



City of Tualatin

TUALATIN CITY COUNCIL

Monday, October 27, 2014

JUANITA POHL CENTER

8513 SW Tualatin Road

Tualatin, OR 97062

WORK SESSION begins at 6:00 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. Proclamation Declaring October 23-31, 2014 Red Ribbon Week 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.

1. Consideration of Approval of the Minutes for the City Council Work Session and Regular Meeting of October 13, 2014
2. Consideration of **Resolution No. 5216-14** Canvassing Results of the Special Election for a Charter Amendment to Prohibit Using City Resources for Rail Transit without Specified Election Held in the City of Tualatin, Washington and Clackamas Counties, Oregon on September 16, 2014.

E. SPECIAL REPORTS

1. Juanita Pohl Center Annual Report

F. 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 **Resolution No. 5217-14** Establishing a Tax Rate for Marijuana and Marijuana Infused Products.

2. Consideration of **Ordinance No. 1375-14** Annexing Territory Located at 22475 SW Boones Ferry Road Into the City of Tualatin and Withdrawing the Territory from the Washington County Enhanced Sheriff Patrol District and the County Urban Road Maintenance District (Tax Map 2S1 35BA, Tax Lot 600) (ANN-14-03)

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.

H. COMMUNICATIONS FROM COUNCILORS

I. ADJOURNMENT

City Council Meeting

Meeting Date: 10/27/2014

ANNOUNCEMENTS: Proclamation Declaring October 23-31, 2014 Red Ribbon Week in the City of Tualatin

ANNOUNCEMENTS

Proclamation Declaring October 23-31, 2014 Red Ribbon Week in the City of Tualatin

Proclamation

Proclamation

Proclamation Declaring October 23-31, 2014 Red Ribbon Week in the City of Tualatin

WHEREAS, Alcohol and other drug abuse in this nation has reached epidemic stages; and

WHEREAS, It is imperative that visible, unified prevention education efforts by community members be launched to eliminate the demand for drugs; and

WHEREAS, National Family Partnership (NFP) is sponsoring the Nation Red Ribbon Campaign offering citizens the opportunity to demonstrate their commitment to drug-free lifestyles; and

WHEREAS, The National Red Ribbon Campaign will be celebrated during "Red Ribbon Week" October 23-31; and

WHEREAS, Business, government, parents, law enforcement, media, medical, religious institutions, schools, seniors, service organizations and youth will demonstrate their commitment to healthy, drug-free lifestyles by wearing and displaying Red Ribbons during this week long campaign.

NOW THEREFORE BE IT RESOLVED, that the City of Tualatin does hereby proclaim October 23-31, 2014 as Red Ribbon Week and encourages its citizens to participate in drug prevention education activities, making a visible statement that we are strongly committed to a drug-free community.

INTRODUCED AND ADOPTED this 27th day of October, 2014.

CITY OF TUALATIN, OREGON

BY _____
Mayor

ATTEST:

BY _____
City Recorder



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Nicole Morris, Deputy City Recorder

DATE: 10/27/2014

SUBJECT: Consideration of Approval of the Minutes for the City Council Work Session and Regular Meeting of October 13, 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 October 13, 2014.

RECOMMENDATION:

Staff respectfully recommends that the Council adopt the attached minutes.

Attachments: [City Council Work Session Minutes of October 13, 2014](#)
[City Council Meeting Minutes of October 13, 2014](#)



**OFFICIAL MINUTES OF TUALATIN CITY COUNCIL WORK SESSION FOR
OCTOBER 13, 2014**

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; 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; Assistant City Manager Alice Cannon; Senior Planner Clare Fuchs; Public Works Director Jerry Postema

1. Council Meeting Agenda Review, Communications & Roundtable.

No information was covered.

Sherilyn Lombos, City Manager

_____ / Nicole Morris, Recording Secretary

_____ / Lou Ogden, Mayor



OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR OCTOBER 13, 2014

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; Deputy City Manager Sara Singer; Planning Manager Aquilla Hurd-Ravich; Deputy City Recorder Nicole Morris; Information Services Manager Lance Harris; Parks and Recreation Manager Rich Mueller; Engineering Manager Kaaren Hofmann; Program Coordinator Kelsey Lewis; Teen Program Specialist Julie Ludemann; Assistant City Manager Alice Cannon; Senior Planner Clare Fuchs; 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: Corey Bingham, Building Inspector II

Assistant City Manager Alice Cannon introduced Building Inspector II Corey Bingham. The Council welcomed him.

2. Tualatin Youth Advisory Council Update for October 2014

Members of Tualatin Youth Advisory Committee (YAC) presented a PowerPoint on their latest activities and upcoming events. The YAC will participate in the West Coast Giant Pumpkin Regatta event by selling concessions and hosting activities. The annual YAC Haunted House will be held on October 22-25 from 7-10 pm at the Van Raden Community Center. Members of the YAC board will be attending the National League of Cities Congress of Cities in November.

3. West Coast Giant Pumpkin Regatta Announcement

Teen Program Specialist Julie Ludemann invited all citizens to attend the 11th Annual West Coast Giant Pumpkin Regatta. The Regatta will be held Saturday, October 18 from 10 am- 4 pm at the Lake at the Tualatin Commons.

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.

Debra MacDougal addressed a loose dog in her neighborhood. She stated the dog has attempted to attack several citizens which has compromised the safety of citizens in the neighborhood. Mayor Ogden advised her to work with Police Chief Barker to address her concerns.

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 Council President Monique Beikman, SECONDED by Councilor Ed Truax to adopt the consent agenda as amended.

Vote: 7 - 0 MOTION CARRIED

1. Consideration of Approval of the Minutes for the City Council Work Session and Regular Meeting of September 22, 2014 and Special City Council Meeting of September 29, 2014

E. SPECIAL REPORTS

1. 2013-14 Annual Report of the Tualatin Arts Advisory Committee (TAAC)

Program Coordinator Kelsey Lewis and Tualatin Arts Advisory Committee (TAAC) Chair Buck Braden presented the annual report for the committee. Mr. Braden explained the goal of the committee is to stimulate private and public support for programs and activities in the arts, encourage greater opportunities for recognition of arts in Tualatin, and strive to ensure excellence in the public arts collection. He covered events and activities throughout the past year that supported the committee's goals. Mr. Braden presented the TAAC action plan for 2014-15.

Councilor Davis asked if the committee had pursued installing art on the fencing over Interstate 5. Mr. Braden stated that the funding for the project has not been made available at this time.

Mayor Ogden thanked the committee for their hard work and dedication to the City over the past year.

F. 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 **Resolution 5207-14** Authorizing the Execution of an Annexation Agreement with Gary L. and Judith A. Kilgore ("Owners") to Govern the Annexation of 0.39 of an Acre of Land Located at 22475 SW Boones Ferry Road (Tax Map 2S1 35BA, Lot 600)

Senior Planner Clare Fuchs presented a resolution to authorize execution of an annexation agreement for property at 22475 SW Boones Ferry Road. She noted the annexation agreement identifies existing non-conforming access on SW Boones Ferry Road that will be closed. Two dedications of right-of-way will occur on SW Boones Ferry Road and SW 96th Drive. The agreement will also allow for construction of residential access onto SW Alabama Street. The analysis and findings of the petition meet the requirements of annexation.

PUBLIC COMMENT

None

COUNCIL QUESTIONS

Councilor Truax asked for clarification regarding road connections to Boones Ferry. Senior Planner Fuchs stated there will be no direct connection to Boones Ferry. Engineering Manager Kaaren Hofmann stated the Transportation System Plan (TSP) includes connections from SW 96th Drive to SW Alabama Street and then to Boones Ferry Road. She noted the city has no plans at this time to make these connections.

Council President Beikman would like to make sure the sidewalk connections are completed. Planning Manager Aquilla Hurd-Ravich stated the area may meet requirements to utilize the Neighborhood Traffic Solutions Program funding to ensure completion of the sidewalk.

MOTION by Councilor Joelle Davis, SECONDED by Councilor Nancy Grimes to adopt Resolution 5207-14 to authorize execution of an annexation agreement with Gary L. and Judith A. Kilgore to govern the annexation of land located at 22475 SW Boones Ferry Road.

Vote: 7 - 0 MOTION CARRIED

G. PUBLIC HEARINGS – *Quasi-Judicial*

1. Consideration of a Petition for Annexation of a Property Known as the Kilgore Property Located at 22475 SW Boones Ferry Road

Mayor Ogden read from the City of Tualatin Land Use Book, ORS 197.763 and 197.796 Development Code.

Mayor Ogden disclosed he is aware of who the property owners are as he wanted to place a election sign on the subject property.

Senior Planner Clare Fuchs entered the staff reports and attachments into the

record.

Applicant Mark Eimon stated several significant considerations have been made on his part and he would like to see the City grant the annexation.

PUBLIC COMMENT

None

COUNCIL COMMENT/DELIBERATIONS

None

MOTION by Councilor Nancy Grimes, SECONDED by Council President Monique Beikman to approve the petition for annexation of a property known as the Kilgore property, tax lot number 2S1 35BA 600 located at 22475 SW Boones Ferry Road.

Vote: 7 - 0 MOTION CARRIED

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.

1. Consideration of **Resolution No. 5206-14** Authorizing Intergovernmental Agreements (IGAs) with Tualatin Valley Water District and the City of Portland to Design and Construct an Emergency Water System Pump Station

Engineering Manager Kaaren Hofmann and Tualatin Valley Water District (TVWD) Chief Executive Officer Mark Knudson presented an Intergovernmental Agreement (IGA) for the design and construction of an emergency water system pump station. Manager Hofmann stated this project has been in the planning process since 2008. This emergency station will allow Tualatin to continue to provide service in the event of an interruption of supply through the Washington County Supply line, the city's main supply line. Both TVWD and the City could receive up to 5 mgd each from the station. The total cost to complete the station will be \$669,872 and will be paid for from the water operating fund.

Councilor Bubenik asked how contingencies for the project would be funded. Manager Hofmann stated there are additional funds available if changes arise.

Councilor Davis asked about the frequency of use for the station. Mr. Knudson stated TVWD hopes to never have to use this station. It will only be used in the event of a major catastrophe.

Councilor Grimes asked about the pump stations source of water. Councilor Truax responded the water will not be coming from the Willamette River as to remain compliant with the City's charter.

Councilor Bubenik asked what the gap in funding is from 2008. Manager Hofmann stated there is about a \$400,000 difference. She noted it is expected that several

planned projects will come in under budget in order to cover this gap.

Councilor Bubenik asked about testing of the station. Mr. Knudson stated part of the design is to include stand pipes for testing. The pumps will then be dry fitted to ensure proper functionality.

Councilor Davis asked about the cost sharing of the project. Mr. Knudson stated TVWD and the City are partners on this project and will split the costs equally.

MOTION by Councilor Ed Truax, SECONDED by Council President Monique Beikman to adopt Resolution No. 5206-14 authorizing an intergovernmental agreements with Tualatin Valley Water District and the City of Portland to design and construct an emergency water system pump station.

Vote: 7 - 0 MOTION CARRIED

I. COMMUNICATIONS FROM COUNCILORS

Councilor Davis thanked Mayor Ogden, Councilor Truax, and Councilor Brooksby for joining the Washington County Human Rights Council Advisory Board.

Councilor Bubenik announced Jersey Mike's will be holding a fundraiser for the Meals on Wheels program November 5-9. Cards to participate in the fundraiser will be available at the Juanita Pohl Center and various businesses throughout the city.

J. ADJOURNMENT

Mayor Ogden adjourned the meeting at 7:57 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, City Manager

FROM: Nicole Morris, Deputy City Recorder

DATE: 10/27/2014

SUBJECT: Consideration of **Resolution No. 5216-14** Canvassing Results of the Special Election for a Charter Amendment to Prohibit Using City Resources for Rail Transit without Specified Election Held in the City of Tualatin, Washington and Clackamas Counties, Oregon on September 16, 2014.

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to adopt a resolution canvassing results of the Special Election held on September 16, 2014.

RECOMMENDATION:

Staff respectfully recommends that the Council adopt the attached resolution canvassing results of the Special Election for a charter amendment to prohibit using city resources for rail transit without specified election held in the City of Tualatin, Washington and Clackamas Counties, Oregon on September 16, 2014.

EXECUTIVE SUMMARY:

On September 16, 2014, a special election was held on Measure 34-200 City of Tualatin: Prohibits using city resources for rail transit without specified election:

	Total No. of Votes
Yes	2,834
No	957

Certified results have been received from Washington and Clackamas Counties and are on file in the Office of the City Recorder.

FINANCIAL IMPLICATIONS:

There are no financial impacts associated with the Council's action tonight; however, Tualatin is required to pay for the costs of the Special Election.

Attachments: Canvass of Votes

Reso No 5216-14 Convass Votes Rail Measure



WASHINGTON COUNTY OREGON

October 3, 2014

City Manager
City of Tualatin
18880 SW Martinazzi Ave
Tualatin OR 97062

Enclosed you will find a copy of the Abstract of Votes for City of Tualatin relating to the Special Election held on September 16, 2014

Sincerely,

Mickie Kawai
Elections Manager

MK/tk

REC'D
CITY OF TUALATIN
OCT 06 2014
MAYOR _____ COUNCIL _____ POLICE _____ ADM _____
FINANCE _____ COMMDEV _____ LEGAL _____ OPER _____
COMMSVCS _____ ENG.&BLDG _____ LIBRARY _____

Run Date:10/01/14 09:52 AM

VOTES PERCENT

PRECINCTS COUNTED (OF 6)	6	100.00
REGISTERED VOTERS - TOTAL	11,877	
BALLOTS CAST - TOTAL	3,222	
VOTER TURNOUT - TOTAL		27.13
34-220 City of Tualatin Proposed Charter Amendment VOTE FOR 1		
Yes	2,406	74.70
No	815	25.30
Over Votes	0	
Under Votes	1	



I, **Richard W. Heberwiche**, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, do hereby certify this to be a true and correct copy of the original.

Date: October 1, 2014

By: M. Kauder, Manager

RUN DATE:10/01/14 09:59 AM

01 = REGISTERED VOTERS - TOTAL
02 = BALLOTS CAST - TOTAL

TOTAL PERCENT
11,877
3,222

03 = VOTER TURNOUT - TOTAL

TOTAL PERCENT
27.13

	01	02	03
0394 394	204	36	17.65
0420 420	3188	990	31.05
0423 423	2934	761	25.94
0428 428	1357	308	22.70
0433 433	2129	564	26.49
0436 436	2065	563	27.26



I, Richard W. Hobernick, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, do hereby certify this to be a true and correct copy of the original.

Date: October 1, 2014

By: Richard W. Hobernick, Manager

RUN DATE:10/01/14 09:59 AM

34-220 City of Tualatin
Proposed Charter Amendment
VOTE FOR 1
01 = Yes
02 = No

VOTES PERCENT

VOTES PERCENT

2,406 74.70
815 25.30

03 = OVER VOTES
04 = UNDER VOTES

0
1

	01	02	03	04
0394 394	26	10	0	0
0420 420	754	236	0	0
0423 423	563	198	0	0
0428 428	236	72	0	0
0433 433	410	154	0	0
0436 436	417	145	0	1



**Canvass Report — Total Voters — Official
Clackamas County, Oregon — Special Election — September 16, 2014**

Page 1 of 1

10/01/2014 10:58 AM
Precincts Reporting 1 of 1 = 100.00%

Total Number of Voters: 570 of 1,836 = 31%

34-220 City of Tualatin: Prohibits using city resources for rail transit without specified election

Precinct	Blank Ballots Cast	Over Votes	Under Votes	Total Ballots Cast	Registered Voters	Percent Turnout	YES	NO	Totals
252	0	0	0	570	1,836	31%	428	142	570
Totals:	0	0	0	570	1,836		428	142	570

CERTIFIED COPY OF THE ORIGINAL
SHERRY HALL, COUNTY CLERK

BY: *Sherry Hall*

RESOLUTION NO. 5216-14

RESOLUTION CANVASSING RESULTS OF THE SPECIAL ELECTION FOR A CHARTER AMENDMENT TO PROHIBIT THE USE OF CITY RESOURCES FOR RAIL TRANSIT WITHOUT SPECIFIED ELECTION

WHEREAS, a Special Election was held on September 16, 2014 in the City of Tualatin, Washington and Clackamas Counties, Oregon wherein voters of the City balloted for a charter amendment to prohibit the use of city resources for rail transit without a specified election; and

WHEREAS, there is on file in the Office of the City Recorder, a Certified Election results filed by the County Clerks of Washington and Clackamas Counties and it is necessary that the Council canvass the results of said elections; and

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

Section 1. The Council hereby finds that the following summary constitutes a true and accurate statement of the election results:

Measure 34-220 City of Tualatin: Prohibits using city resources for rail transit without specified election:

YES: 2,834
NO: 957

Adopted by the City Council this 27 Day of October, 2014.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder

City Council Meeting

Meeting Date: 10/27/2014

SPECIAL Juanita Pohl Center Annual Report
REPORTS:

SPECIAL REPORTS

Juanita Pohl Center Annual Report

SUMMARY

Juanita Pohl Center, Tualatin's Active Older Adult Center, 2013-2014 Annual Report

A. JPC Annual Report

City of Tualatin
Juanita Pohl Center
Tualatin's Active Older Adult Center

2013-2014
Annual Report





Mission

Provide recreation, lifelong learning, nutrition, socialization and a sense of belonging. Provide a place to gather, socialize, learn, relax, and to have fun in a welcoming and friendly environment.



Accomplishments

- Over 39,000 Visits
- Over 50 Programs
- Over 4,000 Health & Wellness Participants
- Over 6,000 Social & Community Patrons
- 7,000 Rental Guests
- Pickleball Club Sponsor



Partnerships

- Alzheimer Association
- Experience Works
- Healthways SilverSneakers®
- Legacy Meridian Park Medical Center
- Meals On Wheels People



- Oregon Research Institute
- Providence Medical Group
- Rolling Hills Church
- Tualatin Public Library
- VIEWS & Elders in Action
- Washington County on Solid Waste & Recycling

Meals On Wheels People

- Providing Nutrition Services since 1982
- Served 304 Clients over 19,500 meals
- 172 volunteers provided 7,637 hours



Advisory Committee

- 12 Members
- Dedicated to programs and services
 - Provides Input and Makes Recommendations
- Establishes Goals and Performance Measures



2014-2015 Goals

- A Center Easily Used by Older Adults
- Offer Programs & Services for Our Diverse Community
- Increase Partnerships and Sponsorships
- Increase Visibility and Awareness



Upcoming Programs & Events

- Veterans' Recognition Breakfast
- Technology Classes
- Guest Appreciation Day
- Holiday Concert
- Cooking Classes
- Pickleball Tournament
- Line Dance





Questions?





STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

FROM: Sean Brady, City Attorney

DATE: 10/27/2014

SUBJECT: Consideration of **Resolution No. 5217-14** Establishing a Tax Rate for Marijuana and Marijuana Infused Products.

ISSUE BEFORE THE COUNCIL:

Shall Council adopt **Resolution No. 5217-14** to establish a tax rate for marijuana and marijuana infused products?

RECOMMENDATION:

Staff recommends Council consider adopting **Resolution No. 5217-14** to establish a tax rate for marijuana and marijuana infused products.

EXECUTIVE SUMMARY:

On September 29, 2014, the Council established a tax on marijuana and marijuana infused products by Ordinance No. 1376-14, and created new Tualatin Municipal Code Chapter 13-01. Under Ordinance No. 1376-14 and Tualatin Municipal Code Chapter 13-01, the rate of tax is set by separate resolution of the Council. **Resolution No. 5217-14** establishes the tax rate for marijuana and marijuana infused products as follows:

- Five percent on the gross sales for sales of medical marijuana; and
- Ten percent on the gross sales for sales of recreational marijuana.

The tax rate is effective November 1, 2014.

The tax rate established by **Resolution No. 5217-14** is consistent with the tax rates adopted by many cities in Oregon, including surrounding jurisdictions.

FINANCIAL IMPLICATIONS:

The financial impacts of the tax have not been analyzed, but it is anticipated to generate revenue.

Attachments: [Resolution Establishing Tax Rate for Marijuana](#)

RESOLUTION NO. 5217-14

RESOLUTION ESTABLISHING A TAX RATE FOR MARIJUANA AND MARIJUANA INFUSED PRODUCTS

WHEREAS, the Council established a tax on marijuana and marijuana infused products by Ordinance No. 1376-14, and created new Tualatin Municipal Code Chapter 13-01; and

WHEREAS, pursuant to Ordinance No. 1376-14 and Tualatin Municipal Code Chapter 13-01, the Council wishes to set the tax rate for marijuana and marijuana infused products by resolution; and

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

Section 1. Pursuant to Ordinance No. 1376-14 and Tualatin Municipal Code Section 13-01-030, the tax rate is:

(a) Five percent on the gross sales amount paid to the seller of marijuana by a registry identification cardholder; and

(b) Ten percent on the gross sales amount paid to the seller of marijuana by individuals who are not registry identification cardholders purchasing marijuana under the Oregon Medical Marijuana Program.

Section 2. Severability. Each section of this resolution, and any part thereof, is severable. If any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this resolution will remain in full force and effect.

Section 3. This resolution is effective on November 1, 2014.

Adopted by the City Council this _____ Day of _____, 2014.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO 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, City Manager

FROM: Linda Odermott, Paralegal
Sean Brady, City Attorney

DATE: 10/27/2014

SUBJECT: Consideration of **Ordinance No. 1375-14** Annexing Territory Located at 22475 SW Boones Ferry Road Into the City of Tualatin and Withdrawing the Territory from the Washington County Enhanced Sheriff Patrol District and the County Urban Road Maintenance District (Tax Map 2S1 35BA, Tax Lot 600) (ANN-14-03)

ISSUE BEFORE THE COUNCIL:

Council will consider Ordinance No. 1375-14 approving the annexation of territory located at 22475 SW Boones Ferry Road into the City of Tualatin (Tax Map 2S1 35BA, Tax Lot 600) (ANN-14-03).

RECOMMENDATION:

Staff recommends that Council consider Ordinance No. 1375-14.

EXECUTIVE SUMMARY:

On October 13, 2014, Council held a quasi-judicial hearing on the annexation of the territory located at 22475 SW Boones Ferry Road. At the conclusion of the hearing, Council directed staff to bring back an ordinance approving the annexation.

Attachments: Ordinance 1375-14
Exhibit A
Exhibit B
Exhibit C

ORDINANCE NO. 1375-14

AN ORDINANCE ANNEXING TERRITORY LOCATED AT 22475 SW BOONES FERRY ROAD INTO THE CITY OF TUALATIN AND WITHDRAWING THE TERRITORY FROM THE WASHINGTON COUNTY ENHANCED SHERIFF PATROL DISTRICT AND THE COUNTY URBAN ROAD MAINTENANCE DISTRICT (TAX MAP 2S1 35BA, TAX LOT 600) (ANN-14-03)

WHEREAS, upon the application of Mark Eimon on behalf of the owners, Gary and Judith Kilgore, a public hearing was held before the City Council of the City of Tualatin on October 13, 2014, relating to the annexation of the property comprised of 0.39 acres located at 22475 SW Boones Ferry Road (Tax Map 2S1 35BA, Tax Lot 600); hereafter called the "Subject Property": and

WHEREAS, notice of public hearing was given as required by Tualatin Development Code 31.077; and

WHEREAS, the City of Tualatin is authorized to annex territory by ORS Chapter 222; and

WHEREAS, the Subject Property qualifies for annexation under ORS 222.125; and

WHEREAS, the annexation of the Subject Property has been requested by 100 percent of the property owners; and

WHEREAS the annexation of the Subject Property has been requested by 100 percent of the electors; and

WHEREAS, the applicant has requested an Expedited Annexation process in accordance with Metro Code Chapter 3.09.045; and

WHEREAS, Washington County has not opposed the annexation in accordance with the Urban Growth Management Agreement between the County and the City of Tualatin; and

WHEREAS, Metro does not oppose the annexation; and

WHEREAS, the subject territory is in the Washington County Enhanced Sheriff Patrol District and the County Urban Road Maintenance District; and

WHEREAS, ORS 222.520(1) authorizes cities to withdraw territory from districts concurrent with the annexation decision; and

WHEREAS, the Council conducted a public hearing on October 13, 2014, 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 determined the annexation is consistent with all applicable legal requirements of state law, Metro code, and City ordinances related to annexing property and voted to approve the application by a unanimous vote; and

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. The Subject Property identified in the legal description attached as Exhibit A and as more fully depicted in the map in Exhibit B, which are both incorporated herein by reference, is hereby annexed to and made a part of the City of Tualatin.

Section 2. The analysis and findings attached as Exhibit C, which are incorporated herein by reference, are hereby adopted.

Section 3. The City Recorder is directed to forward copies of this Ordinance to the Oregon Department of Revenue.

Section 4. Within five days of receipt of the required information from the Oregon State Department of Revenue, the City Recorder is directed to send copies of this Ordinance and the approval from the Oregon Department of Revenue to Metro for filing with the Oregon Secretary of State.

Section 5. The annexation of the Subject Property is effective from the date the annexation is filed with the Oregon Secretary of State, as provided in ORS 222.180.

Section 6. On the effective date of the annexation, the Subject Property is withdrawn from the Washington County Enhanced Sheriff Patrol District and the County Urban Road Maintenance District.

Section 7. The City Recorder is directed to forward copies of this Ordinance and all other required materials to all public utilities and telecommunications utilities operating within the City in accordance with ORS 222.005.

Section 8. The City of Tualatin endorses the annexation of the Subject Property into the Clean Water Services District.

Adopted by the City Council this ____ Day of _____, 2014.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder



**ORTHWEST
SURVEYING, INC.**

RESIDENTIAL - COMMERCIAL - INDUSTRIAL

Licensed in OR, WA & ID

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Property Description

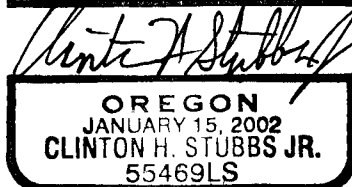
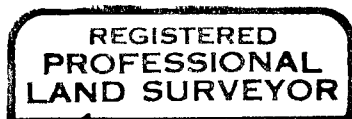
October 1, 2014
NWS Project Number 1165
Annexation Area

A tract of land described in deed to Gary L. Kilgore and Judith A. Kilgore recorded June 3, 1987 as Document Number 87-028180, Washington County Deed Records, located in the northwest one-quarter of Section 35, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, and being more particularly described as follows:

Beginning at a 5/8 inch iron rod with a yellow plastic cap stamped "Northwest Surveying, Inc." located at the northeast corner of Parcel 1 of Partition Plat No. 2008-032, Washington County Plat Records; Thence along the north line of said Parcel 1 and the westerly extension thereof, South 89°36'14" West 148.94 feet to a 5/8 inch iron rod with a yellow plastic cap stamped "Westlake Consultants" located at the southwest corner of said Kilgore property, also being the most easterly southeast corner of Tract "B" of Chilkat Meadow, Recorded as Document Number 2007-095071, Washington County Plat Records; Thence along the most easterly line of said Tract "B" and the northerly extension thereof, North 00°16'22" West 100.00 feet to an angle point on the southerly right-of-way line of SW Alabama Street (25.00 feet southerly from the centerline thereof, when measured at right angles); Thence along said southerly right-of-way line and the easterly extension thereof, North 89°32'58" East 200.02 feet to a point on the centerline of SW Boones Ferry Road; Thence along said centerline, South 00°13'37" East 100.19 feet to its intersection with the easterly extension of the northerly line of said Parcel 1; Thence along said easterly extension line, South 89°36'14" West 51.00 feet to the Point of Beginning.

The above described tract of land contains 20,017 square feet, more or less.

The basis of bearings for this description is the north line of said Parcel 1.



RENEWAL DATE: 6/30/16



Tualatin
High
School

Alabama St

Chilkat Ter

Boones Ferry Rd

96th Dr

City Boundary

2S135BA00600



Exhibit B - Vicinity Map

ANN-14-03: ANALYSIS AND FINDINGS

The City Council must find that the proposed annexation conforms to Tualatin Development Code (TDC) Objectives 4.050(20) and (21), the applicable criteria in Metro Code 3.09 and Oregon Revised Statutes (ORS), if the annexation is to be granted [TDC 31.067(5)]. The Applicant has prepared materials and a narrative that address the annexation requirements (Attachment 102) and staff has reviewed the Applicant's material and included pertinent excerpts below.

A. Metro Code, 3.09.050(d) states, "To approve a boundary change, the reviewing entity shall apply the criteria and consider the factors set forth in subsections (D) and (E) of section 3.09.045." An approving entity's final decision on a boundary change shall include findings and conclusions addressing the following criteria:

1) Consistency with directly applicable provisions in an urban service provider agreement or annexation plan adopted pursuant to ORS 195.065.

This site is currently located within the Clean Water Services boundary and will remain in the Clean Water Services boundary after annexation. The property will now conform to 2005 Intergovernmental Agreement between Clean Water Services and the City of Tualatin as per the agreement. Currently the site is undeveloped and the well and septic has been decommissioned. A single family home was demolished in 2010. The property will now be served by City of Tualatin water and sewer. The site is not currently in a Parks District, but will be served by City of Tualatin Community Services upon annexation. The property will be removed from the Washington County Sheriff's Department patrols and will have City of Tualatin Police service following annexation. The site is currently served by Tualatin Valley Fire and Rescue. This fire service will continue upon annexation. The Tigard-Tualatin School District will continue to serve this property after annexation.

2) Consistency with directly applicable provisions of urban planning or other agreements, other than agreements adopted pursuant to ORS 195.065, between the affected entity and a necessary party.

Annexations within the established Urban Growth Boundary are consistent with Tualatin's Urban Planning Area Agreement with Washington County. As required in the Urban Planning Area Agreement (UPAA) between the City of Tualatin and Washington County, the County was notified of this proceeding by first class mail. The County has not commented on this annexation. The County has stated in the Urban Planning Area Agreement (UPAA) that the County will not oppose the annexation of and land within Tualatin's Urban Planning Area.

Therefore, these criteria have been met. This is consistent with Tualatin's UPAA with Washington County.

In accordance with the Tualatin Development Code (TDC) 1.030(6) and the UPAA, Section III (I), the Low Density Residential (RL) Planning District will be automatically applied to the tax lot on the effective date of the annexation. Per Section III (G) of the UPAA, the County does not oppose this annexation.

The criterion has been met.

3) Consistency with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facility plans.

The applicable standards or criteria in the Tualatin Development Code for boundary changes are 4.050(20) and 4.050(21). TDC 4.060(1) is also relevant to boundary changes.

4.050(20) Initiate annexation of property within the Urban Growth Boundary planned for residential development only when petitioned to do so by owners of the affected property, including cases involving unincorporated "islands" of property surrounded by land annexed previously.

The property will be in the Low Density Residential (RL) Planning District upon annexation. The property owner initiated the annexation application. The requirement is met.

4.050(21) Territories to be annexed shall be in the Metro Urban Growth Boundary.

The property is currently within the existing Metro Urban Growth Boundary. The requirement has been met.

4.060(1) A long-range growth boundary is necessary to predict the amount and location of urban land needed in the future. The establishment of this boundary provides a framework for the orderly conversion of rural land to urban uses. The growth boundary establishes the City's intent to annex and provide urban services to specific properties over a specific period of time. Thus, the growth boundary establishes the basis of a City annexation policy and provides landowners with some assurance as to the City's intent for the future use of their land.

4.060(1) is not a directly applicable standard or criteria for boundary changes, but is relevant. As the annexation territory falls within Tualatin's Planning Area which accounts for future growth so considered a long-range growth boundary, the annexation is in support of the statement contained in TDC 4.060(1).

4) Consistency with specific directly applicable standards or criteria for boundary changes contained in the Regional Framework Plan or any functional plan.

The Regional Framework Plan and Functional Plan have no provisions directly related to annexation. Because services and transportation facilities are available in the area and all property within the Urban Growth Boundary and Urban Planning Area Boundary were included in calculations for facility capacity, housing and employment, annexation would be consistent with the Framework and Functional Plans.

The criterion has been met.

5) Whether the proposed change will promote or not interfere with the timely, orderly, and economic provisions of public facilities and services.

Access to the site is currently available from SW Alabama Street. Sanitary sewer service to the site is available on-site through Clean Water Services. Water service to the site is available in SW Alabama Street through the City of Tualatin. Storm drainage will be provided in accordance with Clean Water Services standards.

The criterion has been met.

6) If the proposed boundary change is for annexation of territory to Metro, a determination by the Metro Council that the territory should be included in the Urban Growth Boundary shall be the primary criterion for approval.

This criterion is not applicable. The subject site is already within the Metro Service District Boundary and within the Urban Growth Boundary. The criterion does not apply.

7) Consistency with other applicable criteria for the boundary change in question under state and local law.

One item in the TDC and two items in ORS Chapter 222 apply to annexations.

TDC 4.050(21) states, "Territories to be annexed shall be in the Metro Urban Growth Boundary."

The territory to be annexed is currently within the existing Metro Urban Growth Boundary. The criterion has been met.

ORS 222.111(1) states, “When a proposal containing the terms of annexation is approved in the manner provided by the charter of the annexing city or by ORS 222.111 to 222.180 or 222.840 to 222.915, the boundaries of any city may be extended by the annexation of territory that is not within a city and that is contiguous to the city or separated from it only by a public right of way or a stream, bay, lake or other body of water. Such territory may lie either wholly or partially within or without the same county in which the city lies.”

The subject property is not currently within a city. The property proposed for annexation is contiguous to Tualatin on four sides.

This criterion has been met.

ORS 222.520(1) states, “Whenever a part less than the entire area of a district named in ORS 222.510 becomes incorporated as or annexed to a city in accordance with law, the city may cause that part to be withdrawn from the district in the manner set forth in ORS 222.120 or at any time after such incorporation or annexation in the manner set forth in ORS 222.524. Until so withdrawn, the part of such a district incorporated or annexed into a city shall continue to be a part of the district.”

The subject territory is in the Washington County Enhanced Sheriff Patrol District and the Washington County Urban Road Maintenance District. As part of this annexation, the subject territory will be withdrawn from the Enhanced Sheriff Patrol District and the Urban Road Maintenance District. Police services will be provided by the City of Tualatin. Because the proposed boundary change is consistent with state and local law, this criterion is met.

B. Metro 3.09.050(g) states that, “Only territory already within the defined Metro Urban Growth Boundary at the time a petition is complete may be annexed to the city or included in territory proposed for incorporation into a new city.”

The subject property (2S1 35BA Tax Lot 600 and adjoining SW Boones Ferry Road ROW) is currently within Metro’s Urban Growth Boundary at the time the complete petition for annexation was filed on August 6, 2014.

The criterion has been met.

C. Conclusion

Based on the application and the above analysis and findings, the approval criteria of Metro Code 3.09.050(d), the Tualatin Development Code, and Oregon Revised Statutes have been met.