



**OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR  
NOVEMBER 25, 2013**

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 Sean Brady; Police Chief Kent Barker; Assistant City Manager Alice Rouyer; Community Services Director Paul Hennon; Finance Director Don Hudson; Deputy City Manager Sara Singer; Planning Manager Aquilla Hurd-Ravich; Deputy City Recorder Nicole Morris; Information Services Manager Lance Harris; Parks and Recreation Manager Carl Switzer

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

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

**B. ANNOUNCEMENTS**

**1. Proclamation Declaring December 8-14, 2013 Human Rights Week in the City of Tualatin**

Councilor Davis spoke as the Chair of the Washington County Human Rights Council. She stated the Human Rights Council was started in October 2006 to promote respect and dignity of all citizens. The goal of the Human Rights Council is to promote equal rights, provide valuable feedback to local leaders, to respect and reflect the cultural diversity of our community, and to promote inclusiveness, justice, and equity.

Councilor Davis read the proclamation declaring December 8-14, 2013 Human Rights Week in the City of Tualatin.

**2. Starry Nights and Holiday Lights Announcement**

Parks and Recreation Manager Carl Switzer and Recreation Program Specialist Heidi Marx announced the Starry Nights and Holiday Lights event would be held on December 6 from 5:30-8:30 p.m. The event will take place at the Lake at the Tualatin Commons. The event will include the lighting of the tree followed by music from the Tualatin school children choirs. Refreshments and snacks will be provided.

**C. CITIZEN COMMENTS**

*This section of the agenda allows citizens to address the Council regarding any issue not on the agenda. The duration for each individual speaking is limited to 3 minutes. Matters requiring further investigation or detailed answers will be referred to City staff for follow-up and report at a future meeting.*

Kathy Newcomb stated her concerns regarding the Seneca Street extension process.

Tracy Swan stated he feels there are more city employees than needed, particularly in the Parks and Library departments.

Tom Swan expressed concerns over the lack of staff's willingness to talk to the public and would like to see staff more readily available.

**D. CONSENT AGENDA**

*The Consent Agenda will be enacted with one vote. The Mayor will first ask staff, the public and Councilors if there is anyone who wishes to remove any item from the Consent Agenda for discussion and consideration. The matters removed from the Consent Agenda will be considered individually at the end of this Agenda under, I) Items Removed from the Consent Agenda. The entire Consent Agenda, with the exception of items removed from the Consent Agenda to be discussed, is then voted upon by roll call under one motion.*

MOTION by Council President Monique Beikman, SECONDED by Councilor Nancy Grimes to approve the consent agenda as amended.

**Vote: 7 - 0 MOTION CARRIED**

1. Consideration of Approval of the Minutes for the City Council Work Session and Meeting of November 12, 2013.

**E. SPECIAL REPORTS**

1. Vision Action Network Update

Removed from the agenda.

2. Quarterly Financial Update

Finance Director Don Hudson presented the quarterly financial report for the first quarter of fiscal year 2013-14. General Fund revenues are tracking low but will increase as money comes in from the collection of property taxes, franchise fees, state shared revenues, and intergovernmental revenues. Operating expenditures are tracking on target and it is anticipated that this area will come in under budget. Capital improvement projects completed this quarter included the replacement of playground equipment at Lafky Park and the Martinazzi Avenue Street project. He discussed changes to the City's PERS contribution rate due to recent legislative changes, as well as projected increases for the 15-17 biennium. Property tax revenue was budgeted at 2.5% and has come in with an overall assessed value increase of 3.8%. With the reduced PERS rate and the increased overall assessed property value the gap for FY 14-15 has been cleared and a positive alignment is being projected. The overall fiscal health update is positive.

Councilor Truax expressed concerns with how the increase in the PERS rate is presented in these reports. He asked for the overall percentage to be more clearly presented in future updates.

Councilor Bubenik asked about the deferred 1.9% in PERS. Director Hudson stated the rate has been deferred for two years to the 15-17 biennium.

## **F. GENERAL BUSINESS**

1. Consideration of **Ordinance 1360-13** Annexing Property Located at 22120 SW Grahams Ferry Road. (Tax Map 2S1 35BA Tax Lot 5300) and Withdrawing the Territory from the Washington County Enhanced Sheriff Patrol District and the County Urban Road Maintenance District (ANN-13-02)

MOTION by Councilor Ed Truax, SECONDED by Council President Monique Beikman for first reading by title only.

**Vote:** 7 - 0 MOTION CARRIED

MOTION by Council President Monique Beikman, SECONDED by Councilor Ed Truax for second reading by title only.

**Vote:** 7 - 0 MOTION CARRIED

MOTION by Council President Monique Beikman, SECONDED by Councilor Frank Bubenik to adopt Ordinance 1360-13 annexing property located at 22120 SW Grahams Ferry Road and withdrawing the territory from the Washington County Enhanced Sheriff Patrol District and the County Urban Road Maintenance District.

**Vote:** 7 - 0 MOTION CARRIED

2. Consideration of **Ordinance No. 1362-13** Relating to Keeping of Backyard Chickens; and Adding Chapter 6-15 to the Tualatin Municipal Code. SECOND READING

MOTION by Council President Monique Beikman, SECONDED by Councilor Nancy Grimes for second reading by title only.

**Vote:** 6 - 1 MOTION CARRIED

Nay: Councilor Ed Truax

MOTION by Council President Monique Beikman, SECONDED by Councilor Nancy Grimes to adopt Ordinance No. 1362-13 relating to keeping of backyard chickens; and adding Chapter 6-15 to the Tualatin Municipal Code.

**Vote:** 6 - 1 MOTION CARRIED

Nay: Councilor Ed Truax

3. Consideration of **Ordinance No. 1363-13** Amending the Tualatin Development Code (TDC) Chapter 40 Low Density Residential Planning District (RL) to Include Chicken Keeping as a Permitted Use; and Amending TDC 40.020 (PTA-13-02)

MOTION by Councilor Nancy Grimes, SECONDED by Council President Monique Beikman for first reading by title only.

**Vote:** 6 - 1 MOTION CARRIED

Nay: Councilor Ed Truax

MOTION by Councilor Nancy Grimes, SECONDED by Council President Monique Beikman for second reading by title only.

**Vote:** 6 - 1 MOTION CARRIED

Nay: Councilor Ed Truax

4. Consideration of **Ordinance No. 1364-13** Relating to Business Licenses; Amending Tualatin Municipal Code 9-1-020 and 9-1-090; and Declaring an Emergency. SECOND READING

MOTION by Council President Monique Beikman, SECONDED by Councilor Nancy Grimes for second reading by title only.

**Vote:** 3 - 4 MOTION Failed

Aye: Mayor Lou Ogden  
Council President Monique Beikman  
Councilor Nancy Grimes

Mayor Ogden asked when could the Council vote on the ordinance.

City Attorney Brady stated that this ordinance has not passed and if the Council wanted to consider an ordinance of this nature that it would have to be brought back as a new ordinance.

#### PUBLIC COMMENT

##### Proponents

Shirley Morgan spoke in support of the decision to modify the ordinance. She believes that it is important that the Council bring another ordinance back for consideration as she is opposed to medical marijuana dispensaries as store fronts. She believes that allowing these types of store fronts will have a negative impact on the community.

Cyndy Hillier spoke in favor of the ordinance and the language to ban dispensaries. She spoke about the negative impacts of having marijuana available in the community.

Sue Wise spoke in favor of the ordinance. She noted that marijuana is considered a controlled II substance in the State of Oregon. She would like to see the language modified in the ordinance and brought back for a vote.

##### Opponents

Christopher Hatzi is not in favor of the ordinance as proposed. He is concerned with the ordinance's ability for City Council to go beyond the intent of focusing solely on medical marijuana dispensaries.

**G. 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.*

1. Consideration of **Resolution No. 5175-13** Amending the City of Tualatin Fee Schedule and Rescinding Resolution No. 5141-13

City Manager Sherilyn Lombos presented the amendments to the fee schedule.

She noted that there are two changes being proposed tonight. The first is the addition of a license fee for tow companies in the amount of \$50. She noted that it was discussed earlier that this addition will be removed for further research and come back at a later date. The second is the addition of a chicken keeping license fee in the amount of \$50 based on the adoption of Ordinance 1362-13 tonight.

**PUBLIC COMMENT**

Robert Kellogg asked that Council consider adding language regarding a waiver of fees for chicken keeping for citizens below the poverty level.

**COUNCIL QUESTIONS AND DISCUSSION**

Councilor Davis asked if it is possible to create a policy that would allow waivers for people below the poverty level or if it would need to be incorporated into the ordinance. City Attorney Brady stated that it would have to be included in the ordinance.

Councilor Grimes stated that chicken keeping is expensive and that the fee is minimal in relation to keeping chickens. She instead would like to see citizens donate extra eggs to food pantries instead of allowing waivers.

Councilor Truax asked how the fee for the licensing of chickens was developed. City Manager Lombos stated that it was based on the cost recovery method and an analysis of other entities' fees.

**MOTION** by Councilor Nancy Grimes, **SECONDED** by Council President Monique Beikman to adopt Resolution No. 5175-13 amending the City of Tualatin fee schedule as amended and rescinding Resolution No. 5141-13.

**Vote:** 6 - 1 MOTION CARRIED

Nay: Councilor Ed Truax

**H. COMMUNICATIONS FROM COUNCILORS**

Council President Beikman requested that the business license ordinance and the issue around medical marijuana dispensaries come back to a Council work session.

Councilor Bubenik stated the reason he voted no tonight was because he would like to wait until the State of Oregon has completed the regulations around medical marijuana dispensaries due out in January. He at that time would then be open to discussing the topic.

Councilor Brooksby would like to see the ordinance restructured to address the concerns in the business community.

Councilor Davis wants the language of the ordinance rewritten to protect the City from potential litigation while meeting the needs our businesses.

Councilor Truax would like the process to be more transparent and targeted at the issue around medical marijuana dispensaries.

Mayor Ogden does not want medical marijuana dispensaries in Tualatin. He noted that several cities in the state have adopted similar language as presented tonight and have not had litigation threatened against them.

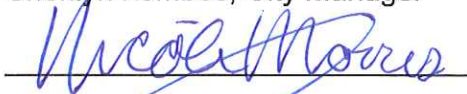
Councilor Grimes asked what would happen if someone came and applied for a license for a dispensary today. City Manager Lombos stated that if an ordinance were passed the City could revoke their license or choose not to renew their license the following year. City Attorney Brady stated that the City would need to look into the implications of issuing such a permit under federal law.

Council consensus was reached to bring this discussion back to the December 9<sup>th</sup> work session.

## **I. ADJOURNMENT**

Mayor Ogden adjourned the meeting at 8:24 p.m.

Sherilyn Lombos, City Manager



/ Nicole Morris, Recording Secretary



/ Lou Ogden, Mayor