



City of Tualatin

TUALATIN CITY COUNCIL

Monday, December 9, 2013

CITY COUNCIL CHAMBERS
18880 SW Martinazzi Avenue
Tualatin, OR 97062

WORK SESSION begins at 5:00 p.m.
BUSINESS 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 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 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

An Executive Session is a meeting of the City Council that is closed to the public to allow the City Council to discuss certain confidential matters. An Executive Session may be conducted as a separate meeting or as a portion of the regular Council meeting. No final decisions or actions may be made in Executive Session. In many, but not all, circumstances, members of the news media may attend an Executive Session.

The City Council may go into Executive Session for certain reasons specified by Oregon law. These reasons include, but are not limited to: 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) information or records exempt by law from public inspection; ORS 192.660(2)(h) current litigation or litigation likely to be filed; and ORS 192.660(2)(i) employee performance of chief executive officer.



OFFICIAL AGENDA OF THE TUALATIN CITY COUNCIL MEETING FOR DECEMBER 9, 2013

A. CALL TO ORDER

Pledge of Allegiance

B. ANNOUNCEMENTS

1. YAC Report for December 2013
2. Swearing-in of Police Officer Graham Adcox
3. New Employee Introduction: Frank Butler, Network Administrator
4. Announcing the Centennial Celebration Time Capsule Placement Ceremony

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. Consideration of Approval of the Minutes for the City Council Work Session and Regular Meeting of November 25, 2013
2. **Resolution No. 5176-13** Authorizing a Revocable Permit to allow the Living Savior Lutheran Church a Wall, Pavers, and Landscaping in a Public Sanitary Sewer Easement.
3. Consideration of Approval of a New Liquor License Application for Perfect Pizza Company Tualatin.

E. GENERAL BUSINESS

1. 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).
SECOND READING.

2. Consideration of **Ordinance No. 1365-13** Amending the Tualatin Municipal Code (TMC) Chapter 1-04-020 Establishing the Regular Meetings of the City Council

F. 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.

G. COMMUNICATIONS FROM COUNCILORS

H. ADJOURNMENT

City Council Meeting

B. 1.

Meeting Date: 12/09/2013

ANNOUNCEMENTS: Tualatin Youth Advisory Council Report, December 2013

ANNOUNCEMENTS

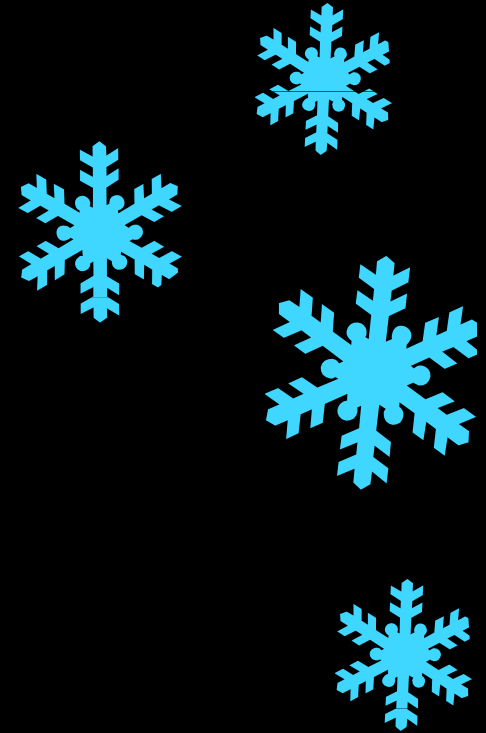
YAC Report for December 2013

SUMMARY

n/a

Attachments

A. YAC Report



December 9, 2013

TUALATIN YOUTH ADVISORY COUNCIL

National League of Cities Congress of Cities

- November 13–16, 2013
- Seattle, WA
- Thank you Mayor Ogden for your fundraising efforts!
- Thank you to PGE, Comcast, Republic Services, and Whole Foods Market



Tualatin YAC – Youth Participating in Governance

National League of Cities Congress of Cities

- Workshop sessions:
 - Using technology to improve economic development
 - Supporting small businesses
 - Youth gun violence
- Youth Delegate forums/discussions:
 - Sustainability
 - Education
 - Youth employment
 - Obesity
 - Structure of other YAC's



NLC NATIONAL LEAGUE OF CITIES
SEATTLE CONGRESS OF CITIES
2013 AND EXPOSITION



Tualatin YAC – Youth Participating in Governance

National League of Cities Congress of Cities

- Recommendations/Ideas
 - Continue to expand opportunities to involve more youth in local government
 - Host a youth and elected official social/roundtable
 - Look for ways to encourage small business growth in Tualatin
 - We like the size and structure of our YAC!





Starry Nights and Holiday Lights



- Friday, December 6
- Choir performances
- Holiday tree lighting
- Visit from Santa
- Facepainting
- Crafts
- Holiday cards to soldiers



Tualatin YAC – Youth Participating in Governance



City of Tualatin

City Council Meeting

B. 4.

Meeting Date: 12/09/2013

ANNOUNCEMENTS: Announcing the Centennial Celebration Time Capsule Placement Ceremony

ANNOUNCEMENTS

Announcing the Centennial Celebration Time Capsule Placement Ceremony

SUMMARY

On August 18, 2013 Tualatin celebrated its 100th anniversary of incorporation. The community has celebrated throughout the year with numerous programs, activities and special events. The Centennial Celebration will be capped with the placement of the Centennial Time Capsule.

On Thursday, December 19, 2013 at noon the Centennial Time Capsule will be placed in the ground outside the Tualatin Heritage Center. The capsule will be buried for 50 years and opened during Tualatin's Sesquicentennial anniversary year of 2063. Everyone is invited to come celebrate the placement of the Centennial Time Capsule.

Attachments

Centennial Time Capsule Ceremony Announcement



City of Tualatin
Centennial Celebration
1913-2013



Tualatin's Centennial Celebration

- On August 18, 2013 Tualatin celebrated its 100th anniversary of incorporation. The community has celebrated throughout the year with numerous programs, activities and special events.
- The Centennial Celebration will be capped with the placement of the Centennial Time Capsule.

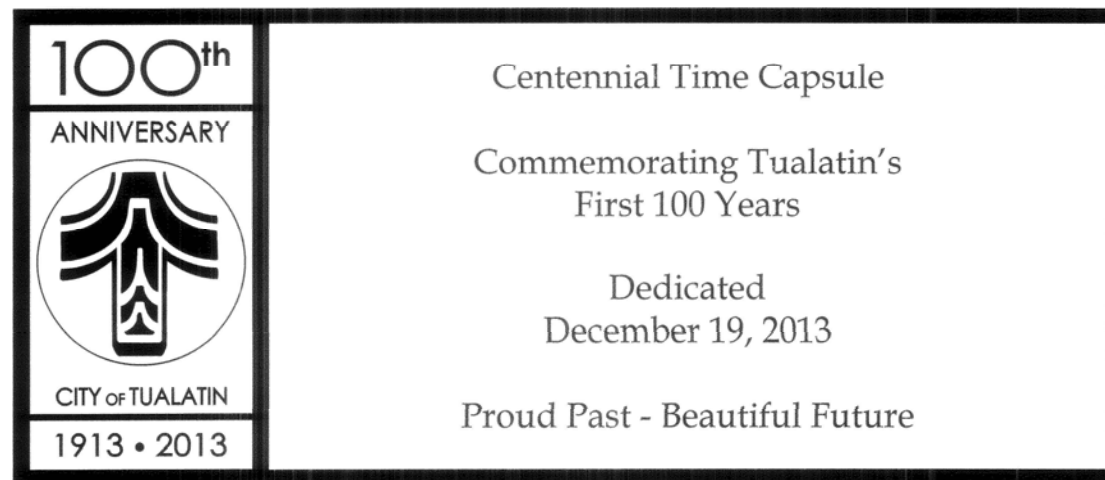


Tualatin's Centennial Time Capsule Ceremony

Thursday, December 19, 2013

12:00 p.m.

Tualatin Heritage Center



To be unearthed in 2063, Tualatin's sesquicentennial anniversary.



**Tualatin's
Centennial
Celebration
1913-2013**





STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Nicole Morris, Deputy City Recorder

DATE: 12/09/2013

SUBJECT: Consideration of Approval of the Minutes for the City Council Work Session and Regular Meeting of November 25, 2013

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve the minutes for the City Council Work Session and Regular Meeting of November 25, 2013

RECOMMENDATION:

Staff respectfully recommends that the Council adopt the attached minutes.

Attachments: [City Council Work Session Minutes of November 25, 2013](#)
[City Council Meeting Minutes of November 25, 2013](#)



OFFICIAL MINUTES OF TUALATIN CITY COUNCIL WORK SESSION 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; Engineering Manager Kaaren Hofmann; Management Analyst Ben Bryant

CALL TO ORDER

Mayor Ogden called the meeting to order at 5:00 p.m.

1. ***Oregon Passenger Rail Project Update.***

Management Analyst Ben Bryant presented an update on the Oregon Passenger Rail project. He explained the project is in the stages of evaluating preliminary alternatives. Alternatives are being narrowed using the evaluation criteria based on the prioritized goals and objectives for the project. Potential alignments from the screening completed in January 2013 were discussed. Potential alignments and remaining options from the last screening conducted during the summer of 2013 were presented. The next steps for the project include meetings of the Corridor Forum and the Leadership Council in December where they will discuss which projects should be removed from further study.

Councilor Brooksby asked about the value proposition to users, specifically in relation to travel times and increased ridership.

Mayor Ogden asked about the weighting of scoring in terms of mobility. Analyst Bryant stated the scores are based on goals for the entire corridor. He said he would provide additional information to Council regarding the methodology for scoring and weighting the alternatives.

Councilor Davis stated upgrading the freight railways is a losing proposition and she is opposed to a plan that suggests this. She would like to see this project be high speed railway as initially proposed and have its own dedicated track.

2. ***Economic Development Action Plan Update.***

Assistant City Manager Alice Rouyer presented the Economic Development Action Plan update. She briefed the Council on the history and original goals of the plan. The plan update is currently in the data gathering phase. The existing plan is being reviewed, demographic and economic data is being evaluated, and Business Industry Clusters are being developed. This information will help to give the plan guidance and direction. Next steps include forming an Economic Strategy Committee that will draft goals and actions for the plan. Proposed members of the group were presented. Committee meetings will start in January.

3. Seneca Street Extension & Council Building Follow-up

Deputy City Manager Sara Singer and Engineering Manager Kaaren Hofmann presented follow up information regarding the Seneca Street Extension and Council Building. Deputy City Manager Singer presented the short-term research as directed by Council at the last work session. The decision deadline on the Seneca Street extension is January 13, 2014 and is based on the developer's timeline for construction. Parking at the existing Council Building, Library, and City Offices currently has 103 spaces, without a replacement building and depending on the design of the street the site would have 74-84 spaces.

Engineering Manager Hofmann presented the construction costs for the Seneca Street extension. She noted that CenterCal's cost to construct the street now will be about \$360,000 after Transportation Development Tax (TDT) credits. The City's cost to construct the street in 5 years is estimated to be \$1,634,969.

Mayor Ogden asked how these figures were reached. Manager Hofmann stated that CenterCal's numbers were provided in their application and the City's cost estimate assumes 3% inflation for each year plus additional design, construction and project management costs.

Engineering Manager Hofmann presented information on conducting an additional traffic analysis to look at alternatives to the construction of Seneca Street. The city contacted three firms and requested informal quotes. Two firms responded each with a four week turnaround time and ranged in cost from \$5,000 to \$8,500.

Mayor Ogden asked what would be included in the analysis. Manager Hofmann stated the analysis would include alternatives addressing vehicular and pedestrian safety, and the cost and benefits for each alternative.

Councilor Brooksby wants to be sure the real improvements of options are included in the analysis.

Councilors Davis and Brooksby asked clarifying questions regarding parking.

Council consensus was reached to conduct the additional traffic analysis. This information will be presented at the January 13th Work Session.

4. Connect Oregon V Grant

Community Services Director Paul Hennon briefed the Council on a Connect Oregon V Grant that was submitted to complete the Tualatin River Greenway Trail. The application was due today and grant awards will be made in August 2014. If the city is successful in receiving this grant construction would be completed by November 2015. Director Hennon presented information regarding the cost of completion and funding partners including CenterCal properties and Washington County Major Streets and Transportation Improvement Plan (MSTIP).

5. Council Meeting Agenda Review, Communications & Roundtable.

Mayor Ogden noted that Resolution No. 5173-13 amending the Tualatin Fee Schedule would be removed from the consent agenda for further discussion. The Vision Action Network update would be removed from tonight's meeting and presented at a future date to be determined.

Councilor Bubenik went through training for the Washington County Policy Advisory Board (PAB). The board will begin reviewing applications after the first of the year.

ADJOURNMENT

The work session adjourned at 6:21p.m.

Sherilyn Lombos, City Manager

_____ / Nicole Morris, Recording Secretary

_____ / Lou Ogden, Mayor



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, 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 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 9th 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



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

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

DATE: 12/09/2013

SUBJECT: **Resolution No. 5176-13** Authorizing a Revocable Permit to allow the Living Savior Lutheran Church a Wall, Pavers, and Landscaping in a Public Sanitary Sewer Easement.

ISSUE BEFORE THE COUNCIL:

City Council will consider whether to authorize a revocable permit to allow the Living Savior Lutheran Church a wall, pavers, and landscaping in a public sanitary sewer easement.

RECOMMENDATION:

Staff recommends that City Council consider the attached resolution authorizing the revocable permit.

EXECUTIVE SUMMARY:

An Architectural Review (AR 12-08) allowed reconstruction of the Living Savior Lutheran Church after a fire on the southwest corner of SW 86th Avenue and SW Sagert Street. The Living Savior Lutheran Church would like to install a 2-foot tall stacked block wall and 18-inch seating wall, 16-inch square concrete landscape pavers, and arborvitae and small shrubs (otto luyken) adjacent to the west side of the reconstructed building. Due to the limited space between the west side of the building and an existing 15-foot public sanitary sewer easement, some improvements would be within the existing public sanitary sewer easement. The developer requests a revocable permit to install a 2-foot tall stacked block wall and 18-inch seating wall, 16-inch square concrete landscape pavers, and arborvitae and small shrubs (otto luyken) within the existing 15-foot public sanitary sewer easement.

The attached Revocable Permit allows a 2-foot tall stacked block wall and 18-inch seating wall, 16-inch square concrete landscape pavers, and arborvitae and small shrubs (otto luyken) within the existing 15-foot public sanitary sewer easement west of the Living Savior Lutheran Church with the following restrictions and requirements:

- This permit is non-transferable.
- Permittee shall keep and maintain the areas free from all conditions that create a risk of injury or damage to those lawfully using the area and shall indemnify and hold the City, its officers,

RESOLUTION NO. 5716-13

RESOLUTION AUTHORIZING A REVOCABLE PERMIT TO ALLOW THE LIVING SAVIOR LUTHERAN CHURCH A WALL, PAVERS, AND LANDSCAPING IN A PUBLIC SANITARY SEWER EASEMENT

WHEREAS the Revocable Permit (attached and incorporated - Exhibit 1) is for the purpose of allowing the Living Savior Lutheran Church a wall, pavers, and landscaping (shown on the attached and incorporated Landscape Plan - Exhibit 2) in a public sanitary sewer easement; and

WHEREAS an Architectural Review (AR 12-08) allowed reconstruction of the Living Savior Lutheran Church after a fire on the southwest corner of SW 86th Avenue and SW Sagert Street; and

WHEREAS the approved Architectural Review is for the reconstruction of an existing structure after a fire; and

WHEREAS the property owner, Living Savior Lutheran Church, requests the use of an existing 15-foot wide public sanitary sewer easement adjacent to the west property line for a 2-foot tall stacked block wall and 18-inch seating wall, 16-inch square concrete landscape pavers, and arborvitae and small shrubs (otto luyken); and

WHEREAS the type, location, and size of the 2-foot tall stacked block wall and 18-inch seating wall, 16-inch square concrete landscape pavers, and arborvitae and small shrubs (otto luyken) will not harm the existing 15-foot wide public sanitary sewer line; and

WHEREAS if the City needs to make use of the existing 15-foot wide public sanitary sewer easement in any way, removal and replacement of the 2-foot tall stacked block wall and 18-inch seating wall, 16-inch square concrete landscape pavers, and arborvitae and small shrubs (otto luyken) will be the burden of the Living Savior Lutheran Church; and

WHEREAS the City will not be liable for damage the 2-foot tall stacked block wall and 18-inch seating wall, 16-inch square concrete landscape pavers, and arborvitae and small shrubs (otto luyken) as a result of pipe damage/failure, maintenance, or repair of the existing public sanitary sewer line within the existing 15-foot wide public sanitary sewer easement.

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

Section 1. The attached Revocable Permit is approved and the City Manager is authorized to sign the permit for the purposes stated in this resolution.

Section 2. This Revocable Permit will be automatically revoked if the City Council determines the existing 15-foot wide public sanitary sewer line may become inaccessible or damaged due to the 2-foot tall stacked block wall and 18-inch seating wall, 16-inch square concrete landscape pavers, and arborvitae and small shrubs (otto luyken).

Section 3. This Resolution is effective upon adoption.

Adopted by the City Council this 9th day of December, 2013.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder

REVOCABLE PERMIT

The City of Tualatin, Oregon ("City") grants a revocable permit to the Living Savior Lutheran Church ("Permittee") for the purposes of and subject to the conditions stated.

This permit is granted for the purpose of allowing a 2-foot tall stacked block wall and 18-inch seating wall, 16-inch square concrete landscape pavers, and arborvitae and small shrubs (otto luyken) west of the reconstructed Living Savior Lutheran Church within an existing 15-foot wide public sanitary sewer easement. The locations of the 2-foot tall stacked block wall and 18-inch seating wall, 16-inch square concrete landscape pavers, and arborvitae and small shrubs (otto luyken) are shown on the attached Landscape Plan.

This permit is granted subject to the following conditions:

- (1) Permittee shall keep and maintain the areas free from all conditions that create a risk of injury or damage to those lawfully using the area and shall indemnify and hold the City, its officers, agents, and employees harmless from any claims for injury, damage, or loss of whatsoever nature arising out of or related to the use of the permit area.
- (2) At all times during the term of this permit, Permittee shall obtain and continue to carry public liability and property damage insurance in a responsible company with limits of not less than \$700,000.00 for injury to one person, \$2,000,000.00 for injury to two or more persons in one occurrence, and \$100,000.00 for damage to property (or, a single premium and limits policy providing the same coverages) issued by a company or companies authorized to issue such policies in Oregon and naming the City as an insured on said policy or policies of insurance. Certificates evidencing such insurance and bearing endorsements requiring ten (10) days written notice to City prior to any change or cancellation shall be furnished to the City prior to Permittee's occupancy of the permit area.
- (3) Permittee shall obtain applicable permits at Permittee's expense.
- (4) The areas allowed for the 2-foot tall stacked block wall and 18-inch seating wall, 16-inch square concrete landscape pavers, and arborvitae and small shrubs (otto luyken) are shown on the attached Landscape Plan.
- (5) If the City needs to make use of the existing 15-foot wide public sanitary sewer easement in any way, removal and replacement of the 2-foot tall stacked block wall and 18-inch seating wall, 16-inch square concrete landscape pavers, and arborvitae and small shrubs (otto luyken) will be the burden of the Permittee.
- (6) The City will not be liable for damage the 2-foot tall stacked block wall and 18-inch seating wall, 16-inch square concrete landscape pavers, and arborvitae and small shrubs (otto luyken) as a result of pipe damage/failure, maintenance, or repair of the existing public sanitary sewer line within the existing 15-foot wide public sanitary sewer easement.

This Permit may be revoked by the City upon:

(1) A determination of the City Council that the Permittee has violated or failed to satisfy any of the conditions of this permit, or

(2) If the City Council determines the existing 15-foot wide public sanitary sewer line may become inaccessible or damaged due to the 2-foot tall stacked block wall and 18-inch seating wall, 16-inch square concrete landscape pavers, and arborvitae and small shrubs (otto luyken), the City Council shall provide written notice of revocation that shall be effective, without further action of either party, 120 days after the date of the notice.

If the City Council declares a revocation of this permit under subparagraph (1), the written declaration shall be mailed to Permittee at the Permittee's address shown on the records of the Washington County Department of Assessment and Taxation. The revocation shall be effective ten (10) days after the date of the written declaration. All rights and interests of the Permittee shall automatically terminate upon the effective date of the revocation.

Prior to the effective date of revocation of this permit, the Permittee, at its expense, shall cause all improvements to be removed from the permit area if so requested in the Declaration of Revocation and re-establish area to its pre-existing condition.

This Permit is granted for the benefit of and the heirs, successors in interest and assigns of the Permittee who shall be bound by the conditions of this Permit.

IN WITNESS WHEREOF, the parties have executed this instrument on the date indicated below.

CITY OF TUALATIN, OREGON

LIVING SAVIOR LUTHERAN CHURCH

BY _____
City Manager

BY _____
Pastor Nathan Brandt

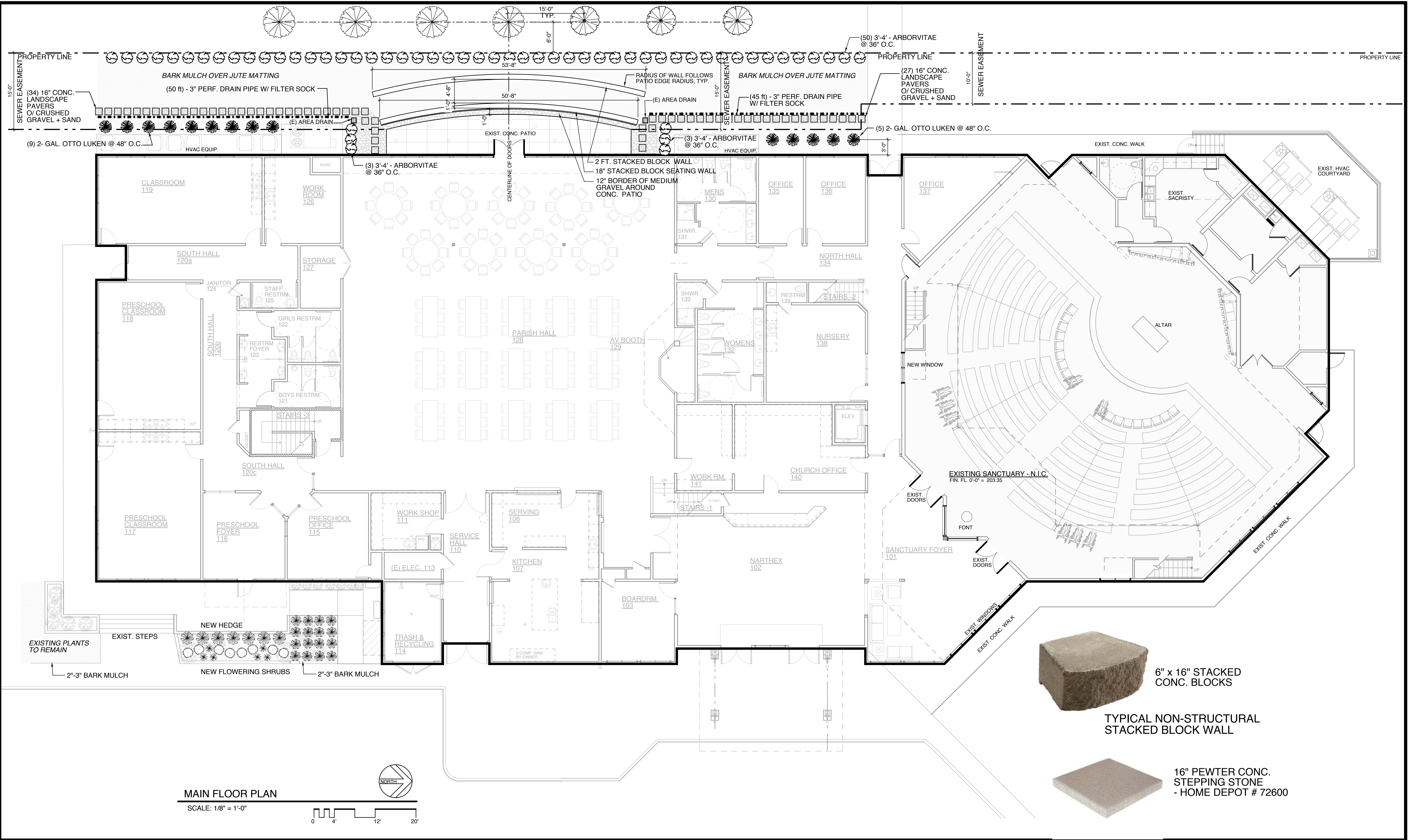
Date

Date

APPROVED AS TO FORM:

BY _____
City Attorney

Date



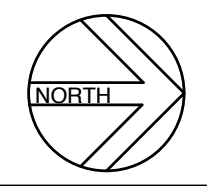
6" x 16" STACKED CONC. BLOCKS

TYPICAL NON-STRUCTURAL STACKED BLOCK WALL

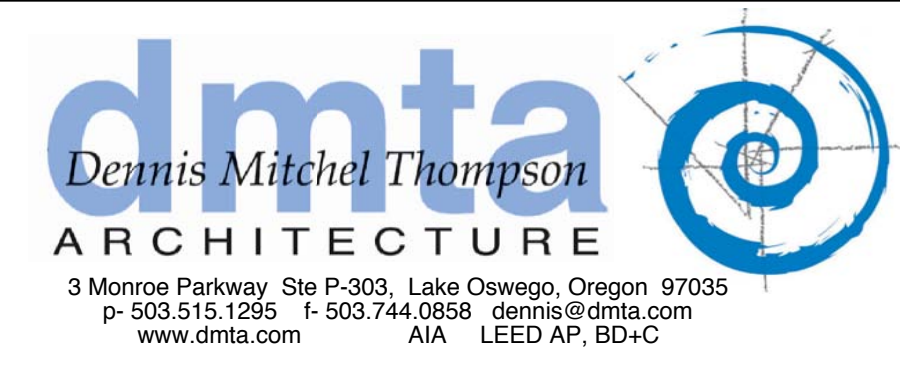


16" PEWTER CONC. STEPPING STONE - HOME DEPOT # 72600

MAIN FLOOR PLAN
 SCALE: 1/8" = 1'-0"
 0 4' 12' 20'



Rebuilding the Parish Hall & Education Center for **Living Savior Lutheran Church**
 8740 SW Sagert Street Tualatin, Oregon 97062



These Drawings Are Not For Construction Unless Approved By the Municipal Building Department		PHASE	PRINT DATE	SHEET TITLE LANDSCAPE PLAN
▲	Plan Check	2.11.13	SHEET NO. ASI- 44	
▲	Construction	2.21.13		
▲	Update	5.28.13		
DRAWN BY	DMT			
CHECKED BY	DMTA			



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Nicole Morris, Deputy City Recorder

DATE: 12/09/2013

SUBJECT: Consideration of Approval of a New Liquor License Application for Perfect Pizza Company Tualatin.

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve a new liquor license application for Perfect Pizza Company Tualatin.

RECOMMENDATION:

Staff respectfully recommends that the Council approve endorsement of the liquor license application for Perfect Pizza Company Tualatin.

EXECUTIVE SUMMARY:

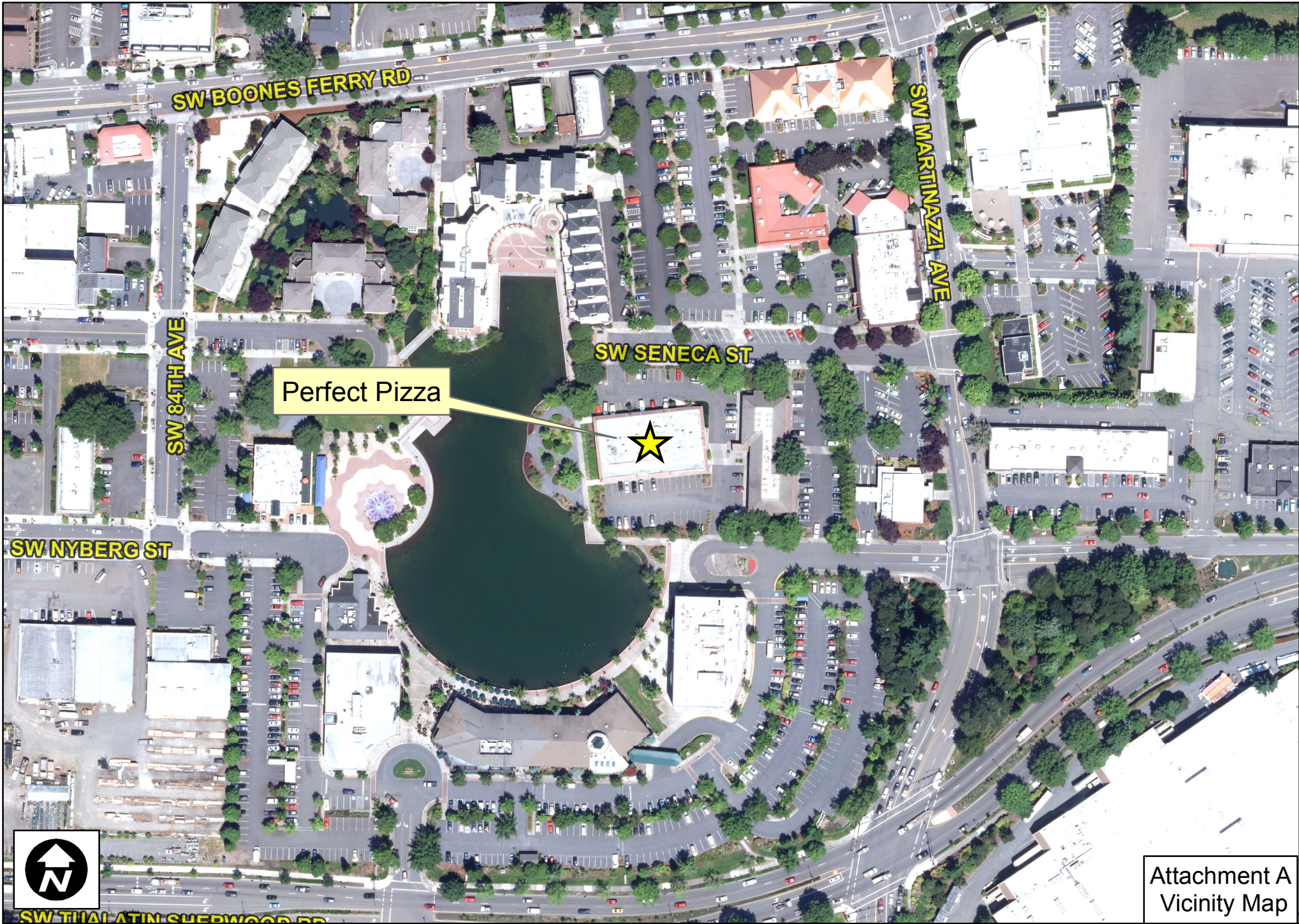
Perfect Pizza Company Tualatin has submitted a new liquor license application under the category of full on-premises sales for a commercial establishment. This would permit them to sell and serve distilled spirits, malt beverages, wine, and cider for consumption at this location. The business is located at 8145 SW Nyberg St. 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: [Attachment A- Vicinity Map](#)
[Attachment B- License Types](#)

Attachment C- Application



Perfect Pizza



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

CK# 0411

Pd. 11-14-13
SD

Date 11-12-13

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): Perfect Pizza Company Tualatin

Business address 8145 SW Nyberg St City Tualatin State OR Zip Code 97062

Mailing address 8145 SW Nyberg St City Tualatin State OR Zip Code 97062

Telephone # 503-250-1370 Fax # _____

Name(s) of business manager(s) First Craig Middle Wesley Last Wells

Date of birth [redacted] Social Security # [redacted] ODL# [redacted] M F

Home address [redacted] City Portland State OR Zip Code 97233
(attach additional pages if necessary)

Type of business Pizza Place

Type of food served Pizza

Type of entertainment (dancing, live music, exotic dancers, etc.) N/A

Days and hours of operation Sun-Thurs 11:00am-9:00pm Fri-Sat 11:00am-10:00pm

Food service hours: Breakfast N/A Lunch Dinner

Restaurant seating capacity 15 Outside or patio seating capacity 0

How late will you have outside seating? N/A How late will you sell alcohol? 9:00am

How many full-time employees do you have? 2 Part-time employees? 1

SECTION 3: DESCRIPTION OF LIQUOR LICENSE

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

Type of liquor license (refer to OLCC form) _____

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 Craig Wells
Business address 8145 SW Nyberg St

(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 Craig Wells Date of birth [REDACTED]
Residence address [REDACTED] PO-Home OR 97233

(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: _____
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: _____ Date of birth: _____
Residence address: _____

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.

 _____ 11-14-13
Signature of Applicant Date

For City Use Only

Sources Checked:

DMV by [Signature] LEADS 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: _____

 _____ 11/19/13
Signature Date

Kent W. Barker
Chief of Police
Tualatin Police Department



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Linda Odermott, Paralegal
Sean Brady, City Attorney

DATE: 12/09/2013

SUBJECT: 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).
SECOND READING.

ISSUE BEFORE THE COUNCIL:

Consideration of Ordinance No.1363-13 amending the TDC Chapter 40 - Low Density Residential Planning District (RL) to include chicken keeping as a permitted use (PTA 13-02).

RECOMMENDATION:

Staff recommends Council adopt an ordinance amending TDC 40 Low Density Residential Planning District (RL) to include Chicken Keeping as a permitted use (PTA 13-02).

EXECUTIVE SUMMARY:

At the November 25, 2013 City Council meeting, Ordinance 1363-13 was advanced to second reading by a vote of 6-1.

OUTCOMES OF DECISION:

If adopted, Ordinance 1363-13 will be effective 30 days after adoption.

Attachments: [Chicken Ordinance TDC](#)

ORDINANCE NO. 1363-13

AN ORDINANCE 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)

WHEREAS upon the application of the Development Services Department, a public hearing was held before the City Council of the City of Tualatin on November 12, 2013, related to a Plan Text Amendment of the Tualatin Development Code (TDC); and amending TDC 40 (PTA-13-02); and

WHEREAS, the City provided notice of PTA-13-02 to the Oregon Department of Land Conservation and Development as provided under ORS 197.610; and

WHEREAS, notice of public hearing was given as required by Tualatin Development Code 1.031; and

WHEREAS, the Council conducted a public hearing on November 12, 2013, and heard and considered the testimony and evidence presented by the City staff and those appearing at the public hearing; and

WHEREAS, after the conclusion of the public hearing, the Council voted 6-1, with Councilor Truax opposed to approve the application.

NOW THEREFORE, THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. TDC 40.020 is amended to read as follows:

- (1) Single-family dwellings, including manufactured homes.
- (2) Agricultural uses of land, such as truck gardening, horticulture, but excluding commercial buildings or structures and excluding the raising of animals other than the following:
 - (a) Normal household pets
 - (b) Chickens as otherwise allowed by the Tualatin Municipal Code.
- (3) Home occupations as provided in TDC 34.030 to 34.050.
- (4) Public transit shelters.
- (5) Greenways and Natural Areas, including but not limited to bike and pedestrian paths and interpretive stations.
- (6) Residential homes.

(7) Residential facilities for up to 15 residents, not including staff.

(8) Family day care provider, provided that all exterior walls and outdoor play areas shall be a minimum distance of 400 feet from the exterior walls and pump islands of any automobile service station, irrespective of any structures in between.

(9) Sewer and water pump stations and pressure reading stations.

(10) Wireless communication facility attached, provided it is not on a single-family dwelling or its accessory structures.

(11) Accessory dwelling units as provided in TDC 34.300 to 34.310.

(12) Transportation facilities and improvements.

(13) Public park, public playground, and public recreation building.

Section 2. The City adopts as its findings the Findings and Analysis attached as Attachment A, which is incorporated herein.

ADOPTED this ____ Day of _____, 2013.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO LEGAL FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Sara Singer, Deputy City Manager

DATE: 12/09/2013

SUBJECT: Consideration of **Ordinance No. 1365-13** Amending the Tualatin Municipal Code (TMC) Chapter 1-04-020 Establishing the Regular Meetings of the City Council

ISSUE BEFORE THE COUNCIL:

Tualatin Municipal Code (TMC) Chapter 1-04 is the ordinance related to public meetings notice. Section 1-4-020 requires the Council to designate by resolution the time, place and date of the Council meetings and regular meetings of the Architectural Review Board. Staff is recommending amendments to this section of the ordinance to ensure the City is in compliance with the TMC and City Charter.

RECOMMENDATION:

Staff respectfully recommends the City Council adopt Ordinance No. 1365-13 amending the Tualatin Municipal Code (TMC) Chapter 1-4-020 establishing the regular meetings of the City Council.

EXECUTIVE SUMMARY:

Section 13 of the City's Charter requires the Council to hold a regular meeting at least once a month in the City at a time and place which is designated. TMC Chapter 1-04 requires the City Council to pass a resolution each year at the first meeting in January to establish meeting dates for the Council and the Architectural Review Board for the coming calendar year. However, the ordinance currently reads the resolution must be posted at least 15 days prior to the next regular meeting. Because the Council meets every 14 days, the City is unable to comply with the ordinance as written. Staff has prepared an amendment to the ordinance which would adjust the language to fit current meeting practices. The proposed language is shown below:

Regular Meetings of the City Council will be held at 7:00 p.m. on the second and fourth Monday of each and every month, excluding the fourth Monday of December, and provided however when a second or fourth Monday falls on a City-recognized holiday, the City Council will meet on the following business day. Notwithstanding the foregoing, the City Council may call special meetings, or cancel or reschedule any meeting, as determined and with appropriate notice. A work session of the City Council will be held from 5:00 p.m. to 7:00 p.m., as needed, before each regular meeting.

This amendment to the ordinance would result in eliminating the need for an annual resolution establishing meeting dates. This language also removes the need for a resolution which includes the meeting dates for the Architectural Review Board (ARB) for the coming calendar year. The ARB currently meets on an as needed basis determined by development applications in Tualatin.

Attachments: Ordinance 1365-13

ORDINANCE NO. 1365-13

AN ORDINANCE AMENDING THE TUALATIN MUNICIPAL CODE (TMC)
CHAPTER 1-4-020 ESTABLISHING THE REGULAR MEETINGS OF THE CITY
COUNCIL

WHEREAS, the City of Tualatin City Charter Section 13 states the Council shall hold a regular meeting at least once a month in the City at a time and a place which is designated.

WHEREAS, City Council wishes to establish the regular meetings of the City Council by ordinance;

NOW THEREFORE, THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. TMC 1-4-020 is amended to read as follows:

TMC -1-4-020 Regular Meetings. ~~At the first regular meeting of each calendar year, the City Council shall designate by resolution the time, place and date of its regular meeting and the regular meeting of the Architectural Review Board for the ensuing 12-month period. A copy of the resolution shall be posted in four public and conspicuous places within the City not less than 15 days prior to the regular meeting next following adoption of said resolution.~~

Regular Meetings of the City Council will be held at 7:00 p.m. on the second and fourth Monday of each and every month, excluding the fourth Monday of December, and provided however when a second or fourth Monday falls on a City-recognized holiday, the City Council will meet on the following business day. Notwithstanding the foregoing, the City Council may call special meetings, or cancel or reschedule any meeting, as determined and with appropriate notice. A work session of the City Council will be held from 5:00 p.m. to 7:00 p.m., as needed, before each regular meeting.

Adopted by the City Council this 9th Day of December, 2013.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO LEGAL FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder