



**OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR
AUGUST 26, 2013**

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

Absent: Councilor Ed Truax

Staff City Manager Sherilyn Lombos; City Attorney Sean Brady; Police Chief Kent Barker;

Present: Assistant City Manager Alice Rouyer; Deputy City Manager Sara Singer; Planning Manager Aquilla Hurd-Ravich; Deputy City Recorder Nicole Morris; Information Services Manager Lance Harris; Engineer Associate Tony Doran; Management Analyst Ben Bryant; Public Works Director Jerry Postema

A. CALL TO ORDER

Pledge of Allegiance

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

B. ANNOUNCEMENTS

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.

MOTION by Council President Monique Beikman, SECONDED by Councilor Joelle Davis to approve the consent agenda.

Vote: 6 - 0 MOTION CARRIED

1. Consideration of Approval of the Minutes for the Special City Council Meeting of August 7, 2013 and the City Council Work Session and Regular Meeting on August 12, 2013.
2. Consideration of **Resolution 5165-13** Authorizing an Application by the City of Tualatin for a Community Development Block Grant to Design and Construct a Fire Sprinkler System at the Juanita Pohl Center

3. Recommendations from the Council Committee on Advisory Appointments
4. Consideration of an Intergovernmental Agreement (IGA) with Oregon Department of Environmental Quality (DEQ) to Allow an Air Monitoring Station within Public Right-of-Way West of SW Bradbury Court
5. Consideration of **Resolution No. 5164-13** Granting a Conditional Use Permit for the Nyberg Rivers Shopping Center to Allow Retail Uses in a Commercial Office (CO) Planning District at 7055-7433 SW Nyberg Street (2S124A 2700) and Outside Storage and Sales in the Central Commercial (CC) Planning District at 7437-7463 SW Nyberg (2S124A2100 and 2S124B2507)

E. SPECIAL REPORTS

F. PUBLIC HEARINGS – *Legislative or Other*

G. PUBLIC HEARINGS – *Quasi-Judicial*

H. GENERAL BUSINESS

1. Consideration of **Ordinance 1358-13** Annexing Property Located at 17905 SW Pacific Hwy. (Tax Map 2S15C, Tax Lot 2200) and Withdrawing the Territory from the Washington County Enhanced Sheriff Patrol District and the County Urban Road Maintenance District (ANN-13-01)

City Attorney Sean Brady presented the ordinance considering annexing property located at 17905 SW Pacific Hwy. and withdrawing the territory from the Washington County Enhanced Sheriff Patrol District and the County Urban Road Maintenance District. He stated that on August 12, 2013, the City Council held a quasi-judicial hearing to decide whether to annex the property. At the close of the public hearing, Council approved the staff report and directed staff to bring back an ordinance granting ANN-13-01, which would annex the property.

MOTION by Council President Monique Beikman, SECONDED by Councilor Nancy Grimes for first reading of Ordinance No. 1358-13 by title only.

Vote: 6 - 0 MOTION CARRIED

MOTION by Council President Monique Beikman, SECONDED by Councilor Nancy Grimes for second reading of Ordinance No. 1358-13 by title only. The poll was unanimous.

Vote: 6 - 0 MOTION CARRIED

MOTION by Council President Monique Beikman, SECONDED by Councilor Frank Bubenik to adopt Ordinance 1358-13 Annexing Property Located at 17905 SW Pacific Hwy. (Tax Map 2S15C, Tax Lot 2200) and Withdrawing the Territory from the Washington County Enhanced Sheriff Patrol District and the County Urban Road Maintenance District (ANN-13-01).

Vote: 6 - 0 MOTION CARRIED

2. Consideration of **Resolution No. 5163-13** Approving a Central Urban Renewal District Master Plan for the Nyberg Rivers Shopping Center Development located at 7455-7925 SW Nyberg Street (Tax Map 2S124A 2700--2S124A 1601, 1602, 1900, 2502, 2506, 2507, 2700/ 2S124B 2000, 2001, 2100) in the Central Commercial (CC), Commercial Office (CO) and High-Density Residential (RH) Planning Districts and Central Urban Renewal Blocks 1-5 (MP 13-01)

Mayor Ogden stated that the original public hearing for this matter was held on July 22, 2013, and was continued on August 7, 2013. At the August 7th hearing the Council approved with conditions MP-13-01 and this resolution codifies that decision tonight.

Mayor Ogden asked if there are any ex parte discussions to disclose at this time.

Councilor Bubenik disclosed that he had a contact after the record for this proceeding was closed and after the vote on the decision was made. He stated that he read the Oregonian article and the Tualatin Life article about the Council's decision. The articles contained "comments" or "facebook comments" by the public in response to the article. He stated that he read those comments and submitted a copy of the articles and comments for the record. He also stated that the articles and comments have not influenced his ability to make a fair and unbiased decision based upon the evidence.

Mayor Ogden asked if something of this nature would be considered an ex parte contact since the record was closed. City Attorney Brady stated that this would be considered a ex parte contact and the Council has the decision to include or exclude this information from the record.

Mayor Ogden asked in any party that participated in the hearing wanted to review or rebut the information.

No parties stepped forward to review or rebut the information.

MOTION by Council President Monique Beikman, SECONDED by Councilor Nancy Grimes to exclude the two articles and the comments connected to them from the record.

Mayor Ogden asked what the rationale would be to include this information into the record. Councilor Grimes responded that since the contacts occurred after the hearing was closed there is no reason to include it. Council President Beikman stated that it should not affect the decision tonight because the articles and comments do not contain information that was not considered during the hearing.

Vote: 6 - 0 MOTION CARRIED

MOTION by Council President Monique Beikman, SECONDED by Councilor Joelle Davis to adopt Resolution No. 5163-13 approving a Central Urban Renewal District Master Plan for the Nyberg Rivers Shopping Center Development located at 7455-7925 SW Nyberg Street in the Central Commercial (CC), Commercial Office (CO) and High-Density Residential (RH) Planning Districts and Central Urban Renewal Blocks 1-5 (MP 13-01).

Vote: 6 - 0 MOTION CARRIED

Councilor Grimes asked for an update on the public outreach process.

City Manager Sherilyn Lombos stated that the standard public input processes have been implemented for this development. She also noted that a meeting will be held on September 3rd to gather input from citizens on the public outreach strategy regarding the Seneca Street Extension and its potential impact on the Council Building.

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.

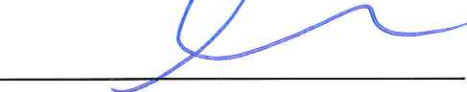
J. COMMUNICATIONS FROM COUNCILORS

K. ADJOURNMENT

Mayor Ogden adjourned the meeting at 7:30 p.m.

Sherilyn Lombos, City Manager

 / Nicole Morris, Recording Secretary

 / Lou Ogden, Mayor