



**TUALATIN CITY COUNCIL
AND
TUALATIN DEVELOPMENT COMMISSION**
Monday, October 25, 2010

City Council Chambers
18880 SW Martinazzi Avenue, Tualatin, Oregon

WORK SESSION begins at 5:00 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.

Council meetings are televised “live” on the day of the meeting on Washington County Cable Access Channel 28. The replay schedule for Council meetings can be found at www.tvctv.org.

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 3 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 92.660(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

Page No.

- 1. Measure 34-180 Washington County Cooperative Library Services Levy Renewal Information
- 2. ~~Tualatin Tomorrow Presentation – Health, Safety & Social Services~~ not held at this meeting

C. CITIZEN COMMENTS

This section of the agenda allows citizens to address the Commission 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 – 2)

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.

- 2. Approval of Minutes of the Work Session and Meeting of September 27, 2010
and the Work Session and Meeting of October 11, 2010
- 2. Resolution No. **5008-10** Authorizing a Revocable Permit to Allow Construction Staging.....
on SW Seneca Street and a Temporary Covered Pedestrian
Walkway with Scaffolding on SW Boones Ferry Road Sidewalk

E. PUBLIC HEARINGS – Legislative or Other
None.

F. PUBLIC HEARINGS – Quasi-Judicial
None.

G. GENERAL BUSINESS
None.

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



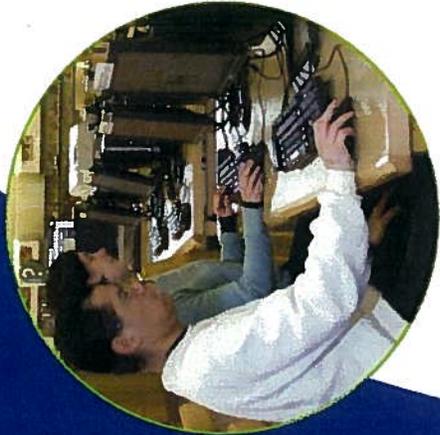
CITY COUNCIL SIGN-UP SHEET

DATE: OCTOBER 25, 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.	<i>Rita Perry</i>				
2.					
3.					
4.					
5.					
6.					
7.					
8.					



Five-Year Local Option Levy Renewal for Washington County Cooperative Library Services

2011-2012 through 2015-2016 Measure 34-180



City of Tualatin



Washington County
Cooperative Library Services



Tualatin Library is a WCCLS member

- Partnership between County, 9 cities & 2 non-profits
- WCCLS has provided funding for public library operations, central support and outreach programs for 34 years



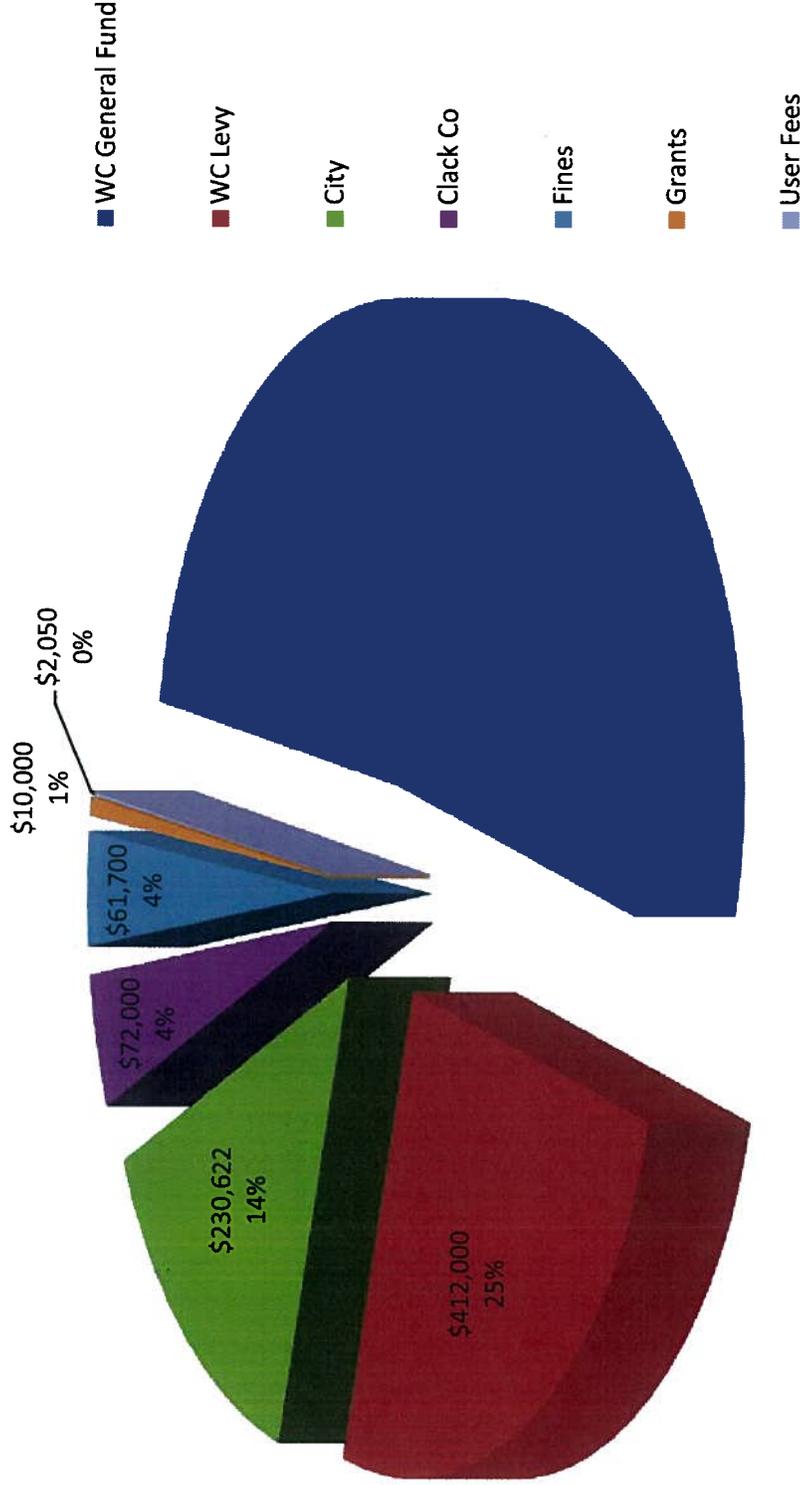
City of Tualatin



Washington County
Cooperative Library Services



How is Tualatin Public Library funded?



City of Tualatin

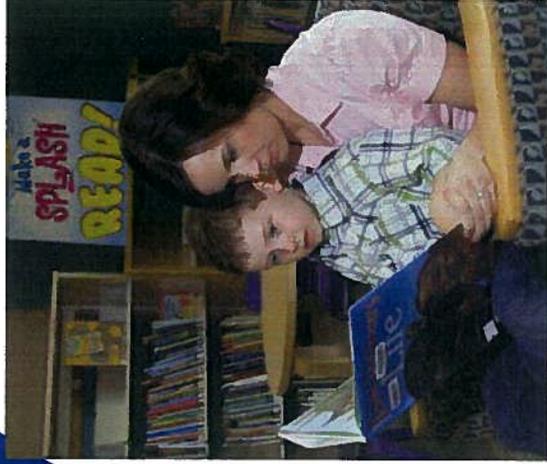


Washington County
Cooperative Library Services



Levy Renewal Would:

- Support children and teen reading programs, and help prepare preschoolers to enter school “ready to read”
- 8000 kids participate in reading programs each year at Tualatin Library
- 1960 kids and teen participated in summer reading



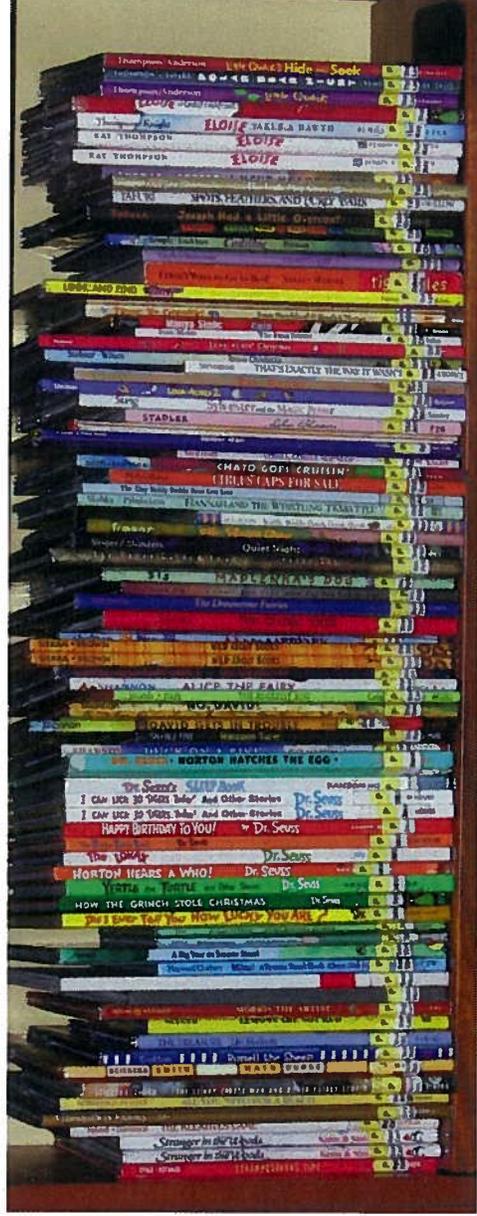
City of Tualatin





Levy Renewal Would:

- Fund the purchase of books and other materials
- Tualatin Library has 95,000 items



City of Tualatin





How would levy renewal affect taxes?

- 5-yr levy proposed to replace 4-yr levy, which expires June 2011
- 17¢ rate per \$1000 assessed value
- Unchanged from current rate
- \$37 on average assessed home in 2011-12





Use of the Tualatin Library

Over the last 2 years:



- Circulation (checkouts) +63%
- Library visitors +92%
- Kids programs offered +34%
- Countywide projection for levy term: checkouts +9% annually, passing 18 million in 2016



City of Tualatin





What would happen if levy renewal is not approved?

- Expiring levy provides 25% of funding for Tualatin Public Library
- Without levy funding, reductions in hours, book purchases & services would result.





For more information (incl. sources for statistics cited):

- Public Information Meetings on Oct 20 and 26.
- Abigail Elder at (503) 691-3066
- www.WCCLS.org/levy





STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

FROM: Sherilyn Lombos, City Manager

DATE: October 25, 2010

SUBJECT: APPROVAL OF THE MINUTES FOR THE WORK SESSION AND MEETING OF SEPTEMBER 27, 2010, AND THE WORK SESSION AND MEETING OF OCTOBER 11, 2010

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve the minutes of the Work Session and Meeting of September 27, 2010, and the Work Session and Meeting of October 11, 2010.

RECOMMENDATION:

Staff respectfully recommends that the Council adopt the attached minutes.

FINANCIAL IMPLICATIONS:

There are no financial impacts associated with this item.

Attachments: A. Minutes



City of Tualatin

www.ci.tualatin.or.us

APPROVED BY TUALATIN CITY COUNCIL

Date 10-25-10

Recording Secretary W. Smith

TUALATIN CITY COUNCIL WORK SESSION MINUTES OF SEPTEMBER 27, 2010

PRESENT: Mayor Lou Ogden; Councilors Chris Barhyte, Monique Beikman, Joelle Davis, Jay Harris, and Ed Truax, Sherilyn Lombos, City Manager; Brenda Braden, City Attorney; Mike McKillip, City Engineer; Kent Barker, Police Chief; Paul Hennon, Community Services Director; Dan Boss, Operations Director; Ben Brandt, Intern to the City Manager; Carl Switzer, Parks and Recreation Manager; Eric Underwood, Development Coordinator; Will Harper, Associate Planner; Stacy Crawford, Recording Secretary

ABSENT: Councilor Donna Maddux* [** denotes excused*]

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

A. CALL TO ORDER

Mayor Ogden called the work session to order at 5:07 p.m.

Council reviewed the Consent Agenda with no changes.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. Conditional Uses Allowed in Residential Planning Districts

City Manager Lombos began the discussion on Council consideration of conditional uses currently allowed in residential that are no longer suitable or compatible with residential development. It was asked by Council to have further review of electrical substations and nursing homes/assisted living.

Associate Planner Will Harper reviewed information on Nursing/Convalescent Homes. It was asked and answered that Farmington Square facility does not fall under the term "Nursing/Convalescent Homes." Staff would like to do more work as terms overlap, etc. State and federal regulations were also discussed.

Council decided to change building height maximum to 50ft. for Medium-Low Density Residential (RML), Medium-High Density Residential, and High Density Residential Planning Districts, but allow water reservoirs a greater height. Council decided to remove convalescent and/or nursing homes as an RL use, and allow in RML through RMH-HR. State definitions and regulations were reviewed, and it was suggested to revise current terms to align with state regulations. Council decided to remove as a conditional use in RL-RH/HR. Council also reviewed and determined to allow existing conditional use to expand by the grandfathering of electrical substation and above ground natural gas pump station.

2. *Tonquin Trail Alignment*

City Manager Lombos noted previous discussion with Council and a driving tour that was done with Council of the alignments to be able to see some of the issues associated with the alternatives. The Tonquin Trail will be a regional trail connecting the Willamette River and Tualatin River with safe pedestrian and bicycle-friendly connections between Wilsonville, Sherwood and Tualatin, and will serve commuter and recreational users. The Tonquin Trail Master Plan is being developed with the cities of Tualatin, Wilsonville, and Sherwood, Washington and Clackamas counties, the Oregon Department of Transportation (ODOT) and other stakeholders. Tualatin is contributing funds to assist in the master planning.

Considerable discussion followed. Not having the trails go through neighborhoods and be located on streets was discussed. Serving the needs of the City currently was also discussed.

Council asked staff to bring back a preferred plan that has no trails going through any neighborhoods and no on-street trails.

3. *Pedestrian Bridge to Lake Oswego*

City Manager Lombos said this bridge is in the Council's Strategic Management Goals. Lake Oswego has been the lead on this project, but work has stalled for a number of reasons. This discussion is generated from at least one councilor request to take a proactive, lead role in this project.

Considerable discussion followed. Whether Tualatin should take the lead on this project was discussed, and if so, what staff should be involved and would Lake Oswego continue to be involved. It was mentioned about a new grant for studies like this project and the information will be passed on to Community Services.

4. *Barbur Light Rail to Sherwood Alignment*

City Engineer Mike McKillip gave a PowerPoint presentation on the Southwest Corridor Refinement Plan. It is an update on the process and no decisions are needed at this time. The project is to bring light rail down Barbur to Sherwood. The alignment most frequently discussed is down Highway 99W.

Council discussed the proposed alignment and the importance of having a discussion as a community as anything that happens on 99W in Tigard does affect Tualatin. Also mentioned was connecting WES with light rail in Tigard might be the answer. The importance of staying connected as to what is happening with this project was mentioned. Discussion followed.

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

Mayor Ogden noted an executive session pursuant to ORS 192.660(2)(i) to discuss employee performance will be held after the regular meeting.

K. ADJOURNMENT

The work session adjourned at 6:58 p.m.

Sherilyn Lombos, City Manager

Recording Secretary / Stacy Crawford





City of Tualatin

www.ci.tualatin.or.us

APPROVED BY TUALATIN CITY COUNCIL

Date 10-25-10

Recording Secretary [Signature]

TUALATIN CITY COUNCIL MEETING MINUTES OF SEPTEMBER 27, 2010

PRESENT: Mayor Lou Ogden, Councilors Chris Barhyte, Monique Beikman, Joelle Davis, Jay Harris, 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: Councilor Donna Maddux* [** denotes excused*]

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

A. CALL TO ORDER

Mayor Ogden called the meeting to order at 7:10 p.m.

The Pledge of Allegiance was led by Councilor Davis.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. *Farewell to Tualatin Valley Fire & Rescue Chief Jeff Johnson & Introduction of Fire Chief Mike Duyck*

Mayor Ogden thanked Chief Johnson for his career of 32 years of fire service, 15 of which were as Fire Chief. Chief Duyck mentioned in the audience is District Chief Schward. He stated that to develop what Chief Johnson has started they have had an opportunity to do a recent reorganization, and Chief Schward will take over the oversight of the south division office which Tualatin is in. They will also be coming back before Council in the near future with the new fire code adoption, explanation and resolution.

2. *Measure 34-179 Levy Renewal for Countywide Public Safety Services*

Washington County District Attorney Bob Hermann, and Washington County Sheriff Lieutenant Mike Lenahan discussed the 2010 Measure 34-179 Levy Renewal for Countywide Public Safety Services for the November ballot. This levy is required by Oregon law and the renewal of this levy at 0.42 cents at the same level of service is less than when it began.

3. *Proclamation Declaring October 2010 as "National Arts & Humanities Month"*

Councilor Davis read the proclamation declaring October 2010 as "National Arts & Humanities Month"

4. *International Walk + Bike to School Day Presentation*

Councilor Beikman gave a PowerPoint presentation about International Walk + Bike to School Day which is held on October 6, 2010. Councilor Harris suggested that it should be a goal to make it more of a community event next year and include the City of Tualatin and the Chamber of Commerce. He would like to see it be for either school or work.

5. *New Employee Introduction – Pauline Williams, Finance Department*
Finance Director Don Hudson introduced Ms. Pauline Williams as the new Office Assistant for the Finance Department.

C. CITIZEN COMMENTS

Linda Moholt, CEO-Tualatin Chamber of Commerce, 18791 SW Martinazzi Avenue
Ms. Moholt gave a brief update on Chamber activities and upcoming community events. A new program for Candidates Election 2010 kicks off Tuesday, September 28, 1010, 7:30 a.m. at VFW Hall. It's open to the public and an informal chance to speak to your favorite candidate. Another opportunity is the Chamber Networking AM hosted by the City of Tualatin on Friday, October 1, 2010 at the new picnic shelter (Trestle) in Tualatin Community Park. Saturday, October 23, 2010 is the Regatta Run that is held in conjunction with the 7th Annual West Coast Giant Pumpkin Regatta. It's a benefit in honor of the Corporal Matthew Lembke Scholarship Fund for a graduating Tualatin High School student.

D. CONSENT AGENDA

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

1. Fiscal Year 2009/2010 Water System Development Charge (SDC) Report
2. Resolution No. **5005-10** Authorizing an Application by the City of Tualatin for a Community Development Block Grant Public Facilities Project Proposal to Renovate the Juanita Pohl Center
3. Resolution No. **5006-10** To Adopt an Intergovernmental Agreement between the Tigard-Tualatin School District and the City of Tualatin for Safe Schools and Healthy Students

MOTION CARRIED.

E. PUBLIC HEARINGS – Legislative or Other

None.

F. PUBLIC HEARINGS – Quasi-Judicial

None.

G. GENERAL BUSINESS

1. City Elections Official Filing of Initiative Petition 2010-01i with the City Council

City Manager/Elections Official Lombos explained filing with the City Council a perspective petition that was received on April 23, 2010, that calls for an amendment to the City Charter requiring voter approval of certain non-park uses on parkland. The chief petitioners submitted signed petitions on August 25, 2010 and the City performed due diligence, and the appropriate required number of signatures were verified. This action will cause the petition to be placed on the March 8, 2011 ballot. The City Council acknowledged the filing of this petition.

2. Ordinance No. 1311-10 Relating to Codification; Allowing the City Attorney to Correct Job Titles and Department Names; and Amending TMC 1-1-020

MOTION by Councilor Truax, SECONDED by Councilor Barhyte for a first reading by title only. MOTION by Councilor Truax, SECONDED by Councilor Barhyte for a second reading by title only. MOTION CARRIED. The poll was unanimous. [Maddux absent.] MOTION by Councilor Truax, SECONDED by Councilor Barhyte to adopt the ordinance. 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)(i) to discuss employee performance will be held after the regular meeting.

J. COMMUNICATIONS FROM COUNCILORS

None.

K. ADJOURNMENT

MOTION by Councilor Truax, SECONDED by Councilor Davis to adjourn the meeting at 7:51 p.m. MOTION CARRIED.

Sherilyn Lombos, City Manager

Recording Secretary / Stacy Crawford





TUALATIN CITY COUNCIL WORK SESSION MINUTES OF OCTOBER 11, 2010

PRESENT: Mayor Lou Ogden; Councilors Chris Barhyte, Monique Beikman, Joelle Davis, Jay Harris, Donna Maddux, and Ed Truax; Sherilyn Lombos, City Manager; McKillip, City Engineer; Kent Barker, Police Chief; Don Hudson, Finance Director; Paul Hennon, Community Services Director; Dan Boss, Operations Director; Aquilla Hurd-Ravich, Acting Planning Manager; Ben Bryant; 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 5:00 p.m.

Council reviewed the Consent Agenda with no changes.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. *Poole Quarry Hearing – Tualatin’s Comments*

Assistant Planner Cindy Hahn was present to give an update on the Conditional Use Permit submitted to Clackamas County regarding the proposed Poole Quarry. Ms. Hahn distributed a memorandum from Matt Wellner, of Tonquin Holdings summarizing the mining plan and impact mitigation of the Poole Quarry. A revised letter to Clackamas County with Council revisions was distributed. Assistant Planner Hahn said the memorandum from Tonquin Holdings is more of a summary what is already problematic.

Discussion followed on concerns by Council of the impacts the quarry would have to Tualatin and the adjoining neighborhoods.

Noise levels were discussed and the quarry being held to their noise measures. It was also asked and City Manager Lombos replied that she will review all the concerns the Council has and how they would relate if an appeal was made to the Land Use Board of Appeals (LUBA).

Council continued with discussion on their concerns about the quarry proposal. It was suggested to have a professional assess the noise levels, and actually the broader issue of the entire area. Concern was expressed about having “factual” information to present to the County Hearings Officer. Continued discussion on how criteria can be applied to the issues

of the quarry. It was asked in the summary objections to include wording such as "...condition has not been met" as it's done in staff reports. It was asked to determine Washington County's position on this issue. Also asked is whether the hearing could be delayed to allow more time to gather information. It was mentioned Wilsonville is also objecting to the proposed quarry. It was asked to know the governing rules of the hearings officer process.

City Manager Lombos summarized staff will resend the quarry application to Council; discuss with the City Attorney about creating standing for LUBA; restructure Tualatin's response to the County to mimic a standard findings report; discussed hiring a sound engineer to look at the increase in noise with the new quarry operation and examine their noise analysis..

2. *Regional Water Sales Agreement*

City Manager Lombos said staff had discussed earlier in the year various water issues, such as Sherwood's proposal to spend additional funds to upsize pipe, and additional options, etc. Council gave direction to staff not to move forward with Sherwood's proposal, and to revisit the contract with Portland, what is the "trigger" date for discontinuing, and to take a look at the Clackamas River.

City Engineer Mike McKillip gave a brief review of the agreement with Portland and a few sections that are the most important, such as the nature of service, duration and renewal periods. He explained the notice to Portland is given in five year increments, and there would need to be a process to go through if Tualatin were to change from Portland.

Council discussed the ramifications of what could happen if notice is given to Portland or by Portland, and how Tualatin would address. Discussion about how Portland handles supplying water to entities and that they do not have as many customers as they have had in the past. It was asked and explained what alternatives there are if Tualatin chose not to continue with Portland.

Discussion followed on Tigard's decision to change their water supplier, which is from the Clackamas River. Rate structure was also discussed and what Tigard and Lake Oswego are doing to pay for their water. It was asked to go back to the analysis of what was done and what it would cost to change water supply sources. It was suggested to take a look at the last analysis that was done and distribute to Council for review. Some concern was expressed about having a contingency plan, in case Portland were to cancel their contract. Council also asked to review the agreement every years to stay on track and continue to look at options.

City Engineer McKillip also gave an update on Aquifer Storage and Recovery (ASR), and said will be starting to inject water, adding chlorine at the well heads and testing, and should be back in business sometime in the spring.

3. *Service Levels Discussion – Continued*

Finance Director Don Hudson presented an informational PowerPoint on follow-up from the special work session discussion on service levels. He reviewed with Council and explained the side by side comparison chart, the fiscal health analysis, and what the projected "gap" will be in the coming years. The departments are also doing exercise on services provided

and what opportunities could be done to leverage current one-time funds to create future ongoing savings, contracting or sharing services. Finance Director Hudson noted it is a "creative" exercise and no decisions are being made from the exercise. Also reviewed was the timeline for the prioritization process of what will be done this fall, and the beginning the fiscal year process in January. Brief discussion followed.

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

Council President Barhyte, as City representative on the Metropolitan Area Communications Commission (MACC), said they are still working on what services will continue to be provided by Tualatin Valley Community Television (TVCTV). It was explained that Tualatin will not lose any services of what is currently offered. What is in question is "sponsored" programming.

Councilor Beikman said the Washington County Coordinating Committee (WCCC) is looking to make a decision of what projects to present to federal legislators at the National League of Cities conference in March. Traffic priority is a top contender.

Mayor Ogden noted a seminar at Concordia College in November on citizen involvement and suggested sponsoring a few of the Ad Hoc Committee on Citizen Involvement group to attend.

J. EXECUTIVE SESSION

None.

K. ADJOURNMENT

The work session adjourned at 7:01 p.m.

Sherilyn Lombos, City Manager

Recording Secretary / Maureen Smith





TUALATIN CITY COUNCIL MEETING MINUTES OF OCTOBER 11, 2010

PRESENT: Mayor Lou Ogden, Councilors Chris Barhyte, Monique Beikman, Joelle Davis, Jay Harris, Donna Maddux, and Ed Truax; Sherilyn Lombos, City Manager; Mike McKillip, City Engineer; Paul Hennon, Community Services Director; Kent Barker, Police Chief; 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 7:10 p.m.

Colors Posted by Tualatin Police Honor Guard followed by Pledge of Allegiance led by Police Chief Kent Barker.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. Life Saving Award Presentation to Gabe Grossman

Police Chief Kent Barker began by giving a brief background on the shooting incident last November at a local business in Tualatin, and how Gabe Grossman was instrumental in saving gunshot victim Tony Ochoa. Mr. Ochoa was present and described his injuries by the shooter and Mr. Grossman's efforts to stabilize him until paramedics arrived.

To honor and recognize Gabe Grossman for his life-saving efforts Police Chief Barker presented him with a Life-Saving Medal. A standing ovation followed.

2. Introduction of Newly Appointed Police Captain, Lieutenant and Sergeant

Police Chief Barker began by noting he has been with the City of Tualatin for seven years and a lot has changed, and promotions have taken place with changes to the management team.

Police Chief Barker introduced newly promoted police officers Captain Mark Gardner, commander of patrol division, Lieutenant Greg Pickering, Sergeant Jim Noragon, investigative sergeant, and Sergeant Brian Struckmeier, a patrol team supervisor; and gave a brief background on each.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS *[continued from previous page]*

3. *Tualatin Elementary Arts Foundation (TEAF) After School Program (added to the agenda)*
Teacher Kathryn LePore, from Tualatin Elementary School, was present, along with students. Ms. LePore explained she came before Council last month regarding the "Refresh Everything" project that awards grants to various non-profit programs, schools, and services. They are trying again this month to get enough votes to be able to continue the after school program. Ms. LePore said participation is needed by voting for the TEAF program, and she explained the different ways people can vote. Students from the elementary school spoke on their positive experiences with the after school program.

4. *Tualatin's International Walk + Bike to School Day Presentation*
Community Services Director Paul Hennon, Parks and Recreation Manager Carl Switzer and Teen Program Specialist Julie Ludemann were present and were pleased to inform Council of two awards that were received from the Oregon Recreation and Parks Association (ORPA). The City received an award and Ludemann has received an award. Staff also thanked Councilors Barhyte and Beikman for their leadership in the program. A PowerPoint was shown outlining the program and recent event.

Mayor Ogden thanked staff and the Council for their involvement and support of this program. Councilors Barhyte and Beikman also thanked Ms. Ludemann for her work on the program.

5. *2010 West Coast Giant Pumpkin Regatta Announcement*
Parks and Recreation Manager Carl Switzer presented information on the 7th Annual West Coast Giant Pumpkin Regatta. The regatta was voted "2009 Best Festival in Oregon" by the Oregon Festival and Events Association. There is more fun being offered this year, and invited Council and the community to the event on Saturday, October 23, 2010. Parks and Recreation Manager Switzer also noted and thanked the sponsors of the event.

6. *Tualatin Youth Advisory Council Update*
Members of the Youth Advisory Council (YAC) were present and gave an update on activities they have participated in, and upcoming events.

7. *Measure 34-180 Washington County Cooperative Library Services Levy Renewal Information*
Library Manager Abigail Elder presented information on the levy on the November 2010 ballot in Washington County. Ms. Elder explained the Washington County Cooperative Library Services (WCCLS) has been around for 34 years and gave a brief history. The funds received from the co-op fund approximately 25% of the Tualatin Library. If the levy is renewed, it would continue to be the same rate as is currently. More information is available on the WCCLS website and the City's website. An open house is being held on October 26, 2010 at the Library Community Room to get more information.

Councilor Harris stressed the importance of this levy and ask for support. Mayor Ogden explained that only factual information about the levy has been provided by staff. He also recited the benefits of the library and the increased use over the past few years.

8. *Commuter Rail / High Speed Rail Update*

City Engineer Mike McKillip presented a PowerPoint on the Commuter Rail train horn noise mitigation. He noted work is progressing and information and outreach has been done. The work is on schedule for completion in December. Photographs were displayed of the work being done. It was asked about a pedestrian gate on the corner of Community Park and City Engineer McKillip said the pathway has a gate. It was asked to consider placing a pedestrian gate over the tracks, due to the amount of foot traffic at that location. It was also asked to be sure information on the train horn noise mitigation is given to the railroad engineers.

City Engineer McKillip continued with a brief update on high speed rail, and noted Clackamas County is working on a letter to send to the Oregon Transportation Commission regarding the project. It was asked and staff will double-check to be sure cities are also included in the letter, not just the county. It was asked and explained there is apparently a committee forming on "funding" of the rail, and City Engineer McKillip said he will get more information to Council as soon as is possible.

C. CITIZEN COMMENTS

None.

D. CONSENT CALENDAR

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

1. Approval of the Minutes of the Work Session and Meeting of September 13, 2010 and the Special Work Session of September 14, 2010

MOTION CARRIED.

E. PUBLIC HEARINGS – *Legislative or Other*

None.

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; and Amending the Community Plan Map 9-1 (PMA-09-03)

Mayor Ogden opened the public hearing and noted it was continued from October 11, 2010. There has been a request by the applicant to continue the hearing to November 8, 2010.

MOTION by Councilor Barhyte, SECONDED by Councilor Davis to continue the hearing to November 8, 2010 . MOTION CARRIED.

G. GENERAL BUSINESS

1. Consideration of a Development Agreement Between the City of Tualatin and Legacy Health Systems

It was noted this item is also continued to the November 8, 2010 City Council meeting.

2. Resolution No. 5007-10 To Accept the Southwest Concept Plan

Senior Planner Aquilla Hurd-Ravich presented information on the Southwest Concept Plan, Alternative IV. The plan and map, if accepted, will be forwarded to Metro to complete the second of four milestones per the Intergovernmental Agreement with Metro. Ms. Hurd-Ravich went through the maps and Lombos noted the latest map indicates no Blake Street extension. What is on the screen is different than what is in the packet. Questions were asked about what is indicated on the latest map, with Blake Street extension not part of the map. Senior Planner Hurd-Ravich continue her review of the maps and explained the positive results from the concept plan.

Questions followed on how water would become part of the growth in the plan area, and better model with perhaps a regional facility with a public/private partnership. Senior Planner Hurd-Ravich said as work continues, there can be discussions with Clean Water Services (CWS) on the stormwater issue. Revegetation was mentioned and concern about areas not having vegetation when the work is done. Language can be included that can address those concerns. Timing issues of the plan was also discussed.

It was clarified that what is before Council is the concept plan that has been in the works for years, and essentially Council is asked to accept or not accept the plan. It is what Metro is requiring the City do and would release funds. It was proposed that Blake Street ends in a cul-de-sac, west of the railroad tracks, be modified in the plan. Also asked and answered were questions on the Transportation System Plan (TSP) and the employment base. Also addressed was the amount of traffic that would be generated from the concept plan.

Ms. Lombos explained the modified resolution, and the new language that was added to acknowledge the area that will be in coordination with the Basalt Creek planning area.

PROPOSERS/OPPONENTS – None.

COUNCIL DISCUSSION

MOTION by Council President Barhyte, SECONDED by Councilor Maddux to accept the Southwest Concept Plan, with the modification to Blake Street, west of the railroad.

MOTION CARRIED. [Vote: 7-0]

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

None.

J. COMMUNICATIONS FROM COUNCILORS

Councilor Davis said on October 21, 2010, the Washington County Human Rights Council will be holding a Hate Crimes Forum at the Hillsboro Civic Center.

Councilor Maddux mentioned she has discussed with the city manager that Council has not done an evaluation of City Manager Sherilyn Lombos since her first year of employment. Councilor Maddux proposed having an evaluation done by the current Council before the end of the year, and said Council owes it to the city manager and the City to get it done. Council agreed they will discuss prior to the next work session.

K. ADJOURNMENT

MOTION by Councilor Truax, SECONDED by Councilor Barhyte to adjourn the meeting at 8:50 p.m. MOTION CARRIED.

Sherilyn Lombos, City Manager

Recording Secretary / Maureen Smith

 _____



STAFF REPORT CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

FROM: Michael A. McKillip, City Engineer *MMK*
Tony Doran, Engineer Associate *TD*

DATE: October 25, 2010

SUBJECT: RESOLUTION AUTHORIZING A REVOCABLE PERMIT TO ALLOW CONSTRUCTION STAGING ON SW SENECA STREET AND A TEMPORARY COVERED PEDESTRIAN WALKWAY WITH SCAFFOLDING ON SW BOONES FERRY ROAD SIDEWALK

ISSUE BEFORE THE COUNCIL:

Council will consider whether to authorize a revocable permit to allow construction staging on SW Seneca Street and a temporary covered pedestrian walkway with scaffolding on SW Boones Ferry Road sidewalk for the purpose of Robinson Crossing II development.

RECOMMENDATION:

Staff recommends that the Council adopt the attached resolution authorizing the revocable permit.

EXECUTIVE SUMMARY:

An Architectural Review (AR 08-12) allowed development of Robinson Crossing II on the northeast corner of SW Seneca Street & SW Boones Ferry Road. The approved Architectural Review is for the entire lot developed as a structure which includes both parking garage and office space. There will not be any open areas such as future parking lots or landscape areas to use as staging areas. The developer requests the use of SW Seneca Street for construction staging. Construction of a multi-story building adjacent to a public sidewalk requires a covered pedestrian walkway to protect pedestrians from falling objects. Scaffolding above the pedestrian walkway is needed to construct higher elevations. The developer requests the use of SW Boones Ferry Road sidewalk for a temporary covered pedestrian walkway with scaffolding.

The attached Revocable Permit allows construction staging on SW Seneca Street and a temporary covered pedestrian walkway with scaffolding on SW Boones Ferry Road sidewalk with the following restrictions and requirements:

- This permit is non-transferable.
- Permittee shall indemnify and hold the City harmless for any and all claims against the City as a result of the construction staging and covered pedestrian walkway within the public right-of-way.
- Permittee shall submit a revised copy of the Certificate of Insurance for Public Works Permit 08-04 that includes areas of construction staging, daily construction staging, and temporary covered pedestrian walkway with scaffolding.
- Permittee shall keep the temporary covered pedestrian walkway, surrounding public streets, sidewalks, and daily construction staging free of all construction debris. Permittee may only place materials within areas allowed for daily construction staging between the hours of 7 am to 10 am. Permittee may submit a request for additional hours for temporary durations from the City Engineer.
- Permittee shall obtain a Public Works Permit to repair any and all damage caused by its development activities back to original or better condition. Permittee shall repair the damage as soon as the construction staging and temporary covered pedestrian walkway are no longer needed for development of Robinson Crossing II. The City Council shall approve the repairs prior to the City issuing a Certificate of Occupancy. The repairs shall include, but are not limited to:
 - a) Curbs
 - b) Sidewalks
 - c) Utility vaults and public infrastructure
 - d) Illumination
 - e) Street trees and grates
 - f) Irrigation
 - g) Landscaping
 - h) Pavement
 - i) Painted lane striping
 - j) Thermoplastic crosswalk, directional, and parking striping
- Permittee shall submit a traffic control plans including pedestrian detours, for review and approval by the City Engineer. Permittee shall notify emergency service providers of closures and detours 7 days in advance of closure.
- Permittee shall not impede two-way vehicular travel on SW Seneca Street or full vehicular travel on SW Boones Ferry Road without obtaining permission from the City Engineer.
- Permittee may temporarily restrict SW Seneca Street to one-way travel or closure while unloading supplies and close SW Seneca Street for concrete pumping, with appropriate signage and flagging as approved in the traffic control plan.

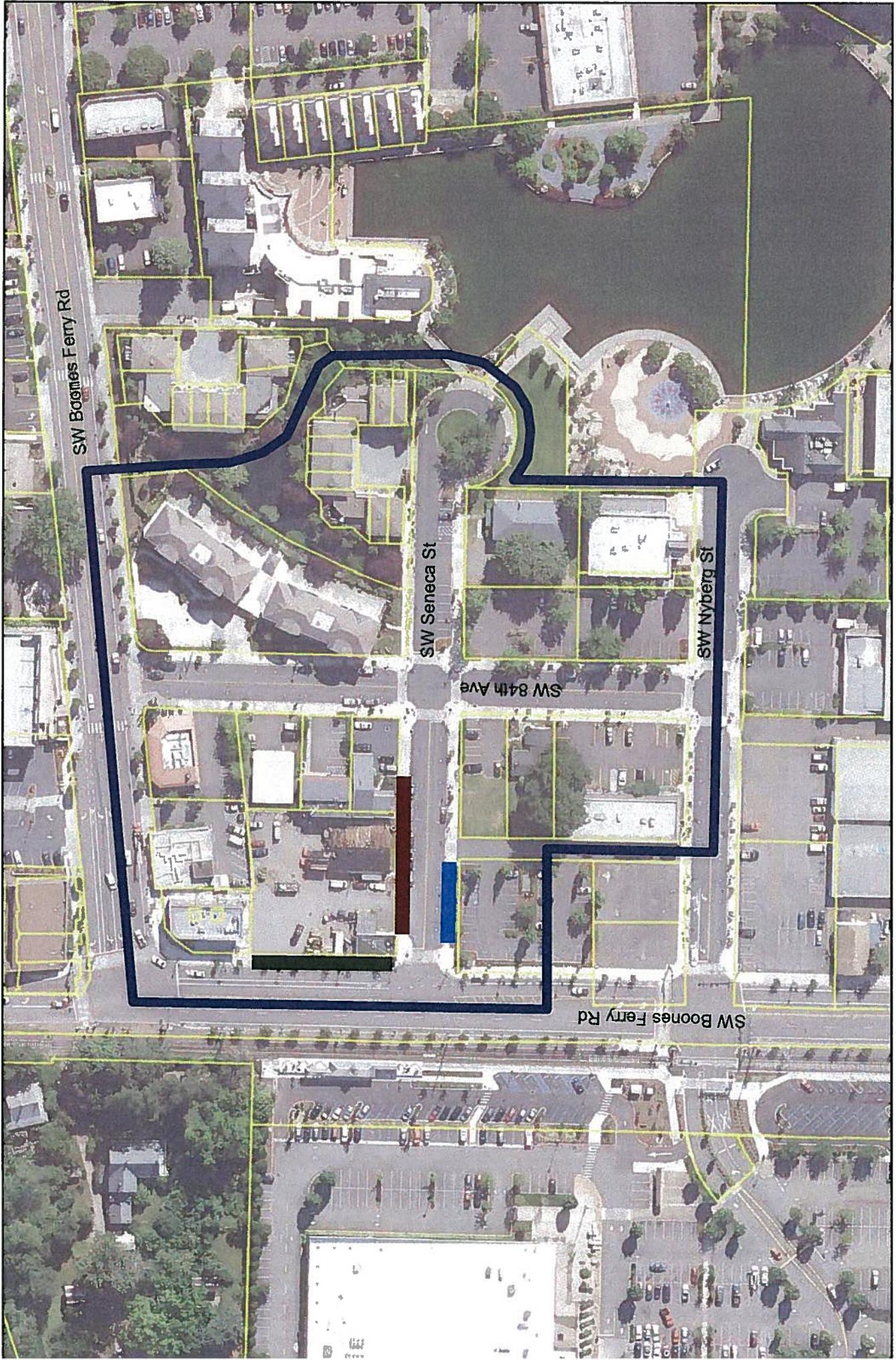
- If closure is for more than 8 hours, Permittee shall notify and obtain permission from the City Engineer 10 business days prior to closure of SW Seneca Street. Permittee shall notify businesses and residents that have direct access to SW Nyberg Road, SW Seneca Street, and SW 84th Avenue between SW Boones Ferry Road and the Commons as well as businesses whose clients may use the Red Lot, as shown on the attached Vicinity Map, 7 days prior to closure of SW Seneca Street.
- Permittee shall not restrict pedestrian access along SW Boones Ferry Road or the south side of SW Seneca Street.
- Permittee shall limit its restriction of pedestrian access on the north side of SW Seneca Street to a minimum. Pedestrian access restriction shall be allowed for transportation of materials or when construction activities require use of public right-of-way. Permittee shall place and maintain appropriate signage when restricting pedestrian access on the north side of SW Seneca Street, with appropriate signage and flagging as approved in the traffic control plan.
- Permittee shall not impede appropriate site distance at the intersection of SW Seneca Street & SW Boones Ferry Road.
- Permittee shall obtain a Permit for the temporary covered pedestrian walkway with scaffolding. Permittee shall install and maintain the temporary covered pedestrian walkway to meet accessibility requirements per Chapter 11 of the Oregon Structural Specialty Code. Permittee shall restrict placement of signage on the temporary covered pedestrian walkway and scaffolding to pedestrian direction, safety, and warning only as approved by the Engineering and Building Division.
- Permittee shall not allow construction staging to interfere with any City projects.
- This revocable permit replaces an existing revocable permit (Resolution No. 4916-09, authorized by City Council on August 10, 2009) for construction staging on SW Seneca Street.
- The areas allowed for construction staging, daily construction staging, and covered walkway are shown on the attached Vicinity Map.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this revocable permit.

- Attachments:**
- A. Vicinity Map
 - B. Resolution
 - C. Revocable Permit
 - D. Revised Revocable Permit

Revised Revocable Permit Vicinity Map



- Notification Area
- Covered Walkway

- Construction Staging
- Daily Construction Staging



RF 1:1,560

This map is derived from various digital database sources. While an attempt has been made to provide an accurate map, the City of Tualatin, OR assumes no responsibility or liability for any errors or omissions that may appear on this map. Provided "as is". Engineering and Building Dept. Permed 10/12/2010

RESOLUTION NO. 5008-10

RESOLUTION AUTHORIZING A REVOCABLE PERMIT TO ALLOW
CONSTRUCTION STAGING ON SW SENECA STREET AND A TEMPORARY
COVERED PEDESTRIAN WALKWAY WITH SCAFFOLDING ON SW BOONES
FERRY ROAD SIDEWALK

WHEREAS the attached Revocable Permit is for the purpose of allowing construction staging on SW Seneca Street and a temporary covered pedestrian walkway with scaffolding on SW Boones Ferry Road sidewalk associated with the Robinson Crossing II development, and

WHEREAS an Architectural Review (AR 08-12) allowed development of Robinson Crossing II on the northeast corner of SW Seneca Street and SW Boones Ferry Road, and

WHEREAS the approved Architectural Review is for the entire lot developed as a structure, and

WHEREAS there will not be any open areas such as future parking lots or landscape areas to use as staging areas, and

WHEREAS a temporary covered pedestrian walkway with scaffolding on is needed to allow safe passage of pedestrians when adjacent to multi-story construction, and

WHEREAS the property owner, David Emami, requests the use of SW Seneca Street for construction staging and SW Boones Ferry Road sidewalk for a covered walkway, and

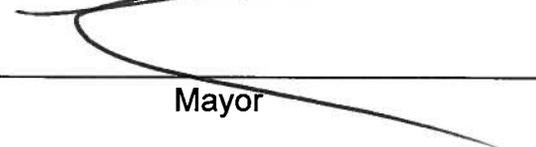
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

Section 1. The attached Revocable Permit is approved and the Mayor is authorized to sign the permit for the purposes stated in this resolution.

Section 2. This Revocable Permit will be automatically revoked after the Robinson Crossing II development is complete or the City Council determines the full width of SW Seneca Street or SW Boones Ferry Road is needed for public purposes.

INTRODUCED AND ADOPTED this 25th day of October, 2010.

CITY OF TUALATIN, OREGON

By  _____
Mayor

ATTEST:

By  _____
City Recorder



STAFF REPORT CITY OF TUALATIN

Approved By Tualatin City Council
Date 8-10-09
Recording Secretary M. Smith

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

FROM: Michael A. McKillip, City Engineer *MAK*
Tony Doran, Engineer Associate *TD*

DATE: August 10, 2009

SUBJECT: RESOLUTION AUTHORIZING A REVOCABLE PERMIT TO
ALLOW CONSTRUCTION STAGING ON SW SENECA STREET

ISSUE BEFORE THE COUNCIL:

Council will consider whether to authorize a revocable permit to allow construction staging on SW Seneca Street associated with the Robinson Crossing II parking garage development.

RECOMMENDATION:

Staff recommends that the Council adopt the attached resolution authorizing the revocable permit.

EXECUTIVE SUMMARY:

An Architectural Review (AR 08-12) allowed development of Robinson Crossing II on the northeast corner of SW Seneca Street & SW Boones Ferry Road. The approved Architectural Review is for the entire lot developed as a structure which includes both parking garage and office space. There will not be any open areas such as future parking lots or landscape areas to use as staging areas. The developer plans to construct the parking garage first and requests the use of SW Seneca Street for construction staging for this portion of development.

The attached Revocable Permit allows construction staging on SW Seneca Street with the following restrictions and requirements:

- The developer shall obtain a Public Works Permit to repair any and all damage caused by construction staging back to original or better condition. Repairs shall occur when the construction staging is no longer needed for development of Robinson Crossing II parking garage. The repairs shall include, but are not limited to:
 - Curbs
 - Illumination
 - Irrigation
 - Landscaping
 - Painted lane striping
 - Pavement
 - Sidewalks
 - Street trees
 - Thermoplastic crosswalk, directional, and parking striping
- A traffic control plan including pedestrian detours shall be submitted for approval by the City Engineer.
- Two-way vehicular travel on SW Seneca Street shall be maintained at all times.
- Appropriate site distance shall be maintained at the intersection of SW Seneca Street & SW Boones Ferry Road.
- Pedestrian access along SW Boones Ferry Road shall be maintained. Pedestrian access along SW Seneca Street shall be maintained, except adjacent to the Robinson Crossing II site.
- Construction staging shall not interfere with any City projects.
 - One current project is to install a public sanitary sewer line in SW Seneca Street titled Seneca Street Sanitary Sewer Extension. This line extends from SW 84th Avenue to approximately 60 feet west of the east property line of the Robinson Crossing II lot. The project includes installation of three sanitary sewer laterals to the north to the edge of the right-of-way to serve C. I. Bar & Grill, Robinson Crossing I, and Robinson Crossing II. Drawing C-2 of the contract bid documents for this project indicates an approved area reserved for this project adjacent to Robinson Crossing II.
 - The Robinson Crossing II revocable permit shall exclude the area needed for the Seneca Street Sanitary Sewer Extension project as indicated on drawing C-2 of the contract bid documents until the public project is complete.
- The areas allowed for construction staging is shown on the attached Vicinity Map. The two areas are indicated as Current and After City Project Completion.

ROBINSON CROSSING II

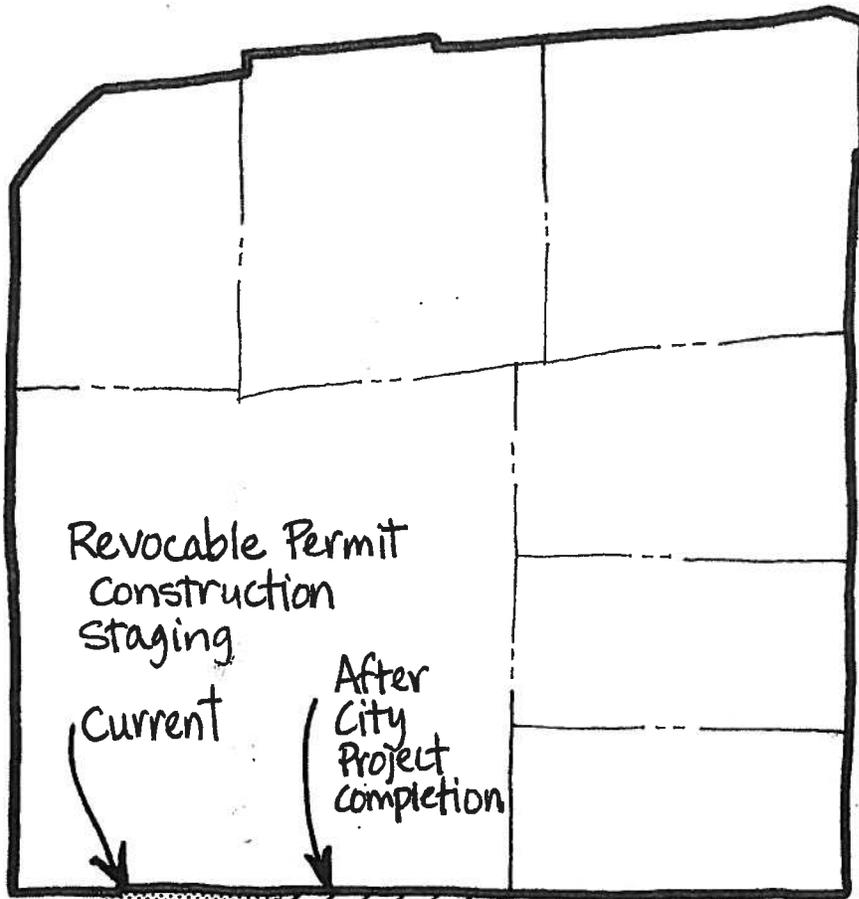
7/30/09

↑
North

FERRY ROAD

BOONES

SW



BATH AVE
SW

SW SENECA ST

STAFF REPORT: Construction Staging
August 10, 2009
Page 3 of 3

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this revocable permit.

Attachments:

- A. Vicinity Map
- B. Resolution
- C. Revocable Permit

RESOLUTION NO. 4916-09

RESOLUTION AUTHORIZING A REVOCABLE PERMIT TO
ALLOW CONSTRUCTION STAGING ON SW SENECA
STREET

WHEREAS the attached Revocable Permit is for the purpose of allowing construction staging on SW Seneca Street associated with the Robinson Crossing II parking garage development, and

WHEREAS an Architectural Review (AR 08-12) allowed development of Robinson Crossing II on the northeast corner of SW Seneca Street & SW Boones Ferry Road, and

WHEREAS the approved Architectural Review is for the entire lot developed as a structure, and

WHEREAS there will not be any open areas such as future parking lots or landscape areas to use as staging areas, and

WHEREAS the property owner, David Emami, requests the use of SW Seneca Street for construction staging, and

WHEREAS the parking garage will be constructed first.

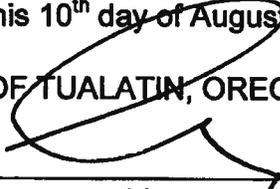
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

Section 1. The attached Revocable Permit is approved and the Mayor is authorized to sign the permit for the purposes stated in this resolution.

Section 2. This Revocable Permit will be automatically revoked after the Robinson Crossing II parking garage development is complete or the City Council determines the full width of SW Seneca Street is needed for public purposes..

INTRODUCED AND ADOPTED this 10th day of August, 2009.

CITY OF TUALATIN, OREGON

By  _____
Mayor

ATTEST:
By  _____
City Recorder

APPROVED TO LEGAL FORM


CITY ATTORNEY

REVOCABLE PERMIT

The City of Tualatin, Oregon ("City") grants a revocable permit to David Emami ("Permittee") for the purposes of and subject to the conditions stated.

This permit is granted for the specific and limited purpose of allowing Permittee to stage construction on SW Seneca Street as shown on attached Map A for the purpose of developing Robinson Crossing II parking garage. The areas allowed for construction staging is shown on the attached Vicinity Map. The two areas are indicated as Current and After City Project Completion.

This permit is granted subject to the following conditions:

- (1) This permit is non-transferable.
- (2) Permittee shall indemnify and hold the City harmless for any claims against the City as a result of the construction staging within the public right-of-way.
- (3) Permittee shall keep the public street and sidewalk surrounding free of all construction debris.
- (4) The developer shall obtain a Public Works Permit to repair any and all damage caused by construction staging back to original or better condition. Repairs shall occur when the construction staging is no longer needed for development of Robinson Crossing II parking garage. The repairs shall include, but are not limited to:
 - a) Curbs
 - b) Illumination
 - c) Irrigation
 - d) Landscaping
 - e) Painted lane striping
 - f) Pavement
 - g) Sidewalks
 - h) Street trees
 - i) Thermoplastic crosswalk, directional, and parking striping
- (5) A traffic control plan including pedestrian detours shall be submitted for approval by the City Engineer.
- (6) Two-way vehicular travel on SW Seneca Street shall be maintained at all times.
- (7) Appropriate site distance shall be maintained at the intersection of SW Seneca Street & SW Boones Ferry Road.

- (8) Pedestrian access along SW Boones Ferry Road shall be maintained, except adjacent to the Robinson Crossing II parking garage site.
- (9) Construction staging shall not interfere with any City projects.
- (10) The Robinson Crossing II parking garage revocable permit shall exclude the area needed for the Seneca Street Sanitary Sewer Extension project as indicated on drawing C-2 of the contract bid documents until the public project is complete.

This permit is shall be valid for one year from the commencement of development or until the Robinson Crossing II parking garage development is complete. If construction stops and the City Council determines that the full width of SW Seneca Street is needed for public purposes, the City Council may revoke this permit.

If the City Council revokes this permit the written declaration shall be mailed to Permittee at the Permittee's address shown on the records of the Clackamas County Department of Assessment and Taxation. The revocation shall be effective ten (10) days after the date of the written declaration. All rights and interests of the Permittee shall automatically terminate upon the effective date of the revocation.

IN WITNESS WHEREOF, the parties have executed this instrument on the date indicated below.

CITY OF TUALATIN, OREGON

ROBINSON CROSSING, LLC

BY  _____
Mayor

BY _____
David Emami, Managing Member

August 10, 2009

Date

Date

ATTEST:
BY  _____
City Recorder
August 10, 2009

Date

APPROVED AS TO LEGAL FORM


CITY ATTORNEY

REVOCABLE PERMIT

The City of Tualatin, Oregon ("City") grants a revocable permit to David Emami ("Permittee") for the purposes of and subject to the conditions stated.

This permit is granted for the specific and limited purposes of allowing Permittee (1) to stage construction on SW Seneca Street, and (2) to construct a temporary covered pedestrian walkway with scaffolding on SW Boones Ferry Road sidewalk during the construction of Robinson Crossing II development. The areas allowed for construction staging, daily construction staging, and temporary covered pedestrian walkway are shown on the attached Vicinity Map.

This permit is granted subject to the following conditions:

- (1) This permit is non-transferable.
- (2) Permittee shall indemnify and hold the City harmless for any and all claims against the City as a result of the construction staging and covered pedestrian walkway within the public right-of-way.
- (3) Permittee shall submit a revised copy of the Certificate of Insurance for Public Works Permit 08-04 that includes areas of construction staging, daily construction staging, and temporary covered pedestrian walkway with scaffolding.
- (4) Permittee shall keep the temporary covered pedestrian walkway, surrounding public streets, sidewalks, and daily construction staging free of all construction debris. Permittee may only place materials within areas allowed for daily construction staging between the hours of 7 am to 10 am. Permittee may submit a request for additional hours for temporary durations from the City Engineer.
- (5) Permittee shall obtain a Public Works Permit to repair any and all damage caused by its development activities back to original or better condition. Permittee shall repair the damage as soon as the construction staging and temporary covered pedestrian walkway are no longer needed for development of Robinson Crossing II. The City Council shall approve the repairs prior to the City issuing a Certificate of Occupancy. The repairs shall include, but are not limited to:
 - a) Curbs
 - b) Sidewalks
 - c) Utility vaults and public infrastructure
 - d) Illumination
 - e) Street trees and grates

- f) Irrigation
 - g) Landscaping
 - h) Pavement
 - i) Painted lane striping
 - j) Thermoplastic crosswalk, directional, and parking striping
- (6) Permittee shall submit a traffic control plans including pedestrian detours, for review and approval by the City Engineer. Permittee shall notify emergency service providers of closures and detours 7 days in advance of closure.
- (7) Permittee shall not impede two-way vehicular travel on SW Seneca Street or full vehicular travel on SW Boones Ferry Road without obtaining permission from the City Engineer.
- (8) Permittee may temporarily restrict SW Seneca Street to one-way travel or closure while unloading supplies and close SW Seneca Street for concrete pumping, with appropriate signage and flagging as approved in the traffic control plan.
- (9) If closure is for more than 8 hours, Permittee shall notify and obtain permission from the City Engineer 10 business days prior to closure of SW Seneca Street. Permittee shall notify businesses and residents that have direct access to SW Nyberg Road, SW Seneca Street, and SW 84th Avenue between SW Boones Ferry Road and the Commons as well as businesses whose clients may use the Red Lot, as shown on the attached Vicinity Map, 7 days prior to closure of SW Seneca Street.
- (10) Permittee shall not restrict pedestrian access along SW Boones Ferry Road or the south side of SW Seneca Street.
- (11) Permittee shall limit its restriction of pedestrian access on the north side of SW Seneca Street to a minimum. Pedestrian access restriction shall be allowed for transportation of materials or when construction activities require use of public right-of-way. Permittee shall place and maintain appropriate signage when restricting pedestrian access on the north side of SW Seneca Street, with appropriate signage and flagging as approved in the traffic control plan.
- (12) Permittee shall not impede appropriate site distance at the intersection of SW Seneca Street & SW Boones Ferry Road.
- (13) Permittee shall obtain a Permit for the temporary covered pedestrian walkway with scaffolding. Permittee shall install and maintain the temporary covered pedestrian walkway to meet accessibility requirements per Chapter 11 of the

Oregon Structural Specialty Code. Permittee shall restrict placement of signage on the temporary covered pedestrian walkway and scaffolding to pedestrian direction, safety, and warning only as approved by the Engineering and Building Division.

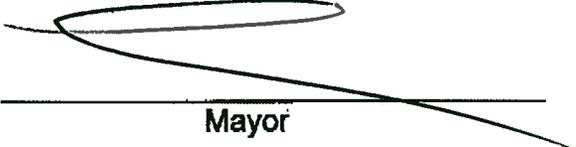
- (14) Permittee shall not allow construction staging to interfere with any City projects.
- (15) This revocable permit replaces an existing revocable permit (Resolution No. 4916-09, authorized by City Council on August 10, 2009) for construction staging on SW Seneca Street.

This permit is shall be valid for one year from the date of Council Adoption or until the Robinson Crossing II development is complete. If construction stops and the City Council determines that the full width of SW Boones Ferry Road or SW Seneca Street is needed for public purposes, the City Council may revoke this permit.

If the City Council revokes this permit the written declaration shall be mailed to Permittee at the Permittee's address shown on the records of the Washington County Department of Assessment and Taxation. The revocation shall be effective ten (10) days after the date of the written declaration. All rights and interests of the Permittee shall automatically terminate upon the effective date of the revocation.

IN WITNESS WHEREOF, the parties have executed this instrument on the date indicated below.

CITY OF TUALATIN, OREGON

BY 

Mayor
Oct. 25, 2010

Date

ROBINSON CROSSING, LLC

BY 

David Emami, Managing Member
10/21/2010

Date

ATTEST:

BY 

City Recorder
Oct. 25, 2010

Date