



OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING SEPTEMBER 22, 2014

Present: Mayor Lou Ogden- via phone; 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; Community Services Director Paul Hennon; Finance Director Don Hudson; Deputy City Manager Sara Singer; Deputy City Recorder Nicole Morris; Project Engineer Dayna Webb; Maintenance Services Division Manager Clayton Reynolds; Economic Development Manager Ben Bryant; Assistant City Manager Alice Cannon; Library Manager Jerianne Thompson

A. CALL TO ORDER
Pledge of Allegiance

Council President Beikman called the meeting to order at 7:04 pm.

B. ANNOUNCEMENTS

1. New Employee Introduction: Corey Bingham, Building Inspector II

Moved to next meeting.

2. Proclamation Declaring October 3, 2014, National Manufacturing Day in the City of Tualatin

Councilor Brooksby read the proclamation declaring October 3, 2014 as National Manufacturing Day in the City of Tualatin.

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.

MOTION by Councilor Nancy Grimes, SECONDED by Councilor Joelle Davis to adopt 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 September 8, 2014
2. Consideration of **Resolution No. 5211-14** Awarding the Bid for the Interior & Exterior Maintenance Painting of Norwood B-1 Reservoir
3. Consideration of **Resolution No. 5210-14** Amending the City of Tualatin Fee Schedule and Rescinding Resolution No. 5204-14
4. Consideration of Recommendations from the Council Committee on Advisory Appointments
5. Consideration of Approval of a New Liquor License Application for Pieology Pizzeria
6. Consideration of **Resolution No. 5213-14** Authorizing Execution of an Intergovernmental Agreement Between the City of Tualatin and the State of Oregon for the Tualatin River Greenway Gap Completion Project

E. SPECIAL REPORTS

1. Summer Programs Review & Fall Programs Preview

Library Manager Jerianne Thompson and Teen Program Specialist Julie Ludemann presented the 2014 summer programs review and fall programs preview. Both spoke to successes in the Summer Reading programs and Youth Summer Camps. Concerts and Movies on the Commons were highly attended again this year. Art activities included the installation of the Lazy River and ArtSplash event. Teen volunteers contributed over 3,000 hours to the TEAM Tualatin program and the library this summer. The Police Department hosted National Night Out, Gang Resistance and Education Training, car seat clinics, Click It or Ticket, and prescription drug take back events. Recreation partners including the Tualatin Heritage Center, Browns Ferry Park and the Tualatin Crawfish Festival all hosted many successful events.

This fall the Library will be hosting Hispanic Heritage month, Grave Matters, and Dia de los Muertos. Upcoming fall events at the Juanita Pohl Center include Oktoberfest, Veteran's recognition, and computer classes. The Community Services department will hold the annual West Coast Giant Pumpkin Regatta and the Youth Advisory Committee (YAC) will hold a Haunted House.

Council President Beikman thanked the Community Services staff for all their hard work and dedication to the City.

2. Tualatin Chamber of Commerce Annual Report

Tualatin Chamber of Commerce Director Linda Moholt presented the Chamber's annual report. Ms. Moholt spoke to the four core competencies of the Chamber. The first competency, creating a strong local economy, was supported by continuing to advocate for the Tualatin Shuttle. The shuttle continues to be a success and will be transitioned to Ride Connection starting in October. The Chamber continues to remain focused on business retention and expansion. Business walks were developed to support this competency and promote a sense of community amongst businesses. The second competency, promoting the community, was accomplished through the support of several events including the Tualatin Crawfish Festival, the home show, and the Regatta Run. The third competency, providing networking opportunities to build relationships, was supported by the holding of 14 ribbon cuttings and 60 networking events this year. Networking events include AM Networking, Thrive! Education Breakfasts, Women in Networking, and the Young Professionals of Tualatin. The last competency to represent the interests of business with government led to the creation of the Business Advocacy Council (BAC). The BAC was formed to advocate for local, regional and statewide issues affecting area business.

F. PUBLIC HEARINGS – *Legislative or Other*

1. Consideration of **Resolution No. 5212-14** Adopting Findings in Support of an Exemption from Bidding and Authorizing the City Manager to Enter into a Direct Negotiation Contract with Cardno for Design and Construction Administration Services for the Tualatin River Greenway Trail Gap Completion Project

Community Services Director Paul Hennon presented a resolution to authorize the City Manager to enter into a direct negotiation contract with Cardno for design and construction administration services for the Tualatin River Greenway Trail Gap Completion Project. The State of Oregon and the City of Tualatin public contracting rules allow for exemptions from bidding when certain requirements have been met. It has been deemed that this project meets those requirements as a substantial cost savings will occur and will not diminish competition. Director Hennon noted the City has a pre-qualified pool of consultants that have been competitively selected for this type of work and Cardno is on the list. Cardno has intimate knowledge of this project as they worked with CenterCal to complete the largest piece of this trail on the Nyberg Rivers site. Director Hennon covered the risks associated with this project if an exemption is not granted.

PUBLIC COMMENT

None

COUNCIL DISCUSSION/DELIBERATION

None

MOTION by Councilor Ed Truax, **SECONDED** by Councilor Nancy Grimes to adopt Resolution No. 5212-14 adopting findings in support of an exemption from bidding and authorizing the City Manager to enter into a direct negotiation contract with Cardno for design and construction administration services for the Tualatin River Greenway Trail Gap Completion Project.

Vote: 6 - 0 MOTION CARRIED

G. GENERAL BUSINESS

If you wish to speak on a general business item please fill out a Speaker Request Form and you will be called forward during the appropriate item. 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.

1. Consideration of **Ordinance 1376-14** an Ordinance Establishing a Tax on the Sale Of Marijuana and Marijuana-Infused Products in the City Of Tualatin; and Establishing New Tualatin Municipal Code Chapter 13-01

Mayor Ogden called in via phone at 7:50 pm.

PUBLIC COMMENT

None

COUNCIL DELIBERATIONS

None

MOTION by Councilor Frank Bubenik, **SECONDED** by Councilor Wade Brooksby to amend section 13-01-030(1)(a) to read "up to five percent" and 13-01-030(1)(b) to read "up to ten percent".

DISCUSSION ON THE MOTION

Mayor Ogden would like to have the ordinance read "at a rate to be determined." He does not feel comfortable assigning a rate at this time.

Councilor Brooksby asked if not assigning a rate tonight would affect the Council's ability to assign a rate in the future. City Attorney Brady stated the Council could add language "at a rate to be determined" and pass the rate by resolution at a later date.

Councilor Bubenik withdrew his motion.

MOTION by Councilor Frank Bubenik, **SECONDED** by Councilor Nancy Grimes to amend section 13-01-030 (1) to read:

(a) At a rate to be determined by Council resolution of the gross sales amount paid to the seller by a registry identification cardholder; and

(b) At a rate to be determined by Council resolution of the gross sale amount paid to the seller of marijuana by individuals who are not registry identification cardholders purchasing marijuana under the Oregon Medical Marijuana Program

Vote: 7 - 0 MOTION CARRIED

MOTION by Councilor Nancy Grimes, **SECONDED** by Councilor Frank Bubenik for first reading by title only.

Vote: 6 - 1 MOTION CARRIED

Nay: Councilor Ed Truax

Councilor Truax stated his no vote is not opposing the tax but is related to his concerns over potential litigation.

A Special City Council meeting to further discuss this ordinance was scheduled for September 29, 2014 at 5:30 pm. Mayor Ogden and Councilor Davis will call in for the meeting.

H. 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.

I. COMMUNICATIONS FROM COUNCILORS

Councilor Davis stated the Washington County Human Rights Council is seeking elected officials to serve on an advisory board. If you are interested in serving on the board let her know.

J. ADJOURNMENT

Council President Beikman adjourned the meeting at 8:06 pm.

Sherilyn Lombos, City Manager

 / Nicole Morris, Recording Secretary

 / Lou Ogden, Mayor