



**OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR MARCH
23, 2015**

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; Community Services Director Paul Hennon; Finance Director Don Hudson; Deputy City Manager Sara Singer; Information Services Manager Lance Harris; Economic Development Manager Ben Bryant; Recording Secretary Colleen Resch; Public Works Director Jerry Postema; Management Analyst II Zoe Monahan; Assistant City Manager Alice Cannon

A. CALL TO ORDER

Pledge of Allegiance

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

B. ANNOUNCEMENTS

1. Proclamation Declaring April 5 - April 11, 2015 Arbor Week in the City of Tualatin

Management Analyst Kelsey Lewis and Parks and Recreation Manager Rich Mueller gave a presentation and shared information about Arbor Week. This is the 28th year the City of Tualatin has been recognized as a Tree City USA. There are many events and activities planned for Arbor Week.

Council President Beikman read the proclamation declaring April 5-11, 2015 as Arbor Week in the City of Tualatin.

2. Proclamation Declaring April 5 - April 11, 2015 as Volunteer Appreciation Week in the City of Tualatin.

Councilor Davis shared information about Volunteer Appreciation Week. In 2014, City of Tualatin volunteers logged 28,898 volunteer hours from 3,733 volunteers, which is equivalent to 14 full time employees. They will be honored on April 7 at a Volunteer Appreciation Night at Horizon High School at 6:30 p.m.

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.

Richard Wiehrdt and Leonard Schaber members of the Stafford Hamlet Board came forward and provided the Council with a copy of the Stafford Hamlet compromise. The compromise considers Stafford as comprised of two separate areas. These areas include (1) Borland, an area for future urbanization, and (2) the remaining Hamlet, which would see little change. They urged the Council to support the compromise and submitted their comments for the record.

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 Nancy Grimes to approve the consent agenda.

Aye: Mayor Lou Ogden, Council President Monique Beikman, Councilor Frank Bubenik, Councilor Joelle Davis, Councilor Nancy Grimes, Councilor Ed Truax

Other: Councilor Wade Brooksby (Absent)

MOTION CARRIED

1. Consideration of Approval of the Minutes for the City Council Work Session and Regular Meeting of March 9, 2015 and City Council Work Session Special Meeting Minutes of January 9-10, 2015
2. Consideration of Recommendations from the Council Committee on Advisory Appointments
3. Consideration of Approval of a New Liquor License Application for Grampy's Inc.
4. Consideration of Approval of a New Liquor License Application for Three Mermaids Tavern
5. Consideration of Approval of 2015 Liquor License Renewals Late Submittals
6. Consideration of 2014 Annual Report of the Tualatin Library Advisory Committee

E. SPECIAL REPORTS

1. 2014 Annual Report of the Tualatin Planning Commission

Planning Manager Aquilla Hurd-Ravich and Planning Commission Chairman Alan Aplin presented the Tualatin Planning Commission 2014 Annual Report. Chair Aplin stated the Planning Commission reviewed and approved the 2014 Annual Report at their meeting on February 19, 2015. The report includes a survey and report of activities of the Planning Commission. In 2014, the Planning Commission reviewed and made recommendations on a Plan Text Amendment and a Plan Map Amendment. Additionally, they reviewed and approved a Sign Variance and a Height Variance. The report includes details about their activities.

2. 2014 Annual Report of the Tualatin Park Advisory Committee

Parks and Recreation Manager Rich Mueller and Tualatin Parks Advisory Committee Chair Dennis Wells presented the 2014 Annual Report of the Tualatin Parks Advisory Committee. Chair Wells presented the recommendations the committee made during 2014 including public parks, playground-related activities, and programs. A complete list of recommendations for future projects was provided by the committee.

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 **Ordinance No. 1379-15** Allowing Marijuana Facilities In Light Manufacturing, General Manufacturing, and Manufacturing Business Park Planning Districts with Certain Restrictions; Allowing Homegrown Marijuana Outdoors, with Certain Restrictions; Amending Tualatin Development Code Chapters 31, 60, 61, and 64; Creating New Chapter 80; and Adding New Provisions (PTA-15-01)

Councilor Brooksby was phoned in.

MOTION by Council President Monique Beikman, SECONDED by Councilor Wade Brooksby for second reading by title only.

MOTION by Councilor Bubenik, SECONDED by Councilor Davis to substitute a 3,000 foot buffer for a 1,000 foot buffer in paragraph 2 and separation of linear feet distance from 2,000 feet to 1,000 feet.

DISCUSSION

Councilor Bubenik stated the original 3,000 foot buffer and the 2,000 foot linear separation between facilities is not reasonable and way too restrictive.

Mayor Ogden stated 1,000 feet does not accomplish the objective of separation. Councilor Bubenik noted the state only requires a 1,000 foot separation for medical marijuana facilities.

Mayor Ogden stated Oregon has determined cities do not have the option to ban these facilities but have the ability to regulate them according to time, place and manner restrictions. Councilor Bubenik stated the council cannot ban medical

marijuana facilities but citizens can ban retail through the initiative process.

VOTE on motion:

Aye: Councilor Frank Bubenik, Councilor Joelle Davis, Councilor Ed Truax

Nay: Mayor Lou Ogden, Council President Monique Beikman, Councilor Wade Brooksby, Councilor Nancy Grimes

MOTION FAILED

MOTION by Councilor Bubenik, SECONDED by Councilor Davis to amend section 80.060 to remove the 3,000 square foot size restriction on facilities for grow operations.

DISCUSSION

Councilor Bubenik stated the city should not restrict the size of facilities and should let the market determine the size. He stated such a restriction is unreasonable.

Mayor Ogden stated he disagrees with allowing the market to drive how large a grow facility is in Tualatin.

VOTE on amended motion:

Aye: Councilor Frank Bubenik, Councilor Joelle Davis, Councilor Ed Truax

Nay: Mayor Lou Ogden, Council President Monique Beikman, Councilor Wade Brooksby, Councilor Nancy Grimes

MOTION FAILED

DISCUSSION ON ORIGINAL MOTION

Councilor Truax stated it is unreasonable to treat marijuana facilities differently than a liquor store. He feels forcing commercial activities into industrial parks is unreasonable. He does not support this ordinance.

CITIZEN COMMENT

Kevin Luby, stated he is speaking personally and on behalf of his clients who are interested in growing an industry that is soon to be legal in Oregon. He spoke in opposition to the ordinance and urged the council to separate the medical and recreational marijuana issues.

Cathy Holland spoke in opposition of the ordinance. She spoke on behalf of the Commercial Citizen Involvement Organization (CCIO) stating the group feels the ordinance is overreaching and a 3,000 foot buffer is not justified and unreasonable.

Linda Moholt, on behalf of the Tualatin Chamber of Commerce, spoke in opposition to of the ordinance. She stated the ordinance is unnecessarily restrictive and the state requirements are sufficient.

COUNCIL DELIBERATIONS

Councilor Grimes stated the discussion needs to be about how the community will look and grow while taking state requirements and fitting them into Tualatin. She explained surveys showed citizens supported medical marijuana but also want to keep it away from parks, school, residential areas and day cares. She said the 3,000 foot buffer is in response to the community and is reasonable for Tualatin.

Councilor Davis explained she feels the ordinance will not limit the black market and it will still exist to sell to youth. She believes existing state regulations are effective and does not want to take the risk of potential legal action with this ordinance.

Councilor Bubenik stated the marijuana measure passed at the state and City level. He stated the 3,000 foot buffer will only allow two facilities in Tualatin.

Mayor Ogden stated a 2,000 foot separation would allow for several facilities along Herman Road.

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

Nay: Councilor Frank Bubenik, Councilor Joelle Davis, Councilor Ed Truax

MOTION CARRIED

MOTION by Council President Monique Beikman, SECONDED by Councilor Nancy Grimes to adopt Ordinance No. 1379-15 Allowing Marijuana Facilities In Light Manufacturing, General Manufacturing, and Manufacturing Business Park Planning Districts with Certain Restrictions; Allowing Homegrown Marijuana Outdoors with Certain Restrictions; Amending Tualatin Development Code Chapters 31, 60, 61, and 64; Creating New Chapter 80; and Adding New Provisions (PTA-15-01).

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

Nay: Councilor Frank Bubenik, Councilor Joelle Davis, Councilor Ed Truax

MOTION CARRIED

2. Consideration of an Intergovernmental Agreement between City and Metro to fund planning and public involvement efforts related to the Southwest Corridor

Assistant City Manager Alice Cannon and Management Analyst Zoe Monahan presented a PowerPoint. Manager Cannon explained the presented IGA will allow the City to participate in the public involvement process related to the Southwest Corridor project. She stated the cost is \$80,000 in FY 2015 and \$80,000 in FY 2016. She provided a work plan summary. The IGA explains Metro is responsible for project management and will lead the public involvement and decision making process, while the City will be participate in the Steering Committee, the staff project team, and technical review.

CITIZEN COMMENTS

Gary Bray spoke in opposition of the IGA. He stated approving the execution of this IGA goes against the charter amendment that was passed to allow citizens the right to vote on transit decisions.

Jan Guinta spoke in opposition of the IGA. She suggested the Council consider looking at other Metro documents. She stated the word "planning" is being used to get around the citizens right to vote.

Steve Shoppe spoke in opposition of the IGA. He explained it is the citizens desire for the public to vote before spending city resources on transit.

COUNCIL DELIBERATION

Councilor Grimes explained the IGA allows the City a seat at the table for discussions on high capacity transit. She explain it is important for the City to participate in order to have a voice in the discussion. Manager Cannon added that the IGA would allow the City to participate in public involvement and planning for potential future projects.

Mayor Ogden explained the region is engaged in studying this corridor and are looking at high capacity transit and the question of where an alignment will go. He explained the potential impacts to Tualatin and the need to be part of the discussion. Mayor Ogden stated if the City does not fund the study the project will continue on and the citizens will not be able to be involved in the analysis. Council President Beikman agreed with Mayor Ogden and stated this IGA allows Tualatin the ability to look at all the options available to the City. She stated she is favor of the IGA and that it is not in breach of the charter amendment. Mayor Ogden stated funding for design and construction of this project would come through a public vote. Councilor Bubenik stated this IGA includes public involvement where the previous failed IGA's did not. He noted it will be important for Metro to drive public involvement and education.

MOTION by Council President Monique Beikman, SECONDED by Mayor Lou Ogden to authorize the City Manager to enter into an Intergovernmental Agreement between the City and Metro to fund planning and public involvement efforts related to the Southwest Corridor

Aye: Mayor Lou Ogden, Council President Monique Beikman, Councilor Wade Brooksby, Councilor Frank Bubenik, Councilor Joelle Davis, Councilor Nancy Grimes

Nay: Councilor Ed Truax

MOTION CARRIED

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

Mayor Ogden adjourned the meeting at 8:45 pm.

Sherilyn Lombos, City Manager



/ Colleen Resch, Recording Secretary



/ Lou Ogden, Mayor