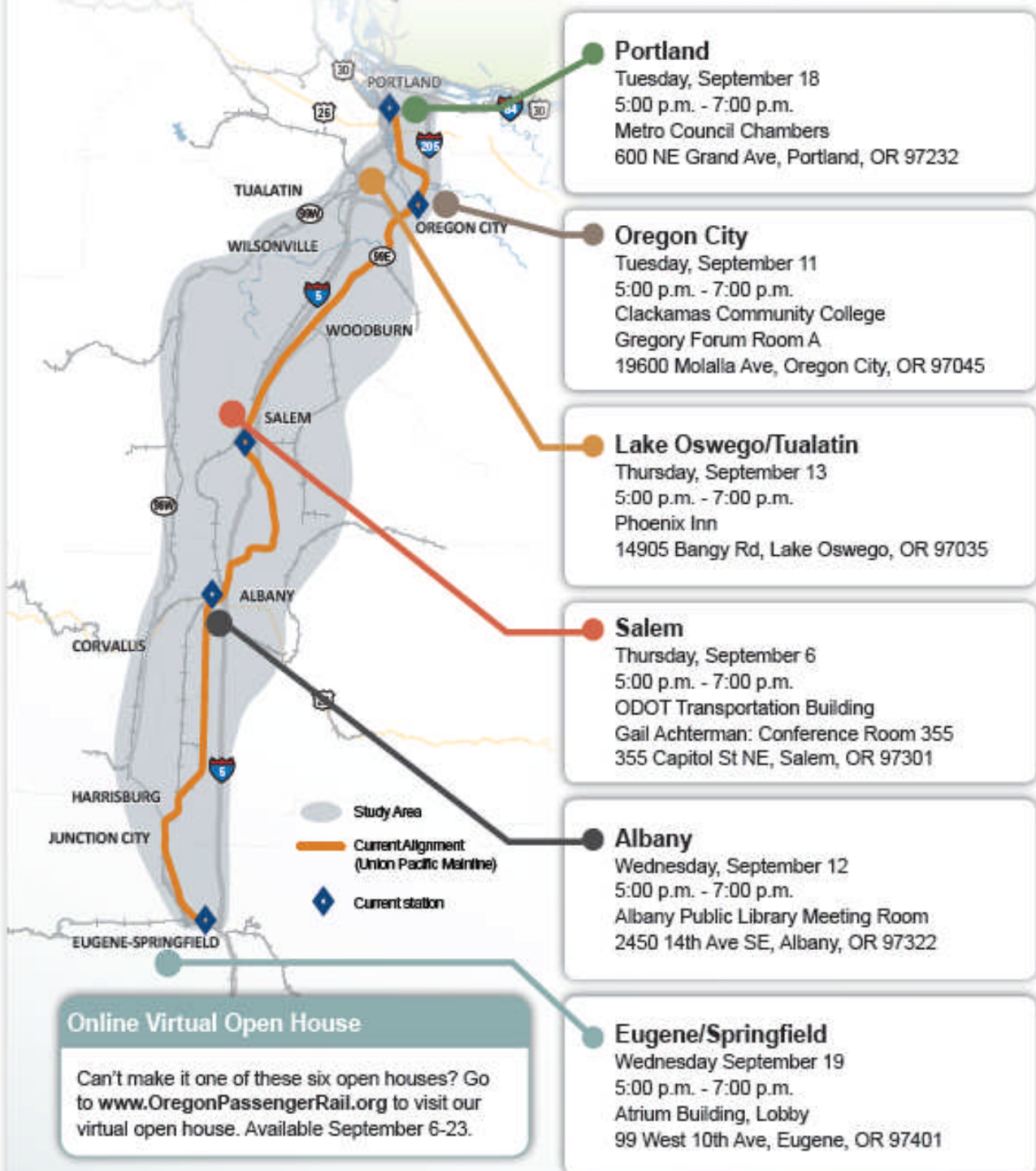
www.TualatinTSP.org



For more information: 503-691-3049 or transportation@ci.tualatin.or.us

You're Invited! Project Open Houses

ODOT is hosting open houses throughout the project study area. Join us to learn more about the Oregon Passenger Rail project, weigh in on a draft Purpose and Need statement, and help shape the Goals and Objectives. The project team will also seek input on potential rail alignment alternatives. See the map below to find the open house in your community.



City Council Meeting**B. 4.**

Meeting
Date: 09/10/2012

ANNOUNCEMENTS

Oregon Passenger Rail Open House - September 13th

SUMMARY

Throughout September, the Oregon Department of Transportation (ODOT) will be hosting open houses to discuss passenger rail improvements between Eugene and Portland. The purpose of these open houses is to help identify issues and a range of rail alignment alternatives to be considered. This will be the first of many opportunities to engage with this project. Below are the details for the open house nearest to Tualatin.

When: Thursday, September 13th from 5:00 p.m. - 7:00 p.m.

Where: Phoenix Inn (14905 Bangy Rd, Lake Oswego, OR 97035)

Attachments

A - Newsletter



Oregon Passenger Rail

Eugene - Portland



CHOOSING A PATH FORWARD

Newsletter - Summer 2012

Improving Passenger Rail in Oregon

ODOT is just beginning a study to improve passenger rail service between the Portland urban area and the Eugene-Springfield urban area. This 125-mile segment in Oregon is part of the Pacific Northwest Rail Corridor that stretches between Eugene, Oregon and Vancouver, B.C. The study will help decide on a general passenger rail route and evaluate options for train frequency, trip time, and improving on-time performance. This study is sponsored by the Federal Railroad Administration.

Setting the stage to improve passenger rail

Current Amtrak Cascades service between Eugene and Portland includes two round trips per day, a two hour and 35 minute trip each way. In order to position Oregon for federal funding to improve passenger rail, the state must complete a study, called a Tier 1 Environmental Impact Statement.

We are currently in "scoping" - an early step in the process to identify issues to be addressed. It is an important opportunity for public input. *Keep reading to learn more about meetings in your community and ways to provide your input.*

Why Rail?

Annual Amtrak Cascades ridership has grown significantly over the past five years. Over the next 25 years, the population of the Willamette Valley is expected to grow by approximately 35 percent, and freight volume in the state is expected to grow by 60 percent. This will result in travel demand that exceeds existing freight and passenger rail capacity.

ODOT is studying how improved passenger rail service can address increased travel demands, especially as funding for highway projects is in decline.

Participate online

Give us your ideas on rail improvements. Visit **www.OregonPassengerRail.org** between September 6 and 23 to participate in our virtual open house.

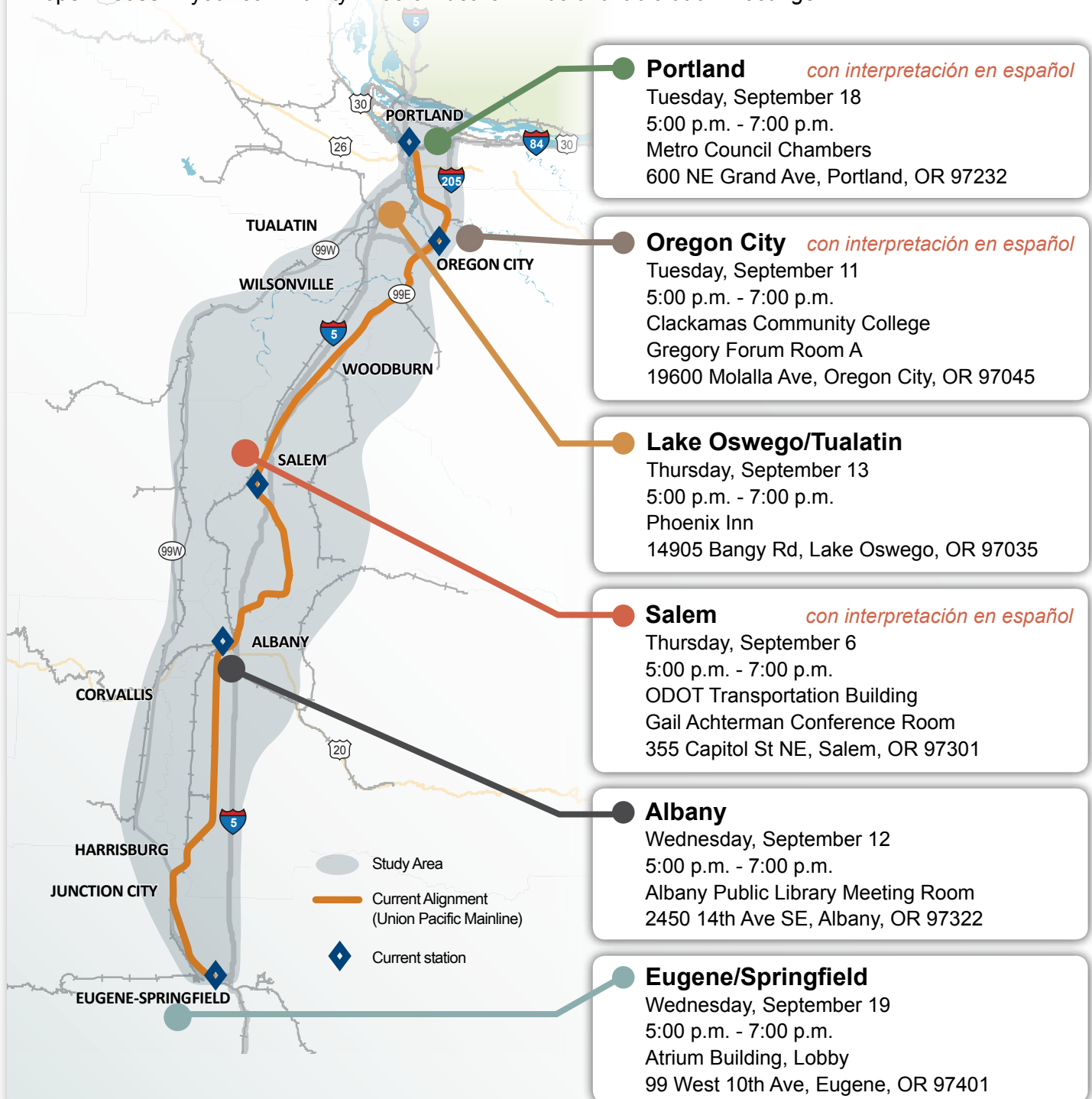


Amtrak pulling into Salem station.

www.OregonPassengerRail.org

You're Invited! Project Open Houses

ODOT is hosting scoping open houses throughout the project area to help identify issues and a range of rail alignment alternatives to be considered. Join us to learn more about the project, weigh in on a draft Purpose and Need statement, and help shape the Goals and Objectives. See the map below to find an open house in your community. *Free childcare will be available at all meetings.*

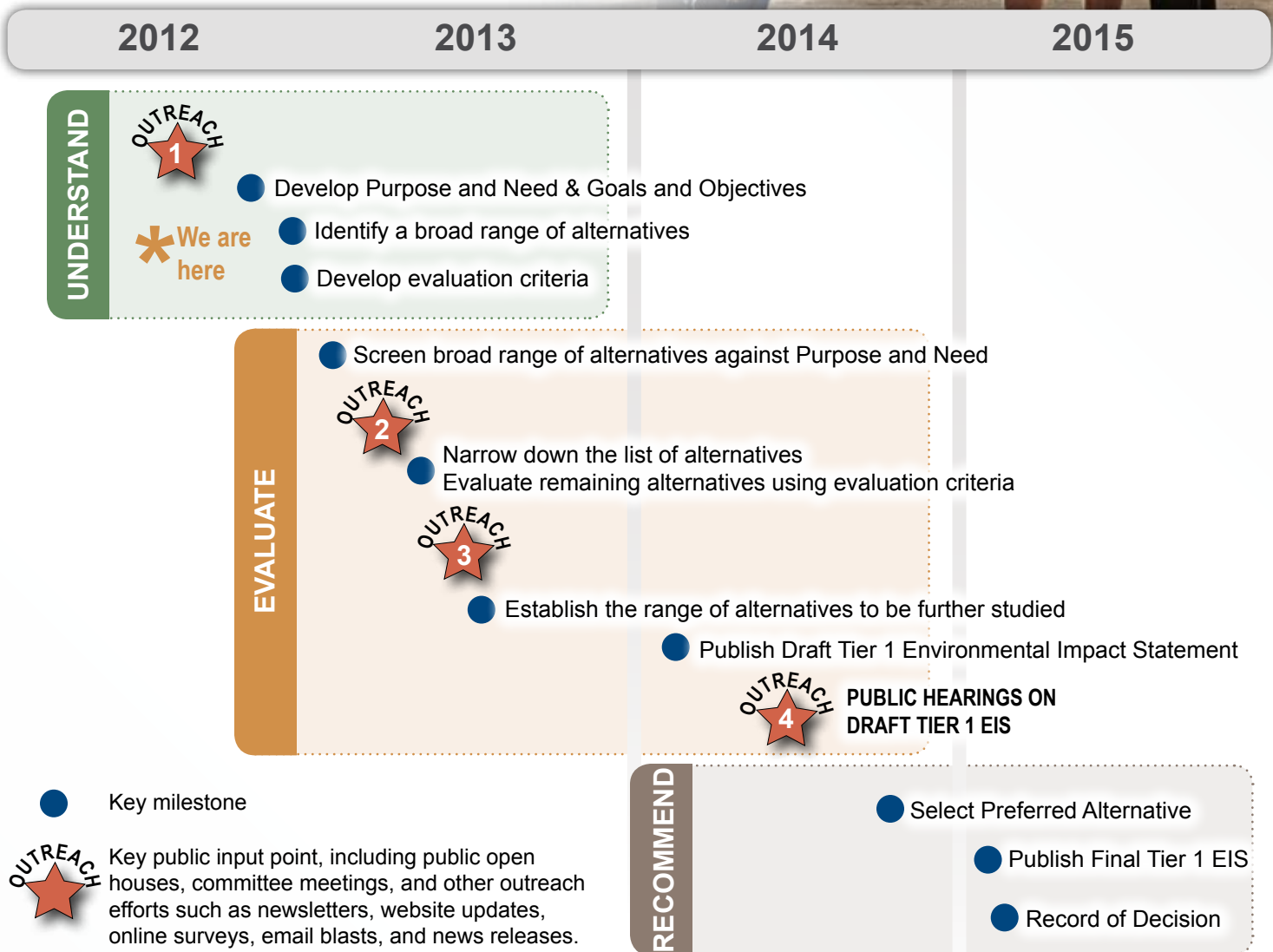
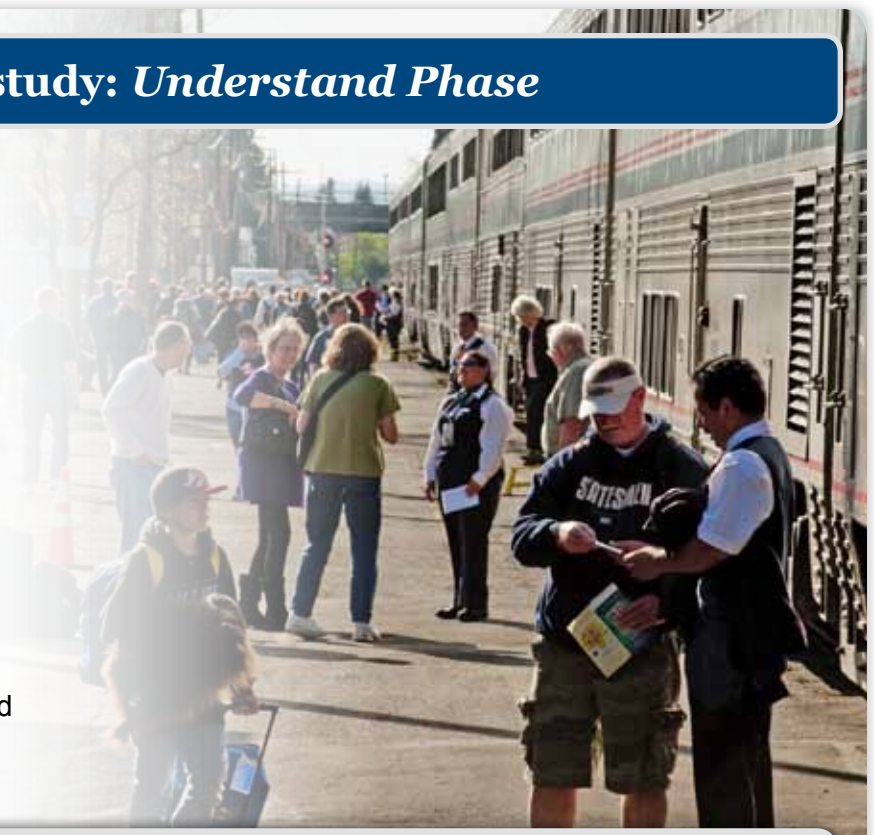


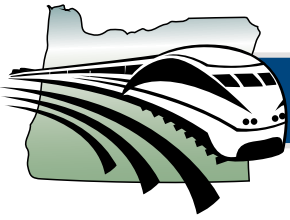
Accommodation Information for People with Disabilities

Information is available in alternative formats upon request. Accommodations will be provided to persons with disabilities. To request an accommodation to participate in meetings, please call Jyll Smith at (503) 986-3985 or statewide relay 7-1-1 at least 48 hours prior to the meeting.

Where we are now in this study: *Understand Phase*

The Oregon Passenger Rail study is divided into three general phases - *Understand*, *Evaluate*, and *Recommend*. Currently, we are in the *Understand* phase, known as Scoping under the National Environmental Policy Act. Its purpose is to identify issues and ensure an appropriate range of alternatives will be considered through the study. The main outcomes of this phase include: developing the project Purpose and Need plus Goals and Objectives; identifying a broad range of rail route alternatives; and developing an evaluation framework that includes a set of criteria against which the potential benefits and impacts of alternatives can be compared.





What do you think about passenger rail?

You're invited to attend an open house this September

The Oregon Department of Transportation is beginning a study to improve passenger rail in Oregon between Eugene and Portland. We invite you to learn more about the project and provide your feedback at one of six open houses in the study area (*see inside*). ODOT wants to know what is important to you. While we encourage your feedback throughout the study, please submit comments by October 31, 2012 to be considered as part of the scoping phase.

Tell us what's important to you...

There are many ways to learn about the project and provide your comments:



Attend an open house (details inside).



Participate in our online open house at www.OregonPassengerRail.org (Sept. 6 to 23).



Submit a scoping comment form online (through October 31).



Email us: info@oregonpassengerrail.org.



Contact Jyll Smith, ODOT Public Information Officer at (503) 986-3985 or ODOT Major Projects Branch, 3210 Del Webb Ave NE, St 110, Salem, OR 97301



1110 SE Alder St, Suite 301
Portland, OR 97214



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: 09/10/2012

SUBJECT: Approval of the Minutes for the Work Session and Meeting of August 27, 2012

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve the minutes of the work session and meeting of August 27, 2012.

RECOMMENDATION:

Staff respectfully recommends that the Council adopt the attached minutes.

Attachments: A - Work Session Minutes
B - Meeting Minutes



OFFICIAL MINUTES OF TUALATIN CITY COUNCIL WORK SESSION FOR AUGUST 27, 2012

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

Absent: Councilor Wade Brooksby

Staff Present: City Manager Sherilyn Lombos; City Attorney Brenda Braden; Police Chief Kent Barker; 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; Project Engineer Dayna Webb; Management Analyst Ben Bryant; Deputy City Recorder Maureen Smith

1. CALL TO ORDER

Mayor Ogden called the meeting to order at 5:00 p.m. Council immediately went into executive session pursuant to ORS 192.660(2)(h) to discuss current and pending litigation.

2. Executive Session, ORS 192.660(2)(h)

An executive session pursuant to ORS 192.660(2)(h) to discuss current and pending litigation issues was held at the beginning of the Work Session.

The remainder of the Work Session continued at 5:29 p.m.

3. Basalt Creek Transportation Refinement Plan

Community Development Director Alice Rouyer and Management Analyst Ben Bryant, Russ Knoebel from Washington County and technical consultant Chris Maciejewski from DKS presented information about the Basalt Creek Planning efforts. A PowerPoint was shown, outlining the process. It was noted that the public outreach that has been done to date has been well-attended.

After extensive public input, conceptual alignment options were presented for the roadway in the Basalt Creek area that includes the roadway improvements between the extension of SW 124th Avenue and the North Wilsonville I-5 interchange. The concepts include the following options:

- * Improve the existing network concept;
- * Diagonal alignment network concept;
- * East-West alignment network concept; and
- * Hybrid concept.

Discussion followed on the various options. Questions were asked, discussed and answered on the various evaluation results and associated costs connected with each. Topography issues in portions of the alignment were also reviewed. Other issues such as traffic impact was reviewed and projected build-out.

The next steps were reviewed and the Basalt Creek Advisory Committee is scheduled to make a final recommendation on the preferred alignment on September 13. Brief discussion followed and a public involvement summary was requested by Council and to ensure the continued availability of public input.

4. Discussion of Draft Ordinance Relating to Tows from Private Property

City Manager Sherilyn Lombos began the discussion and noted that there were no changes made to the proposed ordinance related to towing vehicles on private property since the last discussion that was held with the Council.

City Attorney Brenda Braden presented a draft ordinance for Council consideration, and said after sending over 900 letters and a draft ordinance, nine responses were received.

Council requested that staff reach out to the Chamber of Commerce and the Commercial Citizen Involvement Organization (CIO) for additional input on the draft ordinance, and requested a few more changes be made to the ordinance that include minimum sign language, and fines. This item will be placed on a future Council agenda.

5. Centennial Planning Update

Community Services Director Paul Hennon presented a PowerPoint outlining the implementation schedule for the Centennial Celebration. Program elements and a preliminary schedule of events and commemorative activities were reviewed.

Brief discussion followed. It was asked and explained about the public art and library mural from the potential celebration items list of items. There will also be a fireworks display during the Crawfish Festival. It was mentioned about including other city events, such as "National Night Out" and continued involvement and participation of the Citizen Involvement Organizations (CIOs), and local newspapers, etc.

6. Council Meeting Agenda Review, Communications & Roundtable

CONSENT AGENDA REVIEW

Council reviewed the Consent Agenda with no comments or changes.

COMMUNICATIONS FROM COUNCIL

City of Portland Water Fluoridation Proposal

City Manager Lombos and Councilor Truax provided an update to the Council on the City of Portland's proposal to add fluoride to their water supply. This has an impact on Tualatin as we purchase our water from Portland. Tualatin has had a long-term contract with Portland since 1979 to buy their water as a wholesale customer. Based on contract terms, Tualatin does not have much standing on whether or not the Portland City Council wants to fluoridate their water.

Discussion followed with Council noting their frustration and lack of communication regarding the proposal between the City of Portland and its wholesale customers. A hearing by Portland will be held on September 6, and it was discussed whether Tualatin should take a position to the hearing, go with other cities that are wholesale customers in sending a letter to Portland regarding concerns about fluoridation and the inadequate communication, and how the additional costs and maintenance associated with the proposal will affect customers. Council then directed staff to prepare a letter to be sent by the Mayor to the City of Portland stating Tualatin's concerns and the lack of communication.

Vandalism Issue

Councilor Truax raised an issue about reported vandalism in the downtown area. He asked if staff could look into some concerns raised by business owners. City Manager Lombos responded that an effort would be coordinated by the Police Department to look into the issue.

7. ADJOURNMENT

The Work Session adjourned at 6:55 p.m.

Sherilyn Lombos, City Manager



Maureen Smith, Recording Secretary

DRAFT



OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR AUGUST 27, 2012

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

Staff Present: City Manager Sherilyn Lombos; City Attorney Brenda Braden; Police Chief Kent Barker; 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; Project Engineer Dayna Webb; Library Manager Abigail Elder; Deputy City Recorder Maureen Smith

A. CALL TO ORDER

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

Pledge of Allegiance was led by Councilor Davis.

B. ANNOUNCEMENTS

1. Award Presentation to Hailey Kang - "If I Were Mayor..." Statewide Contest Winner

Community Services Director Paul Hennon and Library Manager Abigail Elder noted Hailey Kang, 5th grader at Byrom Elementary School was a local contest winner of the Oregon Mayors Association "If I Were Mayor...." poster contest. Her poster was sent on and placed 3rd in statewide competition. Mayor Ogden and Council presented Hailey with a plaque commemorating her award.

2. Employee Introductions - *Matt Saviello, Community Services, Pohl Center Supvr* *Mala Vyas, Community Services, Program Specialist*

Community Services Director Paul Hennon introduced two employees in the Community Services Department. Mala Vyas, Program Specialist in the Library for the 50+ population and new Juanita Pohl Center Supervisor Matt Saviello. Council welcomed Mala and Matt to the City.

3. Swearing-In of Police Officers - *Eric Sarmiento, Chris Turner*

Police Chief Kent Barker introduced two new police officers Chris Turner and Eric Sarmiento. Chief Barker swore-in Officers Turner and Sarmiento, and each officer's spouse pinned on their badges.

Council welcomed Officers Turner and Sarmiento to the City.

C. CITIZEN COMMENTS

Rick North, Durham, OR , spoke on the issue of the City of Portland's proposal to fluoridate the water supply, which would affect Tualatin as a purchaser of Portland's water. He noted his extensive research on the safety and health concerns associated with fluoridation and expressed his opposition.

Bill Osmunson, DDS, dental practice in Lake Oswego and Beaverton, OR , said as a dentist he had promoted fluoridation for years, but is no longer in support of the use of fluoridation. He has treated patients that have and have not had fluoridation and displayed data on the public health and safety concerns of fluoridated water.

Terri Ward, Tualatin, OR , presented information to the Council regarding her research on the negative effects of water fluoridation. She noted her concerns and opposition of Portland's water fluoridation proposal.

D. CONSENT AGENDA

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

Vote: 6 - 0 MOTION CARRIED

1. Approval of the Minutes for the Work Session and Meeting of August 13, 2012
2. Resolution No. **5115-12** Ratifying a Collective Bargaining Agreement between the City of Tualatin and the Tualatin Employees Association
3. Resolution No. **5116-12** Authorizing Non-Represented Employee Personnel Services Updates for Fiscal Year 2012-13
4. Resolution No. **5117-12** Accepting Public Improvements for Construction of the Juanita Pohl Center Addition and Renovation Project
5. Resolution No. **5118-12** Amending the City of Tualatin Fee Schedule and Rescinding Resolution No. 5066-11
6. Resolution No. **5119-12** Approving a Revocable Permit with the Tualatin Chamber of Commerce to Place a Digital Sign for Visitor Information at the Tualatin Public Library

E. SPECIAL REPORTS

1. Transportation System Plan & Linking Tualatin Update

Community Development Director Alice Rouyer and Project Engineer Dayna Webb made a presentation updating the Council on the Transportation System Plan and Linking Tualatin projects and upcoming events that includes a "Transportation Summit" in September. A trailer that was put together that was featured at the Movies on the Commons, Facebook, the Website, Channel 28, etc. to help advertise the TSP and get people to the website to share their thoughts.

Steve Titus, Tualatin, OR , commented on the TSP process and his opinion of the work that's been done to date. He explained with the help of visual aids, that he believes the work that's been done will affect others, but does little for improvement of Tualatin.

Connie Ledbetter, Tualatin OR , spoke on the TSP public outreach process. She raised concerns about allowing enough time for public comment at the Task Force meetings.

Council President Beikman and Councilor Davis noted they have taken part in the entire TSP process and thanked everyone that has participated for their involvement, time and effort.

Discussion followed on how the process could be approached for public input with Council before the Transportation Summit is held.

2. 2011 Tualatin Police Department Annual Report

Police Chief Kent Barker presented the 2011 Police Department Annual Report. He presented a PowerPoint reviewing the highlights, goals and statistics of the past year, that included re-accreditation, implementation of an electronic citation system, records conversion, the annual citizen academy, 25th anniversary of the department and involvement in citizen events and activities. Chief Barker noted the annual report is also available on the City's website.

The City Council and City Manager Lombos thanked the Chief and his department for their outstanding work.

F. PUBLIC HEARINGS – Legislative or Other

G. PUBLIC HEARINGS – Quasi-Judicial

H. GENERAL BUSINESS

1. Resolution No. 5120-12 Support for Changing the Name of the Tonquin Trail to Ice Age Tonquin Trail

Community Services Director Paul Hennon said the purpose is for Council to consider a resolution to rename the Tonquin Trail the "Ice Age Tonquin Trail" to support the Ice Age tourism efforts underway in this part of the region. Tualatin Chamber Executive Director Linda Moholt, and Tualatin Historical Society member and past-president Yvonne Addington spoke in support of this effort.

MOTION by Council President Monique Beikman, SECONDED by Councilor Joelle Davis to adopt the Resolution in support for changing the name of the Tonquin Trail to Ice Age Tonquin Trail.

Vote: 6 - 0 MOTION CARRIED

I. ITEMS REMOVED FROM CONSENT AGENDA

J. COMMUNICATIONS FROM COUNCILORS

K. EXECUTIVE SESSION

Mayor Ogden noted an executive session pursuant to ORS 192.660(2)(h) to discuss current and pending litigation issues was held at the beginning of the Council Work Session.

L. ADJOURNMENT

MOTION by Council President Monique Beikman, SECONDED by Councilor Joelle Davis to adjourn the meeting at 8:30 p.m.

Vote: 6 - 0 MOTION CARRIED

Sherilyn Lombos, City Manager



Maureen Smith / Recording Secretary



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Merab Walker, Office Coordinator
Kent W. Barker, Police Chief

DATE: 09/10/2012

SUBJECT: Resolution to Adopt an Intergovernmental Agreement Between the Tigard-Tualatin School District and the City of Tualatin for the School Resource Officer Program

ISSUE BEFORE THE COUNCIL:

The adoption of this resolution will approve an updated Intergovernmental Agreement with the School District that will allow the City of Tualatin to continue their cooperative efforts by contract as authorized under ORS 190.010.

RECOMMENDATION:

It is recommended that this agreement be approved to allow the police services in cooperation with the school district to continue in an effort to keep students safe and healthy.

EXECUTIVE SUMMARY:

The Tualatin Police Department's School Resource Officer Program will strive to enhance public safety through community policing within the schools, including crime prevention, enforcement of laws on school grounds, education and role modeling.

The goals of this cooperative effort are:

- Creating an atmosphere of safety and security on school grounds;
- Enforcing the law and making arrests when necessary;
- Educating students on health, safety, drugs and violence issues;
- Providing resources for School District, staff, and students;
- Providing a positive image of law enforcement and law enforcement officers for school age children; and

The City and the District desire to memorialize and continue their cooperative efforts by contract as authorized under ORS. 190.010.

FINANCIAL IMPLICATIONS:

The School District shall provide funding to offset the costs of the School Resource Officer program and to cover the costs of overtime for special events as necessary. The District's funding for Fiscal Year 2012/2013 shall be \$30,000. The City shall pay the costs of selection, salary, benefits, vehicle, and equipment for a minimum of two (2) SROs.

Attachments: A - Intergovernmental Agreement - SRO Program
 B - Resolution

**CITY OF TUALATIN AND TIGARD-TUALATIN SCHOOL DISTRICT
SCHOOL RESOURCE OFFICER AGREEMENT**

This agreement is made and entered into by and between the City of Tualatin (City), a municipal corporation of the State of Oregon, and the Tigard-Tualatin School District (District).

WHEREAS the City and District desire a cooperative effort in:

- Creating an atmosphere of safety and security on school grounds;
- Enforcing the law and making arrests when necessary;
- Educating students on health, safety, drugs and violence issues;
- Providing resources for School District, staff, and students;
- Providing a positive image of law enforcement and law enforcement officers for school age children; and

WHEREAS the City and District desire to memorialize and continue their cooperative efforts by contract as authorized under ORS. 190.010.

The parties agree as follows:

1. The Tualatin Police Department's School Resource Officer Program will strive to enhance public safety through community policing within the schools, including crime prevention, enforcement of laws on school grounds, education and role modeling.
2. The City shall provide a minimum of two (2) School Resource Officers (SRO) to be assigned to service District schools within the city limits of Tualatin. All SROs shall be sworn employees of the Police Department.
3. The Tualatin SRO's primary assignments will be Tualatin High School, Hazelbrook Middle School, Byrom Elementary School, Bridgeport Elementary School, Tualatin Elementary School, and any further District school site that falls within the Tualatin Police Department jurisdiction.
4. The SRO's schedule will be developed by a Police Department supervisor to address the needs of the SRO unit and the schools they serve.
5. The SRO will work in cooperation with all school personnel, students, parents and community members to accomplish the Police Department's mission.
6. The school principals and the Police supervisor of the SRO unit shall coordinate activities and meetings related to the SROs in the schools. The following priorities will guide the activities of the SRO:

- a. Police presence, crime prevention and enforcement of laws. To create and maintain a feeling of safety and security for the benefit of all students and staff and to deter crime and violence on all grounds through police presence and enforcement of laws.
 - b. Education and positive contact. To create and maintain educational opportunities for all students and staff which in turn creates a positive image of law enforcement.
 - c. Student and staff assistance. To become and remain a resource for all students and staff. To that end the SRO will be available for special event security as necessary.
7. The School District shall make every effort to provide the SROs with a private work area containing a desk, computer, and telephone within the High School and Middle School.
8. The City shall pay the costs of selection, salary, benefits, vehicle, and equipment for a minimum of two (2) SROs. The District shall provide funding to offset the costs of the SRO program and to cover the costs of overtime for special events as necessary. The District's funding for Fiscal Year 2012/2013 shall be \$30,000. For future Fiscal Years, the funding will increase by an amount equal to 100% of the annual average change, for the period ending in December each year, using the C.P.I.-W, West Index.
9. As part of the ongoing partnership between the City and District, each agrees to allow the other the use of any facilities as available for meetings, trainings, community events or other use as agreed upon by the parties, subject to each entity's facilities use policies and procedures.
10. The cost of specialized training shall be shared by mutual agreement between the City of Tualatin and the School District on a case-by-case basis.
11. All equipment supplied by the School District shall remain the property of the District; all equipment supplied by the City of Tualatin shall remain the property of the City.
12. The City agrees to hold and save the School District, its officers, employees, or agents harmless from all claims whatsoever that might arise against the School District; its officers, employees, or agents by any act of Tualatin, its officers, employees, or agents in the performance of the duties required by this contract.
13. The District agrees to hold and save the City of Tualatin, its officers, employees, or agents harmless from all claims whatsoever that might arise against the City of Tualatin, its officers, employees, or agents by any act of School District, its officers, employees, or agents in the performance of the duties required by this contract.
14. The City and the District mutually agree that neither party will insure the actions of the other, but rather each party will assume its own responsibility in connection with any claims made by a

third party against the City and/or the District and that both the City and the District will maintain liability insurance coverage.

15. The City and the District mutually agree that nothing contained in this contract is intended to limit the remedy, if any, of either party against the other party, including claims under subrogation agreements with the party's insurance carrier, to recover damages to property or injury to persons caused by a party's negligence.

16. This contract shall be effective beginning July 1, 2012, through June 30, 2013 This contract may be modified, subject to negotiation, provided that the party seeking to renew the agreement provides the other party with thirty-days (30) written notice.

In witness whereof, the parties have caused this contract to be executed by the duly authorized officers on the dates hereinafter written.

Dated this _____ day of _____, 2012.

City of Tualatin

Tigard-Tualatin School District

By _____
Lou Ogden, Mayor

By _____
Rob Saxton, Superintendent

ATTEST:

By _____
City Recorder

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT
BETWEEN THE CITY OF TUALATIN AND THE TIGARD-TUALATIN SCHOOL
DISTRICT FOR THE SCHOOL RESOURCE OFFICER PROGRAM

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

Section 1. The City Council approves and accepts the attached
Intergovernmental Agreement between the City of Tualatin and the Tigard-Tualatin
School District to enhance public safety through community policing within the schools.

Section 2. The Mayor and the City Recorder are authorized and directed to
execute the Intergovernmental Agreement on behalf of the City of Tualatin.

INTRODUCED AND ADOPTED this 10th day of September, 2012.

CITY OF TUALATIN, OREGON

BY _____
Mayor

ATTEST:

BY _____
City Recorder



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: 09/10/2012

SUBJECT: Approval of a Change of Ownership Liquor License Application for Applebee's Neighborhood Grill & Bar

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve a change of ownership liquor license application for Applebee's Neighborhood Grill & Bar.

RECOMMENDATION:

Staff respectfully recommends that the Council approve endorsement of the change of ownership liquor license application for Applebee's Restaurant.

EXECUTIVE SUMMARY:

Applebee's Neighborhood Grill & Bar has submitted a change of ownership liquor license application,. The license is for Full On-Premises Sales - Commercial Establishment (which allows the sale and service of distilled spirits, malt beverages and wine for consumption on the licensed premises). The business is located at 8559 SW Tualatin-Sherwood 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:

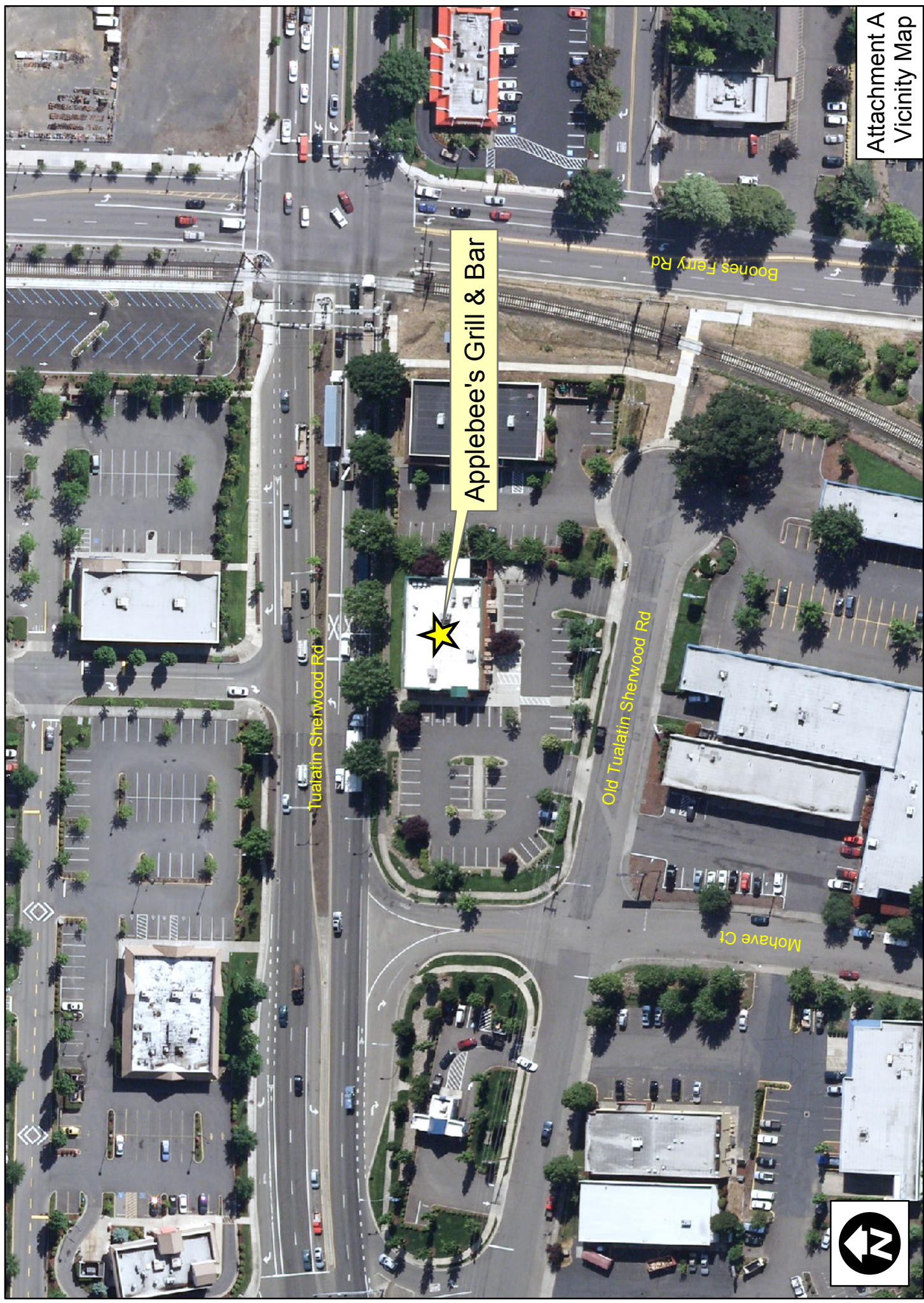
A fee has been paid by the applicant.

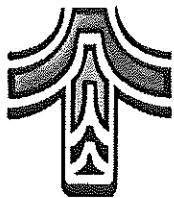
Attachments: A - Vicinity Map

A - Vicinity Map

B - Liquor License Application

C - OLCC Liquor License Types





CITY OF TUALATIN

LIQUOR LICENSE APPLICATION

Date 08/15/2012

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 # _____
☐ Temporary License - \$35.00 Application Fee.

SECTION 2: DESCRIPTION OF BUSINESS

Name of business (dba): Applebee's Neighborhood Grill & Bar

Business address 8559 SW Tualatin-Shrwd Rd City Tualatin State OR Zip Code 97062

Mailing address 6200 Oak Tree Blvd., Suite 250 City Independence State OH Zip Code 44131

Telephone # 216-524-5600

Fax # _____

Name(s) of business manager(s) First Melanie Middle _____ Last Johnson

Date of birth Social Security # ODL# M _____ F X

Home address City State OR Zip Code 97006
(attach additional pages if necessary)

Type of business Full service restaurant.

Type of food served Family-style.

Type of entertainment (dancing, live music, exotic dancers, etc.) Karaoke, recorded music

Days and hours of operation Mon - Thurs (11 am - 12 am); Sat - Sun (11 am - 1 am)

Food service hours: Breakfast N/A Lunch 11 am - 3 pm Dinner 3 pm - closing

Restaurant seating capacity 160 Outside or patio seating capacity N/A

How late will you have outside seating? N/A How late will you sell alcohol? Closing

How many full-time employees do you have? 15 Part-time employees? 22

SECTION 3: DESCRIPTION OF LIQUOR LICENSE

Name of Individual, Partnership, Corporation, LLC, or Other applicants _____
Apple Oregon LLC

Type of liquor license (refer to OLCC form) F-Com

Form of entity holding license (check one and answer all related applicable questions):

☐ **INDIVIDUAL:** If this box is checked, provide full name, date of birth, and residence address.

Full name _____ Date of birth _____

Residence address _____

☐ **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 _____

(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 _____

(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: David Bradley Pettinger _____ Date of birth: _____

Residence address: _____

Full name of treasurer: Lorin Miguel Cortina _____ Date of birth: _____

Residence address: _____

Full name of secretary: Ronald Shigeru Igarashi _____ 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: Apple American Group II, LLC _____ Date of birth: _____

Residence address: _____ CA 94104

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.

Attorney in fact 8/15/12
Signature of Applicant _____ Date _____

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] 8/27/12
Signature _____ Date _____

Kent W. Barker
Chief of Police
Tualatin Police Department

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 Council Meeting

E. 1.

Meeting
Date: 09/10/2012

SPECIAL REPORTS

Quarterly Financial Update

Attachments

A - PowerPoint Presentation - Quarterly Financial Update



City of Tualatin

QUARTERLY FINANCIAL UPDATE

Fiscal Year 2011 – 2012

Fourth Quarter, ending June 30, 2012

Council Priorities Update

- ▣ Website Redesign
 - www.tualatinoregon.gov launched on June 11th
 - Ability to register and pay on-line for recreation classes



Council Priorities Update

- ▣ Eastside Redevelopment & Downtown Visioning
 - Projects progressing:
 - ▣ Transportation System Plan Update
 - ▣ Linking Tualatin



Council Priorities Update

- ▣ Community Recreation
 - Decision made for City to take over operations of the Juanita Pohl Center
 - Loaves and Fishes to continue providing nutrition program



Council Priorities Update

- ▣ Community Engagement
 - Tualatin Tomorrow Annual Partners Meeting Held
 - Citizen Involvement Organization (CIO) Program
 - ▣ All, except Industrial CIO, have formed and have begun meeting
 - Community Engagement strategies integrated into all projects and initiatives



4th Quarter Accomplishments

Pohl Center Remodel Completed



Completed Year-Long RFID Project



Jurgens Park Sport Court Project



Tualatin Sherwood Road Improvements Project Completed



Gateway Feature Dedicated

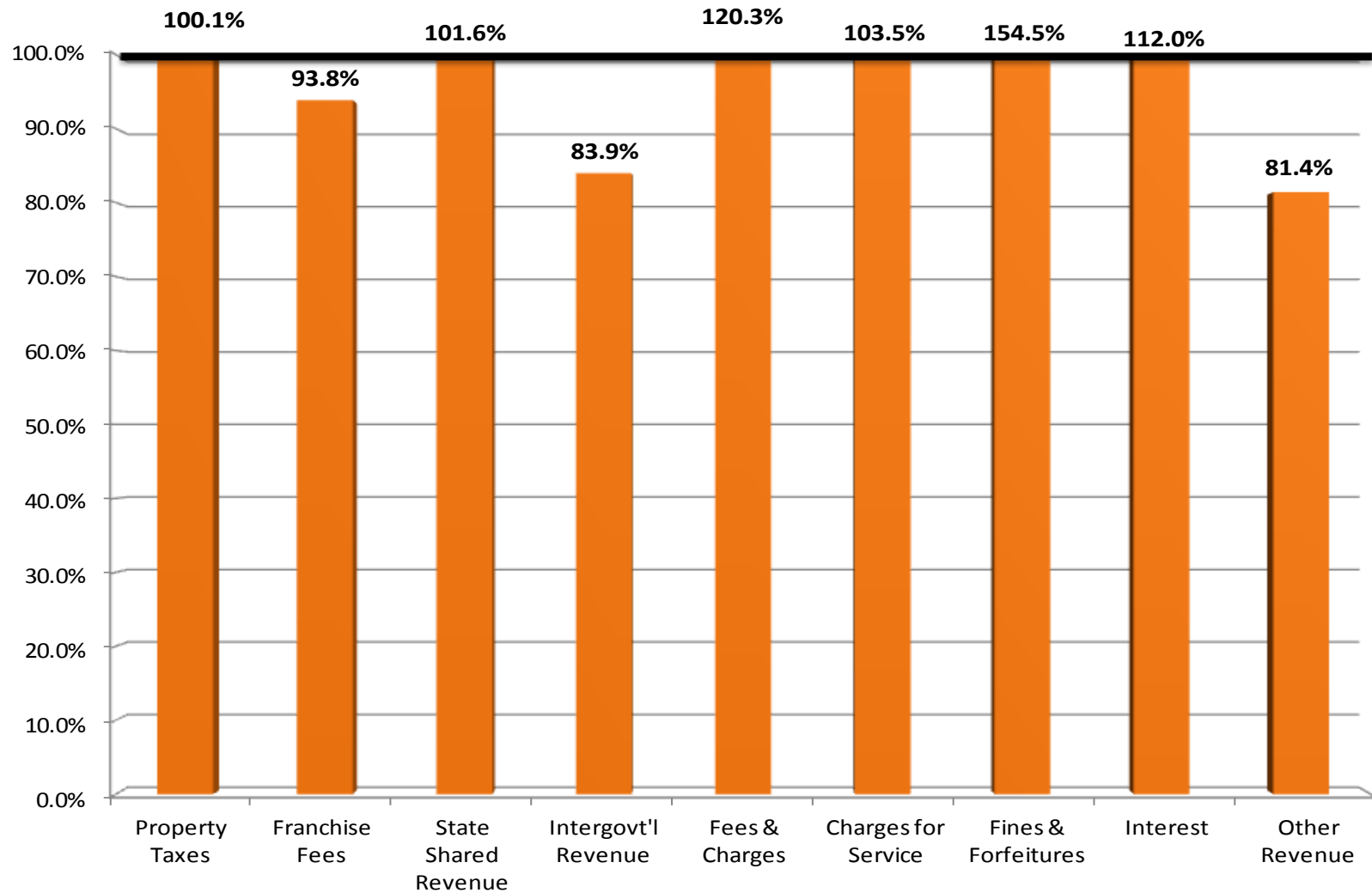


Sports Field at LTPS Opened

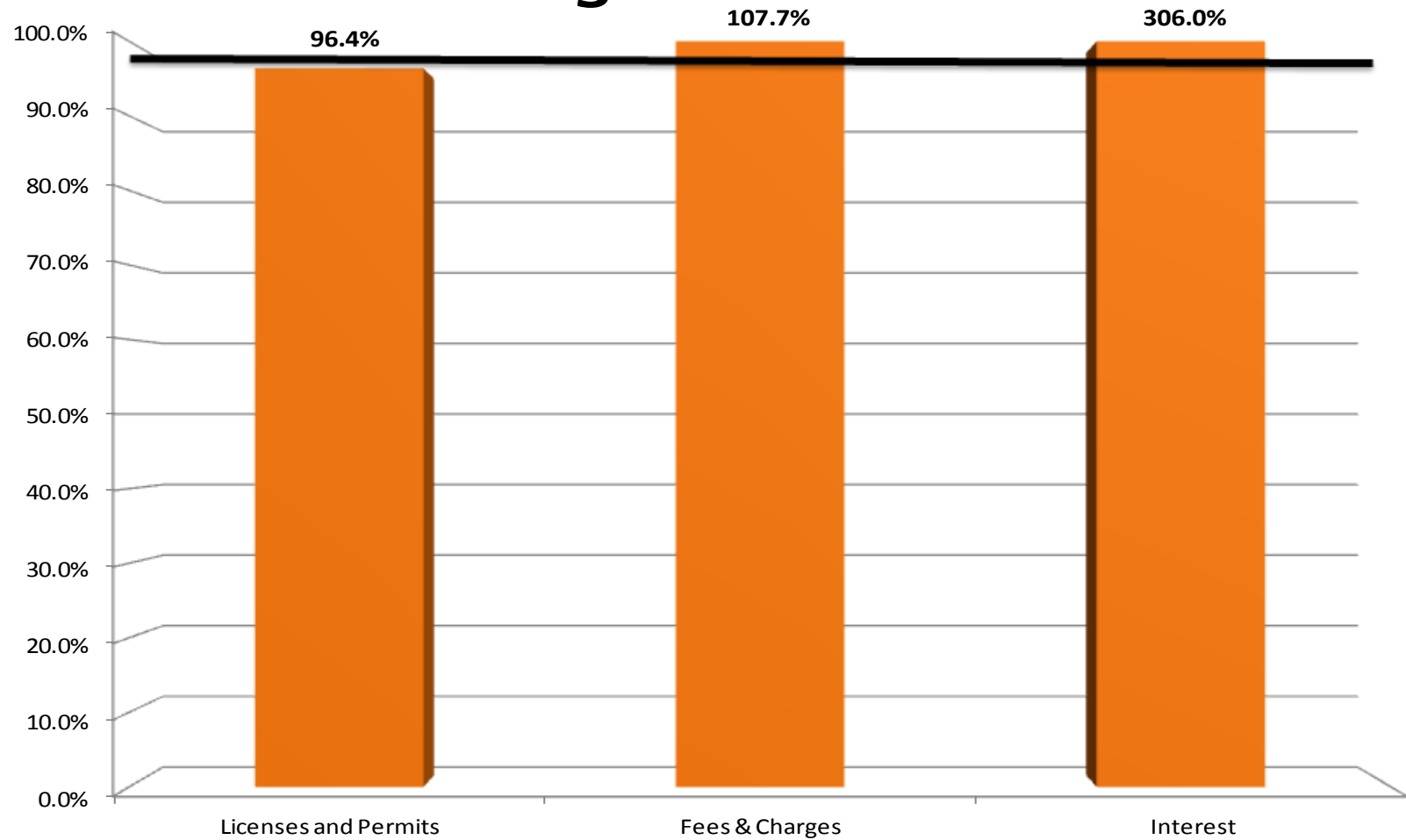


Operating Funds Revenues and Expenditures

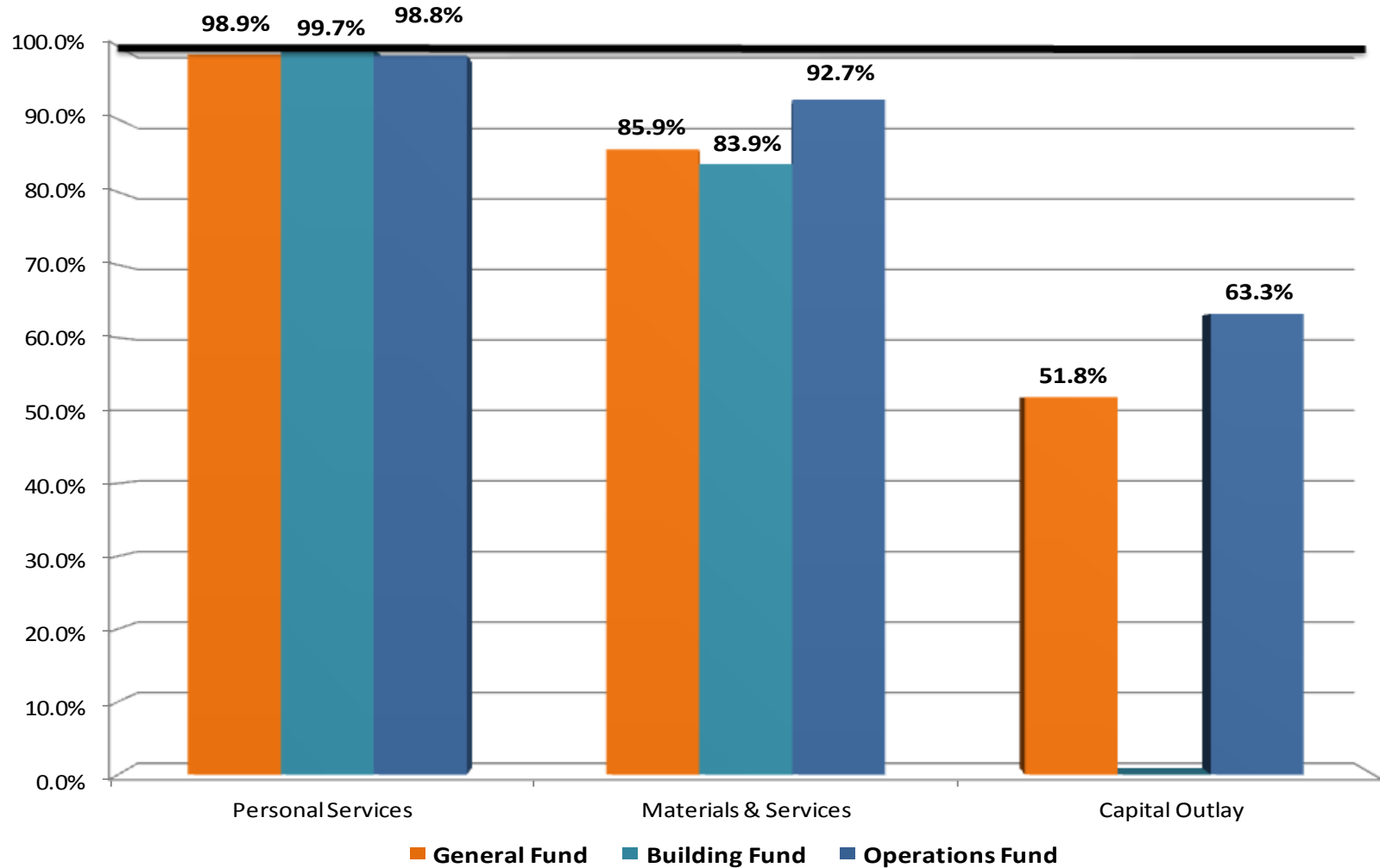
General Fund Revenue



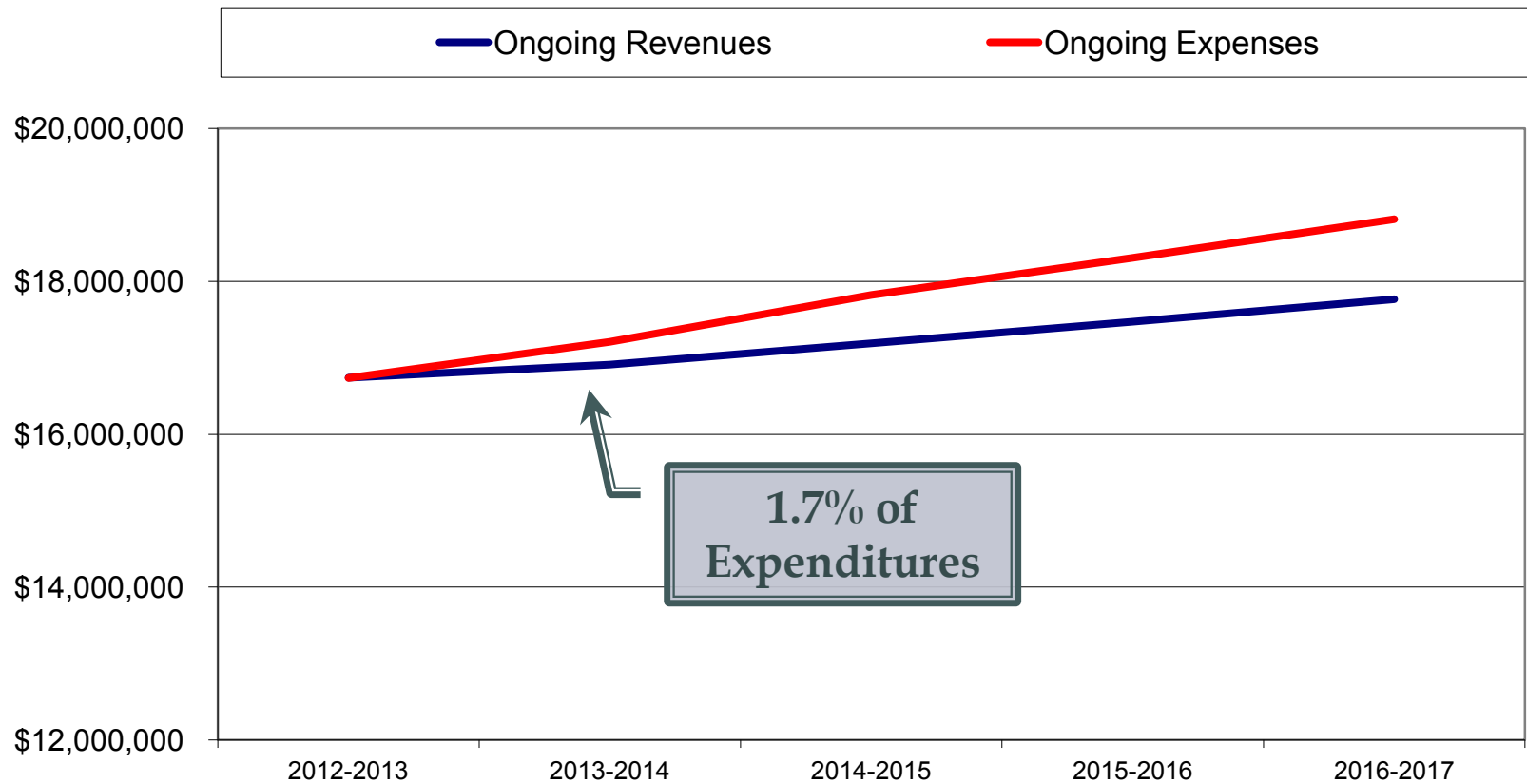
Building Fund Revenue



Operating Expenditures



Fiscal Health Update



PERS

- ▣ 12/31/2011 actuarial valuation report released
 - Used to set PERS rates for FY 2013/14 and 2014/15
- ▣ Overall rate of return – approx. 7.2%
- ▣ Liabilities grew close to forecasted rate
- ▣ System-wide funded ratio decreased 3%

PERS – Tualatin Impact

- ▣ Actual rates will be released on 9/28
- ▣ On average, rates to increase approx. 5%
- ▣ City set up PERS reserve in FY 12/13 Budget
- ▣ Rates likely to remain at 2013-2015 levels for the foreseeable future
 - These rates are factored into Fiscal Health Model

Summary

- ▣ Continued working on Council Priorities
- ▣ Significant 4th quarter accomplishments
- ▣ Fiscal Year 2012/13 Budget adopted with positive on-going alignment
- ▣ Planned for PERS increases
- ▣ Tualatin continues to provide quality services, while being fiscally prudent



City of Tualatin