



City of Tualatin

TUALATIN CITY COUNCIL

Monday, August 25, 2014

JUANITA POHL CENTER

8513 SW Tualatin Road

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 your comments on its agenda, following Announcements, at which time citizens may address the Council concerning any item not on the agenda or to request to have an item removed from the consent agenda. If you wish to speak on a item already on the agenda, comment will be taken during that item. Please fill out a Speaker Request Form and submit it to the Recording Secretary. You will be called forward during the appropriate time; each speaker will be 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.



A. CALL TO ORDER

Pledge of Allegiance

B. ANNOUNCEMENTS

1. New Employee Introduction: Zoe Monahan, Management Analyst
2. New Employee Introduction: Rich Mueller, Park & Recreation Manager
3. Tualatin River Greenway Trail Gap Project Update

C. CITIZEN COMMENTS

This section of the agenda allows anyone to address the Council regarding any issue not on the agenda, or to request to have an item removed from the consent 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 ask Councilors if there is anyone who wishes to remove any item from the Consent Agenda for discussion and consideration. If you wish to request an item to be removed from the consent agenda you should do so during the Citizen Comment section of the agenda. The matters removed from the Consent Agenda will be considered individually at the end of this Agenda under, 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 July 28, 2014
2. Consideration of an Updated Washington County Master Interagency Teams Intergovernmental Agreement
3. Consideration of Approval of a New Liquor License Application for The Growler Guys
4. Consideration of Approval of a New Liquor License Application for New Seasons Market - Nyberg Rivers

E. 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.

F. COMMUNICATIONS FROM COUNCILORS

G. ADJOURNMENT



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Nicole Morris, Deputy City Recorder

DATE: 08/25/2014

SUBJECT: Consideration of Approval of the Minutes for the City Council Work Session and Regular Meeting of July 28, 2014

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve the minutes for the City Council Work Session and Regular Meeting of July 28, 2014.

RECOMMENDATION:

Staff respectfully recommends that the Council adopt the attached minutes.

Attachments: [City Council Work Session Minutes of July 28, 2014](#)
[City Council Regular Meeting Minutes of July 28, 2014](#)



OFFICIAL MINUTES OF TUALATIN CITY COUNCIL WORK SESSION FOR JULY 28, 2014

Present: Mayor Lou Ogden; Councilor Wade Brooksby; Councilor Frank Bubenik; Councilor Joelle Davis; Councilor Nancy Grimes; Councilor Ed Truax

Absent: Council President Monique Beikman

Staff City Manager Sherilyn Lombos; City Attorney Sean Brady; Community Services

Present: Director Paul Hennon; Deputy City Manager Sara Singer; Deputy City Recorder Nicole Morris; Information Services Manager Lance Harris; Police Captain Mark Gardner; Assistant City Manager Alice Cannon; Library Manager Jerianne Thompson

CALL TO ORDER

Mayor Ogden called the meeting to order at 5:47p.m.

1. *Tualatin Together Presentation.*

Cyndy Hillier, Tualatin Together Community Coalition Coordinator, and Carla Bennett, Washington County Tobacco Prevention and Education Program Coordinator presented updates on their programs.

Ms. Hillier explained how Tualatin Together is organized and their mission. She asked Council to consider an ordinance calling for smoke and tobacco free parks and city maintained areas. Ms. Hillier added that Tualatin Together and the Library Advisory Committee are in agreement that such an ordinance should be passed.

Ms. Bennett presented information and facts on the use of electronic cigarettes and smokeless products including dissolvable and combustible tobacco products. She stated one of their organization's focus areas is to reduce youth smoking rates by decreasing access and availability of tobacco products. She requested the Council adopt an ordinance for tobacco and smoke free areas for City properties and parks. An additional request to change the current smoke and tobacco free policies to include electronic smoking (e-cigarettes) devices was made.

Councilor Grimes asked about regulations surrounding e-cigarettes and minors. Ms. Bennett stated there are no regulations in place at this time for e-cigarettes.

Councilor Davis asked if there are age restrictions on dissolvable tobacco products. Ms. Bennett explained dissolvable products are regulated the same as regular tobacco products. Councilor Davis stated she is in support of an ordinance to make City properties and parks tobacco and smoke free.

Councilor Truax presented concerns with imposing an ordinance for tobacco and smoke free environments. He requested more information before making a decision.

Mayor Ogden asked what is accomplished by having smoke and tobacco free parks. Ms. Bennett stated that reducing access and availability helps to prevent teens from starting to smoke. Ms. Hillier added that posting signs in parks creates an environment that smoking in those locations is unacceptable. It also allows peers to self enforce the ordinance.

Councilor Davis expressed concerns over the negative impacts of smoking at city events. She noted these events are held in shared spaces and should be able to be enjoyed by all citizens without the negative impacts of second hand smoke.

Councilor Bubenik asked about smoking areas for employees. Ms. Bennett explained that creating a place for employees to smoke is not a best practice put forth by the CDC.

Mayor Ogden asked about the status of Hookah Bars being banned. Ms. Bennett stated that several communities in the state have banned these types of bars.

Councilor Grimes, Davis, Brooksby, and Mayor Ogden all support perusing an ordinance that would make all City properties and parks smoke and tobacco free. They would also like a draft policy that would prohibit the sale and possession of e-cigarettes to and by minors. It was agreed that this information would be brought back at a future work session for further review and discussion.

2. *Civic Facilities Study Update.*

Deputy City Manager Sara Singer updated the Council on the process for the Civic Facilities Study. She stated the goal of the project is to help the City plan for future facilities for the organization and the community. The project approach was presented along with key objectives. Deputy City Manager Singer highlighted the project schedule with the total process taking 6-8 months.

Councilor Brooksby asked why the process would take so long. Deputy City Manager Singer explained the time frame is typical for gathering the information needed to fully complete the study and gather the necessary community feedback.

Councilor Bubenik recommended a steering committee be formed that would work with staff on this project.

Mayor Ogden would like this project to be community driven. He would prefer a stakeholder committee be formed instead of a steering committee. He also requested monthly status reports on the project.

Councilor Grimes would like to make sure all the data is gathered before community meetings start and the consultant teams to be well versed in the facts. Deputy City Manager Singer stated a needs assessment will be completed before the community meetings begin and that the consultant team will be prepared with the technical information necessary for the community meetings and discussions.

Councilor Brooksby requested community groups be asked for specific information instead of allowing broad input. He believes this will help the process run smoother.

3. Council Meeting Agenda Review, Communications & Roundtable.

ADJOURNMENT

The work session adjourned at 6:57 p.m.

Sherilyn Lombos, City Manager

_____ / Nicole Morris, Recording Secretary

_____ / Lou Ogden, Mayor



OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR JULY 28, 2014

Present: Mayor Lou Ogden; Councilor Wade Brooksby; Councilor Frank Bubenik; Councilor Joelle Davis; Councilor Nancy Grimes; Councilor Ed Truax

Absent: Council President Monique Beikman

Staff Present: City Manager Sherilyn Lombos; City Attorney Sean Brady; Community Services Director Paul Hennon; Deputy City Recorder Nicole Morris; Information Services Manager Lance Harris; Engineer Associate Tony Doran; Police Captain Mark Gardner; Assistant City Manager Alice Cannon; Library Manager Jerianne Thompson; Deputy City Manager Sara Singer; Public Works Director Jerry Postema

A. CALL TO ORDER

Pledge of Allegiance

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

B. ANNOUNCEMENTS

1. New Employee Introduction- Cameron Eby, Operations Maintenance Worker

Public Works Director Jerry Postema introduced Operations Maintenance Worker Cameron Eby. The Council welcomed him.

2. New Employee Introduction- Sarah Jesudason, Public Services Supervisor

Community Services Director Paul Hennon introduced Public Services Supervisor Sarah Jesudason. The Council welcomed her.

3. New Employee Introduction- Bethany Veil, Engineering Associate

Assistant City Manager Alice Cannon introduced Engineering Associate Bethany Veil. The Council welcomed her.

4. Crawfish Festival Announcement

Festival Manager Mike Higgins announced the Tualatin Crawfish Festival to be held August 1-3. A "Corks and Kegs" event has been added this year to the festival as well as an additional day.

Councilor Truax thanked Mr. Higgins for stepping up and taking over the festival so that it could grow and continue on in Tualatin.

C. **CITIZEN COMMENTS**

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D. **CONSENT AGENDA**

The Consent Agenda will be enacted with one vote. The Mayor will ask Councilors if there is anyone who wishes to remove any item from the Consent Agenda for discussion and consideration. If you wish to request an item to be removed from the consent agenda you should do so during the Citizen Comment section of the agenda. The matters removed from the Consent Agenda will be considered individually at the end of this Agenda under, 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 Councilor Ed Truax, SECONDED by Councilor Joelle Davis to approve the consent agenda.

Vote: 6 - 0 MOTION CARRIED

1. Consideration of Approval of the Minutes for the City Council Work Session and Regular Meeting of July 14, 2014
2. Consideration of Approval of a New Liquor License Application for Millers Homestead Inn
3. Consideration of Approval of a New Liquor License Application for KGF Dining 2, LLC, dba Cafe Yumm!

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

1. Consideration of **Resolution No. 2505-14** to Authorize the City Manager to Execute Quitclaim Deeds of Public Utility Easements on the Nyberg Rivers Shopping Center located at 7655 SW Nyberg Street

Assistant City Manager Alice Cannon and Engineering Associate Tony Doran presented a resolution executing Quitclaim Deeds relinquishing public utility easements on the Nyberg Rivers shopping center located at 7655 SW Nyberg Street.

PUBLIC COMMENT

None

COUNCIL QUESTIONS

Councilor Bubenik asked for explanation on color coding on the presented maps. Associate Doran identified the color coding for clarification.

MOTION by Councilor Ed Truax, SECONDED by Councilor Nancy Grimes to adopt Resolution No. 2505-14 to authorize the City Manager to execute Quitclaim Deeds of public utility easements on the Nyberg Rivers Shopping Center located at 7655 SW Nyberg Street.

Vote: 6 - 0 MOTION CARRIED

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

Mayor Ogden adjourned the meeting at 7:25 p.m.

Sherilyn Lombos, City Manager

_____ / Nicole Morris, Recording Secretary

_____ / Lou Ogden, Mayor

City Council Meeting

Meeting Date: 08/25/2014

CONSENT Consideration of an updated Washington County Master Interagency Teams
AGENDA: Intergovernmental Agreement

CONSENT AGENDA

Consideration of an Updated Washington County Master Interagency Teams Intergovernmental Agreement

SUMMARY

The Washington County Law Enforcement Council has reviewed and updated the attached Intergovernmental Agreement. This Agreement provides that a unit of local government may enter into a written agreement with any other unit of local government for the performance of any or all functions and activities that a party to the agreement has the authority to perform. The Tualatin Police Department participates with and utilizes several Interagency Teams including: Major Crimes Team, Tactical Negotiations Team, Crash Analysis Reconstruction Team, Gang Liaison Task Force, Fraud Investigation Team and the Mobile Response Team.

Washington County Master Interagency Teams Intergovernmental Agreement

WASHINGTON COUNTY MASTER INTERAGENCY TEAMS INTERGOVERNMENTAL AGREEMENT

This Master Interagency Teams Agreement (Agreement) is entered into by and between the undersigned parties to provide for establishment and support of all local interagency teams as permitted by ORS 190.110 which provides that a unit of local government may enter into a written agreement with any other unit of local government for the performance of any or all functions and activities that a party to the agreement has the authority to perform.

It is the intent of this Master Interagency Agreement to be subservient to individual department pursuit policies. Under no circumstance will this agreement replace the individual department pursuit policy.

Therefore, for and in consideration of the following, the parties agree as follows:

1. **EFFECTIVE DATE AND DURATION.** This Agreement commences and takes effect when signed by two or more parties and remains in effect thereafter until amended or terminated by the parties consistent with this Agreement. The Law Enforcement Council (LEC) will review this Agreement in January of even-numbered years and make recommendation(s) as to its revision or modification to their respective governing bodies if they determine that is needed.
2. **PURPOSE AND FUNCTION.** This Agreement provides for the cooperation and coordination of all local Interagency Teams. Each governing body of a participating jurisdiction agrees to delegate the authority to execute Interagency Team Agreements to the chief law enforcement officer of the jurisdiction provided that all Interagency Team Agreements entered into by the chief law enforcement officer contain the exact language of the contract template as set forth in paragraph four below.
3. **DEFINITIONS.**
 - 3.1 **Interagency Team.** Two or more agencies assign personnel on a full-time, part-time or an on-call or collateral assignment basis to a special unit.
 - 3.1.1. Full time Interagency Teams have a narrowly focused primary mission and have member's assigned full-time (minimum of 40 hours per week) to the team. Some full-time Interagency Teams may have members assigned less than full-time (less than 40 hours per week) or for a limited duration (temporary assignments to enhance professional career of member). Full-time Interagency Teams shall be subject to additional requirements as defined in 4.2 and 4.3.
 - 3.1.2. On-call or collateral assignment Interagency Teams also have a narrowly focused mission; however, member's primary mission is something other than that of the team (Patrol, Detectives, Jail). On-call Interagency Teams are typically activated for limited duration specific missions. These Interagency Teams are not subject to sections 4.2 and 4.3.
 - 3.2 **Police Officer.** Police Officer as used in this Agreement is a police officer commissioned by the State of Oregon or a police officer commissioned by a public agency or unit of local government of the State of Oregon to enforce the criminal laws of Oregon and included in the definitions contained or employed in ORS 181.610 and ORS 190.472, as now enacted or hereafter amended.

- 3.3 Team Administrator or Team Commander. The participating agency which has volunteered to be responsible for primary county wide operational command of the particular Interagency Team shall designate (an exception to this rule is defined in 4.2) a Team Administrator. The Team Administrator must be a command ranking executive from that participating agency. The Team Administrator shall collaborate with participating agencies to develop and recruit team members and will coordinate with those agencies as to appointment and removal of members to the respective interagency team (exceptions to this are defined in 4.2). The Team Administrator shall communicate with each participating agency the skill set, criteria and testing process to be used in applicant screenings for the Interagency Team.
- 3.4 Team Supervisor or Team Leader. The Team Supervisor has primary supervisory duties of interagency team members' daily on-duty activities. The minimum rank qualification for this position is sergeant with specific management duties described in section 4.5.1 through 4.5.2.E.
- 3.5 Team Member. A Team Member is a police officer as defined in 3.2, participating on an Interagency Team as described in 3.1.1 or 3.1.2 above.
- 3.6 User Board. The User Board is made up of the chief law enforcement administrators of each law enforcement entity as further described in section 4.2.
- 3.7 Governing Body. The Washington County Board of County Commissioners or a City Council for each participating city.

4. REQUIREMENTS FOR TEAM AGREEMENTS.

The authority to enter into and maintain Interagency Team Agreements for full-time Interagency Teams (as defined in 3.1.1) is delegated to the chief law enforcement officer of each affected jurisdiction (Chief of Police or Sheriff) provided that all such Interagency Team Agreements shall contain the language found in sections 4.1 through 4.18 below, which shall neither be amended nor modified without a formal unanimous approval of the governing body of all participating jurisdictions, and further, no other substantive contract language may be added without the same protocol. The only language which may be added are provisions addressing the purposes, functions, procedures and role of the affected Interagency Team. The chief law enforcement officer of the jurisdiction may enter Interagency Team Agreements for on-call or collateral assignment teams (as defined in 3.1.2).

- 4.1 COOPERATION. Each participating agency agrees to provide all reasonable assistance and resources to and with other participating agencies in implementing the purposes of the Agreement.
- 4.2 USER BOARD. If three or more agencies are participating on a full-time Interagency Team, and at the recommendation of the LEC, a User Board will be formed. The User Board will consist of the chief law enforcement administrator of each participating agency or designee having executive command authority. The User Board shall coordinate operational procedures and administrative guidelines for the Team and Team Administrator and review the overall implementation thereof. The User Board recommendations are not binding on the participating agencies but the agencies agree to use good faith efforts to develop operational procedures. The User Board shall elect a User Board Chair (as defined in section 4.3) and appoint a Team Administrator. The Team Administrator and User Board shall collaborate to recruit and appoint Team Supervisor(s).

- 4.3 **USER BOARD CHAIR.** The Chair of a User Board will serve a term of one calendar year (January 1 to December 31) and their appointment will be by majority vote of the participants. The vote shall take place in November of the calendar year preceding their service as Chair. The Chair must be one of the chief law enforcement officers or designees members from the User Board. The User Board will meet at least quarterly and at any time upon written request of a participating agency. Each member of the User Board shall have an equal voice in the conduct of business. No quorum is required to conduct User Board business, and a majority of the members present can take action on any User Board issue.
- 4.4 **TEAM ADMINISTRATOR.** Interagency Team Administrators will have the following responsibilities:
- 4.4.1. Exercise management rights with regard to appointment, term limits and removal of members from the Team;
 - 4.4.2. Attend User Board Meetings, participate in User Board discussions and report on team activities and management functions;
 - 4.4.2. Establishment of operational guidelines consistent with the policies and procedures for each participating agency;
 - 4.4.3. Establish team activities and operations;
 - 4.4.4. Evaluate team activities and supervise members;
 - 4.4.5. Long range planning, preparation of budget recommendations and allocation of budgeted resources to meet members, equipment, and team activities needs; and
 - 4.4.6. Reporting to the User Board on team activities and management functions as outlined in this section
- 4.5 **TEAM SUPERVISOR.** Supervisory responsibilities for the Team Supervisor will be outlined in the Interagency Team's operational guidelines which will include (at a minimum) the following:
- 4.5.1. Plan and manage operational activities of the Team;
 - 4.5.2. Direct team day-to-day activities including:
 - 4.5.2.A. Assignment of investigations and other tasks to team members;
 - 4.5.2.B. Scheduling members for team activities, including those which may result in overtime eligibility under applicable member rules and collective bargaining agreements;
 - 4.5.2.C. Review and approval of investigative reports;
 - 4.5.2.D. Review of personnel performance and making recommendations/observations concerning supervisory issues to appropriate participating agency supervisory and command staff;
 - 4.5.2.E. Serve as a liaison with other law enforcement agencies;
 - 4.5.2.F. Present quarterly reports to the User Board on team activities; and
 - 4.5.2.G. Present bi-annual reports to the LEC on team activities
- 4.6 **TEAM MEMBERS.** Team members remain subject to the internal policies and procedures of their respective agencies for all matters not directly related to team performance and activities.
- 4.7 **SUPERVISION OF TEAM MEMBERS.** Team Members shall be supervised by the Team Supervisor while engaging in team activities and the team member will also have an agency supervisor at the team member's agency.
- 4.8 **RECRUITMENT TO INTERAGENCY TEAM.** Each participating agency and the Team Administrator are responsible for the recruitment process. The recruitment process used by participating agencies must comply with criteria set by the Team

Administrator and participating agencies (i.e., requirements for minimum certification, term limits, years' experience, performance evaluations, etc.).

- 4.9 DISCIPLINE. The Team Supervisor will contact a team member's agency supervisor regarding discipline and performance issues and the team member's agency supervisor will handle performance or discipline consistent with that agency's policies and standards.
- 4.10 WAGES AND BENEFITS. All personnel costs, including wages and benefits, and incidental items of personal equipment will be the responsibility of each participating agency assigning a person to the team.
- 4.11 EQUIPMENT. Any participating agencies may assign to its participating team Member(s)' capital equipment for such times and under such restrictions as it deems appropriate. Such equipment shall not be considered a team asset but remain an asset of the contributing agency. Each agency will be responsible for the maintenance and repair or replacement of their equipment assigned to the team member(s).
- 4.12 FUNDING. Team operations will incur certain operating expenses including but not limited to training, training site rentals, office space rental, supplies and consumables and informant compensation.
- The Team Administrator shall annually, at a time consistent with requirements of the various parties' respective budgetary processes, confer and recommend to each agency's chief law enforcement officer a projected share of the operational expense for the ensuing fiscal year. The respective share shall be determined by the actual operating expense of the respective team member(s) on the team.
- 4.13 BUDGET. The Team Administrator shall create an operating budget for the Interagency Team.
- Notwithstanding any other provision of this Agreement, all budget recommendations submitted must be first approved by the Finance Department of the jurisdiction and comply with all rules and procedures of the local budget process.
- 4.14 FISCAL AGENT. The Washington County Finance Department will serve as Fiscal Agent for the purpose of this Agreement if Washington County is a signatory to an interagency team unless the User Board (if required by this agreement) or Team Administrator affirmatively decides the Finance Department of another participating jurisdiction is to serve as Fiscal Agent. The Finance Department of any participating jurisdiction serving as a Fiscal Agent must handle all team financial affairs in accordance with generally accepted accounting principles for government agencies.
- 4.15 REVENUES. Any revenues generated by the interagency team shall be maintained in a separate account in accordance with generally accepted accounting principles for government agencies (as per section 4.15) with spending authority will be the responsibility of the User Board.
- 4.16 ANNUAL FISCAL INTERNAL REVIEW. The Team Administrator will ensure an annual fiscal review is conducted of equipment and expenditures including confidential funds and the record keeping of the team and assure expenditures are in accordance with legal and contractual obligations, and also that receipts

and disbursements are documented and accounted for in accordance with generally acceptable accounting practices for government agencies. The results of the review will be presented to the User Board or the law enforcement executives with participating members for review upon its completion. Costs of the fiscal internal review will be the responsibility of the Fiscal Agent (as per section 4.15).

4.17 INDEMNITY. Each party shall be independently and severally liable for the acts, errors and omissions of its employees and officers, and there shall be no right of indemnity between the parties but they shall be entitled to assert rights to contribution under ORS 18.242.

4.18 TERMINATION. Any agency may terminate participation from any Interagency Team by providing 30 days prior written notice to the other parties.

5. INTERAGENCY TEAMS – PROCEDURE

The chief law enforcement officer of a jurisdiction wishing to create a full time or an on-call collateral assignment Interagency Team shall present the proposal at the Law Enforcement Council (LEC). If other chief law enforcement executive officers agree to create the team, an agreement shall be drafted incorporating the required provisions and definitions of this Agreement therein as well as specific provisions setting out the purposes, functions, procedure and role of the proposed team. The agreement shall be circulated to the interested jurisdictions for review by the chief law enforcement officer and legal counsel. If acceptable, the chief law enforcement officer shall sign the agreement in multiple parts and forward to the other interested jurisdictions.

6. ADDITIONAL PARTIES

Any Oregon or Federal law enforcement agency, not a party to this Agreement when it first becomes effective, may become a party thereto by signing the Agreement with the authority of its governing body and approval of the current User Board. Upon the signing of the Agreement by the additional party, the Agreement becomes binding among all the parties that have signed.

7. TERMINATION, SUSPENSION, OR WITHDRAWAL FROM AGREEMENT

Upon mutual consent of all the parties, this Agreement may be amended or terminated at any time. Any party may withdraw from this Agreement upon providing 30 days prior written notice to the other participating agencies.

8. WAIVER

The failure of any party to enforce a provision of this Agreement shall not constitute a waiver of the entire Agreement or any other provision contained within.

9. CAPTIONS

Captions and headings used in this Agreement are inserted for convenience of reference only and are not intended to affect the interpretation or construction of the Agreement.

10. PARTIAL INVALIDITY

Whenever possible, each provision of this Agreement shall be interpreted in such a way as to be effective and valid under applicable law. If any provision of this Agreement is adjudged invalid, such adjudication shall not affect the remaining provisions, terms or requirements of this Agreement.

11. AMENDMENTS

Only written instruments authorized by the governing body of each participating jurisdiction may amend or otherwise alter this Agreement.

12. SIGNATORY AUTHORITY TO ENTER INTO AGREEMENT

Each person signing this Agreement hereby represents to all other signatories that they are duly authorized by their unit of local government to enter into the Agreement.

IN WITNESS WHEREOF the parties by the signatures of their authorized representatives have executed this Agreement effective on the date show below each signature.

City of Beaverton

City of Cornelius

Signature

Signature

Printed Name

Printed Name

Title

Title

Date

Date

City of Forest Grove

Signature

Printed Name

Title

Date

City of Hillsboro

Signature

Printed Name

Title

Date

City of King City

Signature

Printed Name

Title

Date

City of Tualatin

Signature

Printed Name

Title

Date

City of North Plains

Signature

Printed Name

Title

Date

City of Sherwood

Signature

Printed Name

Title

Date

City of Tigard

Signature

Printed Name

Title

Date

Washington County

Signature

Printed Name

Title

Date



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Nicole Morris, Deputy City Recorder

DATE: 08/25/2014

SUBJECT: Consideration of Approval of a New Liquor License Application for The Growler Guys

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve a new liquor license application for The Growler Guys.

RECOMMENDATION:

Staff respectfully recommends that the Council approve endorsement of the liquor license application for The Growler Guys.

EXECUTIVE SUMMARY:

The Growler Guys has submitted a new liquor license application under the category of limited on-premises sales. This would permit them to sell factory-sealed containers of malt beverages, wine, and cider for on-site consumption. The business is located at 7642 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. 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](#)



The Growler Guys

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

REC'D paid
CITY OF TUALATIN
AUG 07 2014

MAYOR COUNCIL POLICE ADM
FINANCE COMMDEV LEGAL OPER
COMMSVCS ENG & BLDG LIBRARY

Date 8/4/14

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.
personal cell: 503-407-2952

SECTION 2: DESCRIPTION OF BUSINESS

Name of business (dba): The Growler guys

Business address 7642 Sw Nyberg St. City tualatin State OR Zip Code 97062

Mailing address 15215 SW 100th Ave. City Tigard State OR Zip Code 97224

Telephone # will provide when I have it. Fax #

Name(s) of business manager(s) First Jonathan Middle Edward Last Aho

Date of birth Social Security # ODL# M X F

Home address City Tigard State OR Zip Code 97224
(attach additional pages if necessary)

Type of business Growler fill station

Type of food served Lighter precooked/frozen food (mini pizza, soft pretzel)

Type of entertainment (dancing, live music, exotic dancers, etc.) recorded music, maybe Live occasional acoustic guitar

Days and hours of operation Sun-Sat 10am-11pm

Food service hours: Breakfast Lunch 10am-11pm Dinner 10am-11pm

Restaurant seating capacity 12 Outside or patio seating capacity 8

How late will you have outside seating? 11pm How late will you sell alcohol? 11pm

How many full-time employees do you have? 2 Part-time employees? 3

SECTION 3: DESCRIPTION OF LIQUOR LICENSE

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

Aho Enterprises LLC
Type of liquor license (refer to OLCC form) Limited on-premises

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: _____ 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: Jonathan Edward Aho Date of birth: [REDACTED]
Residence address: [REDACTED] Logansport, OR 97224

Full name: Meghann Janelle Aho

Date of birth: [REDACTED]

Residence address: [REDACTED] Tualatin, OR 97229

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.

[REDACTED]

Signature of Applicant

8/4/14
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: _____

[REDACTED]
Signature

8/10/14
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: Nicole Morris, Deputy City Recorder

DATE: 08/25/2014

SUBJECT: Consideration of Approval of a New Liquor License Application for New Seasons Market - Nyberg Rivers

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve a new liquor license application for New Seasons Market - Nyberg Rivers.

RECOMMENDATION:

Staff respectfully recommends that the Council approve endorsement of the liquor license application for New Seasons Market - Nyberg Rivers.

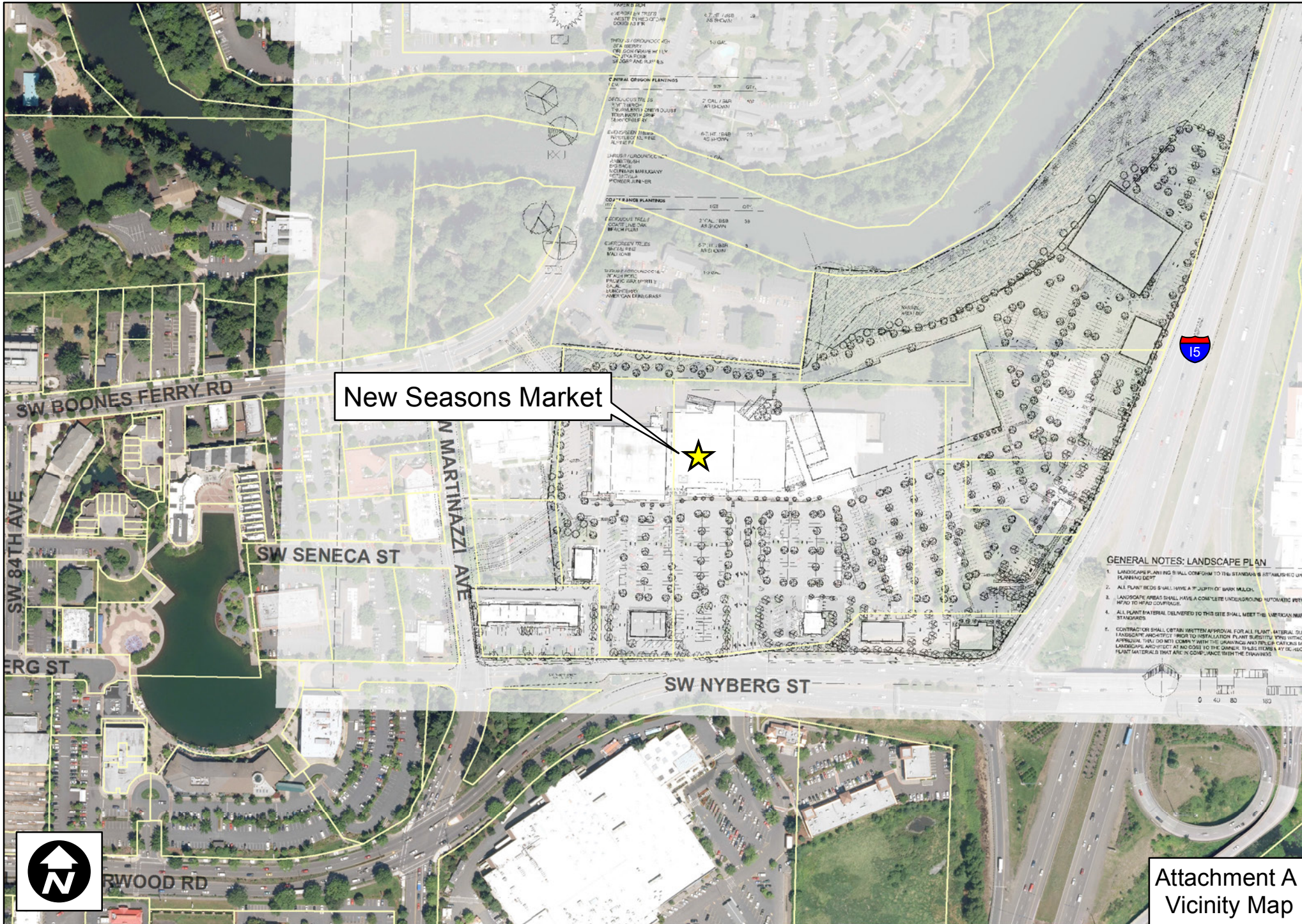
EXECUTIVE SUMMARY:

New Seasons Market - Nyberg Rivers has submitted a new liquor license application under the category of limited on-premises and off premises sales. This would permit them to sell factory-sealed malt beverages, wine, and cider at retail to individuals in Oregon for consumption on and off the licensed premises. They would also be eligible to provide sample tastings of malt beverages, wine, and cider for consumption on the premises. The business is located at 7703 SW Nyberg. The application is in accordance with provisions of Ordinance No.680-85 which established a procedure for review of liquor licenses by the Council. 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](#)



New Seasons Market



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

REC'D CITY OF TUALATIN

AUG 07 2014

MAYOR COUNCIL POLICE ADM FINANCE COMM DEV LEGAL OPER COMM SVCS PUG & BLDG LIBRARY

Date August 9, 2014

PAID 15430

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): New Seasons Market - Nyberg Rivers
Business address: 7703 SW Nyberg City Tualatin State OR Zip Code 97062
Mailing address: 2004 N Vancouver Ave City Portland State OR Zip Code 97227
Telephone #: 503 459 4817 (not store #) Fax #: 503 292 6280
Name(s) of business manager(s) First Scott Middle J Last Weseman
Date of birth Social Security # DDL# M X F
Home address City Oregon City State OR Zip Code 97045
Type of business: grocery store
Type of food served: assorted
Type of entertainment (dancing, live music, exotic dancers, etc.): none
Days and hours of operation: 8am - 10pm
Food service hours: Breakfast 8A-11A Lunch 11A-10p Dinner 11A-10p
Restaurant seating capacity: 54 Outside or patio seating capacity: 32
How late will you have outside seating?: 10pm How late will you sell alcohol?: 10pm

How many full-time employees do you have? 100 Part-time employees? 50

SECTION 3: DESCRIPTION OF LIQUOR LICENSE

Name of Individual, Partnership, Corporation, LLC, or Other applicants New Seasons Market, LLC

Type of liquor license (refer to OLCC form) off premises + limited on premises

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: _____ 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: see attached _____ 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.

Signature  Date 8/4/14

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: _____

 Date 8/10/14

Kent W. Barker
Chief of Police
Tualatin Police Department