



TUALATIN CITY COUNCIL WORK SESSION MINUTES OF APRIL 12, 2010

PRESENT: Mayor Lou Ogden; Councilors Chris Barhyte, Monique Beikman, Joelle Davis, Jay Harris, Donna Maddux and Ed Truax [*arrived at 6:27 p.m.*]; Sherilyn Lombos, City Manager; Brenda Braden, City Attorney; Doug Rux, Community Development Director; Mike McKillip, City Engineer; Don Hudson, Finance Director; Paul Hennon, Community Services Director; Kent Barker, Police Chief; Dan Boss, Operations Director; Kaaren Hofmann, Civil Engineer; Chanda Stone, Volunteer Assistant; Victoria Eggleston, Volunteer Coordinator; Nancy McDonald, Human Resources Director; Carina Christensen, Assistant to the City Manager; Eric Underwood, Development Coordinator; Maureen Smith, Recording Secretary

ABSENT: None.

A. CALL TO ORDER

Mayor Ogden called the Work Session to order at 5:00 p.m. and immediately went into executive session pursuant to ORS 192.660 (2)(d) to discuss labor relations.

The Work Session continued at 6:04 p.m.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. Citizen Survey Results

Assistant to the City Manager Carina Christensen said Tualatin contracted with a company to conduct a statistically valid resident survey, and introduced Tom Miller, president of National Research Center Inc. The survey was done in January of this year and is the first step in the City's public information process. Ms. Christensen said the survey results will also be presented at tonight's Council meeting.

Mr. Miller began by noting Ms. Christensen was a big part of the process and thanked her for her assistance. He continued with a PowerPoint presentation on the citizen survey and said he has comparison data from across the country and for local governments. Results can be used for various reasons to assist with benchmarks, etc. Mr. Miller explained the scientific survey process and that people are selected at random. A typical amount of the survey was received back, with a 5% margin of error. In general, residents that returned the survey had trust in local government, and on average gave favorable ratings to a majority of local government services. Discussion followed and questions were asked and explained about various ratings and percentages and the benchmark comparisons.

2. *Outstanding Volunteer Selection*

City Manager Sherilyn Lombos said April is national volunteer month and noted the City has an outstanding group of volunteers that have contributed many hours last year. There will be a volunteer appreciate event held awarding several "outstanding volunteer" awards.

Volunteer Coordinator Victoria Eggleston reviewed her memorandum that explained the process and how nominees were chosen. There were 30 submittals, with five different categories and Ms. Eggleston reviewed their recommended choices.

It was asked and answered that the nominations will be part of the Governor's Award volunteer program. It was suggested a letter of support from the Mayor and Councilor go along with the nomination submittals to the state. Council reviewed and accepted the suggested nominations. The Volunteer Barbeque event is on April 22, 2010, 5:30 p.m. at Hazelbrook Middle School.

C. CITIZEN COMMENTS – N/A

D. CONSENT AGENDA

Council reviewed the Consent Agenda. Item D-1 was removed from the agenda in its entirety, and Item D-7 was added to the agenda.

E. PUBLIC HEARINGS – *Legislative or Other*
N/A

F. PUBLIC HEARINGS – *Quasi-Judicial*
N/A

G. GENERAL BUSINESS

2. Ordinance No. 1297-10 Relating to Motion Picture and Film Production; Establishing Permit Requirements; and Adding a New Chapter, 9-7 to the Tualatin Municipal Code

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

3. Ordinance No. 1298-10 Relating to the Farmers Market; and Amending TMC 5-3-050

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

4. Ordinance No. 1299-10 Regarding Basketball Hoops in the Public Right of Way and Amending 8-4-040
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MOTION by Councilor Barhyte, SECONDED by Councilor Harris for a first reading by title only. MOTION by Councilor Barhyte, SECONDED by Councilor Harris for a second reading by title only. MOTION CARRIED. The poll was unanimous. MOTION by Councilor Barhyte, SECONDED by Councilor Harris to place adoption of the ordinance on the Consent Agenda. MOTION CARRIED.

5. Ordinance No. 1300-10 Adopting the Core Area Parking District Tax Rate and Credit – Fiscal Year 2010/11
-

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

H. ITEMS REMOVED FROM CONSENT AGENDA

N/A

I. COMMUNICATIONS FROM COUNCILORS

None.

J. EXECUTIVE SESSION

Mayor Ogden noted an executive session pursuant to ORS 192.660 (2)(d) to discuss labor relations was held at the beginning of the Work Session.

K. ADJOURNMENT

The work session recessed at 6:56 p.m.

Sherilyn Lombos, City Manager

Recording Secretary / Maureen Smith





TUALATIN CITY COUNCIL MEETING MINUTES OF APRIL 12, 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; Kathy Kaatz, Acting Operations Director; Carina Christensen, Assistant to the City Manager, Maureen Smith, Recording Secretary

ABSENT: None.

A. CALL TO ORDER

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

The Pledge of Allegiance was led by Councilor Maddux.

Mayor Ogden noted an item was moved up from the General Business portion of the agenda.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. *Tualatin Youth Advisory Council Update*
Representatives from the Youth Advisory Council (YAC) were present and gave a PowerPoint presentation on the Project F.R.I.E.N.D.S. program and other various upcoming events.
2. *Proclamation Declaring April 22, 2010 as "Earth Day"*
Councilor Davis read the proclamation proclaiming April 22, 2010 as "Earth Day" in the City of Tualatin.
3. *Proclamation Declaring April 18 – 24, 2010 as "Volunteer Appreciation Week"*
Councilor Truax read the proclamation proclaiming April 18 – 24, 2010 as "Volunteer Appreciation Week" in the City of Tualatin.
4. *Proclamation Declaring April 11 – 17, 2010 as "National Library Week"*
Councilor Harris read the proclamation proclaiming April 11 – 17, 2010 as "National Library Week" in the City of Tualatin.
5. *Third Annual Health and Safety Fair April 17, 2010*
Joe Lipscomb, Linda Moholt and Ed Casey were present and gave a brief presentation of the third annual Health and Safety Fair. A PowerPoint was displayed and the activities and event for the day were reviewed, and over 22 vendors will be presenting information.

6. *2010 Crawfish Festival Announcement – Chamber of Commerce*

Linda Moholt announced this is the 60th year for the Crawfish Festival event. This year's theme is "Crawfish Fiesta" and are excited to recognize the growing Latino community in Tualatin. Ms. Moholt reviewed the various activities that will take place at this year's festival. Ms. Moholt also announced the Chamber's "Celebrate Tualatin" event will be held on April 22, 2010.

7. *Commuter Rail Update*

City Engineer Mike McKillip gave an update on the commuter rail train horn noise mitigation by noting work is proceeding on schedule and on budget. It was asked and answered that most all traffic signals will be converted to protected permissive left-turn signals in the next few months. It was suggested to have an article in the City's newsletter to remind residents about how to use "protected permissive" left-turn signals.

8. *Presentation on Survey Results by National Research Center [Item moved from General Business]*

Assistant to the City Manager Carina Christensen said the City contracted with the National Research Center to do a statistically valid survey. The company was chosen for its excellent reputation, and is part of a proven performance measure program used nationwide and also the hundreds of jurisdictions that have used this survey.

Tom Miller, president of National Research Center Incl. Presented a PowerPoint on the survey and explained the survey methods used and how the results were arrived at. Ms. Christensen noted the information and findings will be available on the City's website at www.ci.tualatin.or.us.

C. CITIZEN COMMENTS

Steve Titus, 10107 SW Sedlak Court, Tualatin, OR, commented on the survey portion relating to crime. Also with regard to the citizen survey, he commented about what the number of surveys were sent and the areas of town they were sent to, how many households are in each area of where the surveys were sent to, and how many went to each area.

Dolores Hurtado, 8685 SW Chinook Street, Tualatin, OR, thanked Council for their action on removing the park bridge from the urban renewal proposal. She felt it was responsive to the concerns of a lot of people who enjoy, appreciate, and support that park. Ms. Hurtado asked that Council take a vote on removing the controversial "bridge" as it still is part of Metro's Regional Transportation Plan (RTP), and is perceived that Tualatin is supportive of the bridge in the plan.

Mayor Ogden explained how the process will work to be able to remove it from Metro's RTP, and suggested a letter be sent to Metro acknowledging Tualatin's position on not having the bridge in the RTP.

Richard Davis, 7995 SW Mohawk, Tualatin, OR, spoke about public safety and concern for pedestrians and encouraged the Police Department to look at crosswalk traffic, mostly along Boones Ferry Road. Mayor Ogden asked for an update on pedestrian traffic enforcement issues and Police Chief Barker was present and said he will look into pedestrian traffic issues and where and when patrols have taken place.

Kathy Newcomb, 17515 SW Cheyenne Way, Tualatin, OR, spoke on her belief about the lack of usefulness of the City's Transportation System Plan (TSP), and questioned how the bridge over the park became part of the plan without public involvement.

Mayor Ogden explained there has been considerable conversations of late on issues regarding extending the Central Urban Renewal District (CURD). Mayor Ogden said since there is a substantial change of vote thought it proper to get the information out to the public. The Legislative hearing is continued to April 26, 2010 and not subject to ex parte contact.

Council was uncertain on the validity of holding this discussion now rather than waiting until the Development Commission meeting. Councilor Harris asked for "Point of Order" and said it appears to be deliberation. City Attorney Braden explained parameters for this discussion.

Discussion followed. A 20% increase has been discussed, although the logistics of how a 20% increase would work has not been determined as yet, according to Mayor Ogden. Council noted frustration at not being able to anticipate what the increase would entail, looking at key projects and what it would take to finish those projects, what would be the impacts to the taxing districts with the 20% option, etc. It was mentioned having a work session and invite property owners and taxing authorities, although concurrence is not needed from taxing districts on the 20% option. Also discussed was the logistics and timelines of the 20% option and what would be needed to get there.

Understanding the desire to discuss this issue, Council continued to express concern of holding this discussion at this meeting. It was suggested and agreed to proceed with the hearing, take a vote, and then determine what to do. Having the community involved in the planning process is also important. Mayor Ogden said his desire was to have transparency, but also to have feedback from Council to be able to address it more fully at the next Council meeting.

Mayor Ogden reiterated how the process may happen if Council chooses not to continue with an extension and if it is reasonable to expect to have a discussion at the April 26, 2010 meeting and may continue to May 10, 2010. City Manager Lombos added this has been difficult process and information trickling down, and legislation on this issue is not clear on what is required.

D. CONSENT CALENDAR

Item D-1 was removed from the Consent Agenda in its entirety at Work Session. Item D-4 was removed from the Consent Agenda at the request of Richard Davis. Items G-2, G-3, G-4, and G-5 were adopted and added to the Consent Agenda at Work Session. Item G-5 was removed from the Consent Agenda at the request of Steve Titus.

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

1. ~~Minutes — REMOVED FROM THE AGENDA IN ITS ENTIRETY~~
2. Approval of a New Liquor License Application for Mio Gelato Restaurant
3. Resolution No. 4967-10 Authorizing to Renew an Intergovernmental Agreement between the Tri-County Metropolitan Transportation District of Oregon, and the City of Portland for Transit Police Services
5. Resolution No. 4969-10 Authorizing the Mayor and City Recorder to Sign the First Amendment to the Water Supply Agreement between the City of Tualatin, City of Sherwood, and Tualatin Valley Water District

6. Resolution No. 4970-10 Adopting the April 2010 Update to the Public Works Construction Code
7. Community Involvement Committee Appointments
- G-2. Ordinance No. 1297-10 Relating to Motion Picture and Film Production; Establishing Permit Requirements; and Adding a New Chapter, 9-7 to the Tualatin Municipal Code
- G-3. Ordinance No. 1298-10 Relating to the Farmers Market; and Amending TMC 5-3-050
- G-4. Ordinance No. 1299-10 Regarding Basketball Hoops in the Public Right of Way and Amending 8-4-040

MOTION CARRIED.

E. PUBLIC HEARINGS – Legislative or Other

1. Public Hearing to Consider a Resolution Approving the Proposed Supplemental Budget and Changes to the Adopted 2009-2010 Budget
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Mayor Ogden opened the public hearing.

Finance Director Don Hudson presented proposed changes to the budget. He explained a supplemental budget is required when adjusting budgeted funds exceed 10%. Four funds are proposed to be adjusted, as stated in the staff report.

PROPOSERS/OPPONENTS – None.

COUNCIL DISCUSSION – None.

Mayor Ogden closed the oral testimony of the public hearing.

COUNCIL DELIBERATIONS

MOTION by Councilor Harris, **SECONDED** by Councilor Maddux to adopt the proposed supplemental budget. MOTION CARRIED.

2. Public Hearing to Consider an Ordinance Amending the General Commercial (CG) Planning District to Allow "Doggie Day Care" and Amending TDC 54.020 and 54.030 (PTA-10-01)
-

Mayor Ogden opened the public hearing and noted it is a legislative hearing.

Associate Planner Will Harper presented the public hearing and entered the entire staff report into the record. Also noted was the addition of a letter from Group Mackenzie regarding PTA-10-01. This is a proposal to allow a "Doggie Day Care" in the General Commercial (CG) Planning District at the corner of SW 63rd Avenue and SW Boones Ferry Road.

Staff recommends the City Council consider the staff report and supporting attachments and provide direction.

APPLICANT

Joseph Schaefer, 1211 SW Fifth Avenue, Portland, OR, applicant representative said the Tualatin Planning Advisory Committee (TPAC) meeting went well, and said the question of trip generations won't cause any more than a fast food business. Mr. Schaefer added the Tualatin Development Code does not address "doggie day care" businesses.

PROPONENT(S)

Linda Moholt, Chamber of Commerce, 18791 SW Martinazzi Avenue, Tualatin, OR, spoke in support of this concept. Tualatin doesn't have a dog park and she believes they have addressed the aesthetics.

OPPONENTS – None.COUNCIL DISCUSSION

Questions were asked and discussion held about the noise ordinance in relation to barking dogs and how to resolve enforcement. Also discussed was the issue of "waste" and how it would be addressed. The amount of asphalt versus grass was also mentioned.

Council discussed traffic issues and the amount of dogs that would be allowed. It was noted that this hearing is for a Plan Text Amendment (PTA) but the applicant has also applied for a Conditional Use Permit (CUP) which describes how they will operate and many of the issues being discussed by Council could be addressed at the CUP hearing.

Council discussed with staff what types of conditions could be placed on the doggie day care to address noise, waste, and odor problems.

APPLICANT

Mr. Schaefer spoke again with regards to sanitation, and said they will address the asphalt area, and noise issues and the amount of dogs allowed. He noted there are some noisy businesses that are allowed in the Development Code.

Discussion followed and Council was in general agreement of "doggie day care" as long as the issues raised can be addressed. Also mentioned was the Tualatin Planning Advisory Committee (TPAC) took a great deal of time reviewing this issue and voted unanimously to send to Council. Addressing the conditional use process was also mentioned.

Mayor Ogden closed the oral testimony of the public hearing.

COUNCIL DELIBERATIONS

Council said noise and odor mitigation measures should be incorporated in the design of an outdoor service. City Engineer McKillip is Council if Council is addressing those issues, suggested adding something regarding water quality issue.

It was asked if it was acceptable to the applicant to continue the hearing to more fully address the issues brought up at this hearing, of which Mr. Schaefer agreed.

MOTION by Councilor Harris, SECONDED by Councilor Maddux to continue the hearing, given the identification of the mitigation criteria, and look at noise and mitigation measures and incorporate on the outdoor areas and how it relates to Clean Water Services.

Discussion on the Motion

It was asked and discussed about the differences of raising issues under a plan text amendment and being able to establish criteria in the conditional use process.

MOTION CARRIED. [Vote: 7-0]

F. PUBLIC HEARINGS – Quasi-Judicial
None.

G. GENERAL BUSINESS

Items adopted and placed on the Consent Agenda at Work Session.

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.

D-4. Resolution No. 4968-10 Amending the City of Tualatin Fee Schedule and Rescinding Resolution No. 4884-09

Richard Davis, 7995 SW Mohawk, Tualatin, OR, said in looking at the fee schedule he doesn't believe Council is looking at the big picture of what's happening in the current economic environment. His business is in employment and doesn't appear appropriate to increase fees.

City Manager Lombos explained the fee schedule is updated on a rotating basis and a process was put into place a few years back to look at a third of the fees each year. Except for two new planning fees, no increases were being made.

Council discussed the fee schedule process and clarified what was determined at work session. It was mentioned if adopting the fee schedule should be put off. Brief discussion followed.

MOTION by Councilor Truax, SECONDED by Councilor Beikman, to adopt the resolution amending the City of Tualatin Fee Schedule and rescind Resolution No. 4884-09.

MOTION CARRIED. [Vote: 6-1-1 YES – Ogden, Barhyte, Beikman, Davis, Truax; NO – Harris; ABSENT: Maddux]

G-5. Ordinance No. 1300-10 Adopting the Core Area Parking District Tax Rate and Credit – Fiscal Year 2010/11

Steve Titus, 10107 SW Sedlak Court, Tualatin, OR, commented regarding the public involvement portion of the staff report and the two notices sent to businesses regarding the proposed tax rate and credit. He was surprised that there was not any comments received from businesses or that no one came to either of the meetings.

Development Coordinator Eric Underwood noted there were two meeting notices, and there are business owners on the Core Area Parking District Board.

Notification in the core area was discussed and explained by staff. It was discussed ways to better reach businesses, and also explained how the tax fee is charged. Discussion followed.

MOTION by Councilor Beikman, SECONDED by Councilor Maddux to adopt the ordinance establishing a new Core Area Parking District tax rate of \$155.34 for Fiscal Year 2010/11 and that the tax credit remain unchanged.

Discussion on Motion

Councilor Harris noted a lengthy discussion about community outreach and is in favor of getting more information out to the public.

MOTION CARRIED. [Vote: 6-1; YES – Ogden, Barhyte, Beikman, Davis, Maddux, Truax; NO - Harris.]

I. EXECUTIVE SESSION

Mayor Ogden noted an executive session pursuant to ORS 192.660 (2)(d) to discuss labor relations was held at the beginning of the Work Session.

J. COMMUNICATIONS FROM COUNCILORS

None.

K. ADJOURNMENT

MOTION by Councilor Maddux, SECONDED by Councilor Barhyte to adjourn the meeting at 10:51 p.m. MOTION CARRIED.

Sherilyn Lombos, City Manager

Recording Secretary / Maureen Smith

