



**TUALATIN CITY COUNCIL
AND
TUALATIN DEVELOPMENT COMMISSION**
Monday, February 22, 2010

City Council Chambers
18880 SW Martinazzi Avenue, Tualatin, Oregon

WORK SESSION begins at 4:30 p.m.

REGULAR MEETING begins at 7:00 p.m.

Mayor Lou Ogden

**Council President Chris Barhyte
Councilor Monique Beikman
Councilor Joelle Davis**

**Councilor Jay Harris
Councilor Donna Maddux
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 citizen comments on its agenda – Item C, following Presentations, at which time citizens may address the Council concerning any item not on the agenda, with each speaker 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 world wide web at www.ci.tualatin.or.us, at the Library located at 18878 SW Martinazzi Avenue, and are also on file in the Office of the City Manager for public inspection. Any person who has any 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.

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Your City government welcomes your interest and hopes you will attend the City of Tualatin City Council meetings often.

- SEE ATTACHED AGENDA -

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. The Mayor opens the public hearing and identifies the subject.
2. A staff member presents the staff report.
3. Public testimony is taken.
4. The Council then asks questions of staff, the applicant or any member of the public who testified.
5. When the 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, 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, variances, conditional use permits, comprehensive plan changes, and appeals from subdivisions, partitions and architectural review.

1. The Mayor opens the public hearing and identifies the case to be considered.
2. A staff member presents the staff report to the Council.
3. Public testimony is taken:
 - a) In support of the application
 - b) In opposition or neutral
4. The Council then asks questions of staff, the applicant or any member of the public who testified.
5. When the 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 5 minutes**, subject to the right of the Mayor to amend or waive the time limits.

EXECUTIVE SESSION INFORMATION

Executive session is a portion of the Council meeting that is closed to the public to allow the Council to discuss certain confidential matters. No decisions are made in Executive Session. The City Council must return to the public session before taking final action.

The City Council may go into Executive Session under the following statutory provisions to consider or discuss: *ORS 192.660(2)(a)* the employment of personnel; *ORS 192.660(2)(b)* the 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)* non-public information or records; *ORS 192.660(2)(g)* matters of commerce in which the Council is in competition with other governing bodies; *ORS 192.660(2)(h)* current and pending litigation issues; *ORS 192.660(2)(i)* employee performance; *ORS 192.660(2)(j)* investments; or *ORS 192.660(2)(m)* security issues. **All discussions within this session are confidential.** Therefore, nothing from this meeting may be disclosed by those present. News media representatives are allowed to attend this session (unless it involves labor relations), but shall not disclose any information discussed during this session.



A. CALL TO ORDER
Pledge of Allegiance

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. Update from Tigard-Tualatin Family Resource Center – *Interim Director*
2. Tualatin Tomorrow Presentation Key Focus Area – Arts, Culture, and Education (ACE)

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.

D. CONSENT AGENDA (Item Nos. 1 –6)

Page No.

The Consent Agenda will be enacted with one vote. The Mayor will first ask the 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 "Items Removed from the Consent Agenda." The entire Consent Agenda, with the exception of items removed to be discussed under "Items Removed from the Consent Agenda," is then voted upon by roll call under one motion.

1. Approval of the Work Session and Meetings Minutes of January 11, 2010 and
February 8, 2010
2. Resolution No. 4958-10 To Approve an Intergovernmental Agreement to Collect.....
and Remit Construction Excise Tax Between the Lake
Oswego School District and the City of Tualatin
3. Resolution No. 4959-10 Relating to Parking on Martinazzi Avenue Between.....
Boones Ferry Road and Seneca Street and Rescinding
Resolution Nos. 752-80, 1036-81, and 1153-82
4. Resolution No. 4960-10 Authorizing an Amendment to the Intergovernmental
Agreement with TriMet and Washington County Regarding
WES Train Horn Noise Mitigation Funding
5. Community Involvement Committee Appointments
 - *Jeff DeHaan – Planning Advisory Committee, partial term ending 08/31/2010*
 - *Carol Dersham – Arts Advisory Committee, partial term ending 03/31/2012*
 - *George Guild – Budget Advisory Committee, regular term ending 12/31/12*
 - *Steve Ricker – Park Advisory Committee, regular term expiring 2/28/13*
6. Approval of Liquor License Renewals for 2010

E. PUBLIC HEARINGS – Legislative or Other
None.

F. PUBLIC HEARINGS – Quasi-Judicial
None.

G. GENERAL BUSINESS (Item No. 1)

1. 2009 Heritage Center Annual Report

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

J. EXECUTIVE SESSION

K. ADJOURNMENT



CITY COUNCIL SIGN-UP SHEET

DATE: February 22, 2010

PLEASE COMPLETE TO GIVE TESTIMONY

LIMIT TESTIMONY TO THREE MINUTES

	(PLEASE PRINT CLEARLY) Name	Address	E-mail	Representing	Agenda Item(s) or Citizen Comments
1.					
2.	Kathy Newcomb	1751 Schejennue Wy	overload	Referred for info	Cit. Comment
3.					
4.					
5.					
6.					
7.					
8.					



Tualatin Tomorrow 

How We Live and Learn



Tualatin Tomorrow 

20-year Goals for the Future

- Tualatin Tomorrow's [Vision and Strategic Action Plan](#) was accepted by the Tualatin City Council on June 25, 2007 and updated in 2009 following two annual community-wide sharing events.
- This focus area includes objectives addressing arts and cultural opportunities, education, employment, our library, volunteer activities, teen and senior programs
- A common thread among many of these action items is honoring the diverse backgrounds and gifts of our citizens which we will briefly explore tonight.

Tualatin's History of Diversity

- Tualatin's original residents, the Atfaliti Indians, learned to accommodate fur traders and trappers who looked and spoke very differently
- Soon came pioneers from east of the Mississippi looking for a new and better life
- Ki-a-Kuts, whose legacy we remember in a pedestrian bridge today, tried to build "good neighbor" bridges with these early Tualatin Valley settlers

•Descendants of British, Irish, Scottish, Italian and Scandanavian immigrants who settled in Tualatin are still here and are remembered on several street and park signs

•Chinese laborers who built Tualatin's two railroads and Japanese families whose produce was high sought by Portland markets were our first of many Asian influences

•Jewish golfers from Portland who were not allowed to play elsewhere decided to start their own country club here in 1912; membership opened to anyone in 1964.

•Senior citizens in Tualatin and Durham joined forces in 1982 to create today's Juanita Pohl Center providing food and fellowship opportunities for adults

•Tualatin Methodists started their church over 100 Years ago. Now over 17 churches call Tualatin their home. Our Muslim, Buddhist and Hindu neighbors find places of worship in the Portland area.

•For our residents and visitors with mobility issues, curb cuts and electronic signals help accommodate their needs

Major partner: Tualatin-Tigard School District



Helping all children in Tualatin reach their full potential

•12% of the District's 12,457 students (1,480) are ELLs and they speak 47 languages; each receives 30 minutes of daily English instruction

•Latino population is 21% (25% K-5) an increase of 43% in five years.

•Tualatin's Latino population:
Bridgeport 42%
Tualatin Elementary 35%
Byrom 14%
Hazelbrook 25%
Tualatin High 14%

•Ongoing training for staff on how race affects learning

•District is actively recruiting bilingual teachers for available positions

•All formal meetings, newsletters and communications are translated.

•Actively recruiting Latino parents to participate on committees, site councils



Our Tualatin Library serves Spanish-speaking residents:

- 1000s of books, magazines, DVDs, CDs for all ages
- Dozens of bilingual family and children programs
- Spanish language early literacy storytimes weekly
- Sunday Matinees in Spanish
- Dia do los Ninos celebration once a year
- Spanish computer classes for adults (2009)
- Latino Community Resource Fair each March
- Weekly intercambio group for English and Spanish speakers to practice speaking in the other language

- City Arts Program strives to meet cultural interests:
 - Summer concerts feature varied groups
 - Arts Splash seeks diverse artists
 - Student Visual Chronicle involves 30 youth
 - Library carving depicts Tualatin's native life
- Willowbrook at Browns Ferry Park offers scholarships to Tualatin Latinos; features full-time Japanese and Native American art instructors
- Heritage Center co-sponsors events, exhibits that teach Tualatin's multi-cultural history
- 9% of City volunteers are bilingual
- 10% of City employees are non-Caucasian
- All City employees will receive training this year in cultural competency


Tualatin Tomorrow 

Tualatin Tomorrow recommends you attend:

- Open forum on Northern Arterial at police station March 1
- Health Fair at Juanita Pohl Center April 17
- Farmers Market this summer at the Commons



The Vision Continues – Annual Event

- May 11, 5:30 to 7:30 P.M., Juanita Pohl Community Center



Tualatin Tomorrow Contacts

Margie Bradley, Tualatin Tomorrow Champion
503.691.3009 mbradley@ci.tualatin.or.us

Doug Rux, Community Development Director
503.691.3018 drux@ci.tualatin.or.us





*Submitted by Yvonne
Addington - Item G-1, February
22, 2010*

TUALATIN HISTORICAL SOCIETY
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SPECIAL MEDIA RELEASE – February 22, 2010

ANCIENT GROUND SLOTH JOINS TUALATIN's PREHISTORIC ANIMALS

By Yvonne Addington, President of Tualatin Historical Society

Tualatin. Prehistoric animals roamed the Tualatin area 10,000-15,000 years ago at the end of the Ice Age. The discovery of several remains in the area is causing new national interest of scientists who study and consult regarding prehistoric bones, fossils, ice age floods and the environment in which the ancient animals lived and died.

Recently parts of a prehistoric animal, in addition to Tualatin's mastodon and a mammoth tusk, have been identified from remains found in the Tualatin area. The partial skeleton was found in the late 1960s-early 1970s and until recently has been identified incorrectly as a mastodon.

It is a Harlan Ground Sloth according to Portland State University officials who recently suspected the bones were not from a mastodon and sent evidence to an expert at the National Park Service who confirmed their suspicions. According to descriptions from the Robinson Library website, ground sloths were large relatives of the modern two-toed and three-toed sloths and were roughly 20 feet long and weighed about 3 to 4 tons. They resembled a huge furry brown bear but had a long broad tail. The ground sloths had very large claws, even though they were herbivores. The shape of their hip bones indicates that they could stand up on their hind legs, allowing them to reach high up into trees. It is likely they walked on the sides of their hind feet and backs of their forefeet according to the scientists.

In 2008, Dr. Robert McDonald, a chiropractor in Aloha donated to the Tualatin Historical Society, the sacrum and two vertebrae of this prehistoric animal, identified by Portland State University in the 1970s as a second mastodon found in the Tualatin area.

The first mastodon partial skeleton, now featured in the new Tualatin library and Tualatin Heritage Center was dug up by Portland State University students John "Bobby" George, Ron and Gordon Sund in 1962, in the organic bottom land south of the Fred Meyer store in Tualatin. Now a retired dentist, Dr. George had been told by the Tualatin Town Marshall Charlie Roberts when he was a young child, where it was located. After turning in his college papers, he left the mastodon, except for a tusk and two molars, at PSU which in 1974 gave it to Yvonne Addington, first city manager of Tualatin. The bones were kept in a pine box in the city shop closets, were given to the Portland Zoo at one time and then 1992, the Tualatin Historical Society, the city and citizens asked to have it returned to Tualatin and paid for it to be displayed at the city library. It now is the featured attraction at the new Tualatin city library.

In 2007, Dr. George donated the mastodon's tusk and two molars to the Tualatin Historical Society which are now on display at the Tualatin Heritage Center.

Dr. Robert McDonald's donation of the Sloth sacrum and vertebrae to the Tualatin Historical Society in 2008 came a few years after he purchased the prehistoric sacrum from a patient and friend, Ernest Rowland. In the late 1960s or early 1970s when the Unified Sewage Agency started construction of the Durham Wastewater Treatment Plant, Rowland was an oiler of construction equipment. On the day the bones were excavated, he was watching a backhoe operator digging in a marsh in Fanno Creek, approximately ¼ mile from where Fanno Creek empties into the Tualatin River at the new Ki-a-Kuts Pedestrian Bridge. "It was so mucky and swampy they had to drive equipment over big steel mats and move the mats ahead of the equipment", Rowland said. Suddenly he observed something solid in the backhoe bucket. He asked the operator to lay it on the ground, then carried it to a shed near a closed country school (probably Durham Grade School) where he and the workers had been parking. He found a water faucet, washed it off and found the vertebrae attached to a back bone, and "you could wiggle them." He took them to Portland State University where he was told they were part of a mastodon skeleton over 10,000 years old. He said PSU displayed them for awhile, then gave them back to Rowland. It is now on display at Tualatin Historical Society and its identity has been corrected from mastodon to sloth. Upon word of the correction, Dr. McDonald said he still has one vertebrae displayed in his Aloha chiropractic office and intends some day to donate it to the Historical Society.

Several prehistoric animal carcasses thought to be 10,000-15,000 years old have been found in and near Tualatin recently and have become of national interest to scientists who study and consult regarding the prehistoric bones, fossils, ice age floods and the environment in which they lived and died.

Recently, archeologist Danny Gilmour, who is preparing his master's thesis at PSU regarding the existence of the prehistoric ice age animals in the Tualatin and Willamette River Valleys, took samples of several carcasses, including the two Tualatin skeletons to the University of Arizona to radio carbon date them with modern dating equipment. The results and Gilmour's thesis are expected soon. With recent improvements in the dating equipment, it will be possible to get very close to the animals age and how long ago they lived here.

What was not expected by Tualatin officials was the suspicion of Gilmour and Virginia Butler, Professor of Anthropology at PSU, that the "Tualatin River-Fanno Creek" sacrum and vertebrae were not from an American mastodon but from a Harlan's ground sloth.

Butler and Gilmour sent a series of photos to Dr. Greg McDonald, the Senior Curator of Natural History at the Park Museum Management Program of the National Park Service. He is a recognized leading expert in Late Pleistocene fauna, with a specialty in extinct ground sloths. He identified the bones as *Paramylodon harlani*, Harlan's Ground Sloth.

According to Dr. Greg McDonald, in scientific terms for parts of the backbone, the bones are a part of the "synsacrum in which the transverse processes of the proximal caudals fuse to the ischium with

the last (third) lumbar vertebrae attached to it as well". Lacking the radio carbon dating information at this time, Gilmour estimates the age as post-Missoula floods time but no older than 15,000 years.

Several prehistoric specimens have been located in the Tualatin area and nearby which is causing scientific interest and the reason for Gilmour's study of the area. A mammoth tusk was found near Tualatin-Sherwood Road and a mammoth skeleton was found in McMinnville two summers ago. An antiquess bison skeleton was also found by Woodburn High School students last year. The University of Oregon Museum of History has almost an entire carcass of a mammoth found in Hillsboro years ago. An Oswego woman has molars from a mastodon found at Langdon Farms south of Wilsonville and several other bones are said to have been found and reburied at the Aurora airport and near the Tualatin River Refuge. Several more discoveries are suspected but the inaccurate assumption that prehistoric animal bones are illegal to possess have kept people from disclosing their possessions.

Three multi-ton "erratics" or granite rocks from as far away as Missoula, Montana were recently found in the Cipole swamps south of Herman Road in Tualatin and moved to Fields Park on the Tualatin River, in the Willamette community of West Linn where ice age interpretative signs exists. The erratics were originally attached to melting icebergs from the great Ice Age Missoula Floods. The Tonquin Scablands, between Tualatin, Sherwood and Wilsonville are also the result of the floods as are the rich soils of the Willamette Valley.

The several Missoula Floods occurred at the end of the ice age over 10,000 years ago and came down the Columbia River, backed up into the Tualatin, Willamette and Yamhill River Valleys (where a huge erratic has also been found) The floods were about 350 feet deep in Tualatin (elevation 123') and in the Tualatin, Willamette and Yamhill River valleys. It is believed the Willamette meteorite (know in New York Museum of History) came with the floods, the floods may have contributed to the extinction of some of the prehistoric animals. ###

Note: Danny Gilmour referred Addington to links to two public educational websites for good physical descriptions and drawings of a sloth:

http://www.sdnhm.org/exhibits/mystery/fg_giantsloth.html and

<http://www.tarpits.org/education/guide/flora/sloth.html>

Several complete ground sloth skeletons have been found within caves. Some of those skeletons have been found complete with hair, skin and tendons still attached. Fossilized dung has also been excavated from many caves, allowing scientists to gain information about the diet of these giant animals.

Scientific Classification

phylum [Chordata](#)
 subphylum [Vertebrata](#)
 class [Mammalia](#)
 order [Edentata?](#)
 family [Megatheriidae](#)
 genera & species

Eremotherium laurillardi Laurillard's ground sloth
Megalonyx jeffersonii Jefferson's ground sloth
Nothrotheriops shastensis Shasta ground sloth
Paramylodon harlani Harlan's ground sloth

Questions or comments about this page?

WEB SOURCES

George C. Page Museum (at the La Brea Tar Pits). www.tarpits.org/education/guide/flora/sloth.html
 San Diego Natural History Museum. www.sdnhm.org/exhibits/mystery/fg_giantsloth.html

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Tualatin Historical Society Newsletter

Published Quarterly. April, 2008 Edition
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What's Going on Here?

Tualatin Historical Society (THS) monthly meetings first Wednesday of month, 1:15 PM. Heritage Center
Open to public and free. Program Chairman **Loyce Martinazzi**, (503-598-7443) Call for monthly Heritage Center Calendar (503-885-1926)

Monthly programs next quarter

Wednesday, April 2, at 1:15 pm "Washington County History 101" Mark Granlund, Executive Director of Washington County Historical Society and Museum will present slides and comment on early communities in the county and the new museum.

Sunday, April 25, 1-4, THS participates in City Arbor Day (founded in Nebraska in 1872) with help in creating or searching for members of your "family tree" (Yvonne Addington)

Wednesday, May 7, at 1:15 pm "Friend of the Farmer" A history of the growth of the National Grange, and Tualatin's Winona Grange in particular, (Loyce Martinazzi)
May 19-23. Pioneer Days with Tualatin, Bridgeport and Byrom Elementary Schools. Many volunteers needed.

Wednesday, June 4, at 1:15 pm "James John: His Last Will and Testament-Was he a saint?" Former Tualatin-Tigard Social Studies school teacher Dave Overby grew up in St. Johns and researched and wrote his senior college thesis on the history of Portland's St. Johns area.

June 15, 1-5 PM. Father's Day. THS Strawberry Festival \$3.00 for strawberry shortcake and ice cream.

Wednesday, July 2 at 5 pm "Picnic in the Park" at Tualatin city park. Bring a pot luck dish to share. Beverages will be provided. Event is lots of fun.

Other historic events:

Thursday, May 8, 5:30 Tualatin Tomorrow Event, Education Center, Meridian Park Hospital.

Sunday, May 17 at 1-3 pm Winona Cemetery clean up day and annual meeting.

Monday, May 26, 11AM Memorial Day Celebration at Winona Cemetery.



Second Local Mastodon Skeleton Given to Society (*Identify changed to "Sloth" February, 2010*)

Doctor Robert MacDonald has donated a sacrum and two vertebrae of a mastodon skeleton found in the 1970s during excavation in Fanno Creek north of the Tualatin River. This is the second find of a partial mastodon skeleton in the Tualatin area and the second donation of partial skeletons to the Tualatin Historical Society in the last two years.

Doctor Robert MacDonald, an Aloha chiropractor, is placing the partial mastodon skeleton on permanent loan in memory of his former in-laws, Gerald and Florence Avery, long time Tualatin residents whose descendants still live in the area.

The bones are about 2.5 feet x 12" round and weigh about 25 pounds. The Doctor bought them from a patient and friend, Ernest Rowland, when Rowland moved from Aloha to Woodburn about 18 months ago.

We interviewed Rowland, 89, who is wintering in Arizona, by telephone. Rowland said he was an oiler of construction equipment in the late 1960s or '70s when Unified Sewerage Agency started construction of the Durham Wastewater Treatment Plant.

On the day it was found he was watching a backhoe operator digging in a marsh in Fanno Creek, approximately a ¼ mile from where it empties into the Tualatin River, next to the new Ki-a-Kuts pedestrian bridge. "It was so mucky and swampy they had to drive off of big mats and move the mats ahead of the equipment" Rowland said. Suddenly he observed something solid in the backhoe bucket. He asked the operator to lay it on the ground, then he carried it to a shed near a closed country school (probably Durham Grade School) where the workers had been parking, found a water faucet, washed it off and found the vertebrae attached to a back bone, "and you could wiggle them".

He took them to Portland State University where he was told they were part of a mastodon skeleton over 10,000 years old. He said PSU displayed them, then gave them back. It will be displayed soon along with Doctor John George's Tualatin Mastodon tusk and molars.



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Ground Sloths (Megatherium)

Ground sloths were large relatives of the modern two-toed and three-toed sloths. They evolved in South America around 35 million years ago, and migrated into North America, starting around 8 million years ago, with the last species arriving during the Pleistocene. All four species became extinct approximately 10,000 years ago. The reason for their extinction is not currently known.

Description

Ground sloths were roughly 20 feet long and weighed about 3 to 4 tons. The smallest species -- Shasta Ground Sloth -- was about 9 feet long and weighed up to 550 pounds (about the size of a modern black bear). They had very large claws, even though they were herbivores.

The shape of their hip bones indicates that they could stand up on their hind legs, allowing them to reach high up into trees for the best leaves and twigs. It is likely that they walked on the sides of their hind feet and backs of their forefeet.

Distribution and Habitat

Fossil remains of the Shasta Ground Sloth have been found in Southern California (including the Rancho La Brea Tar Pits in Los Angeles) and Sonora, Mexico. The animal was especially adapted to life in arid regions.

Jefferson's and Harlan's Ground Sloths are the only two species found in the Midwestern United States.

Diet

The flat grinding teeth of the Harlan's Ground Sloth suggest a diet of grasses, but they may have also fed on leaves, tree roots, and twigs.

Shasta Ground Sloth was most likely a browser. Fossilized dung shows that it fed on many species of plants such as yuccas, agaves, Joshua trees, globe mallows, mesquite and cacti.

Jefferson's Ground Sloth probably specialized in eating leaves and twigs from trees of moist habitats (such as willows).

Fossil History

The first report of a fossilized ground sloth in North America came from Thomas Jefferson. The fossils that were subsequently named for him were found in a cave in West Virginia in 1799.

Numerous fossil remains of Harlan's Ground Sloths have been found at the Rancho La Brea Tar Pits in Los Angeles.



STAFF REPORT

CITY OF TUALATIN

Approved By Tualatin City Council
Date 2-22-10
Recording Secretary W. Smith

TO: Honorable Mayor and Members of the City Council

FROM: Sherilyn Lombos, City Manager 

DATE: February 22, 2010

SUBJECT: APPROVAL OF THE WORK SESSION AND MEETING MINUTES
OF JANUARY 11, 2010 AND FEBRUARY 8, 2010

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve the Work Session and Meeting minutes of January 11, 2010 and February 8, 2010.

RECOMMENDATION:

Staff respectfully recommends that the Council adopt the attached minutes.

FINANCIAL IMPLICATIONS:

There are no financial impacts associated with this item.

Attachments: Minutes



City of Tualatin

www.ci.tualatin.or.us

Approved By Tualatin City Council

Date 2-22-10

Recording Secretary M. Smith

TUALATIN CITY COUNCIL WORK SESSION MINUTES OF JANUARY 11, 2010

PRESENT: Mayor Lou Ogden; Councilors Chris Barhyte, Monique Beikman, Joelle Davis, Jay Harris, Donna Maddux, and Ed Truax; Sherilyn Lombos, City Manager; Brenda Braden, City Attorney; Doug Rux, Community Development Director; Don Hudson, Finance Director; Paul Hennon, Community Services Director; Kent Barker, Police Chief; Dan Boss, Operations Director; Carina Christensen, Assistant to the City Manager; Eric Underwood, Development Coordinator; Will Harper, Associate Planner; Maureen Smith, Recording Secretary

ABSENT: None.

[Unless otherwise noted, MOTION CARRIED indicates all in favor.]

A. CALL TO ORDER

Mayor Ogden called the work session to order at 4:30 p.m. and immediately went into executive session pursuant to ORS 192.660(2)(d) to discuss labor negotiations.

Mayor Ogden continued with the Work Session at 5:10 p.m. and immediately recessed the Work Session and called to order the Development Commission Work Session at 5:10 p.m.

Mayor Ogden reopened the Council work session at 6:15 p.m.

Council reviewed the Consent Agenda with no changes.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

2. *Draft Development Agreement Between the City of Tualatin and Legacy Health Systems*
Associate Planner Will Harper gave a review of what has taken place to date. Staff has been working with Legacy Health Systems on a draft Non-Statutory Development Agreement (DA) that addresses development issues associated with future expansion of the Meridian Park Medical Center. Legacy owns approximately 19+ unimproved acres of property, with plans to expand the property in the future with buildings and site improvements in compliance with the standards and allowed uses within the MC Planning District. Legacy requested a plan map amendment (PMA-09-03) to change the planning district designation from RL (Low-Density Residential) to MC (Medical Center). A hearing was held on November 9, 2009 and continued to January 25, 2010, with Legacy's agreement. During the hearing Council asked about establishing a DA with Legacy. Staff has been working with Legacy on a draft DA as presented at this meeting.

Larry Keogh, director of Real Estate and Construction of Legacy Health Systems was introduced by Mr. Harper. Mr. Harper said one issue with Legacy is public street improvements which have been worked on as late as today. For the most part Legacy is in agreement with the draft DA.

Considerable discussion followed about traffic concerns, particularly at 65th and Borland. Discussion on the possibility of expanding lanes, and pedestrian connections. It was asked and answered by City Attorney Brenda Braden about statutory agreement language, and that it is a 20-year agreement, whereas statutory is only a 10-year. It was asked and answered by City Attorney Braden that if the Council were to pass a zone change, the agreement goes into effect. Mr. Keogh explained what may take place on the property and Legacy actually is in need of office space. It was asked about the timing of the buffer, and Mr. Keogh said that could be addressed in the DA. Discussion followed.

Discussion concluded and staff will be back with further revisions. Mayor Ogden said he wanted to make sure everything is out there to be able to address this at the next Council meeting. He said he wanted to be able to look at the whole site. Traffic issues continue to be a concern of Council's. City Manager Lombos pointed out there is not an issue before Council on the *existing property* and Mr. Rux explained it would be reaching to include the entire property.

3. *Update on Annexation into the Library District of Clackamas County*
Community Development Services Director Paul Hennon said there is really nothing new to add at this point other than what has been already reviewed by Council. City Manager Lombos said staff is proceeding with placement on the ballot, etc.

C. CITIZEN COMMENTS – N/A

D. CONSENT AGENDA

Council reviewed the Consent Agenda at the beginning of the work session with no changes.

E. PUBLIC HEARINGS – Legislative or Other
N/A

F. PUBLIC HEARINGS – Quasi-Judicial
N/A

G. GENERAL BUSINESS
N/A

H. ITEMS REMOVED FROM CONSENT AGENDA
N/A

I. COMMUNICATIONS FROM COUNCILORS
None.

J. EXECUTIVE SESSION

It was noted an executive session pursuant to ORS 192.660(2)(d) to discuss labor negotiations was held before the start of the Work Session.

K. ADJOURNMENT

The work session adjourned at 7:58 p.m.

Sherilyn Lombos, City Manager

Recording Secretary





City of Tualatin

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Approved By Tualatin City Council
Date 2-22-10
Recording Secretary M. Smith

TUALATIN CITY COUNCIL MEETING MINUTES OF JANUARY 11, 2010

PRESENT: Mayor Lou Ogden, Councilors Chris Barhyte, Monique Beikman, Joelle Davis, Jay Harris, Donna Maddux, and Ed Truax; Sherilyn Lombos, City Manager; Brenda Braden, City Attorney; Mike McKillip, City Engineer; Doug Rux, Community Development Director; Paul Hennon, Community Services Director; Kent Barker, Police Chief; Carina Christensen, Assistant to the City Manager, Maureen Smith, Recording Secretary

ABSENT: None.

[Unless otherwise noted, MOTION CARRIED indicates all in favor.]

A. CALL TO ORDER

Mayor Ogden called the meeting to order at 7:06 p.m.

The Pledge of Allegiance was led by Councilor Maddux.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. *Tualatin Youth Advisory Council Update*

Members of the Youth Advisory Council (YAC) were present and gave a brief PowerPoint presentation on recent activities and events. Also currently working on Project F.R.I.E.N.D.S. New YAC members were also introduced.

2. *Commuter Rail Update*

City Manager Sherilyn Lombos gave a brief update on the Commuter Rail. The funding agreement is finalized and set to award the bid next week. Construction will start towards the end of March, and look to be on track to have a quiet zone by the end of the year.

C. CITIZEN COMMENTS

None.

D. CONSENT CALENDAR

MOTION by Councilor Barhyte, SECONDED by Councilor Davis to adopt the Consent Agenda as read:

1. Approval of the Special Work Session Minutes of December 7, 2009 and the Work Session and Meeting Minutes of December 14, 2009
2. Approval of a New Liquor License Application for Walgreen's #09625
3. ~~Change Order No 2 to the Seneca Street Sewer Project~~

4. Resolution No. 4950-10 Establishing Regular Meetings of the City Council and Advisory Committees of the City and Repealing Resolution No. 4856-09
MOTION CARRIED.

Item G-1 was moved to this portion of the meeting.

G. GENERAL BUSINESS

1. *2009 Annual Report of the Tualatin Arts Advisory Committee*
Community Services Program Coordinator Becky Savino was present, along with Arts Advisory Committee members Buck Braden and Richard Hager to present the annual report of the Tualatin Arts Advisory Committee. A PowerPoint was given reviewing the past year's accomplishments. Council thanked the committee for all their work.

E. PUBLIC HEARINGS – Legislative or Other *None.*

F. PUBLIC HEARINGS – Quasi-Judicial

1. Request for Review of the Architectural Review Board Decision Approving the Architectural Features of the Stafford Hills Racquet and Fitness Club Project Located at 5916 SW Nyberg Lane (AR-09-08)
-

Mayor Ogden read language required by legislation before a comprehensive plan or land-use regulation [ORS 197.763(5) and (6)] and opened the public hearing. No bias or ex parte contact noted except as noted by Councilor Harris.

Councilor Harris noted his company is a consultant on the project and recused himself from the hearing.

Associate Planner Will Harper presented the staff report and entered the entire staff report into the record. The issue is whether Council should affirm, modify or reverse the Architectural Review Board (ARB) Findings and Decision in AR-09-08. Mr. Harper reviewed the appeal and the three reasons presented for review: *Reason 1*, concerning the allowance of east-facing windows on the Activity Center; *Reason 2*, concerning the amount of landscaped areas versus hardscaped areas; and *Reason 3*, the decision to allow current parking management plan to stand unsubstantiated. Council can consider the reasons listed in the staff report and can accept new testimony on those three reasons. Mr. Harper noted Douglas L. Rasmussen submitted the appeal in a timely manner.

The property is 4.9 acres, and is located at 5916 SW Nyberg Lane. The developer is the Zupancic Group. They were previously granted a condition use permit, CUP-09-01 with 13 conditions of approval to develop a private club facility known as the Stafford Hills Racquet and Fitness Club. The Council approved, with conditions. The City Engineer's decision as part of AR-09-08 was not appealed and is not for consideration at this hearing.

Staff is requesting Council consider the staff report, and provide direction. The applicant, developer Jim Zupancic is present and also the appellant Rasmussens.

APPLICANT

Jim Zupancic, Zupancic Group and Ray Yancey, Myhre Group Architects, were present and thanked the Council for the opportunity to present information this evening. Mr. Zupancic said the purpose is to discuss the findings of the ARB. He believes this will be a beautiful enhancement to this neighborhood and the process associated with this land use application has worked. There has been many hours of hearings and review of the project.

Renderings of the project were displayed and Mr. Zupancic noted there was discussion of whether the windows are even needed for the eastside of the proposed Activity Building. He noted much of the project site is subterranean and would not even be seen from one side of the project site. Mr. Zupancic said with regards to the parking issues, they have constructed a parking plan with capable designers and staff, and addressed recommendations to move parking to a different side of the building, which they did because it was responsive to the concerns expressed. Mr. Zupancic also added he visited other clubs and found that the parking appears to be adequate. With regards to special events parking issues, the Parking Management Plan will be able to provide adequate off-site parking for events accomplished in a variety of ways to address appropriate parking areas.

Mr. Zupancic concluded by asking that Council affirm the Tualatin Architectural Review Board (ARB) decision approving the architectural features of the Stafford Hills Racquet and Fitness Club Project (AR-09-08).

APPELLANTS

Kevan Rasmussen, 19025 SW Mobile Place, Tualatin, OR, wanted to address the appeal process as a whole and said although the request is appealing the ARB decision, it is simply an appeal of information or rather, more accurate information. She mentioned the east-facing windows, and while the windows are comparable to a residence, the similarity ends there. Ms. Rasmussen also said there is a privacy issue concern and of lower property values for the surrounding neighborhood. Ms. Rasmussen said a statement of intent does not make a parking management plan. The developer has not provided any numbers of what or how many members would be using the facility, and she believes the parking and particularly overflow parking has not been addressed.

Samara Rasmussen, 19025 SW Mobile Place, Tualatin, OR, was present to address a few of the issues in the appeal. She began by noting she does not agree to using windows to accomplish the reasons as stated by the applicant and went on to propose using "translucent" windows. Ms. Rasmussen then addressed landscaping issues and said there are inconsistencies as stated in the Tualatin Development Code (TDC) as she arrived at a different set of calculations on the landscaping not meeting the 25% landscape requirement.

Doug Rasmussen, 19025 SW Mobile Place, Tualatin, OR, said his comment was mainly on landscaping and the amount of impervious surface.

Bob Dove, 19135 SW Mobile Place, Tualatin, OR, was present and said he lives 50 feet from the "Activity Center" proposed for the Racquet Club. He mentioned the work that was done by the Architectural Review Board (ARB) in review of this project and the issues that were raised. He appreciated the movement of the dumpster to a better location, but believes the dumpster and inclusion of windows as part of the Activity Center were put there by the developer to spite the neighbors. At a public hearing it was stated and assurance was given by the developer there would be no windows that would be facing their home, but were then part of the design when presented to the ARB. Mr. Dove said he is wanting to ensure his family's privacy, and if windows are needed, he requested they be

translucent and tilted in a different direction.

Angela Whratz, 19155 SW Mobile Place, Tualatin, OR, said she lives directly across from the developer's property and the proposed Activity Center. Ms. Whratz said she originally was going to speak on the developer's sign on the property that says it is a future site of a wetlands restoration and makes no mention of the racquet club being built. She also expressed her concerns about the windows. From her cell phone, Ms. Whratz then played a portion of the public hearing that was held where Mr. Zupancic said there would be no windows on the east wall of the Activity Center. Ms. Whratz asked Council to consider the words of the developer, and appealed to Mr. Zupancic that she would support his project if it doesn't create problems for the homes and residents located near the project site.

Julie Sepp, 19065 SW Mobile Place, Tualatin, OR, said that during the ARB process Mr. Zupancic said that various businesses, including Meridian Park Medical Center would be used for overflow parking during special events. Ms. Sepp suggested ways to address the parking problem during special events and the use of signs to be posted to insure compliance. She said every special event should be submitted 45 days in advance to the City and be reviewed and formally approved by the City Council. Ms. Sepp mentioned other solutions that could be considered since there has not been an actual parking management plan submitted.

A break was taken from 8:41 p.m. to 8:51 p.m.

Barbara Fronczak, 19135 SW 52nd Place, Tualatin, OR, said she was impressed by the research and hours spent by the residents on this issue. She said she is baffled by having a "Costco" sized building next to the landscaping and beautiful nature park across the road. She expressed concerns about the parking issues and that cut-through traffic would happen, increasing the traffic in their neighborhood. Ms. Fronczak also added that a setback of 50 feet to a residential neighborhood is unacceptable to her.

Barry Dayton, 19260 SW 56th Place, Tualatin, OR commented that after hearing all the testimony, wanted to mention he volunteers for a non-profit event, and manages the parking connected with that event. They address overflow parking by getting permission from neighboring businesses each year. Also they use signs to direct where people need to park. Mr. Dayton said with a regional tennis type event questioned where the overflow parking would go. He believes that the residential neighborhood nearby will have overflow parking issues, and he hopes Council takes this into consideration, and also wildlife in the area.

Nate White, 22413 SW Pima Avenue, Tualatin, OR, said he has lived in Tualatin many years and said although he doesn't live near the project, commented on the amount of impervious surfaces.

REBUTTAL

Mr. Zupancic responded to the land value issue that he does this type of project all over the state with no problems. With regards to the windows in response to Samara Rasmussen's comments, there are different room uses proposed and he wouldn't expect a great amount of noise coming from those rooms, and Mr. Zupancic said again that the building is sunk 14 feet down.

In review of photos that were taken awhile back indicating a substantial barrier to the building by the vegetation, etc. Mr. Zupancic explained there has been an evolution of this project with changes that have been made along the way since it was first brought before Council. Having the windows not only improves the functionality of the building, but there will not be a blank wall on that side of the building. This building will be "LEED's" (Leadership in Energy and Environmental Design) certified, and utilization of the windows is one way to accomplish that. Also the current arborvitae is almost at the height of the elevation itself and those windows would fall almost within that area. Mr. Zupancic also said they are proposing a wetland improvement on the site, at substantial cost, and are proud of what they are doing for the wetlands area. In response to Mr. Dove's comments on some sort of retribution, Mr. Zupancic said they have met more times with the neighbors than any project he can remember. Mr. Yancey explained the "trash" area that had been proposed to the ARB and the reason for its location, and moving the receptacle leaves a remaining issue with PGE, but they accept the change.

Mr. Zupancic said while not knowing what precisely will end up being in the development, there will be events, and possibly larger events, and they would manage that type of event appropriately.

COUNCIL QUESTIONS

Councilor Maddux said she voted to approve this project the first time around but she is having a difficult time with the inclusion of the windows that were not in the initial drawings. Mr. Zupancic replied there were two hearings held. The first addressed a lot of issues, some of which were questions about the building on the east side. At that time, the development had a floor plan that included tennis alleys, without the need for windows because of those alleys, and there was also parking to the east of the activity building. After listening to the testimony and discussing with staff the different elements, concurred that the compatibility would be enhanced; the buffer was increased and the parking was moved. The information was accurate at the time it was presented. At the second hearing the windows were added as part of the changes that were made to the initial design. Council wasn't looking at that level of detail at that hearing, but it was reviewed in-depth by the ARB specific type of details.

Councilor Davis said if the arborvitae were to be trimmed back, it suggests that the neighbors don't want to have windows there with the types of uses that are planned for the building. She also said the use of translucent windows was a good idea and suggested a skylight as a possibility. In terms of parking, Councilor Davis said they haven't seen a more concrete plan, and the suggestion of using sandwich board signs may be a problem with the City's code. Councilor Davis said if there were a more defined parking plan it would make everyone feel better.

Mr. Zupancic said by having a spa-like area, such as a massage room, on that side of the building makes having windows a good idea and he had never meant for them to be transparent. With respect to the parking management plan, Mr. Zupancic said he has spent money on traffic studies and a parking plan and also looked at other facilities of similar type. You do the best analysis that you can, and in looking at other similar-type clubs, concluded that the parking is more than adequate. Councilor Davis said it is less about the day-to-day parking and more about when there are special events. Mr. Zupancic said there are only seven courts and there can only be a certain amount of spectators to meet capacity.

It was asked and answered that the size of the windows are typical residential-sized. There are six windows proposed, and in looking at the renderings, the existing arborvitae is superimposed to show how they will look with the finished project. It was also asked if the developer can accomplish what they need to do with the LEED's designation with the use of translucent windows, and Mr. Zupancic said they would be willing to pursue that.

Mayor Ogden asked Mr. Dove about the photos of his property taken from his back yard, and if the current vegetation is acceptable. Mr. Dove said it is not acceptable and said they have let the hedge grow in response to possible plans that were formally being presented by Mr. Zupancic. Mayor Ogden asked if it could be possible to move the existing plantings nearer to the fence. Mr. Dove said he wants the plantings to block the view to his property of any one passing near his home on the path that's behind his property. Mayor Ogden asked and Mr. Zupancic said the path is used more for access by utilities, etc.

Councilor Davis said vegetation needs to be visible all year long to work properly. Mr. Zupancic said it is important to keep the current vegetation in place after meeting with arborists. Ms. Whratz said the arborvitae should stay where it is. The problem is the previous owners never maintained it and it does feel closed in when in her home. The issue that hasn't been addressed is noise if the windows are able to open and sound travels.

Mr. Zupancic said he recognized the concern of noise from the use of the multi-purpose room and the windows could be shut during certain use times. The walls are intended to be super-insulated on the inside and out, and have the windows positioned to look out and view landscaping, but he doesn't want to have a noise problem or intrusion issue. Those windows could either be translucent or positioned above eye level and there are ways to be able to deal with noise, etc. Mr. Zupancic said he is looking for a solution, if neighbors find it acceptable he could work with it. Ms. Whratz said she appreciated the other issues that Mr. Zupancic addressed, but her remaining issue is the noise. She suggested figuring it out with Mr. Zupancic on what could be done, but continued to question how it would work with being able to open the windows and noise traveling.

Mayor Ogden asked about the capacity of the facility in terms of members and people present for events. Mr. Zupancic said they will take into consideration the type of event, and would not overtax the parking, and would not do a larger event without working with other businesses unless there are arrangements to do so. It was asked and answered that enforcement of the parking would be included in any membership information they will be providing. Councilor Maddux said the issue is not just the parking but how the neighbors will know when a special event is held, and suggested a type of notification when an event takes place. City Attorney Braden said there is currently a process in the Code that could possibly work for this.

Ms. Sepp commented about the parking and adequately addressing special event parking and not to end up placing the onus on the residents to "police" the parking.

Mayor Ogden said he is concerned about trying to fix the problem before knowing what it is yet. Councilor Barhyte said it appears in the Code that the process wouldn't fit, and Mayor Ogden said the Code would have to change to address this type of parking for special events. Ms. Sepp said it still doesn't address the early morning hours parking at the facility.

City Manager Lombos said a possible solution on an event requiring overflow is for the facility to submit their parking plan to the City and the Police Department, provides the communication to know when at event is going to take place, and puts it on more of a case-by-case basis.

Mr. Zupancic said he is not looking to create problems and wants to make sure they don't have to come back before the Council. It was asked and answered that the conditions placed on the CUP could be reviewed and changed by Council. Mr. Zupancic also added they will proactively be advising members about where to park and not to park before 8:00 a.m.

Mayor Ogden closed the public testimony portion of the hearing.

COUNCIL DELIBERATION

Councilor Maddux said on the east-facing windows she would like to explore using translucent windows, having the multi-purpose and teen room on that east side, and continue to have availability to be able to open the windows.

Mayor Ogden asked about being comfortable having the site lines not visible. Councilor Barhyte said there is currently a requirement that addresses a vegetated landscaped visual block between the windows and the property, and Councilor Maddux suggested leaving the current restrictions in place and layer on the translucent windows. Councilor Davis said she also wants to make sure vegetation is in place year round.

MOTION by Councilor Barhyte, SECONDED by Councilor Beikman, to reopen the hearing.

Mr. Zupancic said in response to the vegetation, there is deciduous planting and will also work with the neighbors on how the specifics of the various vegetation and where it gets planted. In response to the multi-purpose area he will be happy to look at the issue of translucent glass.

Councilor Barhyte said he would not alter the conditions of the ARB, and added having the condition in the multi room of translucent windows below and clear above the sight line. Community Development Director Rux said in response to the plantings, it is addressed in the staff report on what material would be selected.

Mayor Ogden again closed the testimony portion of the hearing.

Councilor Truax said he believes this project is not an appropriate use for the site and that there are issues that can't be addressed at this hearing. There also doesn't seem to be much of a comprehensive parking plan .

MOTION by Councilor Barhyte to affirm the ARB decision, with the following additional conditions: adding translucent windows below the line of site and clear glass above that to the rooms to the north of the Activity Center, such as the proposed the multipurpose/teen room, and a requirement to coordinate with the City when a special event takes place with a process the City has in place.

Discussion on Motion

Mayor Ogden asked for straw votes and said he hears general agreement on having translucent glass, with clear glass above the site line. Mayor Ogden asked and Mr. Rux replied that it is required to be screened all year round. Councilor Beikman said she does not believe Council should direct the developer as to what to put in his facility.

MOTION RESTATED by Councilor Barhyte, SECONDED by Councilor Maddux to affirm the ARB decision, and require translucent glass and operational and clear glass above the site line in the two large activity rooms in the Activity Building, and coordinate with the City when they are able to coordinate in advance of an event that threatens their ability to park on site. MOTION CARRIED. [VOTE: 5-1-1; YES – Ogden, Barhyte, Beikman, Davis, Maddux; NO – Truax; Harris recused].

G. GENERAL BUSINESS

1. 2009 Annual Report of the Tualatin Arts Advisory Committee – *heard earlier in the meeting.*

H. ITEMS REMOVED FROM CONSENT AGENDA

Items removed from the Consent Agenda will be discussed individually at this time. The Mayor may impose a time limit on speakers addressing these issues.

I. EXECUTIVE SESSION

Mayor Ogden noted an executive session pursuant to ORS 192.660(2)(d) to discuss labor negotiations was held before the Council work session.

J. COMMUNICATIONS FROM COUNCILORS

None.

K. ADJOURNMENT

MOTION by Councilor Beikman SECONDED by Councilor Barhyte to adjourn the meeting at 10:56 p.m. MOTION CARRIED.

Sherilyn Lombos, City Manager

Recording Secretary





City of Tualatin

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Approved By Tualatin City Council

Date 2-22-10

Recording Secretary M. Smith

TUALATIN CITY COUNCIL WORK SESSION MINUTES OF FEBRUARY 8, 2010

PRESENT: Mayor Lou Ogden; Councilors Chris Barhyte, Monique Beikman, Joelle Davis, Jay Harris, Donna Maddux, and Ed Truax; Sherilyn Lombos, City Manager; Brenda Braden, City Attorney; Doug Rux, Community Development Director; Don Hudson, Finance Director; Dan Boss, Operations Director; Paul Hennon, Community Services Director; Larry Braaksma, Police Captain; Carina Christensen, Assistant to the City Manager; Eric Underwood, Development Coordinator; Stacy Crawford, Recording Secretary

ABSENT: None.

[Unless otherwise noted, MOTION CARRIED indicates all in favor.]

A. CALL TO ORDER

Mayor Ogden called the work session to order at 5:00 p.m. and recessed the work session at 5:01 p.m. to go into executive session pursuant to ORS 192.660(2)(e) to discuss real property transactions.

The Council Work Session reconvened at 6:05 p.m.

Council/Commission Meeting Agenda Review

Council reviewed the Agenda and removed Item B4 –Crime Report Update from the Council Meeting agenda.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. Conditional Uses in Residential Planning Districts

Associate Planner William Harper gave an update based on a previous work session where the Council went through the list of current conditional uses in Residential Planning Districts. A discussion occurred regarding the impacts and consequences of removing or leaving in an activity, particularly cemeteries, from the Residential Planning Districts. Council asked for additional information and discussed the cost of traffic impact analysis for a Plan Amendment and a Conditional Use. Councilor Barhyte suggested this topic be discussed further during a special work session.

C. CITIZEN COMMENTS – N/A

D. CONSENT AGENDA

Council reviewed the Consent Agenda at the beginning of the work session with changes made as noted above.

E. PUBLIC HEARINGS – Legislative or Other
N/A

F. PUBLIC HEARINGS – Quasi-Judicial
N/A

G. GENERAL BUSINESS

1. Ordinance No. 1296-10 Granting a Non-Exclusive Gas Utility Franchise to Northwest Natural Gas Company, and Fixing Terms, Conditions and Compensation of Such Franchise

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

H. ITEMS REMOVED FROM CONSENT AGENDA
N/A

I. COMMUNICATIONS FROM COUNCILORS

Councilors discussed various programs they are attending in the upcoming months. Councilor Harris requested another Councilor to attend the Day Ad-Hoc Committee Meeting on his behalf March 12th from 4-5pm at the Juanita Pohl Center.

J. EXECUTIVE SESSION

An executive session pursuant to ORS 192.660(2)(e) to discuss real property transactions was held at the beginning of the Work Session.

K. ADJOURNMENT

The work session adjourned at 6:53 p.m.

Sherilyn Lombos, City Manager

Recording Secretary

Stacy Crawford



City of Tualatin

www.ci.tualatin.or.us

Approved By Tualatin City Council

Date 2-22-10

Recording Secretary MSM

TUALATIN CITY COUNCIL MEETING MINUTES OF FEBRUARY 8, 2010

PRESENT: Mayor Lou Ogden, Councilors Chris Barhyte, Monique Beikman, Joelle Davis, Jay Harris, Donna Maddux, and Ed Truax; Sherilyn Lombos, City Manager; Brenda Braden, City Attorney; Mike McKillip, City Engineer; Doug Rux, Community Development Director; Paul Hennon, Community Services Director; Larry Braaksma, Police Captain, Carina Christensen, Assistant to the City Manager, Stacy Crawford, Recording Secretary

ABSENT: None.

[Unless otherwise noted, MOTION CARRIED indicates all in favor.]

A. CALL TO ORDER

Mayor Ogden called the meeting to order at 7:08 p.m.

The Pledge of Allegiance was led by Councilor Truax.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. Tualatin Youth Advisory Committee Update

Members of the Youth Advisory Council (YAC) were present and gave a brief PowerPoint presentation on recent activities and events. Project F.R.I.E.N.D.S. (Finding Relations In Every New Diverse Student) is a day-long workshop for 5th graders at Bridgeport and Tualatin Elementary, Friday, May 14th to discuss anti-stereotyping and preparation into middle school. Arbor Week starts the first week of April. YAC members Maddie Willon and Mallory Turner are serving on the Arbor Week Ad-Hoc committee. The YAC also participated in Martin Luther King Day of Service, Tualatin Library Foundation Auction.

2. I-5 Landscaping Project Update

Operations Director Dan Boss and Parks Maintenance Division Supervisor Bob Martin gave a PowerPoint presentation on the I-5 Landscaping Project. Phase 1 of the project includes the Nyberg Interchange (4 quadrants, 21 acres). The bid was awarded to Crown Landscaping in June 2009. Project goals include Council Goal No.1 – “Enhance sense of Place and City Beautification”; Improve corridor/entry point into City; use of native plant materials; maintain view corridors for business and paint backdrop for entering Tualatin. The Engineers Estimate was \$546,000. The project completion was under budget at \$342,000, which was funded by the Road Utility monthly \$2.00 Sidewalk/Street Tree/Reverse Frontage fee program. The project commenced June 15, 2009 with use of best management practices, solar powered irrigation controller and completed on December 1, 2009.

Mr. Boss recognized Bob Martin and the Operations crew for doing a great job on this project. Councilor Davis complimented them and suggested putting an article in the City

Newsletter on the solar power piece. Councilor Harris asked if any thought was given to timelines. Mr. Boss stated this would have to come back to Council and perhaps budget for it. Councilor Harris suggested to get the Community input to move forward and not have this project go on for 10 years.

3. *Commuter Rail Update*

Mr. McKillip, City Engineer, gave a brief update on issues associated with the commuter rail and train horn noise mitigation. This project has moved from the planning stages into the implementing stage. RSS (Rail System Solutions) have been awarded for the design and construction for the wayside horns/signaling/electronic changes. There is a meeting on Thursday this week to discuss the design process. This project is on track to be completed with the quiet zones by end of 2010.

4. *Crime Reports Update*

Council removed this item from Agenda during Work Session.

C. CITIZEN COMMENTS

Kathy Newcomb - 17515 SW Cheyenne Way, Tualatin, OR 97062

Ms. Newcomb wanted to correct a number that she had mentioned in a previous Council meeting where she quoted that the impact of the Tualatin Valley Fire & Rescue (TVF&R) would be \$2.2 million, but after double checking she found out the number is actually \$1.2 million for Urban Renewal.

Ms. Newcomb expressed her concerns with the Central Urban Renewal District Plan and the proposed bridge over Tualatin Community Park. The proposal would badly blight the park in many ways, cutting down Heritage Trees and creating noise and air pollution.

Ms. Newcomb would like to know if there is a chart showing annual cumulative yearly impact on all taxing districts and over lapping taxing districts from 1975. She would also like to know what the impact was for the City. Have they been frozen since 1975? Will they be frozen for another 25 years through this renewal? Would like to know if the large portion of the money to be spent is dedicated to the bridge over the park and is it legal to spend money outside the boundary?

Ms. Newcomb suggested that the City devote a presentation to just the Tualatin Road Expansion for the north Tualatin residents or send out a notification postcard update to everyone that would be impacted by this expansion.

Linda Moholt, Tualatin Chamber of Commerce

Ms. Moholt wanted to update and invite the City Council to the Fit City Challenge, which is a 5K Run/Walk that will be held on Saturday, April 17th at 9:00 am in conjunction with the 3rd Annual Tualatin Community Health Fair. Registration fee includes a t-shirt, awards, prizes, and refreshments at the end of the race. Participants can register through the Chamber website. Packet materials can be picked up the night before the race at Roadrunner Sports.

Delores Hurtado - 8685 SW Chinook Street, Tualatin, OR 97062

Ms. Hurado expressed her concerns with the Central Urban Renewal District Plan and the proposed Tualatin Road Extension. There is a lack of knowledge with these possible "improvements" that the northern Tualatin residents have, so she wanted to reinforce the importance of notifying people of those neighborhoods who are impacted by this project. If there is a bridge built she can see people racing down Tualatin Road from 99W before they reach Herman Road and go through the neighborhoods. This is scary to the residents and they feel there would be negative impacts to their neighborhood. She suggested a very specific

outreach effort to the people of that area. Ms. Hurtado thinks that looking at the impact of overlapping district functions, because we don't really know what our tax money is going for. Ms. Hurtado asked how this has impacted in the past and is this best use of our tax dollars for the next 25 years? What will be the potential impact for these other services that come out of the same funds? She would like to have more information about what portion of the proposed extension would be funded by the \$120 million request. How would the planning proceed to do this in sections? Is it correct that Boones Ferry Road is expected to be a five lane highway and is that really feasible?

D. CONSENT CALENDAR

MOTION by Councilor Barhyte, SECONDED by Councilor Harris to adopt the Consent Agenda as amended and read:

1. Approval of the Work Session and Meeting Minutes of January 25, 2010.
2. Resolution No. 4957-10 Supporting the City of Tualatin's Increase in the Maximum Indebtedness for the Central Urban Renewal District
- G-1. Ordinance No 1296-10 Granting a Non-Exclusive Gas Utility Franchise to Northwest Natural Gas Company, and Fixing Terms, Conditions and Compensation of Such Franchise

MOTION CARRIED.

E. PUBLIC HEARINGS – *Legislative or Other*

None.

F. PUBLIC HEARINGS – *Quasi-Judicial*

1. Continued Hearing to Consider an Ordinance Changing the Planning District Designation from Low-Density Residential (RL) to Medical Center (MC) of Parcels of Land Located on SW Borland Road (21E 19C 1700 & 2000) and Amending the Community Plan Map 9-1 (PMA-09-03) [CONTINUED from January 25, 2010]

Mayor Ogden reopened the public hearing that was continued from January 25, 2010. Mr. Rux stated that the Applicant requested a continuance for both the PMA and Development Agreement.

MOTION by Councilor Barhyte, SECONDED by Councilor Maddux to continue the hearing to March 8, 2010. MOTION CARRIED

G. GENERAL BUSINESS

2. Resolution No. --- Approving a Development Agreement Between the City of Tualatin and Legacy Health Systems
[CONTINUED to March 8, 2010]

H. ITEMS REMOVED FROM CONSENT AGENDA

None.

I. EXECUTIVE SESSION

Mayor Ogden noted an executive session pursuant to ORS 192.660(2)(e) to discuss real property transactions was held at the beginning of the Work Session.

J. COMMUNICATIONS FROM COUNCILORS

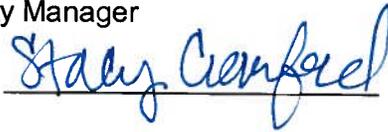
Councilor Harris mentioned the Saturday Night Library Fundraiser Event.

K. ADJOURNMENT

MOTION by Councilor Barhyte, SECONDED by Councilor Harris to adjourn the meeting at 7:46 p.m. MOTION CARRIED.

Sherilyn Lombos, City Manager

Recording Secretary

A handwritten signature in blue ink, reading "Stacy Crawford", is written over a horizontal line.



STAFF REPORT CITY OF TUALATIN

Approved By Tualatin City Council
Date 2-22-10
Recording Secretary [Signature]

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager [Signature]

FROM: Brenda Braden, Legal Department [Signature]

DATE: February 22, 2010

SUBJECT: RESOLUTION TO APPROVE AN INTERGOVERNMENTAL AGREEMENT TO COLLECT AND REMIT CONSTRUCTION EXCISE TAX BETWEEN LAKE OSWEGO SCHOOL DISTRICT AND CITY OF TUALATIN

ISSUE BEFORE THE COUNCIL:

The Council will consider whether to approve an Intergovernmental Agreement with the Lake Oswego School District to allow the City to retain 4% of the Construction Excise Tax for the City's administrative costs of collecting the tax.

RECOMMENDATION:

Staff recommends that Council approve the Intergovernmental Agreement to collect and remit construction excise tax between the Lake Oswego School District and the City of Tualatin.

EXECUTIVE SUMMARY:

The State of Oregon passed House Bill 2014 which amends ORS 320.179 that governs the fee a city may retain for collecting the Construction Tax for a school district from 1% to 4%. If the Lake Oswego School District enters into the Intergovernmental Agreement to collect the Construction Tax the 4% administration fee would provide additional revenues to better offset the City's costs of collecting the tax.

OUTCOMES OF DECISION:

Accepting the intergovernmental agreement will produce increased revenue helping to offset the administrative costs associated with the collection of the Construction Tax.

ALTERNATIVES TO RECOMMENDATION:

- Deny the Intergovernmental agreement.
- Instruct staff to bring back resolution with changes to the Amendment and a new administrative fee between the ranges of 1-4%.

FINANCIAL IMPLICATIONS:

An IGA fee would allow the building department to recoup its costs for collecting and remitting the tax.

Attachments: Resolution

RESOLUTION NO. 4958-10

RESOLUTION TO APPROVE AN INTERGOVERNMENTAL AGREEMENT TO COLLECT AND REMIT CONSTRUCTION EXCISE TAX BETWEEN LAKE OSWEGO SCHOOL DISTRICT AND CITY OF TUALATIN

WHEREAS the State of Oregon passed House Bill 2014 which amends ORS 320.179; and

WHEREAS ORS 320.179 amends the administrative fee that a city may retain for collecting the construction tax from 1% to 4%; and

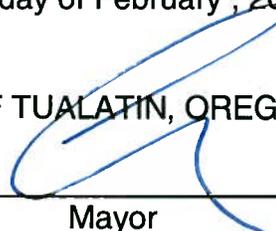
WHEREAS it is in the best interest of the City for the Council to approve the Intergovernmental Agreement with Lake Oswego School District.

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

Section 1. The City Council authorizes the Mayor to sign the Intergovernmental Agreement to collect and remit Construction Excise Tax between the Lake Oswego School District and City of Tualatin as shown on Exhibit A (attached) and incorporated by reference.

INTRODUCED AND ADOPTED this 22nd day of February , 2010.

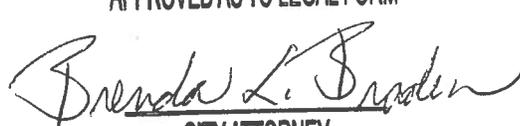
CITY OF TUALATIN, OREGON

BY  _____
Mayor

ATTEST:

BY  _____
City Recorder

APPROVED AS TO LEGAL FORM


CITY ATTORNEY

**INTERGOVERNMENTAL AGREEMENT TO COLLECT AND
REMIT CONSTRUCTION EXCISE TAX BETWEEN LAKE
OSWEGO SCHOOL DISTRICT AND CITY OF TUALATIN**

This Intergovernmental Agreement is effective on the last date of signature below, and is by and between the Lake Oswego School District, a school district organized under the laws of the State of Oregon ORS 330.005 ("School District"), and the City of Tualatin, a political subdivision of the State of Oregon, ("City"), collectively referred to as "Parties."

WHEREAS ORS 190.003 to 190.030 allows units of local government to enter into agreements for performance of any or all functions and activities which such units have authority to perform; and

WHEREAS ORS 320.179 allows cities who are collecting the excise tax to retain up to 4% of the tax for administration costs; and.

WHEREAS School District has imposed a construction excise tax within the School District and desires to enter into an intergovernmental agreement with City to collect the tax prior to the adoption of a construction excise tax; and

NOW THEREFORE, the Parties hereto agree as follows:

- 1) Information and Forms. School District shall create and provide to City:
- i. information, forms, and assistance explaining the School District Construction Excise Tax ("CET");
 - ii. information and forms for CET exemptions; and
 - iii. any other forms or information necessary for implementation of the CET; and
 - iv. current boundary map of District; and
 - v. all boundary updates.
- 2) Staffing. City shall provide sufficient staff to calculate and collect the School District CET as prescribed in this agreement along with its collection of other construction permit fees. School District shall provide sufficient staff to implement the CET program. When issues relating to the implementation of the tax arise, City and School District agree to resolve these issues as soon as possible as to not unnecessarily impact the City or persons paying the tax.
- 3) Facility Plan. School District has adopted, or is currently developing long term facilities plan as required by SB 1036, Section 6(2). School District agrees not to adopt the CET until such plan has been completed and adopted by resolution of the School District Board of Directors.

4) Collection; Start date. City agrees to assess and collect the CET on behalf of School District for those properties within School District and within City. City shall begin collecting the District CET within fifteen (15) business days of the date of the District gives notice to the City of the adoption of the CET, including a copy of District's resolution imposing the tax, or the effective date of the CET stated in the Resolution, whichever is later. City shall collect the District CET until the CET expires or this agreement is terminated by either the School District or City, upon 60 days written notice. In the event the School District increases or otherwise modifies the tax, it shall send written notice to the City of the increase or other modification, including a copy of School District's resolution adopting the change. The City shall collect the tax as the new rate within fifteen (15) business days after notice is received by the City, or upon the effective date of the change stated in the School District Resolution; whichever is later.

5) Exemptions. School District shall provide City with all forms necessary for CET exemptions, and any other forms or information necessary for implementation of the CET. If a Person or entity asserts that it is exempt from the CET and files a School District Exemption Form at the time the CET would otherwise be due, City will grant the exemption if it appears to be a valid claim of exemption under the School District Resolution adopting the CET; if not, refer to the School District. It shall be School District's responsibility to determine the validity of the exemption and to institute collection procedures to obtain payment of the CET, as well as any other remedy School District may have under law, if the Person was not entitled to the exemption. Statutory exemptions to the CET are included in Exhibit A to this agreement.

6) Remittance. Following the effective date of this Agreement, City shall remit the collected CET to School District on a quarterly basis, by the 30th of the month following the quarter's end. The CET remittance and the CET Report shall be sent to the Lake Oswego School District: Attn. Stuart Ketzler, Director of Finance, PO Box 70, Lake Oswego, OR 97034

7) CET Reports. City shall prepare and submit to the School District a report of the CET collected and building permits issued by the City for the quarter's construction activities within the School District boundaries. The report shall include: the number of building permits issued that quarter; the aggregate square footage of residential construction; the number of building permits for which CET exemptions were given; the aggregate square footage of construction for the exempted construction; the aggregate amount of CET paid; and the amount of CET administrative fee retained by City pursuant to this Agreement.

8) Failure to Pay CET. Construction Excise Taxes shall be paid by the person undertaking construction at the time that a permit authorizing the construction is issued. Upon a Person's refusal to or failure to pay the CET when due, the City will not issue the building permit. In no event shall the City be liable for failure to collect CET when due. In the event a person fails to pay the CET

when due, the City shall notify School District in writing within five (5) business days of discovery of such failure to pay, with information adequate for School District to begin collection procedures against that Person, including the Person's name, address, phone numbers, construction project, square footage of new construction, and building permit number. Upon a Person's refusal or failure to pay the CET, it shall be School District's responsibility to institute collection procedures to obtain payment of the CET as well as any other remedy School District may have under law.

9) Records. City shall make all records related to building permit activity, CET collections, and CET exemptions available to School District, or its designated auditors, as necessary for School District to audit Construction Excise Tax collections.

10) Administrative Fee. As consideration for the above described services, City shall retain 4% of the CET collected by City as authorized by Section 3(2)(c) of House Bill 2014. Prior to remitting the CET to School District, City shall deduct this administrative fee directly from the CET collected, and the amounts deducted and retained shall be identified on the report submitted to School District. City shall establish a fund or account for School District CET revenue, and shall deposit all revenues collected, minus the administrative fee, into such fund or account.

11) Amendment. This Agreement may be amended by mutual written agreement of the Parties.

12) Other Agreements. This Agreement does not affect or alter any other agreements between School District and City.

13) Defense and Indemnification. Subject to the limits of the Oregon Tort Claims Act, School District agrees to defend, indemnify and hold harmless the City, its officers, agents and employees, against all claims and actions, and all damages and expenses related thereto, arising from the performance of this agreement, or relating to the subject of this agreement, except for those caused by the sole negligence of the City or its officers and employees. The obligations of this paragraph shall include, but not be limited to:

a) Challenge to the City's collection or calculation of the CET on behalf of the School District;

b) For any and all injury to any and all persons or property caused directly or indirectly by reason of any and all acts or omissions of the School District in the performance of this Agreement or adoption of the CET; or

c) Decisions of City staff concerning the amount of any CET, including calculation of such tax and/or any exemption(s); or

d) Refusal or denial of any permit for failure to pay the School District CET.

14) School District and City Contact Persons. School District and City hereby designate the following personas as the individuals having primary responsibility for administration of this Agreement, and as the person designated to receive notice provided for herein. Either party may change its designated contact person by written notice to the other party.

Lake Oswego School District
Attn. Stuart Ketzler
Director of Finance
PO Box 70
Lake Oswego, OR 97034
Stuart.Ketzler@loswego.k12.or.us

City of Tualatin
Michael A. McKillip
City Engineer
18880 SW Martinazzi Ave.
503.691.3030
mmckillip@ci.tualatin.or.us

15) Notice. Whenever notice is required to be given under this Agreement, the notice shall be given in writing to the other party's contact person by U.S. Mail, first class postage prepaid. In addition, notice may be given by mail or personal delivery.

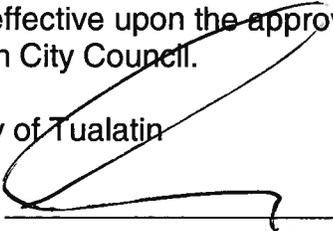
16) General Provisions. This Agreement is binding on and inures to the benefit of the parties and their successors and assigns. Except with the other party's prior written consent, a party may not assign any rights or delegate any duties under this Agreement. The headings used in this Agreement are solely for convenience of reference, are not part of this Agreement, and are not to be considered in construing or interpreting this Agreement. This Agreement sets forth the entire understanding of the parties with respect to the subject matter of this Agreement and supersedes any and all prior understandings and agreements, whether written or oral, between the parties with respect to such subject matter. A provision of this Agreement may be waived only by a written instrument executed by the party waiving compliance. No waiver of any provision of this Agreement shall constitute a waiver of any other provision, whether or not similar, nor shall any waiver constitute a continuing waiver. Failure to enforce any provision of this Agreement shall not operate as a waiver of such provision or any other provision. From time to time, each of the parties shall execute, acknowledge, and deliver any instruments or documents necessary to carry out the purposes of this Agreement. Time is of the essence for each and every provision of this Agreement. Nothing in this Agreement, express or implied, is intended to confer on any person, other than the parties to this Agreement, any right or remedy of any nature whatsoever. Each party shall bear its own expenses in connection with this Agreement and the transactions contemplated

by this Agreement. This Agreement shall become effective upon the approval of School District's Board of Directors and the Tualatin City Council.

Lake Oswego School District

City of Tualatin

By: _____

By:  _____

Date: _____

Mayor Lou Ogden
Date: **Feb. 22, 2010**

APPROVED AS TO LEGAL FORM


CITY ATTORNEY

EXHIBIT A
EXEMPTIONS

The following improvements are exempt from the Construction Excise Tax by statute:

- 1) Private School Improvements
- 2) Public Improvements as defined in ORS 279A.010
- 3) Residential housing that is guaranteed to be affordable, under guidelines established by the United States Department of Housing and Urban Development, to households that earn no more than 80% of the median household income for the area in which the construction tax is imposed, for a period of at least 60 years following the date of construction of the residential housing.
- 4) Public or Private hospital improvements.
- 5) Improvements to religious facilities primarily used for worship or education associated with worship.
- 6) Agricultural buildings as defined in ORS 455.315 (2)(a).
- 7) Non-profit long term care facilities.
- 8) Non-profit residential care facilities.
- 9) Non-profit continuing care retirement communities



STAFF REPORT

CITY OF TUALATIN

Approved By Tualatin City Council
Date 2-22-10
Recording Secretary M. Grant

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

FROM: Michael A. McKillip, City Engineer *MAK*

DATE: February 22, 2010

SUBJECT: A RESOLUTION RELATING TO PARKING ON MARTINAZZI AVENUE BETWEEN BOONES FERRY ROAD AND SENECA STREET AND RESCINDING RESOLUTIONS NO. 752-80, 1036-81, AND 1153-82

ISSUE BEFORE THE COUNCIL:

In 1982, Resolution No. 1153-82 established a fifteen-minute loading zone on the west side of Martinazzi Avenue, north of Seneca Street, adjacent to the Berrey Building, aka the Seneca Building. The current owner of the Seneca Building has requested the fifteen-minute loading zone be changed to a thirty-minute parking area.

RECOMMENDATION:

It is recommended the Council adopt the attached resolution establishing a thirty-minute parking area adjacent to the Seneca Building north of Seneca Street, rescinding no parking areas on Martinazzi Avenue between Boones Ferry Road and Seneca Street, and rescinding the fifteen-minute loading zone north of Seneca Street.

EXECUTIVE SUMMARY:

The fifteen-minute loading zone was created in 1982 to help the meat market owner and his customers when the Core Area Parking rules were enacted in April 1982. The loading zone was approved on August 9, 1982 and enforcement of the parking restrictions began on August 10, 1982.

While researching the loading zone several resolutions were found that provide overlapping no parking coverage on Martinazzi Avenue on the east and west sides between Boones Ferry Road and Seneca Street. The attached map shows the locations of the existing no parking resolutions and the fifteen-minute loading zone proposed to be rescinded, and the location of the proposed no parking zone on both sides of Martinazzi Avenue and the thirty-minute parking zone on the west side.

DISCUSSION:

The existing loading zone was established in 1982 to assist the businesses located in the Seneca building at that time. This modification is a continuation of that effort to assist the Seneca Building businesses. The current signs read "NO PARKING, Loading Zone, Limit, 15 Min". This leads customers to think they cannot park on Martinazzi adjacent to the Seneca Building. Technically customers could park in this area if they are loading from the Seneca Building.

The new signs would read "Parking, 30 min. Limit". This is a more business friendly approach to the need for short term parking for the Seneca Building businesses.

FINANCIAL IMPLICATIONS:

The cost of new signs will be paid out of the Road Operating/Gas Tax Fund. An Operations Department/Street Division crew will change-out the signs.

Attachments: A. Resolution
B. Map

RESOLUTION NO. 4959-10

A RESOLUTION RELATING TO PARKING ON MARTINAZZI AVENUE
BETWEEN BOONES FERRY ROAD AND SENECA STREET AND
RESCINDING RESOLUTIONS NO. 752-80, 1036-81, AND 1153-82

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

Section 1. In accordance with TMC 8-1, the following location is designated a timed parking area:

1. A thirty-minute parking area on the west side of SW Martinazzi Avenue from a point five-feet north of the north right-of-way line of SW Seneca Street a distance of 119 feet

Section 2. In accordance with TMC 8-1, the following locations are designated no parking areas:

1. The east side of SW Martinazzi Avenue from the south right-of-way line of SW Boones Ferry Road to the easterly extension of the southerly right-of-way line of SW Seneca Street
2. The west side of SW Martinazzi Avenue from a point 124 feet north of the north right-of-way line of SW Seneca Street to the southerly right-of-way of SW Boones Ferry Road
3. The west side of SW Martinazzi Avenue from SW Seneca Street to SW Nyberg Street
4. The east and west sides of SW Martinazzi Avenue from SW Nyberg Street to SW Sagert Street
5. The north and west side of SW Martinazzi Avenue, in Dakota Hills Subdivision
6. The north and west side of SW Martinazzi Avenue, in Dakota Hills Subdivision
7. The south side of SW Seneca Street from the west line of SW Martinazzi Avenue west 500 feet
8. The north side of SW Seneca Street from the east line of SW Boones Ferry Road east 80 feet
9. The south side of SW Seneca Street from the east line of SW Boones Ferry Road east 20 feet
10. The west side of SW 84th Avenue from the south right-of-way line of SW Seneca Street south 120 feet
11. The north and south sides of SW Nyberg Street from SW Boones Ferry Road to SW 65th Avenue
12. The north and south sides of SW Mohawk Street, between SW Boones Ferry Road and SW Martinazzi Avenue

13. The east side of SW Tualatin Road from the north line of SW Boones Ferry Road north 35 feet
14. The east side of State Highway 217 (SW Boones Ferry Road) from the south line of County Road #1153 (SW Nyberg Street) to the north line of County Road #29 (SW Ibach Street)
15. The west side of State Highway 217 (SW Boones Ferry Road) from the south line of County Road #1153 (SW Nyberg Street) to the north line of County Road #29 (SW Ibach Street), except that area located between 760 and 900 feet north of the intersection of State Highway 217 (SW Boones Ferry Road) and County Road #327 (SW Sagert Street)
16. The south side of SW Boones Ferry Road from the west right-of-way line of SW Martinazzi Avenue west 150 feet
17. The north side of SW Boones Ferry Road from the east line of SW Tualatin Road east 20 feet
18. The south side of SW Boones Ferry Road from the east line of SW Tualatin road east 35 feet
19. The east side of SW Boones Ferry Road from the south line of SW Boones Ferry Road south 35 feet
20. The east side of SW Boones Ferry Road beginning at a point 35 feet from the south line of SW Boones Ferry Road south 120 feet, said restriction shall be for vehicles exceeding six feet in height
21. The east side of SW Boones Ferry Road from the north line of SW Seneca Street north 80 feet
22. The east side of SW Boones Ferry Road from the south line of SW Seneca Street south 35 feet
23. The east side of SW Boones Ferry Road beginning at a point 35 feet from the south line of SW Seneca Street south 66 feet, said restriction shall be for vehicles exceeding six feet in height
24. The east side of SW Boones Ferry Road from the north line of SW Nyberg Street north 136 feet
25. The west side of SW Killarney Court beginning at a point 160 feet from the south right-of-way line of SW Killarney Lane around the cul-de-sac to a point on the east side of SW Killarney Court which is 200 feet south of the south right-of-way line of SW Killarney Lane. Said restriction shall apply between the hours of 7:15 a.m. to 8:30 a.m. and 2:00 p.m. to 4:00 p.m. on school days, as determined by the Tigard-Tualatin School District

Section 3. The Operations Director is authorized to implement this resolution by removing, installing and maintaining the appropriate signs and/or markings for this designation.

Section 4. The following resolutions are rescinded:

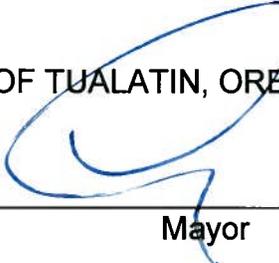
1. Resolution No. 752-80, No Parking Areas at various locations within the City of Tualatin
2. Resolution No. 1036-81, on both sides of SW Martinazzi Avenue between SW

Seneca Street and SW Boones Ferry Road

3. Resolution No. 1153-82, a fifteen-minute loading zone on the west side of SW Martinazzi Avenue north of SW Seneca Street

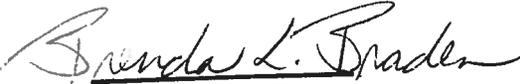
INTRODUCED AND ADOPTED this 22nd day of February, 2010.

CITY OF TUALATIN, OREGON

By  _____
Mayor

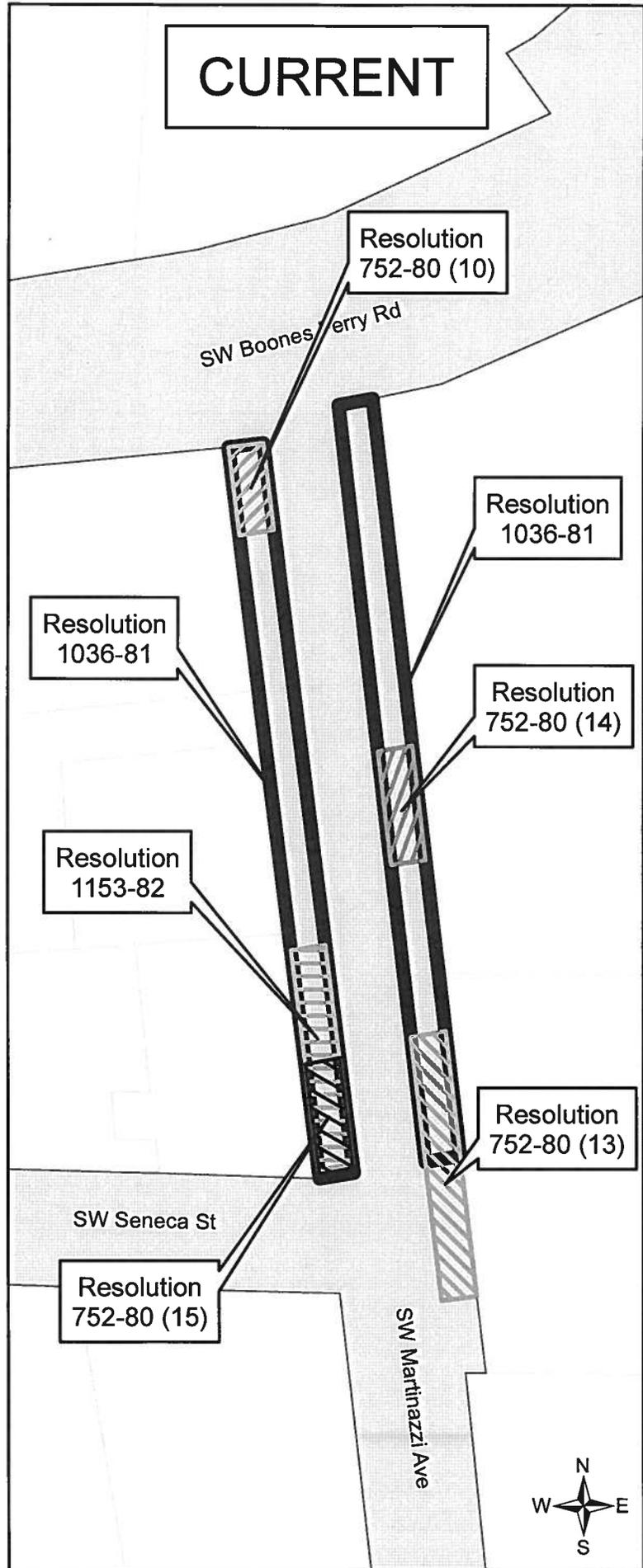
Attest:  _____
City Recorder

APPROVED AS TO LEGAL FORM

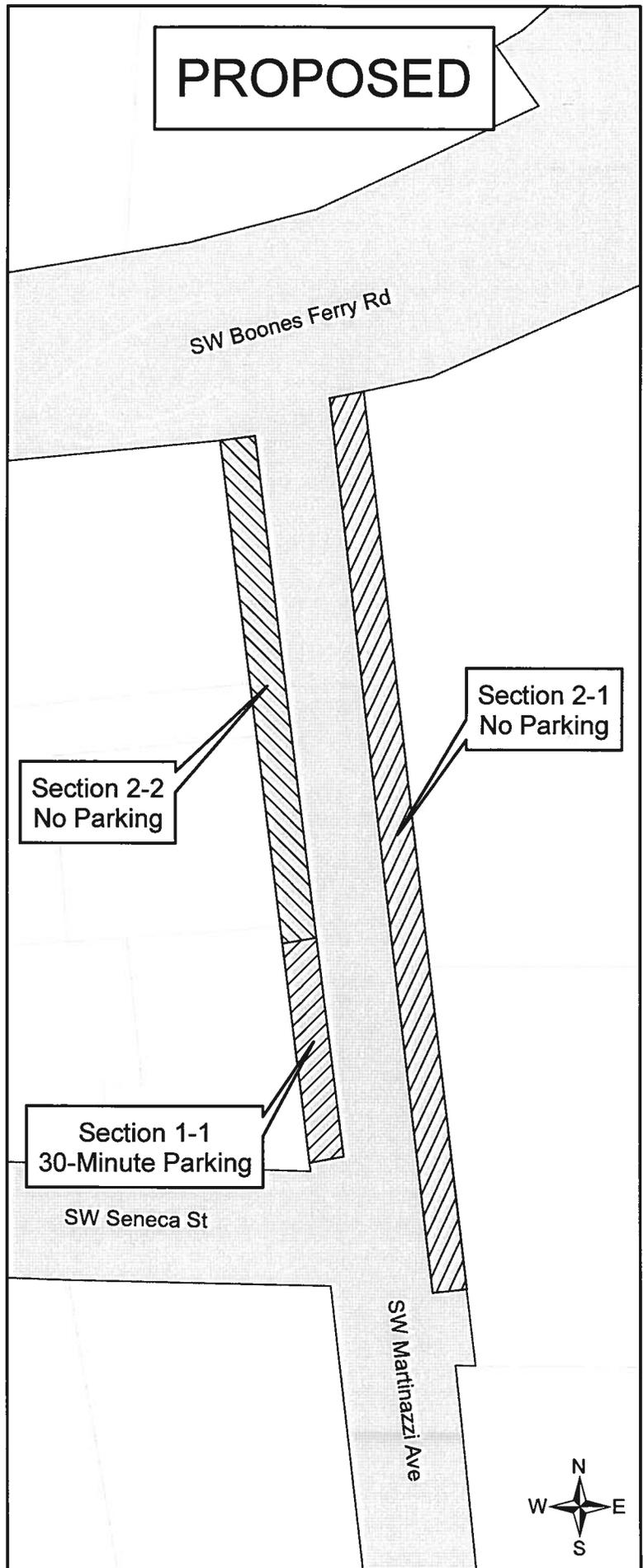


CITY ATTORNEY

CURRENT



PROPOSED





STAFF REPORT

CITY OF TUALATIN

Approved By Tualatin City Council

Date 2-22-10

Recording Secretary MBM

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

FROM: Michael A. McKillip, City Engineer *MAK*
Dayna Webb, Project Engineer *DW*

DATE: February 22, 2010

SUBJECT: RESOLUTION AUTHORIZING AN AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT WITH TRIMET AND WASHINGTON COUNTY REGARDING WES TRAIN HORN NOISE MITIGATION FUNDING

ISSUE BEFORE THE COUNCIL:

Council will consider authorizing an Amendment to the Intergovernmental Agreement (IGA) with TriMet and Washington County regarding WES train horn noise mitigation funding, originally signed on July 27, 2009.

RECOMMENDATION:

Staff recommends Council adopt the attached resolution authorizing an amendment to the funding IGA with TriMet and Washington County and authorize the Mayor to sign the attached IGA.

EXECUTIVE SUMMARY:

Since the original IGA was signed on July 27, 2009 by the City of Tualatin, updates have been made to the details of the funding and its availability. The City of Tualatin has obtained \$250,000 in federal earmark funding. The dollar amount to be paid by Washington County has been updated to more accurately reflect the anticipated costs.

OUTCOMES OF DECISION:

Authorizing the amendment to the IGA with TriMet and Washington County regarding WES train horn noise mitigation funding will result in the following:

- Ability to move forward with the implementation of the proposed crossing treatments.

Not authorizing the amendment to the IGA with TriMet and Washington County regarding WES train horn noise mitigation funding will result in the following:

RESOLUTION NO. 4960-10

RESOLUTION AUTHORIZING AN AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT WITH TRIMET AND WASHINGTON COUNTY REGARDING WES TRAIN HORN NOISE MITIGATION FUNDING

WHEREAS the parties agreed to proceed with the funding program in the original Intergovernmental Agreement (IGA)

WHEREAS the City of Tualatin has secured \$250,000 in federal earmark funding; and

WHEREAS the amount to be paid by Washington County has been updated to more accurately reflect the anticipated costs; and

WHEREAS the IGA needed to be updated to include these funding changes and funding availability; and

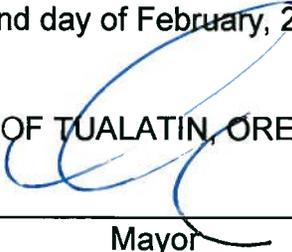
WHEREAS the Mayor is authorized to enter into said Amended Intergovernmental Agreement.

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

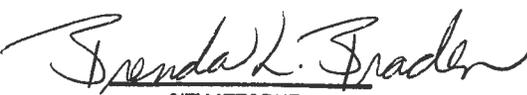
Section 1. The Mayor is authorized to sign the attached Intergovernmental Agreement.

INTRODUCED AND ADOPTED this 22nd day of February, 2010.

CITY OF TUALATIN, OREGON

BY  _____
Mayor

APPROVED AS TO LEGAL FORM


CITY ATTORNEY

ATTEST:

BY  _____
City Recorder

**FIRST AMENDED AND RESTATED
INTERGOVERNMENTAL AGREEMENT BETWEEN
TRIMET, CITY OF TUALATIN AND WASHINGTON COUNTY
REGARDING WES TRAIN NOISE MITIGATION**

Implementation Phase

Sent for Signatures
By: Erig

This First Amended and Restated Intergovernmental Agreement (“Agreement”) is made and entered into as of the _____ day of _____, 2010, by and between the Tri-County Metropolitan Transportation District of Oregon, an Oregon mass transit district (“TriMet”), the City of Tualatin, Oregon, a political subdivision of the State of Oregon (“City”), and Washington County, Oregon, a political subdivision of the State of Oregon (“County”) (each a “Party” and collectively, “the Parties”). When fully executed by all Parties, this Agreement shall fully supersede and replace the Intergovernmental Agreement regarding WES Train Horn Noise dated August 6, 2009.

RECITALS

A. In accordance with various intergovernmental agreements between the Parties, TriMet has completed construction of the project commonly referenced as the Wilsonville to Beaverton Commuter Rail Project (“Project”) on approximately 14.7 miles of the existing railroad line between Wilsonville and Beaverton (the “Subject Line”), including that portion of the Subject Line running through Tualatin.

B. As of February 2, 2009, TriMet has commenced revenue operations of its Westside Express commuter rail service (“WES”) along the Subject Line.

C. WES operations are governed by the Federal Railroad Administration’s (“FRA”) Train Horn Rule (the “Rule”), which requires that locomotive horns be sounded at all public highway-rail grade crossings, except in quiet zones established and maintained in accordance with the Rule.

D. Introduction of WES service between Beaverton and Wilsonville has resulted in concerns being raised regarding train noise along the Subject Line. To address these concerns, with particular focus on reducing train horn noise along that portion of the Subject Line running through Tualatin, on June 8, 2009, the Parties entered into an Intergovernmental Agreement (“IGA”) pursuant to which they agreed to secure consultants and contractors for the purpose of identifying solutions and designing cost effective treatments at the following grade crossings within the Tualatin segment: Tualatin Road; Nyberg Road; Tualatin-Sherwood Road; Boones Ferry Road Pedestrian Crossing; 95th Avenue; Teton Avenue; Avery Street; Industrial Way (private); Browns Transfer (private); and Tonquin Road.

E. As contemplated in the IGA, TriMet advertised a request for proposals for planning services and, with participation of the Parties, selected CH2M Hill as the

planning consultant. CH2M Hill subsequently led a Diagnostic Team Field Review and made preliminary recommendations as to the most appropriate treatments to achieve optimum train horn noise mitigation at each of the grade crossings in Tualatin. Based on those recommendations, the Parties intend to implement the treatments shown in Exhibit A, attached hereto and incorporated by this reference herein.

The Parties agree as follows:

AGREEMENT

1. It is anticipated that various sources of funds will be utilized to pay some or all of the costs related to implementation of noise mitigation treatments (the "Project"). More specifically:

- a. The Federal Transit Administration ("FTA") has provided federal American Recovery and Reinvestment Act ("ARRA") funds directly to TriMet. TriMet has received approval to use \$250,000 of these funds for noise mitigation treatments in Tualatin.
- b. The Federal Highway Administration has provided ARRA funds to the Oregon Department of Transportation ("ODOT"), and ODOT has provided a portion of these funds to Metro pursuant to a formula in the law. FTA has approved the designation of \$689,000 of these funds for noise mitigation treatments in Tualatin and provided by Metro to TriMet.
- c. Tualatin has obtained \$1.3 million in tax increment financing to pay a portion of Project costs. The Tualatin Development Commission has made an Urban Renewal Plan amendment to commit these funds. Use of these funds is limited to improvements at Tualatin Road, Nyberg Road, Tualatin-Sherwood Road, and the Tualatin-Sherwood Road Pedestrian Crossing.
- d. Tualatin has also secured a federal earmark in the sum of \$250,000 for noise mitigation projects and intends to pursue a grant for these funds from the FRA.
- e. The County has obtained MSTIP funds to pay a portion of project costs. Specifically, the County will pay up to a maximum of \$536,459 for design and installation of four-quadrant crossing gates, wayside horns, or other appropriate mitigation measures at Tonquin Road.
- f. The Parties have programmed or shall program the sums shown below to pay for Project costs. TriMet shall be responsible for management of the "Metro" funds, which have been provided to TriMet as discussed in Section 1.b above.

Jurisdiction	Amount of Funds (\$)	Source of Funds	Expected Availability of Funds
TriMet	250,000	ARRA – FTA	September 2009
Metro	689,000	ARRA-FHWA/FTA	September 2009
Tualatin	1,300,000	Tax Increment Financing	November 2009
	250,000	Federal Earmark	September 2010
County	536,459	MSTIP	February 2010
	(subject to 1.e above)		
TOTAL	3,025,459		

2. The specific treatments selected have been sized commensurate with the Project’s available funds. The Parties will agree upon allocation of funds from the various sources as the need arises, except that Washington County is only obligated for capital costs of mitigation measures at Tonquin Road. If no work is required at this location, County’s financial obligation ends.

3. The Parties recognize that the selected treatments have been approved or will need to be approved by the regulatory agencies (ODOT Rail and FRA) prior to implementation.

4. Unless otherwise agreed by the Parties, TriMet will procure and manage contractors to implement the necessary improvements within the railroad right-of-way; Tualatin will procure and manage contractors to implement the necessary improvements within the street network. Contracts must include all necessary ARRA requirements. Recognizing the complexities relating to availability of funds as described in Section 1 above, and subject to the agreed-upon allocation of funds required by Section 2, each of the Parties agrees that it will provide funds to the Party that secures a contract for the Project in accordance with Section 4 of this Agreement, within thirty (30) days after receiving a request for reimbursement from such Party.

5. Tualatin, with support of the other Parties, will provide final approvals and distribute all public notices required by law.

6. Following installation and acceptance of the crossing treatments, TriMet will own and maintain all improvements installed within the railroad right-of-way (e.g., four-quadrant crossing gates, wayside horns), and Tualatin will own and maintain all improvements installed within the street network (e.g., medians).

7. In view of the timelines for use of ARRA funds imposed by the Federal government, the Parties will make every effort to complete the implementation of the mitigation measures within the ARRA obligation and expenditure schedule.

8. The Parties will conduct monthly or as needed coordination meetings in Tualatin through completion of the Project.

9. Each Party represents that it has the authority to enter into this Agreement on its behalf and the individual signatory for a party represents that it has been authorized by that Party to execute and deliver this Agreement.

10. General Provisions

- a. Relationship of the Parties. Each of the Parties hereto shall be deemed an independent contractor for purposes of this Agreement. No representative, agent, employee or contractor of one Party shall be deemed to be an employee, agent or contractor of another Party for any purpose, except to the extent specifically provided herein. Nothing herein is intended, nor shall it be construed, to create between the Parties any relationship of principal and agent, partnership, joint venture or any similar relationship, and each Party hereby specifically disclaims any such relationship.
- b. Indemnification. Within the limits of the Oregon Constitution and the Oregon Tort Claims Act, codified at ORS 30.260 through 30.300, each of the Parties shall hold harmless, indemnify and defend the other and its officers, employees and agents from and against all claims, demands, penalties, and causes of action of any kind or character relating to or arising from this Agreement (including the cost of defense thereof, including attorney fees) in favor of any person on account of personal injury, death, damage to property, or violation of law, which arises out of, or results from, the negligent acts or omissions of the indemnitor, its officers, employees, or agents.
- c. Compliance with Laws. The Parties shall comply with all federal, state and local laws, regulations, executive orders and ordinances applicable to the work under this Agreement, including, without limitation, the provisions of ORS 279C.505, 279C.515, 279C.520, 279C.530, which hereby are incorporated by reference. Without limiting the generality of the foregoing, the Parties expressly agree to comply with: (i) Title VI of Civil Rights Act of 1964; (ii) Section V of the Rehabilitation Act of 1973; (iii) the Americans with Disabilities Act of 1990 and ORS 659A.142; (iv) all regulations and administrative rules established pursuant to the foregoing laws; and (v) all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations.
- d. Inspection of Records. Each of the Parties shall have the right to inspect, at any reasonable time, such records in the possession, custody or control of any other Party as it deems necessary for review of the other Party's obligations and its rights under this Agreement. The cost of such inspection shall be borne by the inspecting Party.
- e. Amendments. This Agreement may only be amended by means of a writing signed by an authorized representative of each of the Parties hereto. No amendment to any provision of this Agreement shall be implied from any course of performance, any acquiescence by any Party, any failure of any

Party to object to another Party's performance or failure to perform, or any failure or delay by any Party to enforce its rights hereunder.

- f. Integration. Except as otherwise expressly provided in this Agreement, this document constitutes the entire agreement between the Parties and supersedes all prior or contemporaneous written or oral understandings, representations or communications of every kind. No course of dealing between the Parties and no usage of trade will be relevant to supplement any term used in this Agreement.
- g. Waivers. No waiver by any Party of any provision of this Agreement shall be of any force or effect unless in writing. Except as otherwise provided herein, no waiver made by a Party with respect to the performance, or manner or time thereof, or obligation of the other Party or any condition inuring to its benefit under this Agreement shall be considered a waiver of any other rights of the Party making the waiver or a waiver by the other Party not joining in such waiver, and no such waiver shall be construed to be a continuing waiver.
- h. No Third-Party Beneficiary. Except as set forth herein, this Agreement is between the Parties and creates no third-party beneficiaries. Nothing in this Agreement gives or shall be construed to give or provide any benefit, direct, indirect or otherwise to any third parties unless such third party is expressly described as an intended beneficiary under this Agreement.
- i. Effective and Termination Dates. This Agreement shall be effective as of the date set forth above, and shall remain in effect until the completion of all obligations created by this Agreement.
- j. Early Termination of Agreement.
 - i. The Parties, by mutual written agreement, may terminate this Agreement at any time.
 - ii. Any Party may terminate this Agreement in the event of a breach of the Agreement by one of the other Parties. Prior to such termination, however, the Party seeking the termination shall give the other Parties written notice of the breach and of the Party's intent to terminate. If the breaching Party has not entirely cured the breach within thirty (30) days of the notice, then the Party giving the notice may terminate the Agreement at any time thereafter by giving a written notice of termination.
- k. Remedies. The remedies provided under this Agreement shall not be exclusive. The Parties also shall be entitled to any other equitable and legal remedies that are available.
- l. Oregon Law, Dispute Resolution and Forum.

- i. This Agreement shall be construed according to the laws of the State of Oregon.
- ii. The Parties shall negotiate in good faith to resolve any dispute arising out of this Agreement. If the Parties are unable to resolve any dispute within fourteen (14) calendar days, the Parties are free to pursue any legal remedies that may be available.
- iii. Any litigation between the Parties arising under this Agreement or out of work performed under this Agreement shall occur, if in the state courts, in the Washington County Circuit Court, and if in the federal courts, in the United States District Court for the District of Oregon located in Portland, Oregon.
- m. All notices required under this Agreement will be deemed to be properly served if sent by U.S. mail to the last representative of the Party identified below in this paragraph. Until hereafter changed by the Parties by notice in writing, notices must be sent:

If to the City: Sherilyn Lombos, City Manager
 City of Tualatin
 18880 SW Martinazzi Avenue
 Tualatin, OR 97062
 Telephone: (503) 691-3010
 Facsimile: (503) 692-5421

With a copy to: Brenda Braden, City Attorney
 City of Tualatin
 18880 SW Martinazzi Avenue
 Tualatin, OR 97062
 Telephone: (503) 691-3015
 Facsimile: (503) 692-5421

If to TriMet: Ken Kirse
 TriMet
 Capital Projects and Facilities Division
 710 NE Holladay St.
 Portland, OR 97232
 Telephone: (503) 962-2266
 Facsimile: (503) 962 -2283

With a copy to: Tamara H. Lesh
Deputy General Counsel
TriMet
710 NE Holladay Street
Portland, OR 97232
Telephone: (503) 962-2212
Facsimile: (503) 962-2299

If to the County: Kathy Lehtola, Director
Washington County Dept. of Land Use and Transportation
155 N. First Avenue
Suite 350/MS-16
Hillsboro, OR 97124-3072
Telephone: (503) 846-8740
Facsimile: (503) 846-3588

With a copy to: Dan Olsen, County Counsel
Washington County
155 N. First Avenue
Hillsboro, OR 97124-3072
Telephone: (503) 846-8747
Facsimile: (503) 846-8636

- n. Subcontracting. Each Party acknowledges that the Parties may intend to contract or subcontract their work under this Agreement, in whole or in part. Each Party agrees to the other Parties' contracting or subcontracting and no specific approval of any contractors or subcontractors is required. Each Party shall require any contractor or subcontractor to agree, as to the portion contracted or subcontracted, to fulfill all applicable obligations of such Party as specified in this Agreement.
- o. Severability/Survivability. If any provision of this Agreement is found to be illegal or unenforceable, this Agreement nevertheless shall remain in full force and effect and the provision shall be stricken. All provisions concerning indemnity survive the termination of this Agreement for any cause.
- p. Interpretation of Agreement. This Agreement shall not be construed for or against any Party by reason of the authorship or alleged authorship of any provision. The Section headings contained in this Agreement are for ease of reference only and shall not be used in constructing or interpreting this Agreement.

q. Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed to be an original, and such counterparts shall constitute one and the same instrument.

TRI-COUNTY METROPOLITAN
TRANSPORTATION DISTRICT OF OREGON

CITY OF TUALATIN

By: _____
Name: _____
Title: _____
Date: _____

By: *[Signature]*
Name: *Sheryl Lombos*
Title: *City Manager*
Date: *Feb 22, 2010*

Approved as to Form for TriMet

Approved to Form for Tualatin

TriMet Legal Department

[Signature]
Tualatin City Attorney

WASHINGTON COUNTY

By: _____
Name: _____
Title: _____
Date: _____

Sent for Signatures
By: *Eng.*

Approved as to Form for Washington County

Washington County Counsel

EXHIBIT A

NOISE MITIGATION TREATMENTS

<u>Location</u>	<u>Treatment</u>
Tualatin Road	Wayside Horns
Nyberg Road	Wayside Horns
Tualatin-Sherwood Road	Wayside Horns
Boones Ferry Road. Pedestrian Crossing	Wayside Horns
95 th Avenue	Medians
Teton Avenue	Four Quadrant Gates
Avery Street	Four Quadrant Gates
Tonquin Road	Four Quadrant Gates



STAFF REPORT CITY OF TUALATIN

Approved By Tualatin City Council
Date 2-22-10
Recording Secretary MSmith

TO: Honorable Mayor and Members of the City Council
THROUGH: Sherilyn Lombos, City Manager *[Signature]*
FROM: Maureen Smith, Executive Assistant *[Signature]*
DATE: February 22, 2010
SUBJECT: COMMUNITY INVOLVEMENT COMMITTEE APPOINTMENTS

ISSUE BEFORE THE COUNCIL:

The City Council approve appointments to various Advisory Committees and Boards.

RECOMMENDATION:

Staff recommends the City Council approve the Community Involvement Committee (CIC) recommendations and appoint the below listed individuals.

EXECUTIVE SUMMARY:

The Community Involvement Committee met and interviewed citizens interested in participating on City committees and boards. The Committee recommends appointing the following individuals:

Individual	Committee/Board	Term
Carol Dersham	Arts Advisory Committee	Partial Term Ending 03/31/12
George Guild	Budget Advisory Committee	Regular Term Ending 12/31/12
Steve Ricker	Parks Advisory Committee	Regular Term Ending 02/28/13
Jeff DeHaan	Planning Advisory Committee	Partial Term Ending 08/31/10

FINANCIAL IMPLICATIONS:

Not applicable.



STAFF REPORT

CITY OF TUALATIN

Approved By Tualatin City Council
Date 2-22-10
Recording Secretary [Signature]

TO: Honorable Mayor and Members of the City Council

FROM: Sherilyn Lombos, City Manager [Signature]

DATE: February 22, 2010

SUBJECT: APPROVAL OF LIQUOR LICENSE RENEWALS FOR 2010

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve liquor license renewal applications for 2010. Copies have not been included with this staff report but are available at the City Offices for review.

RECOMMENDATION:

Staff respectfully recommends that the Council approve endorsement of the following liquor license application renewals for 2010:

- Applebee's Neighborhood Grill & Bar
- Baja Fresh Mexican Grill
- Birra Deli
- Boones Ferry Chevron
- Bush Garden Tualatin
- Bushwhackers
- C.I. Bar & Grill
- Chipotle Mexican Grill
- Claim Jumpers Restaurant
- Club Sport Oregon
- El Sol De Mexico
- Fiorano's Restaurant
- Fred Meyer #00393
- Fuddruckers
- Grampy's Deli
- Grand Hotel
- Haggen Foods & Pharmacy
- Hayden's Lakefront Grill
- Hot Seat Bar & Grill
- Jackson's dba Shell
- Juan Colorados
- Kmart
- Marinepolis Sushiland
- Parallel 45
- Pastini Pastaria
- PF Chang's China Bistro
- Pizza Hut #2878
- Plaid Pantry Market #160
- Qdoba Mexican Grill
- Royal Panda Restaurant
- Safeway Store #1047
- 7-11 Food Store
- Shari's of Tualatin
- Sushi & Teriyaki Restaurant
- Sushi Train
- Sushiville of Tualatin
- Taco Del Mar
- Taqueria El Lago
- Thai Bistro
- Thai Cuisine
- Tualatin Chevron
- Tualatin Country Club
- Tualatin Food Store
- Tualatin Indoor Soccer

- VFW Post #3452
- Whole Foods Pacific NW Market
- Wong's Chinese Restaurant
- Wu's Open Kitchen

EXECUTIVE SUMMARY:

Annually the Oregon Liquor Control Commission (OLCC) requires all liquor licenses be renewed. According to the provisions of City Ordinance No. 680-85, establishing procedures for liquor license applicants, applicants are required to fill out a City application form, from which a review by the Police Department is conducted, according to standards and criteria established in Section 6 of the ordinance. The liquor license renewal applications are in accordance with all ordinances and the Police Department has conducted reviews of the applications.

According to the provisions of Section 5 of Ordinance No. 680-85 a member of the Council or the public may request a public hearing on any of the liquor license renewal requests. If such a public hearing request is made, a hearing will be scheduled and held on the license. It is important that any request for such a hearing include reasons for said hearing.

FINANCIAL IMPLICATIONS:

A renewal fee of \$35 has been paid by each applicant.



Approved By Tualatin City Council

Date 2-22-10

Recording Secretary MSM

STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

FROM: Paul Hennon, Community Services Department *Paul Hennon*
Carl Switzer, Parks and Recreation Coordinator *Carl R. Switzer*

DATE: February 22, 2010

SUBJECT: 2009 TUALATIN HERITAGE CENTER ANNUAL REPORT

ISSUE BEFORE THE COUNCIL:

The Council will receive the 2009 Heritage Center Annual Report from the Tualatin Historical Society

RECOMMENDATION:

TPARK recommends that Council accept the Heritage Center annual report.

Staff recommends that Council accept the report.

EXECUTIVE SUMMARY:

In 2005, the City of Tualatin, Tualatin Development Commission, and the Tualatin Historical Society partnered to create the Tualatin Heritage Center in the old Methodist Church building which was relocated to the Sweek Pond site and renovated for public use.

This has proven to be a successful partnership with the Tualatin Historical Society to preserve an historic structure for public use and to provide a venue for historical, cultural, and environmental education, recreation and enrichment, and social gatherings. There are no issues associated with operation of the Heritage Center that currently require Council action.

The *Agreement for Operation of Tualatin Heritage Center* contains a provision that the Tualatin Historical Society provide the City an annual report of its Heritage Center

operations. Presentation of the attached report fulfills this obligation (see Attachment A for the 2009 Tualatin Heritage Center Annual Report).

February 11, 2010 marked the fifth anniversary of operation of the Tualatin Heritage Center. The program and facilities at the Heritage Center have developed measurably in the last five years and 2009 proved to be another successful year. In 2009, there were more than 6,000 participants in programs and 400 volunteers. The Heritage Center has a stable financial position.

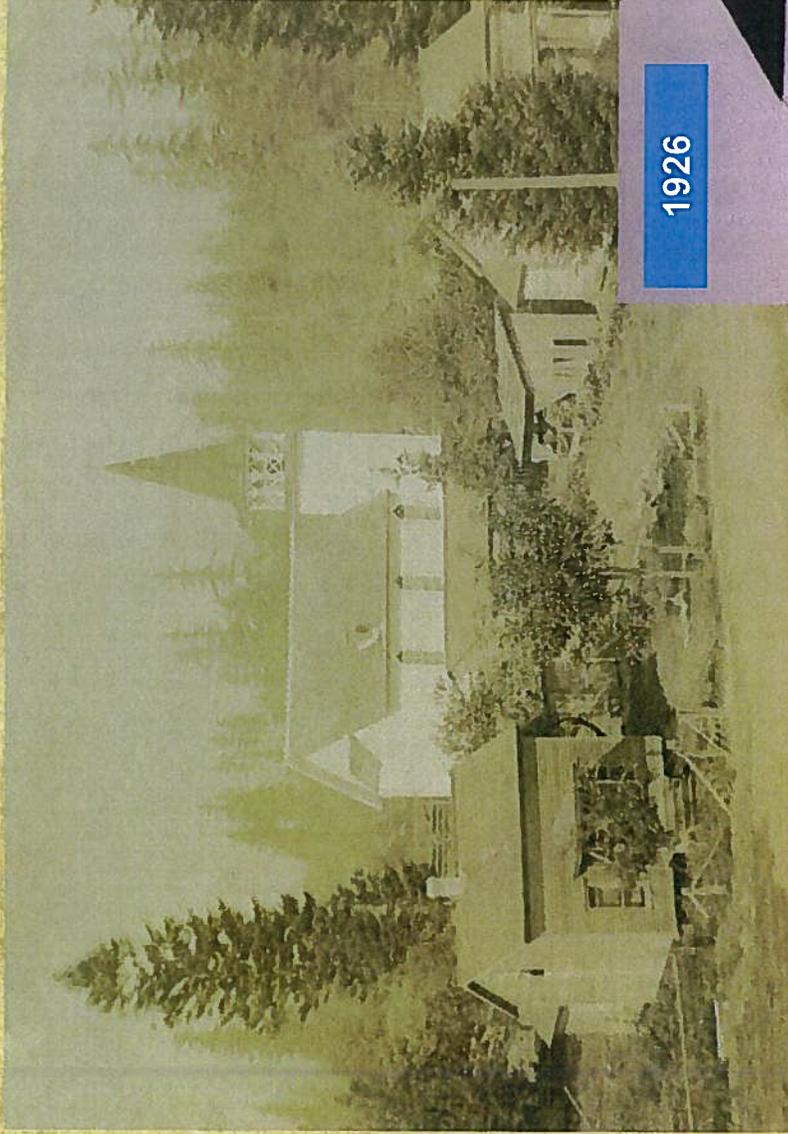
FINANCIAL IMPLICATIONS:

There are no financial implications in receiving this report.

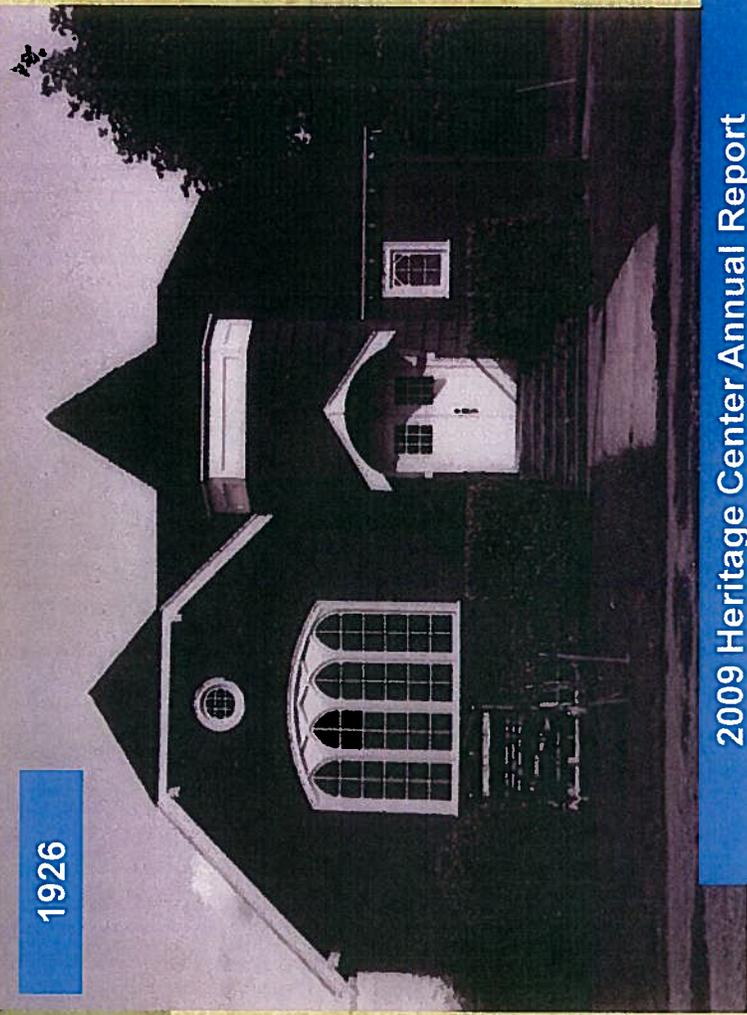
- C: Members of the Tualatin Park Advisory Committee (TPARK)
 Yvonne Addington, President, Tualatin Historical Society
 Larry McClure, Heritage Center Director
 Lindy Hughes, Heritage Center Assistant Director

2009 Heritage Center Annual Report

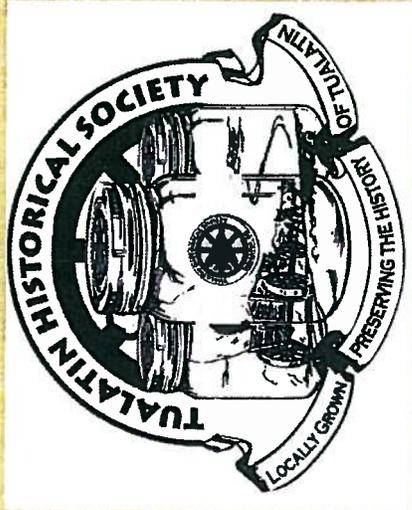




Feb 11, 2005 to
February 11, 2010
Five years of
operation!



1926



Operation

Hours of operation:

10 a.m. to 2:00 p.m. weekdays plus many special events.

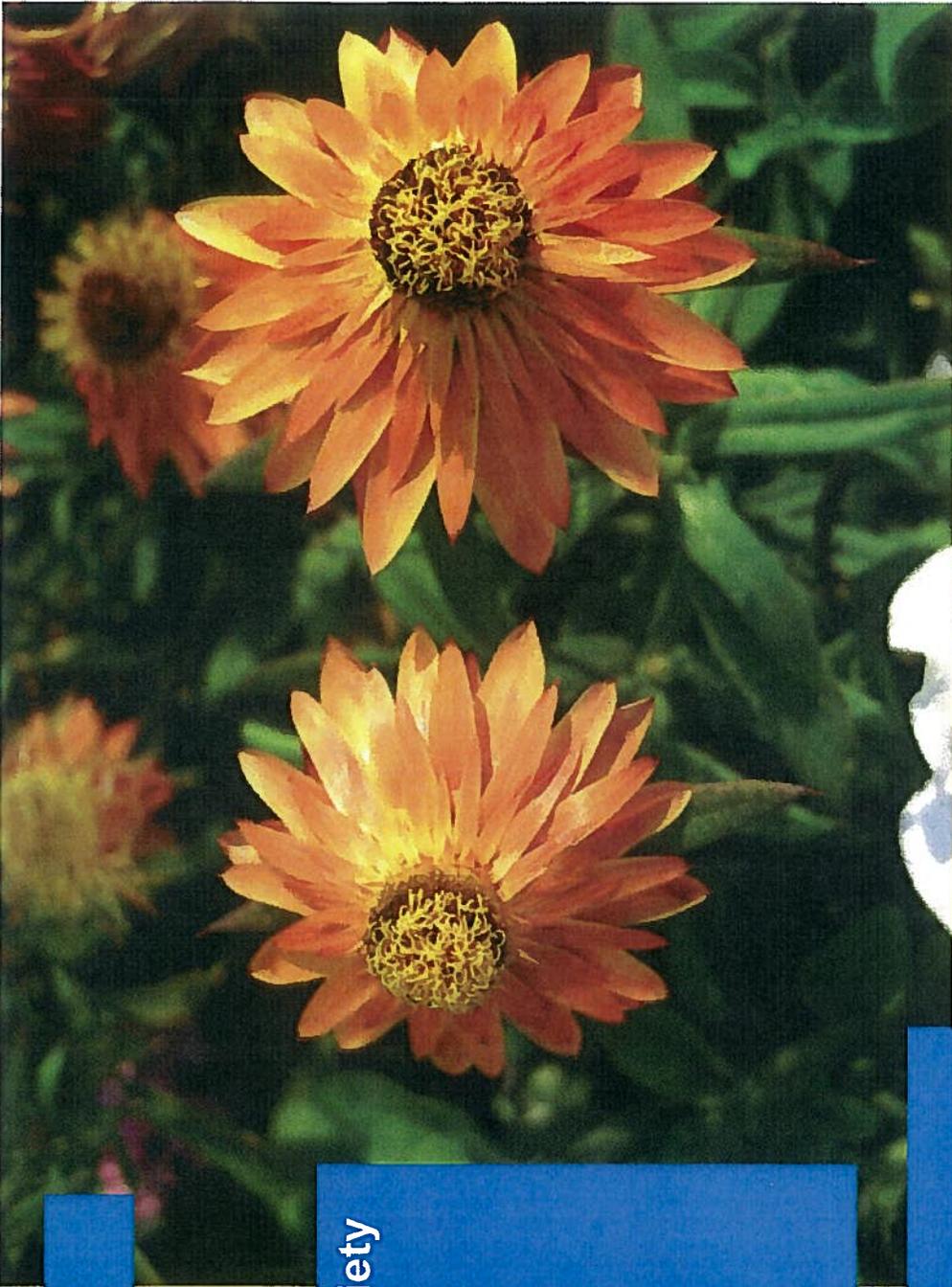
Staff and Board:

Yvonne Addington, Tualatin Historical Society President

Larry McClure, Tualatin Heritage Center Director

Lindy Hughes, Tualatin Heritage Center, Assistant director

Experience Works Intern – 18 hours a week



Operation

Tualatin Historical Society

Membership:

Over 300

Program Participants:

Over 6,000

Volunteers:

400 volunteers in 2009

Marketing:

Electronic newsletter

Website

City Newsletter

Newspaper articles

Operation

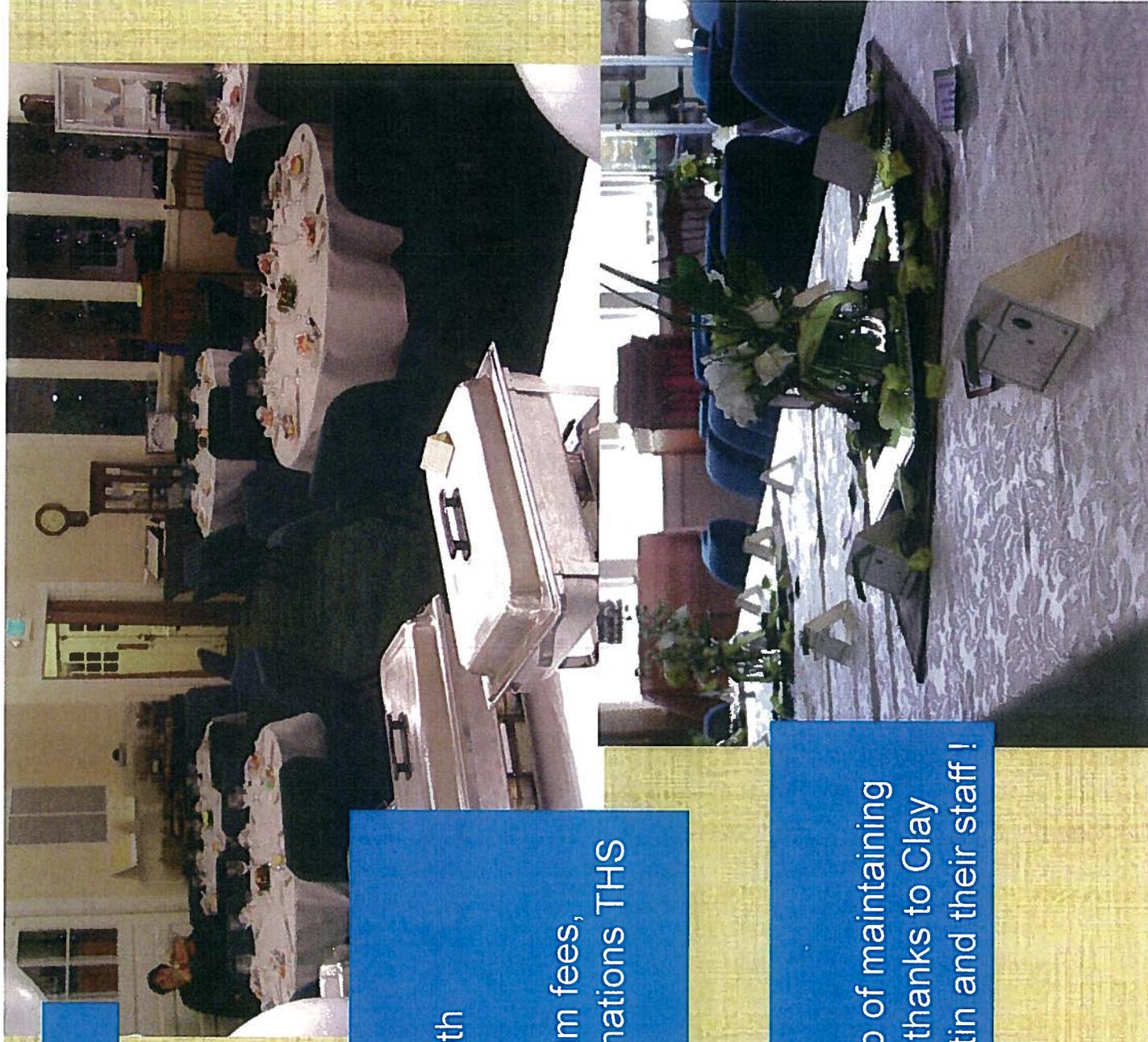
Operating Budget:

Income and expenditures both approximately \$36,000.

Revenues came from program fees, rentals, City contribution, donations THS memberships)

Maintenance:

City does a fantastic job of maintaining the building. Special to thanks to Clay Reynolds and Bob Martin and their staff !



Activities

Education

- Monthly historical programs
- Fall Harvest Festival, Antiques Road show & other family events
- Discussion Groups

Heritage & Cultural Awareness

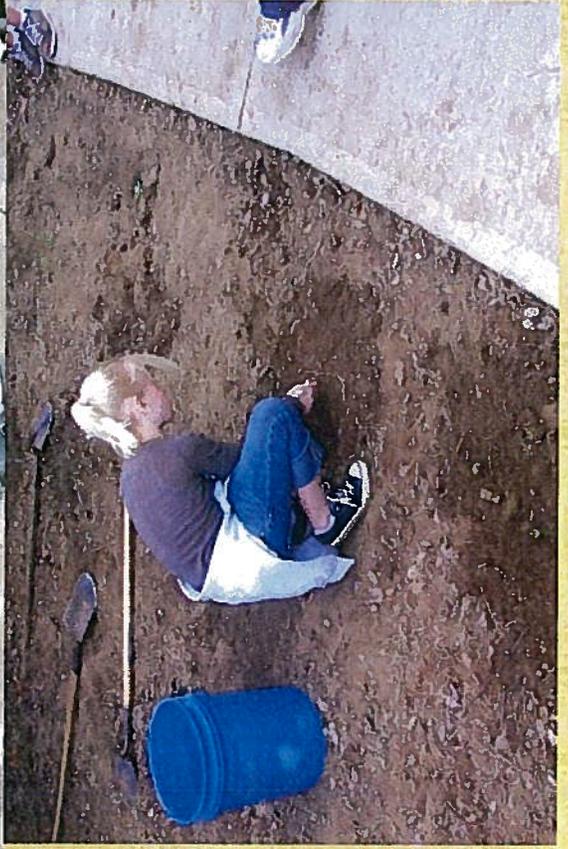
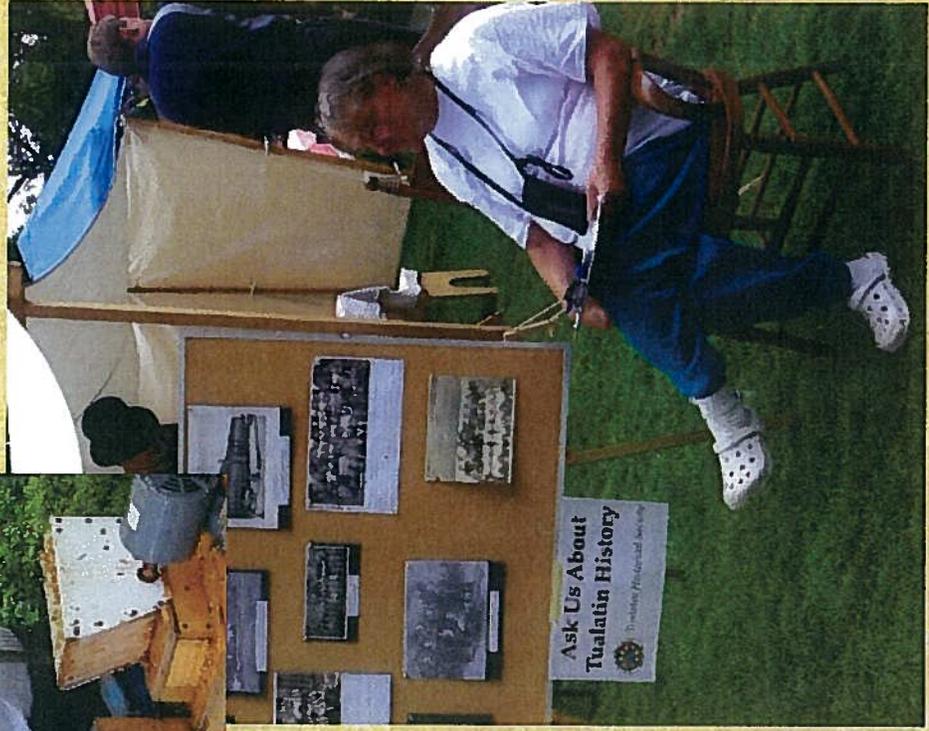
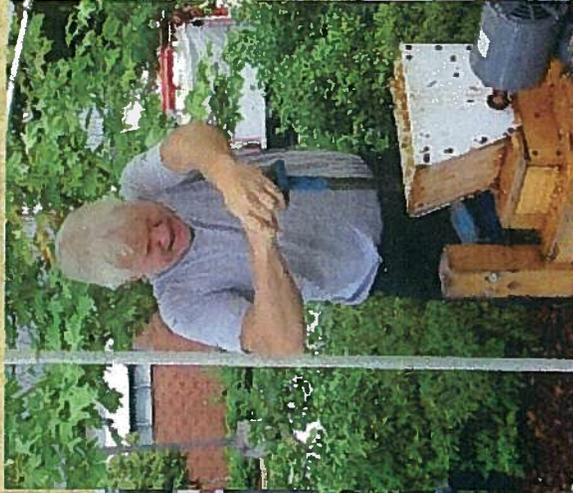
- Latino Arts & Culture
- Partnering with schools and Cub Scouts
- Tualatin History coloring book project, partnering with Hazelbrook Middle School

Civic Engagement

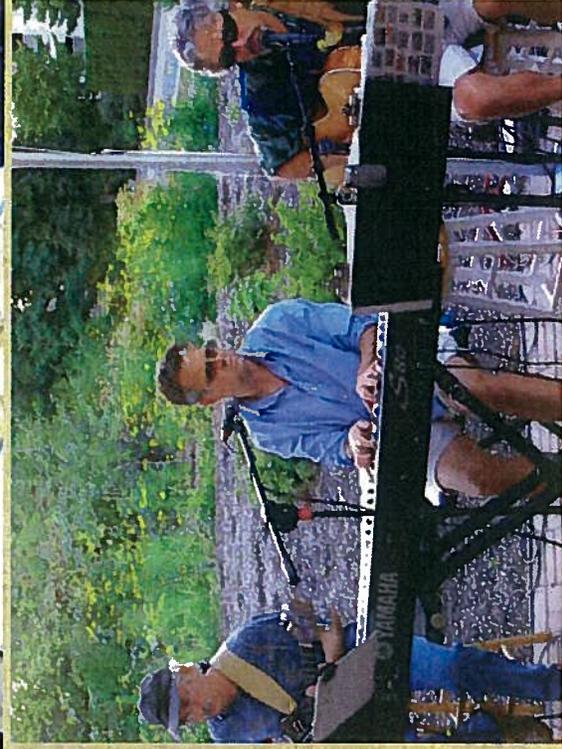
- Homeowners and neighborhood associations (*fee negotiable*)
- Political campaign meetings (*these are always rentals*)
- Valentines for the Troops – Gov. Kulongoski



Programs



Programs

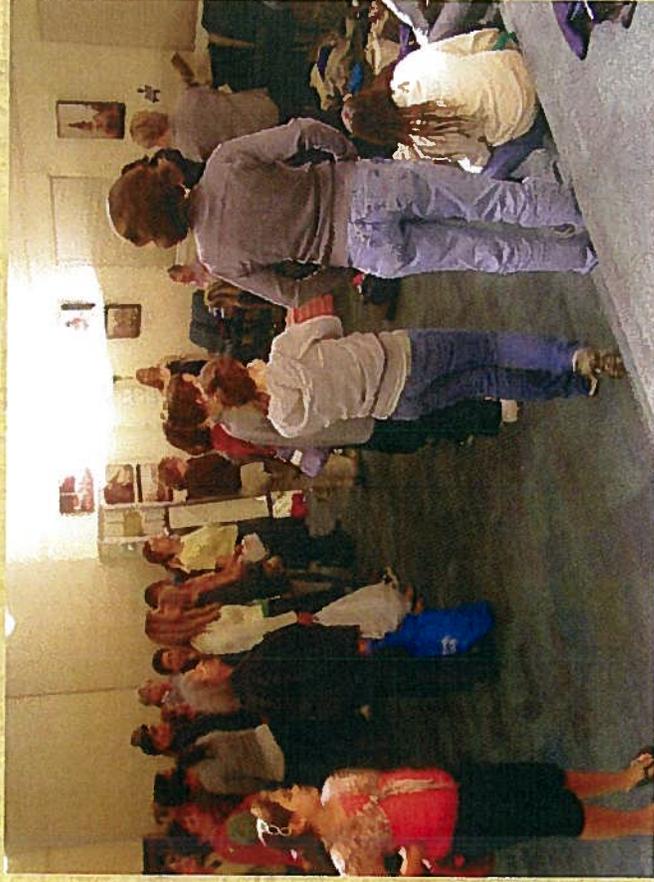


Activities

Rentals, weddings, and anniversary /family celebrations



Clothing Swaps: A new kind of recycling!



Activities

Environmental Awareness

- Monthly bird walks at Sweek Pond led by Wetlands Conservancy
- Heritage Tree Walk at Atfalati Park during Arbor Week
- Container gardening workshop

Performing & Visual Arts

- Youth Visual Chronicle Art Show was held in late January.
- First professional photography show - Paul Sivley, local photographer
- Classes offered by well-known water color artist Linda Aman, formerly of Tualatin

Films

- A group of children and young teens from the Fox Run neighborhood wrote and filmed "Pirates in the Suburbs."

Linda Aman Watercolor Classes and Workshops



Linda is an award-winning artist, with a passion for painting watercolor and teaching.

She offers classes, workshops and retreats at art centers in Oregon, Idaho and Washington.

Linda is a member of Watercolor Society of Oregon, Oregon Society of Artists, Idaho Watercolor Society and Color Fusion. She displays her art at businesses, shows and galleries.

Aman Arts
Tel: 503-691-1586
linda@amanarts.com

Programs



Activities

Music & Drama

- Student recitals and concerts
- Dulcimer Players of Oregon rent the Heritage Center on the second Sundays of each month
- Lumiere Players, Tualatin's own community theatre, produced four plays in 2009
- Masque Alfresco – local slapstick comedy

Arts and Crafts

- Twice-monthly free knitting workshop
- “Big Little Art Show” planned and sponsored by Tualatin jewelry maker Liz Hatcher - several hundred patrons, featuring 15 vendors
- The annual fall Harvest Festival featured six members of the Portland Lace Society who worked on their meticulous geometric designs to the amazement of visitors.



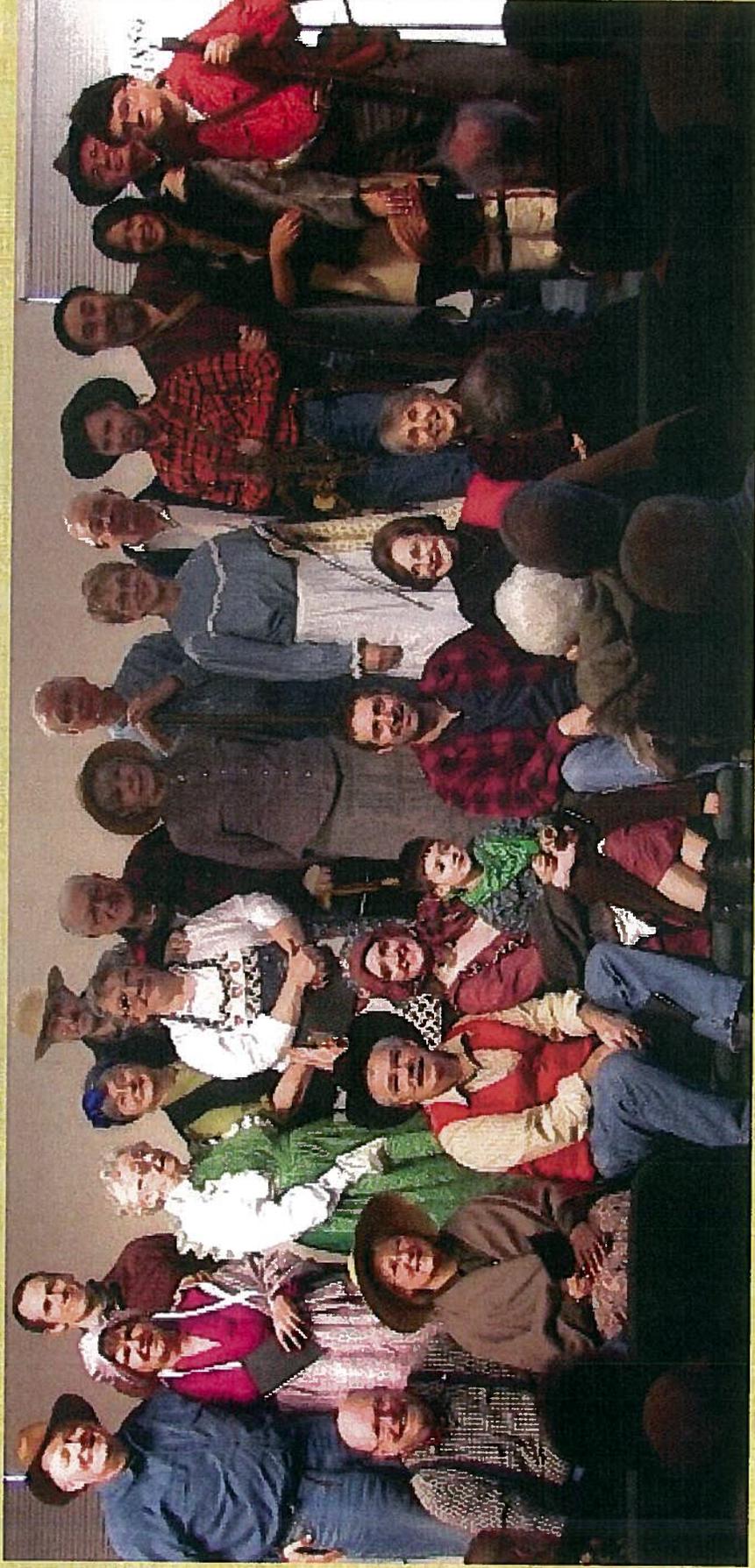
Programs



Dulcimer Jam



Programs



**Lumiere Players:
880 ticketholders for four plays
75 performers**

Looking ahead

Expecting another exciting year in 2010.

Sunday, February 14 – HERstory

17 women who have shaped Tualatin's History

Historical Society Auction



Thank you for your support!

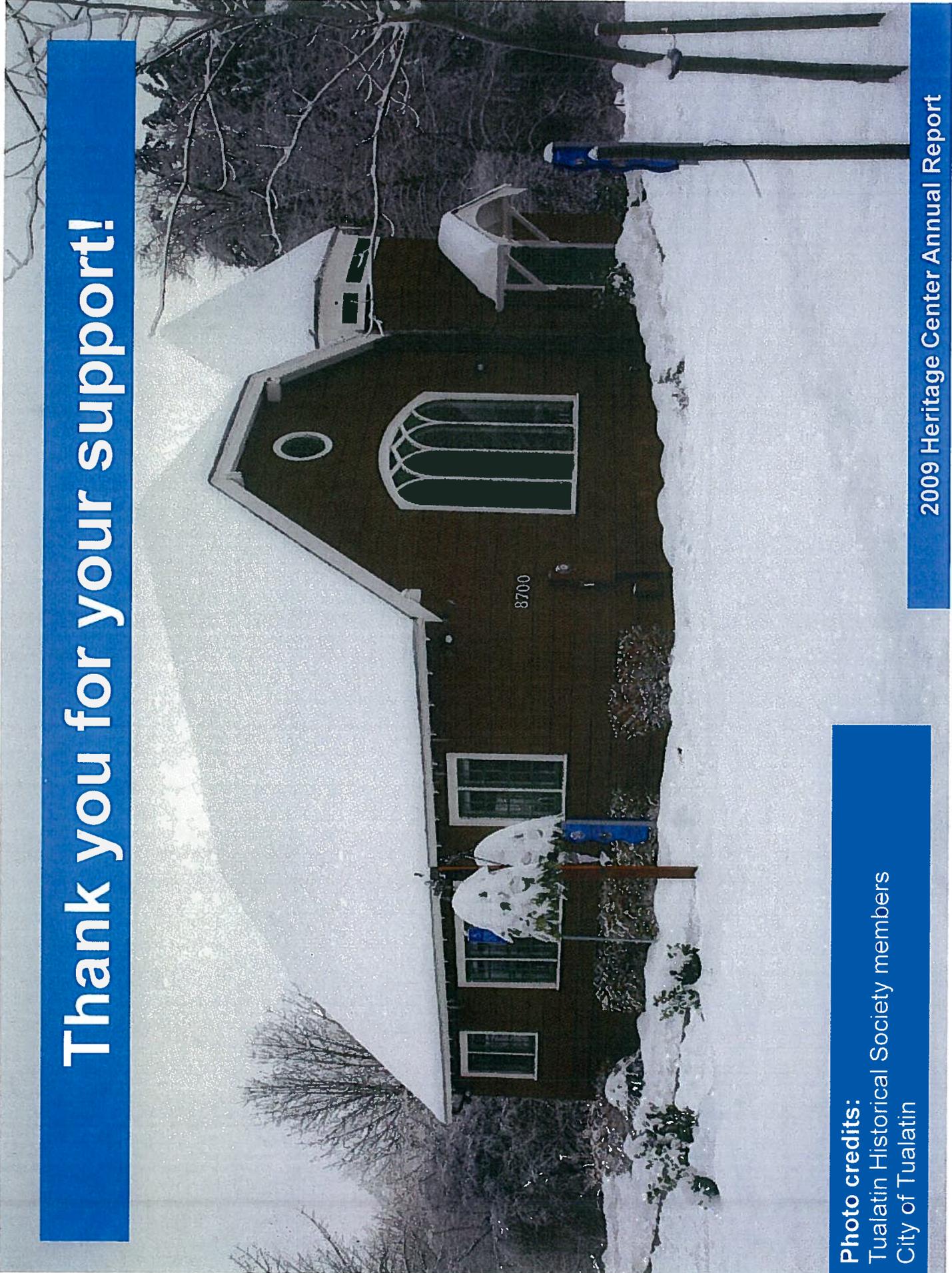


Photo credits:
Tualatin Historical Society members
City of Tualatin

2009 Heritage Center Annual Report