



OFFICIAL MINUTES OF TUALATIN CITY COUNCIL WORK SESSION  
MARCH 28, 2011

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The work session opened at 4:00 p.m.

Present: Mayor Lou Ogden, Council President Chris Barhyte, Councilor Monique Beikman, Councilor Joelle Davis, Councilor Frank Bubenik, Councilor Ed Truax

Absent: Councilor Wade Brooksby (arrived at 5:00 p.m.)

Staff Present: City Manager Sherilyn Lombos, City Attorney Brenda Braden, City Engineer Mike McKillip, Police Chief Kent Barker, Operations Director Dan Boss, Community Services Director Paul Hennon, Finance Director Don Hudson, Acting Planning Manager Aquilla Hurd-Ravich, Development Manager Eric Underwood, Volunteer Services Coordinator Victoria Eggleston, Police Captain Mark Gardner, Police Captain Larry Braaksma, Management Intern Ben Bryant, Executive Assistant Maureen Smith, Assistant to the City Manager Sara Singer

1. **Core Area Parking District Operations and Policies**

Community Development Director Alice Rouyer began the discussion of the downtown Core Area Parking District (CAPD) operations and policies. A "parking" consultant has also been retained to take a look at the district overall. Policy issues for Council consideration are how to address the current gap between Core Area Parking District revenue and operations/maintenance costs, what is Council's visioning for the future downtown and the City's role in supplying new public parking spaces in the district. Also present are members of the Core Area Parking District Board, chair Bill Jordan, Mike Cooper, and Councilor Monique Beikman.

Development Manager Eric Underwood presented a PowerPoint outlining the issues regarding parking in the core area.

CAPD Chair Jordan said the Board's question is how to fund the district as it has been running in the red for a number of years. The Board's recommendation is not to raise taxes on District businesses, and use CAPD reserve funds to fill the revenue/expense gap in FY 2011/12. The Board also views their role to be stewards of the existing parking program, and it is the Council's role to consider the future vision for downtown. Also some sort of parking structure would be needed as there is a need for approximately 298 additional spaces in the near future (if all is leased out in the district). Community Development Director Rouyer said three items were asked to look at providing an open dialogue with the CAPD Board about their March 10 recommendation, review and provide feedback on the issues that the parking consultant will analyze in the coming weeks, and reconvene at a May work session to review the consultant analysis prior to making a decision on the CAPD

tax rate at a regular meeting in June.

Discussion followed and it was asked and answered that the district has fallen short approximately \$24,000. Discussion continued with Councilor Beikman noting the board has been working on this issue for approximately a year to try and come up with a plan. The district was put in place in 1979 with no changes since that time, and a consultant was hired to help with addressing the problem. Enforcement was discussed and whether continuing or not would garner any savings. Also expanding the district was mentioned that could possibly help alleviate some issues. Suggestions were made on how to address the parking shortage by adjusting the lots, changing the times, etc. It was discussed on whether revenue is adequately captured in the district. Also mentioned where the amounts core area businesses are paying in taxes. It was asked and explained the additional need for funds is coming from district reserves, not the General Fund.

Consultant Rick Williams explained how the process has worked under the old code. It was brought up about previous discussions on moving urban renewal funds from the Tualatin-Sherwood Road landscape project. It was asked and Development Manager Underwood said the project is at 95% design, and would go out for bid the first part of June.

Discussion followed and the question is whether to move forward with landscape project or wait until determine what to do with the district. Councilors Barhyte, Beikman, Bubenik, and Davis were in agreement to move forward with the Tualatin-Sherwood Road landscape project. Council also determined a study should still be done of the district and what policies and issues could be addressed.

**2. Incorporating the Southwest Tualatin Concept Plan into the Tualatin Development Code (PTA-10-04 AND PMA-10-02)**

City Manager Sherilyn Lombos said the issue before Council is a discussion and review of proposed text amendments to the Tualatin Development Code (TDC), and Community Plan Map 9-1 to implement the Southwest Tualatin Concept Plan (SWCP).

Acting Planning Manager Aquilla Hurd-Ravich presented a PowerPoint reviewing and explaining how the process was arrived at to date. The benefits, which is mostly the anticipated jobs, along with property tax and regional benefits were reviewed. To implement the SWCP, a new Chapter 64 is proposed for the Tualatin Development Code (TDC) and a new Manufacturing Business Park (MBP) Planning District. It will encourage a mix of light industrial and high-tech uses in a corporate campus. Community Plan Map 9-1 was displayed and Acting Planning Manager Hurd-Ravich reviewed where the MBP planning district would be located. The urban growth boundary expansions were also reviewed.

Questions followed by Council, and it was asked and explained about the connection between the business park district and the overlay.

Acting Planning Manager Hurd-Ravich noted the business owners/property owners have been involved with this process since 2004. By having a manufacturing park planning district in the TDC, it allows for the uses currently there, which is not addressed in the TDC. Also explained is how the process could work with regards to Washington County and whether property owners may choose to annex or not. It was asked and explained why "call center" was put in "prohibitive" uses and the reasoning is generally that type of business does not bring as much property value. It was suggested rather than have the use "prohibitive," it can move to a condition use permit process.

Discussion followed on how to address the area and the uses that would be allowed, such as a campus type industrial area, etc. It was mentioned by Acting Planning Manager Hurd-Ravich that staff has not discussed with Washington County what type of permits would be issued, which would be a good idea. Continued discussion on how to address the potential uses for the new district.

General consensus of Council was they were not ready to decide at this meeting, and that it has been noticed for public hearing at the April 11, 2011 meeting.

### **3. Citizen Involvement Organization (CIO) Program Update**

Discussion began on the proposed Citizen Involvement Organization (CIO) program. Jan Giunta gave a brief background on how it came to this point and asked about any concerns Council had on addressing the process/structure of the CIO.

Also present was Mike Riley, who presented a PowerPoint on the key points of the proposed program. Also reviewed a map of the proposed citizen involvement organizations locations.

Ms. Giunta said the past eight months has been citizen driven, and discussions are now going on with the City. It is a great structure/organization to assist in reaching citizens and getting information to them. The CIO program will provide an important linkage from the City's information to the neighborhoods. The goal is to involve as many people as possible, having a broadness and depth. It was also suggested that the name be changed to Citizen Involvement Coordinating Committee (CICC) to more accurately reflect the nature of program. Continued review of the PowerPoint, explaining the CICC members would come directly out of the Citizen Involvement Organizations (CIO). Also the proposed grant process was reviewed. Lastly Ms. Giunta said they are asking for a CIO program staff liaison, and explained how they envision what the liaison would do - taking outreach down into the neighborhoods.

It was mentioned by Councilor Truax that there appeared to be a number of members critical of Tualatin Tomorrow (TT) and asked how would that be addressed. Ms. Giunta said in the core group she had not heard that, although she knows there are members in the community that are critical of Tualatin Tomorrow. Ms. Giunta said she has met with Tualatin Tomorrow member Bethany Wertz and she sees involvement and to continue to implement the Tualatin Tomorrow vision. Mayor Ogden said in the beginning there was a high amount of involvement in TT, but over years has dissipated, and TT is different today. There is still a core effort of TT, but the questions is what's to stop this program from the same fate. Ms. Giunta said the CIO is definitely a "bottoms up" program, and the liaison is critical to the CIO program in the first few years. The focus will be on the neighborhoods, and the major difference is it will remain the focus in the neighborhoods.

Council President Barhyte said he drew up a Community Involvement Plan over the weekend, and noted he is all for citizen involvement, as he ran on that platform eight years ago. However, he expressed concern about funding over \$100,000, and not sure there is much difference between this program and Tualatin Tomorrow's efforts. He is not sure this is fundamentally solving the issue. Ms. Giunta said from a cost benefit analysis, if the CIO had been in place when the urban renewal issue arose, before the City spends money on consultants the CIOs would have fully discussed the issues beforehand and would then have known what citizens were thinking. When would a minority report come before Council if not all CIO members agreed on an issue. Ms. Giunta said each CIO would be encouraged to come to Council, and if there had been a CIO program, there would have been at least one with a point of view. It is the communication, part of the process by dealing with it early on, explained by Mr. Riley.

Councilor Beikman said she did not want to be villanized that she doesn't care about citizen involvement and was in support of this ad hoc committee when it started. Councilor Beikman read from a prepared statement on her views of accomplishing the goals without this type of program and funding. She would like to start out without investing too much in the beginning to determine if and how it will work.

Councilor Davis noted there are differences from what the ad hoc committee has proposed and what Council President Barhyte has proposed and all the work that's been done, and asked what the next steps would be at this stage. Mayor Ogden said the end game would be that Council feels comfortable with a CIO plan, what could be spent, and if the cost is worth the outcome.

Considerable discussion followed on ideas and approaches on implementing an organized, structured citizen involvement program, and what resources it would take to be vital and active. Having an opportunity to get things going with the Transportation System Plan (TSP) public involvement is a good start.

Mayor Ogden concluded the discussion and said further discussion can be held at the next meeting, giving an opportunity to review all the issues raised and what will be the outcome. City Manager Lombos said in terms of timing, with the budgeting process happening now, if funding is determined, she is concerned about making a budget commitment before going through the process first. It was suggested by the April 12, 2011 special work session to discuss the FY11-12 budget, there will be

additional context to make any budget decisions.

The work session adjourned at 7:09 p.m.

Sherilyn Lombos, City Manager

*Maureen Smith* Maureen Smith, Recording Secretary



## OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR MARCH 28, 2011

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Present: Mayor Lou Ogden, Council President Chris Barhyte, Councilor Monique Beikman, Councilor Wade Brooksby, Councilor Frank Bubenik, Councilor Ed Truax, Councilor Joelle Davis

Staff Present: City Manager Sherilyn Lombos, City Attorney Brenda Braden, City Engineer Mike McKillip, Police Chief Kent Barker, Community Development Director Alice Rouyer, Community Services Director Paul Hennon, Acting Planning Manager Aquilla Hurd-Ravich, Development Manager Eric Underwood, Associate Planner William Harper, Volunteer Services Coordinator Victoria Eggleston, Management Intern Ben Bryant, Assistant to the City Manager Sara Singer, Executive Assistant Maureen Smith

### A. CALL TO ORDER

Mayor Ogden called the meeting to order at 7:19 p.m.

Pledge of Allegiance was led by Eagle Scout Dylan Washburne

### B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. Eagle Scout Project Presentation - *Dylan Washburne*
2. Tree City USA Presentation / Arbor Week Proclamation
3. Tigard-Tualatin Family Resource Center Update - *Catherine West*
4. Juanita Pohl Center Update
5. New Employee Introduction - *John Dubuque, Operations*

1. Volunteer Coordinator Victoria Eggleston and Volunteer Specialist Chanda were present and introduced Eagle Scout Dylan Washburne. Eagle Scout Dylan presented information on his project, which was a directory of all the City's heritage trees, historic inventory, etc., including GPS and photographs. It was noted that Dylan's information will eventually be placed on the website.

Mayor Ogden presented Eagle Scout Dylan with a plaque commemorating his efforts on his Eagle Scout project for the City of Tualatin.

2. Parks and Recreation Manager Carl Switzer and Volunteer Specialist Chanda Stone presented a PowerPoint on the celebration of "trees" and their benefits, and noted this is the 24th year Tualatin is a "Tree City USA" city. In addition Tualatin received a Tree City USA Growth Award and has

also received the award numerous times over the years.

Kristen Ramsted, urban forester for the State Urban Department of Forestry was present and commented she has been doing the job for 20 years and commented Tualatin does "trees" very well. Over the past year Tualatin volunteers have planted over 14,000 trees, according to Volunteer Specialist Chanda Stone. Ms. Ramsted noted the recently appointed Oregon Department of Forestry director Doug Decker is extremely supportive of urban forestry. Ms. Ramsted presented a Tree City flag to Tualatin.

Council President Barhyte read the proclamation declaring April 3 - 9, 2011 as Arbor Week in the City of Tualatin. Parks and Recreation Manager Switzer thanked all who were part of the Arbor Week ad hoc committee, and continued with a PowerPoint about Arbor Week activities.

Parks and Recreation Manager Switzer introduced the Arbor Week poster contest winners from the elementary schools that were present. The "heritage tree" program was also mentioned and noted the recent nomination of heritage trees by the Winona Grange.

3. Tigard-Tualatin Family Resource Center director Catherine West presented an update on the center, and introduced outreach worker Uriel Frazier. The main goal is to connect local families with community resources and Ms. West explained some of the services that are offered by the center. Ms. West also mentioned the wonderful donation efforts of the City of Tualatin, the employees, and Novellus employees, with matching funds from the company. Uriel Frazier explained the successful program covering uninsured children. Anyone is invited to let the center know of any events or programs that may be of help to the center.

Mayor Ogden recognized the excellent work the center accomplishes and the energy and commitment to the program.

4. Community Services Director Paul Hennon introduced Juanita Pohl Center director Paula Stewart and Steve Ricker, chair of the center's steering committee. Tualatin contracts with Loaves & Fishes to provide management of the center, which provides a nutritional program, among other activities. A PowerPoint was presented and explained by Ms. Stewart on the Pohl Center programs and activities.
5. Operations Director Dan Boss introduced new Information Services Technician John Dubuque, and gave a brief background.

## **C. CITIZEN COMMENTS**

*This section of the agenda allows citizens to address the Council regarding any issue not on the 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.*

*David Ney, 10235 SW Colton, Tualatin, OR* , said he has an interest in ongoing citizen involvement, and commented that Tualatin is a great town for community involvement. Using the Transportation System Plan (TSP) as a beginning of a citizen involvement organization (CIO) program is a good idea. Mr. Ney noted the recent parks protection group and their impact, and hopes the City embraces the relationship with this group of citizens.

*Robert Spalding, 5769 SW Joshua Street, Tualatin, OR* , was present to discuss "chickens." He noted last year it was brought before Council about allowing chickens in residential areas. It was referred back to the Tualatin Planning Advisory Committee (TPAC), which then drafted proposed language. The issue was then referred to the CIO group. Mr. Spalding asked if there is any way to get this back in front of Council to be voted on in the near future. Mayor Ogden explained how the process arrived at this point, and the general lack of any "grass roots" effort by a number of citizens to push this issue forward. Brief discussion followed.

*George Vigileos, 18230 SW Shawnee Trail, Tualatin, OR* , has three letters to submit for the record. One is from resident Jack Broome regarding his support of the establishment of city neighborhood organizations, and also some other reference documents that offer insightful information with regards to citizen involvement.

*Linda Moholt, director, Tualatin Chamber of Commerce, 18791 SW Martinazzi Ave, Tualatin, OR* , was present to invite Council to the "Celebrate Tualatin" event in April, in recognition of business volunteers. It is a great event to meet and greet people, and will also recognize charter members of the Chamber's 30th year. Also Ms. Moholt noted the great need from the recent devastation in Japan and the Chamber, in connection with Mercy Corps, has created a fundraiser, which will be on the Chamber's website soon.

*Kathy Newcomb, 17515 SW Cheyenne Way, Tualatin, OR* , wanted to thank the Council for their discussion on the citizen involvement discussion, of Jan Giunta's program. Her idea is the Tualatin Planning Advisory Committee (TPAC) has responsibility of the TSP, which they may have a subcommittee, and it is a good thing to have representatives from the neighborhoods be involved in the TSP update. Mayor Ogden said Council recognizes the critical component of the TSP is public involvement and that has already been programmed in with the consultant.

*Jan Giunta, 17655 SW Shawnee Trail, Tualatin, OR* , wanted to note that it is not her program, but rather it is an effort of a lot of people.

**D. CONSENT AGENDA**

*The Consent Agenda will be enacted with one vote. The Mayor will first ask staff, the public and Councilors if there is anyone who wishes to remove any item from the Consent Agenda for discussion and consideration. The matters removed from the Consent Agenda will be considered individually at the end of this Agenda under, H) 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 Chris Barhyte, SECONDED by Councilor Joelle Davis to approve the Consent Agenda as read.

**Vote: 7 - 0 CARRIED**

1. Approval of the Minutes for the Work Session and Meeting of March 14, 2011
2. Resolution Authorizing the Mayor to Sign an Intergovernmental Agreement between the City of Lake Oswego, the City of Tualatin and Clean Water Services
3. Community Involvement Committee Appointments
4. Approval of 2011 Liquor License Renewals Late Submittal(s)
5. Approval of a New Liquor License Application for Buffalo Wild Wings Grill & Bar
6. Resolution Granting Heritage Tree Status to Trees at the Winona Grange #271

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

**F. PUBLIC HEARINGS – Quasi-Judicial**

1. Sign Variance for Legacy Bridgeport Clinic in the General Commercial (CG) Planning District at 18010 SW McEwan Road (Tax Map 2S113DD, Tax Lot 1800) (SVAR-10-01) **-CONTINUED HEARING-**

Mayor Ogden read language required by legislation before a comprehensive plan or land-use regulation [ORS 197.765(5) and (6)] and opened the public hearing. No bias or ex parte noted by Council.

Associate Planner Will Harper presented the staff report and entered the entire staff report into the record. The sign variance is for a freestanding pole sign that is greater than the Tualatin Development Code (TDC) allows. The applicant is Legacy Health Systems, representing Legacy Medical Group. The property owner is SilverKing Properties, LLC. It was noted that Council has previously addressed issues of signage, and sign design language was created for non-conforming signs. Council has also looked at sign variance requests, such as Dick's Sporting Goods, which Council approved. Seven criteria are needed for a variance, and three of the criteria are not met for this request.

**PROPONENTS**

*Brian Terrett, director of public and community relations, Legacy Health Systems, 1919 NW Lovejoy, Portland, OR, said they recognize it will be difficult obtaining the variance, but hope to come to some middle ground with the Council and Legacy.*

*Will Mowe, chief administrative office, Legacy Medical Group, 1919 NW Lovejoy, Portland, OR, gave some background on Legacy's desire to have clinics as part of their health system. He recited statistics on health and services that they provide, and said there are two reasons to consider, 1) by supporting the clinic it is supporting Meridian Park Hospital; and 2) this is a different kind of business in which it has a high proportion of older patients.*

*Chuck Bruce, 18010 SW McEwan Road, manager, Tualatin Legacy Medical Group Clinic, said the clinic is not easy to find and they receive calls daily about the location. Mr. Bruce added the clinic provides a community benefit, and primary care provides the backbone of the health system.*

*Dr. Ellen Mayock, practicing medical care at the Legacy Health Clinic, was present and wanted to reiterate what her colleagues have said. More and more she hears of patients having difficulty finding the clinic. Mr. Terrett continued by explaining it is important to have the ability to know generally where the clinic is located, and they are at a bit of a disadvantage getting patients there.*

**OPPONENTS** - None.

### **COUNCIL DISCUSSION**

It was asked and answered that clinic opened in August 2010, and that is located close to a bus stop. It was asked if once patients know the location of the clinic if it is still a problem and Mr. Bruce replied it is not, but added once someone has a traumatic experience it sticks with them.

Mr. Terrett said ideally they are trying to gain recognition of the clinic. It was asked and City Attorney Brenda Braden said if this sign variance is approved, there could be a problem with someone else asking for the same variance approval. The appearance of the pole sign was mentioned, and that Legacy would take the sign with them if they vacated the building. Mr. Terrett said they recognized the appearance will have to be modified from what was originally submitted.

Discussion followed. It was asked and explained how far back the sign would be from the right-of-way (ROW). Also asked about the visibility from the surrounding trees near the sign and the possible difficulty of the trees obscuring the sign. It was noted that removing trees is addressed in the conditions proposed by staff. Discussion on the whether there is a benefit coming from the north side with regards to the trees, and it was suggested having signage in the driveway leading up to the clinic would be beneficial. Mr. Terrett explained they will be moving the monument sign and create smaller entry type signs, but they believe the pole sign is still needed.

Concern was expressed that the sign is similar to the hospital's and could be confusing. Also asked and Mr. Terrett replied Legacy did not believe it would be a

problem, such as it is, when they acquired the building.

It was asked of Legacy how they believe there is a hardship and Mr. Terrett said the distance from Lower Boones Ferry Road, and the angular nature of the property. Council is not convinced of the hardship issue, and that a having a 35 foot pole sign is going to help people get into the parking lot and building. Having directional signs is an important factor and it was asked and answered by staff that there are more sign options available for this clinic at that location.

Discussion followed. It was discussed whether the sign would be helpful and what purpose it actually would serve.

*Michael Reed, Mayer/Reed, 319 SW Washington, Portland, OR*, design firm for the applicant, explained they were asked to determine the size of sign that would be visible from both north and southbound locations.

Mayor Ogden closed the oral portion of the public hearing.

#### COUNCIL DELIBERATIONS

Councilor Truax said although he is a great supporter of the hospital, general awareness of the sign is not enough for a hardship, and will make a motion to deny the variance.

Mayor Ogden reopened the hearing and went back to the oral testimony part of the hearing.

#### PROPOSERS

*Linda Moholt, Tualatin Chamber of Commerce, 18791 SW Martinazzi Ave., Tualatin, OR*, said she believes that Legacy does have a hardship because of the topography and it is difficult to find with how the property is situated.

Mayor Ogden closed the oral portion of the public hearing.

#### COUNCIL DELIBERATIONS

MOTION by Councilor Ed Truax, SECONDED by Councilor Joelle Davis to deny the request for the proposed Sign Variance (SVAR-10-01) as the applicant did not meet the criteria outlined in TDC Chapter 33.022.

**Vote: 7 - 0 CARRIED**

### **G. GENERAL BUSINESS**

1. An Ordinance Relating to Storm Water Enforcement; and Amending TMC 3-5-320, 3-5-470, 6-4-050, 6-4-090, 6-4-130; and Adding TMC 3-5-435

MOTION by Councilor Truax, SECONDED by Councilor Davis for a first reading by title only. MOTION by Councilor Truax, SECONDED by Councilor Davis for a second reading by title only. MOTION CARRIED. The poll was unanimous. MOTION by Councilor Truax, SECONDED by Councilor Davis to place adoption of the ordinance on the Consent Agenda. MOTION CARRIED.

**Vote: 7 - 0 CARRIED**

**2. 2010 Annual Report of the Tualatin Planning Advisory Committee**

Acting Planning Manager Aquilla Hurd-Ravich was present and gave an overview of the 2010 Tualatin Planning Advisory Committee's (TPAC) annual report.

Paul Sivley, chair of TPAC, was also present and spoke on his goals for TPAC when he became chair, which were to fill positions and encourage involvement. Mr. Sivley noted there were four meetings in 2010 that failed to have a quorum due primarily to unfilled membership. Requesting that membership be reduced from nine to seven, as with the other advisory committees. The issue of not having term limits was also brought up. Mr. Sivley said another problem is lack of diversity on the committee, but said that is another issue altogether. Mr. Sivley also wanted to thank staff, in particular Associate Planner Will Harper and Acting Planning Manager Aquilla Hurd-Ravich for stepping up during this difficult past year.

Discussion followed. Council directed staff to prepare an ordinance to change TPAC from nine to seven members, with a quorum of those actually present, and eliminate term limits. It was also directed to eliminate term limits for all advisory committees/boards.

**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 Bubenik noted the *Vine2Wine Event* at the Library on April 23, 2011, that the Tualatin Library Foundation is putting on.

**J. EXECUTIVE SESSION**

*None.*

**K. ADJOURNMENT**

MOTION by Councilor Ed Truax, SECONDED by Councilor Joelle Davis to adjourn the meeting at 10:35 p.m.

**Vote: 7 - 0 CARRIED**

Sherilyn Lombos, City Manager



Maureen Smith / Recording Secretary