



**OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR
SEPTEMBER 25, 2017**

Present: Mayor Lou Ogden; Councilor Frank Bubenik; Council President Joelle Davis;
Councilor Paul Morrison; Councilor Jeff DeHaan; Councilor Robert Kellogg

Absent: Councilor Nancy Grimes

Staff Present: City Manager Sherilyn Lombos; City Attorney Sean Brady; Police Chief Bill Steele;
Finance Director Don Hudson; Planning Manager Aquilla Hurd-Ravich; Deputy City
Recorder Nicole Morris; Assistant to the City Manager Tanya Williams; Assistant City
Manager Alice Cannon; Management Analyst II Zoe Monahan; Associate Planner
Charles Benson

A. CALL TO ORDER

Pledge of Allegiance

Mayor Ogden called the meeting to order at 7:04 p.m.

B. ANNOUNCEMENTS

1. Proclamation Declaring September 21-27, 2017 as Constitution Week in the City of Tualatin

Councilor Bubenik read the proclamation declaring September 21-27, 2017 as Constitution 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.

Cathy Holland, Tualatin Community Police Foundation Board Member, announced a Rubber Duck Raffle to be held at the Pumpkin Regatta. Tickets are available on their website. In addition to the raffle they will be selling Tony Dogs to raise funds for Tony's Retirement Fund.

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 Robert Kellogg, SECONDED by Council President Joelle Davis to adopt the consent agenda.

Aye: Mayor Lou Ogden, Councilor Frank Bubenik, Council President Joelle Davis, Councilor Jeff DeHaan, Councilor Paul Morrison, Councilor Robert Kellogg

Other: Councilor Nancy Grimes (Absent)

MOTION CARRIED

1. Consideration of **Resolution No. 5338-17** Authorizing the City Manager to Execute a Revocable Permit to Allow a Fiber Optic Network Connection to Cross SW Leveton Drive for LAM Research

E. 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. 5340-17** a Resolution Authorizing The City Manager to Apply For and Accept Community Development Block Grant Funds to Complete Project Design and Construction For the Sagert Street Pedestrian Connectivity and Enhancement Project

Assistant City Manager Alice Cannon, Management Analyst Zoe Monahan, and Assistant City Engineer Dominique Huffman presented a request for a Community Development Block Grant (CDBG). Analyst Monahan provided background information on the CDBG grant. She explained the three competitive program categories including public facilities, infrastructure improvements, and public service. The City's proposal falls under the Infrastructure Improvements category where there is an estimated \$366,129 in funding available. The project falls into two qualifying census tracts. Engineer Huffman explained the Sagert Street Pedestrian Connectivity Enhancement project proposal includes designing construction documents, removal and replacement of sidewalks to standard, removal and replacement of ADA curb ramps to standard, and the installation of a rapid flashing beacon. The project is estimated to cost \$336,000. MSTIP will match \$50,000, the City will match \$75,000, with the CDBG grant total being \$211,000. Analyst Monahan stated staff will present the project in January and a decision will be made by the committee in February.

Councilor Kellogg asked if the City's match is cash or in-kind. Engineer Huffman stated it is in cash from the Road Operating Fund.

Council President Davis asked how many flashing beacons would be installed. Engineer Huffman stated two beacons would be installed, one facing in each direction.

Councilor Bubenik explained some of the details the selection committee will be

looking for. He offered his insights to staff.

MOTION by Council President Joelle Davis, SECONDED by Councilor Jeff DeHaan to adopt Resolution No. 5340-17 authorizing the City Manager to apply for and accept Community Development Block Grant Funds to complete project design and construction for the Sagert Street Pedestrian Connectivity and Enhancement Project.

Aye: Mayor Lou Ogden, Councilor Frank Bubenik, Council President Joelle Davis, Councilor Jeff DeHaan, Councilor Paul Morrison, Councilor Robert Kellogg

Other: Councilor Nancy Grimes (Absent)

MOTION CARRIED

2. Consideration of Recommendations from the Council Committee on Advisory Appointments

Mayor Ogden thanked the applicant for her service to the committee.

MOTION by Councilor Paul Morrison, SECONDED by Councilor Robert Kellogg motion to approve the recommendations for the Tualatin Tomorrow Advisory Committee.

Aye: Mayor Lou Ogden, Councilor Frank Bubenik, Council President Joelle Davis, Councilor Jeff DeHaan, Councilor Paul Morrison, Councilor Robert Kellogg

Other: Councilor Nancy Grimes (Absent)

MOTION CARRIED

3. Consideration of **Ordinance No. 1403-17** City of Tualatin Mobile Food Unit Regulations.

Planning Manager Aquilla Hurd-Ravich and Associate Planner Charles Benson presented an ordinance to adopt mobile food unit regulations. Manager Hurd-Ravich recapped the project timeline and public outreach to date. She noted the proposed ordinance would not go into effect until January 1, 2019 to allow staff time to create the program and go through the appropriate plan text amendment process. Planner Benson presented the ordinance provisions and draft components. He spoke to the purpose and applicability, definitions, permit requirements, operating requirements, location standards, and site standards.

PUBLIC COMMENT

Cathy Holland, President of the Commercial CIO, spoke in favor of the ordinance. She stated the current ordinance provides an amenable solution for brick and mortar restaurants while providing good public policy for mobile food units.

Linda Moholt, Chamber of Commerce Director, spoke in favor of the ordinance as presented.

Joseph Hall, owner of the PuPu Shack, spoke in opposition of the ordinance. He would like to see the temporary ordinance continue to remain in place. He stated the proposed ordinance places too heavy of restrictions on mobile food vendors in Tualatin.

COUNCIL QUESTIONS

Councilor Kellogg asked if there is a county rule that states food units have to operate on developed lots. Manager Hurd-Ravich stated the main consideration for developed lots is due to storm water issues.

Councilor Kellogg proposed a changed to Section 9.9.050 1.A to read location "of the mobile food unit."

Councilor DeHaan asked why a food truck could not be located within a 100 feet of a gas station. Manager Hurd-Ravich stated it is due to concerns with propane and open flames.

Councilor DeHaan asked what the Planning Commission's recommendations was on the ordinance. Manager Hurd-Ravich stated a vote on the ordinance is not under the commission's purview. Staff has been keeping them updated as the plan text amendment would go through them.

Council President Davis asked Mr. Hall if he was in favor of the 200 foot buffer. Mr. Hall stated he is not in favor of the buffer as it is proposed in the ordinance.

COUNCIL DELIBERATION

None.

MOTION by Council President Joelle Davis, SECONDED by Councilor Paul Morrison for first reading by title only.

Aye: Mayor Lou Ogden, Councilor Frank Bubenik, Council President Joelle Davis, Councilor Jeff DeHaan, Councilor Paul Morrison, Councilor Robert Kellogg

Other: Councilor Nancy Grimes (Absent)

MOTION CARRIED

MOTION by Council President Joelle Davis, SECONDED by Councilor Frank Bubenik for second reading by title only.

Aye: Mayor Lou Ogden, Councilor Frank Bubenik, Council President Joelle Davis, Councilor Jeff DeHaan, Councilor Paul Morrison, Councilor Robert Kellogg

Other: Councilor Nancy Grimes (Absent)

MOTION CARRIED

MOTION by Council President Joelle Davis, SECONDED by Councilor Paul Morrison to adopt Ordinance No. 1403-17 City of Tualatin Mobile Food Unit Regulations.

DISUCSSION ON MOTION

Councilor Kellogg thanked the community and business for their work on the ordinance.

Mayor Ogden stated the ordinance addresses the issues and creates balance, but he can't support it because the original intent of the review is not being met and would eliminate the PuPu Shack from operating in its current location.

Councilor DeHaan stated he can't vote in support of the ordinance because he doesn't feel food trucks are an issue in Tualatin.

Councilor Bubenik stated he is favor of the ordinance. He noted since it will not go into effect until January 1, 2019 it gives current food trucks plenty of time to relocate and do the appropriate advertising of their new locations.

Councilor Morrison is in favor of the ordinance as it provides certainty to brick and mortar restaurants and provides a good compromise for both types of businesses.

Aye: Councilor Frank Bubenik, Council President Joelle Davis, Councilor Paul Morrison, Councilor Robert Kellogg

Nay: Mayor Lou Ogden, Councilor Jeff DeHaan

Other: Councilor Nancy Grimes (Absent)

MOTION CARRIED

4. Consideration of Council Rules

Discussion on this item began at 6:32 p.m.

Mayor Ogden briefly recapped previous discussion on the Council Rules. He presented his track changes as attached to the staff report. Discussion amongst the items was held by the Council and are reflected in the final draft.

Discussion was paused at 6:55 p.m. to begin the official meeting. Discussion continued at 8:41 p.m.

Due to lack of time, consensus was reached to continue the discussion on the Mayor's track changes on November 1.

F. COMMUNICATIONS FROM COUNCILORS

Councilor DeHaan stated Rotary is raising funds for a dental van.

Mayor Ogden stated he attended the GPI Conference last week.

G. ADJOURNMENT



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: 10/09/2017

SUBJECT: Consideration of Approval of the Minutes for the Work Sessions and Regular Meetings of September 11 and 25, 2017

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve the minutes for the Work Sessions and Regular Meetings of September 11 and 25, 2017.

RECOMMENDATION:

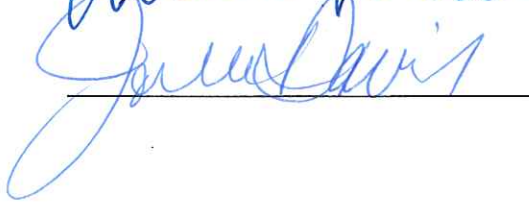
Staff respectfully recommends that the Council adopt the attached minutes.

Attachments: [City Council Work Session Minutes of September 11, 2017](#)
[City Council Regular Meeting Minutes of September 11, 2017](#)
[City Council Work Session Minutes of September 25, 2017](#)
[City Council Regular Meeting Minutes of September 25, 2017](#)

Mayor Ogden adjourned the meeting at 9:30 p.m.

Sherilyn Lombos, City Manager

 / Nicole Morris, Recording Secretary

 / Joelle Davis, Mayor Pro Tem