



City of Tualatin

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APPROVED BY TUALATIN CITY COUNCIL
Date 7-26-10
Recording Secretary M. Smith

TUALATIN CITY COUNCIL WORK SESSION MINUTES OF JULY 12, 2010

PRESENT: Mayor Lou Ogden; Councilors Chris Barhyte, Monique Beikman, Joelle Davis, Jay Harris, Donna Maddux [*arrived at 4:21 p.m.*], and Ed Truax; 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; Dan Boss, Operations Director; Carina Christensen, Assistant to the City Manager; Eric Underwood, Development Coordinator; 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 4:05 p.m.

Council reviewed the Consent Agenda with no changes.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. Land Use Notification Sign Template

Assistant Planner Colin Cortes presented information on sign templates for notification requirements of developer meetings. Council discussed how the notification signs will best portray what is needed to reach the public.

Discussion followed. Neighborhood developer meetings should include day, time and place. It was suggested having the developer provide a "realtor-type" box to have hard copies available on-site next to the notification sign, and limit the amount of wording on the signs to be able to increase the size of the notification portion. It was also suggested by Council to include a "button" on the website to direct visitors to the information on the particular development/issue.

2. Legislative Priorities for the 2011 Legislative Session

Assistant to the City Manager Carina Christensen presented information on the upcoming legislative session, and issues that the League of Oregon Cities (LOC) has requested to lobby for at the upcoming session. Only four can be submitted from each city to LOC's legislative agenda. Council discussed what their priorities might be, with the issues listed on a sheet distributed to Council. Discussion followed and initial choices were Items D, G, and J. Council continued to discuss the merits of the other issues listed. It was determined that Items D, G, J, and O, were the four issues Council will promote to LOC for the upcoming legislative session.

3. *Basalt Creek Planning Area – Agreements with Washington County and City of Wilsonville*
City Manager Lombos said staff has been in discussions with Wilsonville on the area of land between the two cities. She noted Wilsonville's Assistant Community Development Director Stephan Lashbrook was present and intern Ben Bryant, shared with Wilsonville to begin concept planning on the Urban Growth Boundary (UGB) Expansion Area.

Community Development Director Doug Rux gave an overview of the Memorandums of Understanding (MOU) and what has taken place to date. The concept planning process will take approximately one and a half to two years to complete and Metro's requirement is to complete the work by September 2012.

Brief discussion followed. It was asked and explained in the MOU about the mention of cities and counties working together and what it is intended to accomplish.

4. *Neighborhood Traffic Mitigation Process*
City Engineer Mike McKillip and Civil Engineer Kaaren Hofmann presented information on a process to facilitate neighborhood requests for traffic mitigation measures. Ms. Hofmann presented a PowerPoint displaying a page on the City's website that will go into effect if Council approves. A petition application and form will be part of the information available to citizens, and Ms. Hofmann explained the proposed process. It was asked and explained this process does not include signalization requests at this time. Questions were asked and explained about how the process could work and how staff would address the surrounding areas. Ms. Hofmann said she spoke with some property owners and their favorable response to the proposed process and webpage. Discussion followed on how to best address the process with respect to the requestor. It was suggested to have the application and petition forms on the website to be stamped as "samples". Council agreed to have staff move forward with the newly revised process
5. *List of Conditional Uses Allowed in Residential Districts*
City Manager Lombos said this issue has been discussed in two separate work sessions. The second session brought back additional information and a considerable amount of time was spent discussing what conditional uses should be allowed in residential. It was explained by the mayor his thoughts on involving residents in the process. Mention was made of the some of the uses that are *currently* allowed in the RL district that don't seem to belong. Discussion followed on what would be appropriate uses and whether or not to have a special work session.

It was suggested by Council to survey what other cities allow in their RL Planning Districts and also bring back information that Council has previously discussed. It was suggested instead of a special work session to start an early regular work session to allow for continued discussion.
6. Community Development Director Doug Rux gave a brief update on the Tonquin Employment Area. He noted staff has had discussions with Sherwood on this issue, and have made some changes.
7. A brief update was given by Assistant to the City Manager Carina Christensen on the first Council "Meet 'n Greet" session held Saturday. Council mentioned some of the issues that were brought up by citizens. The next Meet 'n Greet is scheduled during the Crawfish Festival in August.

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

2. Ordinance No. 1306-10 Increasing Parking Violation Fines in the Core Area Parking District; Amending TMC 8-1-360

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

H. ITEMS REMOVED FROM CONSENT AGENDA – N/A**I. COMMUNICATIONS FROM COUNCILORS****J. EXECUTIVE SESSION**

Mayor Ogden noted an executive session pursuant to ORS 192.660 (2)(d) to discuss labor relations and an executive session pursuant to ORS 192.660 (2)(h) to discuss current and pending litigation issues will be held after the work session.

K. ADJOURNMENT

The work session recessed at 6:08 p.m. and reconvened at 6:09 p.m. to go into executive session pursuant to ORS.192.660 (2)(d) to discuss labor relations and pursuant to ORS 192.660 (2)(h) to discuss current and pending litigation issues.

The work session adjourned at 6:43 p.m.

Sherilyn Lombos, City Manager

Recording Secretary / Maureen Smith

Maureen Smith



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TUALATIN CITY COUNCIL MEETING MINUTES OF JULY 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; 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 7:00 p.m.

The Pledge of Allegiance was led by Councilor Maddux.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. *Youth Advisory Council Update*

The Youth Advisory Council presented a PowerPoint and gave an update on activities, events, and recruitment of new members.

2. *Commuter Rail and High Speed Rail Updates*

City Engineer Mike McKillip gave a brief update on Commuter Rail. Have received the final orders from the Oregon Department of Transportation (ODOT) for rail crossing Improvements, with construction to start in August.

Regarding High Speed Rail, City Engineer McKillip referenced a recent article regarding ODOT's decision not to pursue federal stimulus funds but they are continuing with plans. City staff has been speaking at advisory committees and other organizations to get the information out to the community. Staff is also finishing up information for the website on the presentations, committee meeting minutes, etc. Mayor Ogden noted Councilors Maddux and Davis are participating in the planning phase to track the project and see where it will end up and how it could impact Tualatin.

3. *New Employee Introductions – Vivian Lorelied and Heidi Marx*

Community Services Director Paul Hennon introduced two new employees Heidi Marx and Vivian Lorelied, and gave a brief background on each. Ms. Lorelied is a part-time reference librarian working in the library, and Ms. Marx is a part-time recreation program specialist.

4. *Proclamation Declaring the Month of July 2010 as "National Recreation and Parks Month"*
Councilor Truax read the proclamation declaring July 2010, as National Recreation and Parks Month in the City of Tualatin.
5. *Announcement Regarding the City's New E-Mail Subscription Program*
Assistant to the City Manager Carina Christensen presented information on the City's new e-mail subscription program that is available on the City's website.

C. CITIZEN COMMENTS

None.

D. CONSENT CALENDAR

Item G-2 was placed on the Consent Agenda at work session. MOTION by Councilor Barhyte SECONDED by Councilor Barhyte to adopt the Consent Agenda as amended and read:

1. Approval of the Minutes of the Work Session and Meeting of June 14, 2010
2. Resolution No. 4988-10 Ratifying a Collective Bargaining Agreement between the City of Tualatin and the Tualatin Police Officers Association and Authorizing the City Manager to Execute the Agreement
3. Resolution No. 4989-10 Ratifying a Collective Bargaining Agreement between the City of Tualatin and the Tualatin Employees Association and Authorizing the City Manager to Execute the Agreement
4. Resolution No. 4990-10 Authorizing Non-Represented Employee Personnel Services Updates for Fiscal Year 2010-11
5. Resolution No. 4991-10 Allowing the Mayor to Sign a Quit Claim of a Public Sanitary Sewer Easement over Private Property that is No Longer Needed
6. Resolution No. 4992-10 Approving the Public Improvements for the Lower Tualatin Pump Station
7. Resolution No. 4993-10 Authorizing a Memorandum of Understanding Between the Cities of Tualatin and Wilsonville for Concept Planning the Urban Growth Boundary Expansion Area (Basalt Creek/West Railroad Planning Area)
8. Resolution No. 4994-10 Adopting Fee Schedule for the Trestle Shelter
- G-2. Ordinance No. 1306-10 Increasing Parking Violation Fines in the Core Area Parking District; Amending TMC 8-1-360

MOTION CARRIED.

E. PUBLIC HEARINGS – Legislative or Other

None.

G. GENERAL BUSINESS *(moved to this portion of agenda)*

1. Resolution No. ---- Approving a Development Agreement Between the City of Tualatin and Legacy Health Systems

Associate Planner Will Harper presented the staff report and entered the entire staff report, including additional items received, into the record. Mr. Harper gave a brief background on the Development Agreement (DA) process leading up to this discussion, and cited the issues that are addressed in the proposed DA. Also noted is a separate version of a proposed DA submitted by Fox Hills resident Todd Allison.

Associate Planner Harper said staff recommends Council consider the attached resolution and DA material and provide direction. Mike Riley, Tualatin Planning Advisory Committee (TPAC) member will be providing information. Also present representing Legacy Health Systems (LHS) is Allyson Anderson, Chief Administrative Officer (CAO) of Legacy Meridian Park Medical Center, and Brian Terrett, Director of Public Relations.

Mayor Ogden clarified the Development Agreement issue is *separate* from the public hearing on the Plan Map Amendment (PMA).

Mike Riley, representing Tualatin Planning Advisory Committee (TPAC), noted they did not have a quorum at their meeting, but did hold a discussion. TPAC members that were present, all agreed by consensus, and individually approved the DA presented in the Council packet. TPAC felt that LHS was reasonable, fair, and made several accommodations to the proposed DA.

LHS representative Allyson Anderson gave an update on what has taken place to date. At the Council's May 8, 2010 meeting, the City Council asked that Legacy "reach out" to the community, and Ms. Anderson believes they have exceeded that goal, having held several open houses. Ms. Anderson noted they have said all along they are "good neighbors" and will continue to be good neighbors. With the late submittal of the proposed DA from Fox Hills resident Todd Allison, LHS is requesting a continuance to September 13, 2010, to be able to adequately review the proposed amended DA.

CITIZEN COMMENTS

Sherry Benson, 5915 SW Sequoia Drive, Tualatin, OR, lives across Borland Road and Meridian Park Hospital has always been an excellent neighbor and respectful of the community and area. When the rezoning arose her concern was about trees and she attended the various open houses and was impressed with LHS, however she could not say that about some of the neighbors and their lack of respect. Ms. Benson said she totally supports the hospital's plan, and said there are many others that are also in support.

Jim Zupancic, 5916 SW Nyberg Lane, Tualatin, OR, neighboring landowner on behalf of Stafford Hills Racquet Club, believes good land use planning involves the needs of the overall community. In support of LHS of expanding its medical capability. Medical care is needed in this region and LHS has given quality care. Mr. Zupancic said he doesn't expect the DA will take care of everything, but the process will allow for more specifics as they are put on the table. He is in support of the hospital and believe they will be good neighbors.

Harold Brazier, 5744 SW Joshua Street, Tualatin, OR, said if understands the changes to the DA, Joshua, Natchez and Wichita Streets will be kept as dead-ends, and said he appreciated LHS keeping them as dead ends.

Todd Allison, 5753 SW Joshua Street, Tualatin, OR, commented for the record he appreciates LHS's willingness to take a look at the proposed DA he submitted. Mr. Allison said the communication with three open houses that were held did not allow for community discussion, and he believes LHS was not forthcoming with information and how it was presented. Council gave clear direction on working with the neighborhood and LHS, and Mr. Allison said he wants Council to understand there are concerns that remain by the residents.

Mayor Ogden asked Mr. Allison explained what changes he proposes to the current proposed DA. The major concern is the amount of traffic that will be created. Mr. Allison said the adjustments he's made are not that extensive, but make sure there is a sufficient flow of traffic. Residential needs to stay residential, according to Mr. Allison, and noted that Tualatin Valley Fire & Rescue (TVFR) has asked one of the dead-ends to go through, although can be angled. Other changes include changes to the berm, and building heights. Mr. Allison said he recognized LHS's willingness to keep the 75 foot building height at 75 feet, but it is not in writing. He also proposed looking at the number of trees, and providing more protection for them.

Linda Webster, 5200 SW Joshua Street, Tualatin, OR, has lived in Tualatin for 32 years, and her complaint is there is not a fire station nearby, and asked how the fire department would even be able to get to the area. Ms. Webster said there is plenty of land at LHS to build a fire substation. There is only one access road from Nyberg to I-5, and Ms. Webster said she would appreciate if Council would give serious consideration to a fire substation on this side of the freeway.

Mayor Ogden noted that Tualatin Valley Fire & Rescue (TVFR) is a *regional* fire district, separate from the City.

Phil Chizum, 19650 SW 56th Court, Tualatin, OR, said he is in support of the changes to DA as submitted by Mr. Allison. He is in support of the rezoning, but his concerns are with traffic issues, and hopes that LHS will continue to work with the neighbors.

Barbara Fronczak, 19135 SW 65th Court, Tualatin OR, said she has been before Council before, and asked why vacant office space in Tualatin couldn't be used. She is still uncertain about the Stafford Hills development, and said there are 700 homes in the area. She chose Tualatin because of the vision of developing the City.

Cathy Holland, 10740 SW Lucas Drive, Tualatin, OR, said her group have been working with the residents to see how the process works and believes there is an opportunity to have an exchange of information and encouraged Council not to look to outside consultants, but to look to the neighbors. Not wanting to stop growth but want to be able to work better. Would work better if there was a neighborhood association, and recognized there is a process that is moving forward on addressing this.

Jerry Westfall, 5719 SW Joshua Street, Tualatin, OR, has lived here 25 years on Joshua Street. After LHS acquired the property, it changed how the property would be developed by LHS. He was concerned about the opening of one of the streets could create problems.

Renee Balsiger, 5885 SW Wichita Street, Tualatin, OR, important to her is transportation and the amount of cars able to handle it. The berm and concrete wall is also important. The access for emergency vehicles hasn't been a problem, and she said Meridian Park Hospital has been a good neighbor, and wants LHS to work with the neighbors.

Gillian Nelson, 5704 SW Joshua Street, Tualatin, OR, said she is a new resident to the subdivision. Her biggest concern is the potential of having increased traffic down their dead end street. Ms. Nelson also thanked LHS for extending the negotiations.

Nancy Grimes, 19710 SW 56th Court, Tualatin, OR, wants to register support of the Todd Allison amended DA, and said it is the first time in writing that articulates the neighbors' concerns. The main issue of having specific setbacks requirements by height from the amended DA was important, and the berm requirements. Traffic issues is also of concern, and putting back onto 65th is also important. Ms. Grimes also mentioned a small concern about addressing the smoking issue. Ms. Grimes said she appreciated LHS wanting to take the time to look at the amended DA.

Terri Peterson, 19275 SW Mobile Place, Tualatin, OR, said she is in support of the proposed amended DA. Her primary concern is the increased traffic, particularly with the Stafford Hills development coming.

Paul Peterson, 19338 SW 55th Court, Tualatin, OR, said he also proposes the amended DA, as well as limitation on the building heights. It was asked and explained the DA would carry through to future owners of the property.

Mike Riley, 8720 SW Tualatin Road, Tualatin, OR, and a member of TPAC, said his understanding from original DA was none of the dead ends were going to be extended.

Community Development Director Doug Rux said the proposal in packet referred to fire lanes, and in recent conversations with TVFR whether all three have to have fire lane. They are not intended to be public roads.

It was asked and Mr. Allison explained his recommendation from his amended DA, in Section 4.2 there would not be any emergency access, although he understands about having turnarounds, but not necessarily having access through.

Jerry Westfall, 5719 SW Joshua Street, Tualatin, OR, said as mentioned earlier that there is not any fire stations on their side of the freeway.

Heidi Kindell, 5631 SW Natchez, Tualatin, OR, said her concern if traffic is too busy on 65th, and she didn't want to see cut-through traffic because 65th isn't improved

Greg Shelby, 5731 SW Calusa Loop, Tualatin, OR, said his concerns are of tree preservation issues. He moved to Tualatin in 1987 and what made the property unique is the stand of forest by Calusa Loop. His hope and goal is to get some specific distances for tree preservation.

Mike Watson, 5477 SW Sequoia Drive, Tualatin, OR, wondered about road noise that backs up to Borland Road and if homeowners will be responsible for the fencing due to increased traffic.

It was asked and Associate Planner Harper explained how the process of being able to comment on the DA was done, and that information about the DA and the Plan Text Amendment proposal is available in the staff report and has been available on the City's

website. Open houses were held by LHS. Council questioned whether the process was that helpful.

Brian Terrett, representing LHS, 1919 NW Lovejoy, Portland, OR, was present and responded to the comment that there is information for residents that was available at the open houses in the staff report. It was asked and Mr. Terrell explained that LHS will need to take a look at both the proposed DA and recently submitted DA to ascertain what the actual differences are. LHS is committed to doing so. It was asked and Mr. Terrett explained that they just asked for their architects to put together some drawings of what it might look like designed to 75 feet, and not meant to be an actual proposal. Mr. Terrett said LHS wants to be as open and upfront as possible.

It was asked and Associate Planner Harper said the engineering firm memorandum is in the Council's supplemental packet information. It was asked and Ms. Anderson said between now and September 13, 2010 they will give the alternate DA consideration and will work with staff. Ms. Anderson said they don't want to render the property useless. Council also noted for LHS to continue to work with the neighborhood, and make certain that any comments collected are getting back to the neighbors.

A break was taken from 8:58 p.m. to 9:06 p.m.

It was asked about the TVFR standards, and if the City has any leeway. Community Development Director Rux said he spoke with the Deputy Fire Marshal that the three turnarounds would be required. When the subdivision was built the intention was always that the street would go through. Community Development Director Rux said he could meet with the Fire Marshal to discuss this issue. A councilor commented that the streets have been dead end for so long and if there wasn't development, they would remain as they are. City Engineer Mike McKillip explained what has been done in the past in subdivisions, and that fire department rules and regulations have changed over the years. There is always a provision for turnarounds of some sort. Since then, the City has changed standards in the Development Code. The fire code is a separate document administered by TVFR. Staff will try to work out a situation that's agreeable but not knowing what exactly will be built on the property, City Engineer McKillip said he would be hesitant to not take TVFR's recommendations and it would open the City to liability. His experience is TVFR works with people on issues such as this. Brief discussion followed.

It was asked of Ms. Anderson regarding a question that has been raised about the corporate policy on "no smoking". Ms. Anderson said she is not prepared to say it would not be a smoke free campus, but is willing to listen to what can be arrived at to address the smoking issue.

Mayor Ogden said in the interest of arriving at an agreeable situation, asked Ms. Anderson and Mr. Allison to meet together with the two DA's and ask the City staff be the "moderator" of the discussion, which could also include councilors. Ms. Anderson said LHS would be interested but her question is who would be the group of neighbor representatives. Mr. Allison said it could work and he wants to be fair. His concern is how to arrive at the end agreement.

Ms. Anderson noted their request for continuance to September 13, 2010, and she will be available to meet when needed between now and then.

Mayor Ogden closed the hearing on the DA.

F. PUBLIC HEARINGS – Quasi-Judicial

1. Public 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 .25 Acres of Abutting Right-of-Way; Amending the Community Plan Map 9-1 (PMA-09-03)

Mayor Ogden opened the public hearing and noted the hearing was continued from March 8, 2010.

Legacy Health Systems representative Allyson Anderson waived the 120-day requirement and requested a continuance to September 13, 2010.

MOTION by Councilor Truax, SECONDED by Councilor Harris to continue the public hearing to September 13, 2010. MOTION CARRIED.

2. Public Hearing to Consider a Resolution Granting a Conditional Use Permit to Allow an Outdoor “Doggie Day Care” (Pet Day Care) in the General Commercial (CG) Planning District at 17620 SW 63rd Avenue (Tax Map 21E 18BC, Tax Lot 1400) (CUP-10-01)

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.

Associate Planner Will Harper presented the staff report and entered the entire staff report into the record. This is a request to allow an indoor and outdoor pet day care use. The subject property is a multi-tenant building. There is a vicinity map and site plan available. Staff has been working with the applicant and during the course of the Plan Text Amendment (PTA-10-01), allowing outdoor pet day care as a condition use. Mr. Harper reviewed the conditions requested and explained in the staff report.

Joseph Schaefer, 1211 SW Fifth Avenue, Portland, OR, representing the applicant was present and said they agreed with staff's recommendation. Phil Brazell was also present.

PROPOSERS/OPPONENTS – None.

COUNCIL DISCUSSION

It was asked and Mr. Brazell displayed a portion of the type of grass that will be used outside for the “doggie day care”.

Mayor Ogden closed the public testimony portion of the hearing.

COUNCIL DELIBERATIONS

MOTION by Councilor Barhyte, SECONDED by Councilor Truax to grant CUP-10-01 to allow an outdoor “doggie day care” (pet day care) in the General Commercial (CG) Planning District at 17620 SW 63rd Ave (Tax Map 21E 18BC, Tax Lot 1400), with conditions as stated in the staff report.

Discussion on Motion

Councilors Beikman and Maddux asked and the Motion was clarified.

MOTION CARRIED.

MOTION by Councilor Maddux, SECONDED by Councilor Davis, to adopt the resolution granting CUP-10-01 to allow an outdoor pet day care use with conditions as stated in the staff report. MOTION CARRIED.

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 relations and ORS 192.660 (2)(h) to discuss current and pending litigation issues were held after the work session.

J. COMMUNICATIONS FROM COUNCILORS

Councilor Maddux noted the Tualatin Farmers Market every Friday from 4:00 p.m. to 8:00 p.m. through September 24, 2010 on the Commons, and the upcoming ArtSplash event July 23-25, 2010. Councilor Maddux also mentioned as representative on the Washington County Commission on Children and Families, although with state budget cuts, there was consensus of the importance to continue with the annual youth summit.

K. ADJOURNMENT

MOTION by Councilor Harris, SECONDED by Councilor Barhyte to adjourn the meeting at 9:44 p.m. MOTION CARRIED.

Sherilyn Lombos, City Manager

Recording Secretary / Maureen Smith

