



TUALATIN CITY COUNCIL WORK SESSION MINUTES OF JUNE 8, 2009

PRESENT: Mayor Lou Ogden; Councilors Chris Barhyte, Monique Beikman, Joelle Davis, Jay Harris, and Ed Truax, Sherilyn Lombos [arrived at 5:11 p.m.], City Manager; Brenda Braden, City Attorney; Doug Rux, Community Development Director; Dan Boss, Operations Director; Kent Barker, Police Chief; Don Hudson, Finance Director; Carina Christensen, Assistant to the City Manager; Paul Hennon, Community Services Director; Bob Martin, Parks Maintenance Supervisor; Eric Underwood, Development Coordinator; Maureen Smith, Recording Secretary

ABSENT: Councilor Donna Maddux* [* excused]

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

A. CALL TO ORDER

The work session began at 4:00 p.m. with the Council attending an open house and tour of the Aquifer Storage and Recovery (ASR) project on 108th Avenue.

The remainder of the work session continued beginning at 5:05 p.m.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. *Water Update*

City Engineer Mike McKillip gave a brief overview of the City's water system. Tualatin purchases water from Portland as part of a ten-year agreement that was entered into in 2006. There is a complicated rate-making process in the agreement, and City Engineer McKillip explained how that process works, particularly the peaking factor. There are 20 wholesalers that gets split up among everyone. Mr. McKillip reviewed the average gallons per day and current peak use. Other jurisdictions in the area except for West Slope and Tualatin, are looking at other water sources.

City Engineer McKillip said also looking to update the City's Water Master Plan with the recent changes that have happened. It was asked about the total capacity that Tualatin can receive and also at buildout. Discussion followed on the projected increase and how it would affect the current pipeline. City Engineer McKillip said there are ways to get to increased capacity without increasing pipe size. Tualatin is running significantly behind projections according to the master plan.

City Engineer McKillip briefly reviewed some of the projects Portland will be doing, such as the decommissioning of the Mt. Tabor reservoirs with another to be constructed at Powell Butte. Also mentioned are some of the surrounding cities' changes in their water sources. Sherwood will be switched over to 100% Willamette River Water by 2012. Tigard will be ready by 2016 for their water source, and have budgeted money for an option with Sherwood. Wilsonville is getting ready to start an expansion of their treatment plant portion of the plant. is planning to go out to bid for a piping system, etc. Council asked if staff could find out the rates Tigard, Sherwood, and Lake Oswego will be charging

2. *Water Management and Conservation Plan*

City Engineer McKillip continued with discussion on water management and conservation. Some issues for consideration is whether Tualatin should adopt a rate structure that increases unit costs as more water is purchased. Also whether to offer rebates to residents for purchase and installation of water efficient appliances. Discussion followed. Landscaping and water conservation was discussed. The other is whether Tualatin should offer technical assistance to large water use customers to audit their water use and identify ways they could reduce usage.

Council asked staff to bring back a program for rebates and technical assistance for anyone who may need it, and to go through a rate study that looks at a tiered rate structure.

3. *Fence Standards – Phase II*

Assistant Planner Cindy Hahn briefly presented information about the existing fence standards. This has also been before the Tualatin Planning Advisory Committee (TPAC), where the vote was unanimous for the proposed changes. Agreement by all Council present of the proposed changes.

4. *Community Arts Enhancement Commendation*

Community Services Director Paul Hennon gave a brief review of this proposal. Brief discussion followed. Council was in agreement with the proposal as presented, by all present.

C. CITIZEN COMMENTS

N/A

D. CONSENT AGENDA

Council reviewed the Consent Agenda.

3. Resolution No. 4889-09 Awarding the Bid for the Tualatin Interstate 5 / Nyberg Interchange Landscaping Improvements

It was mentioned the City will be receiving funding assistance from ODOT with the landscaping project.

4. Resolution No. 4890-09 Granting a Conditional Use Permit for Stafford Hills Racquet and Fitness Club as a Private Club Use and for Additional Building Height in the Low-Density Residential (RL) Planning District at 5916 SW Nyberg Lane (Tax Map 21E19C, Tax Lot 900) (CUP-09-01)
-

Councilor Harris noted he will be abstaining from this item as his company has done some work on this project.

Councilor Truax said as is currently presented he will vote "no" when the motion is made for approval of the Consent Agenda items because of this item being on the Consent Agenda. It was suggested and Councilor Truax removed this item from the Consent Agenda to be heard at its regular place on the agenda.

E. PUBLIC HEARINGS – Legislative or Other
N/A

F. PUBLIC HEARINGS – Quasi-Judicial
N/A

G. GENERAL BUSINESS

1. Resolution No. 4899-09 Approving a Development Agreement Between the City of Tualatin, Tigard-Tualatin School District and Marquis Companies
-

This item will be moved to be heard before the public hearings portion of the agenda.

H. ITEMS REMOVED FROM CONSENT AGENDA
None.

- I. COMMUNICATIONS FROM COUNCILORS**
Councilor Harris mentioned the Clackamas County Library District. Discussion followed and Council expressed their frustration with the ongoing discussions on this issue with the County, Council suggested a resolution from Tualatin recommending total funding of the district come from Clackamas County.

J. EXECUTIVE SESSION
None.

K. ADJOURNMENT
The work session adjourned at 6:48 p.m.

Sherilyn Lombos, City Manager

Recording Secretary





City of Tualatin

www.ci.tualatin.or.us

Approved By Tualatin City Council
Date 6-22-09
Recording Secretary M. Smith

TUALATIN CITY COUNCIL MEETING MINUTES OF JUNE 8, 2009

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; Dan Boss, Operations Director; Kent Barker, Police Chief; Maureen Smith, Recording Secretary

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

Mayor Ogden called the meeting to order at 7:00 p.m.

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

A. CALL TO ORDER

Councilor Davis led the Pledge of Allegiance.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. Tualatin Youth Advisory Council Presentation

Representatives from the Youth Advisory Council (YAC) presented a PowerPoint and gave their annual update of this year's goals and accomplishments and recognizing the departure of the graduating members. The YAC thanked the City Council for all their support this year and all years past. Mayor Ogden recognized and presented a certificate to YAC members present.

2. Library Summer Reading Program

Library Manager Abigail Elder, Supervisor Tudy Schiveley, and Children's Librarian Jaime Thoresen presented a PowerPoint on the Library's summer reading program and the various activities. The program began June 1st and the theme is "Be Creative", and participation is already up 55% from last year. The Library is challenging the community to read 10,000 books. Adults have also been included in the summer reading program. For more information visit the City's website at www.ci.tualatin.or.us.

3. "Quiet Zone" Update

City Engineer Mike McKillip gave an update on the "quiet zone" project. TriMet has entered into an agreement with consultant CH2M Hill to take the City through the planning and process, and the Intergovernmental Agreement (IGA) for WES train horn noise mitigation with TriMet and Washington County is on this evening's agenda. Also noted was the field review that took place on June 5, 2009. There will be a preliminary report back to Council at the July 13, 2009 meeting for Council direction. City Manager Sherilyn Lombos also mentioned her recent trip to Washington DC and meetings she had with congressional leaders on this issue.

C. CITIZEN COMMENTS

None.

D. CONSENT CALENDAR

Item D-4 was removed from the Consent Agenda at work session by Councilor Truax. Item D-9 was removed in its entirety from the Council Agenda to be placed on a later agenda.

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

1. Resolution No. 4887-09 Certifying City of Tualatin Municipal Services
2. Resolution No. 4888-09 Amending Sewer and Surface Water Management Rates Inside the City of Tualatin and Rescinding Resolutions 4681-07, 4682-07, and 4806-08
3. Resolution No. 4889-09 Awarding the Bid for the Tualatin Interstate 5 / Nyberg Interchange Landscaping Improvements
5. Resolution No. 4891-09 Authorizing a Request for a Revocable License from Washington County to Allow Installation of Photo Red Light Cameras on County Owned Intersections
6. Resolution No. 4892-09 Authorizing an Intergovernmental Agreement with TriMet and Washington County Regarding WES Train Horn Noise Mitigation
7. Resolution No. 4893-09 Authorizing the City to Administer the Washington County Transportation Development Tax Within the City of Tualatin
8. Resolution No. 4894-09 Authorizing the Mayor and Recorder to Sign an Intergovernmental Agreement for Administration of the Countywide Transportation Development Tax (TDT) and Transportation Impact Fee (TIF)
10. Resolution No. 4895-09 Resolution Approving Quitclaim of a Temporary Construction Easement at 18810 SW Boones Ferry Road
11. Resolution No. 4896-09 Approving Quitclaim of an Easement for Utility Lines on Property Located at 18810 SW Boones Ferry Road
12. Community Involvement Committee Appointments
13. Resolution No. 4897-09 Approving an Industrial Master Plan in a Manufacturing Park (MP) Planning District at 11555 SW Leveton Drive (IMP-09-01)

MOTION CARRIED.

H. ITEMS REMOVED FROM CONSENT AGENDA (*Moved to this portion of the 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.

4. Resolution No. 4890-09 Granting a Conditional Use Permit for Stafford Hills Racquet and Fitness Club as a Private Club Use and for Additional Building Height in the Low-Density Residential (RL) Planning District at 5916 SW Nyberg Lane (Tax Map 21E19C, Tax Lot 900) (CUP-09-01)
-

This item was removed from the Consent Agenda at work session.

Councilor Harris noted his abstention, and Councilor Truax said he will be voting "no" on the resolution.

MOTION by Councilor Beikman, SECONDED by Councilor Davis to adopt the resolution approving CUP-09-01. **MOTION CARRIED.** [Vote: 4-1-1-1; YES – Ogden, Barhyte, Beikman, Davis; NO - Truax; Harris Abstain; Maddux Absent]

E. PUBLIC HEARINGS – Legislative or Other

1. Resolution No. 4898-09 Public Hearing to Consider a Resolution Declaring the City's Election to Receive State Revenue Sharing Funds During Fiscal Year 2009-10
-

Finance Director Don Hudson presented the staff report and briefly explained the state revenue sharing funds the city receives from the State.

MOTION by Councilor Truax, SECONDED by Councilor Barhyte to adopt the resolution declaring the City's election to receive state revenue sharing funds during fiscal year 2009/10. **MOTION CARRIED.**

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

1. Resolution No. 4899-09 Approving a Development Agreement Between the City of Tualatin, Tigard-Tualatin School District and Marquis Companies

Community Development Director Rux presented the staff report and entered the entire staff report into the record and noted this is not a public hearing. This is to approve a Non-Statutory Development Agreement for development of a senior living project on a portion of the former Tualatin Elementary School site located on SW Boones Ferry Road.

Staff recommends Council adopt the resolution approving a development agreement between the City of Tualatin, Tigard-Tualatin School District, and Marquis Companies.

MOTION by Councilor Barhyte, SECONDED by Councilor Harris to adopt the resolution as presented in the staff report and approve the Development Agreement between the City of Tualatin, Tigard-Tualatin School District and Marquis Companies for development of a senior living project on a portion of the former Tualatin Elementary School site **MOTION CARRIED.** [Vote: 6-0-1; Maddux Absent]

F. PUBLIC HEARINGS – *Quasi-Judicial*

1. Ordinance No. 1284-09 Changing the Planning District Designation from Low-Density Residential (RL) to Medium Low-Density (RML) at 19945 SW Boones Ferry Road, and Amending the Community Plan Map 9-1 (PMA-09-01)
-

Mayor Ogden read language required by legislation before a comprehensive plan or land-use regulation [ORS 197.765(5) and (6)] and opened the public hearing.

No bias or ex parte contact noted. Mayor Ogden noted a brief conversation with Community Director Rux on an issue about the project, of which Councilor Barhyte was also present.

Associate Planner Will Harper presented the staff report and entered the entire staff report into the record. The application is to change the planning district designation from Low-Density Residential (RL) to Medium-Low Density (RML) Residential at 19945 SW Boones Ferry Road, and amending the Community Plan Map 9-1. If approved, the developer will submit a conditional use permit, and next step would be the architectural review process. The Tualatin Planning Advisory Committee (TPAC) voted 6-0 to recommend Council approve PMA-09-01.

PROPOSERS

Scott Miller of Marquis Companies Inc. 4560 SW International Way, Suite 100, Milwaukie, Oregon, and *Kristen Van Loo, of Emerio Design*, 6107 SW Murray Boulevard, Suite 147, Beaverton, Oregon, were present and said staff has done an admirable job presenting the information and have worked with all in the recent months to put this together. Ms. Van Loo noted they are available to answer any questions Council may have.

Yvonne Addington, president of the Tualatin Historical Society, noted the Historical Society is in support of the application of *only* the Marquis Companies development. Ms. Addington said while they were not supportive of the demolition, the project has proceeded to this point and the Historical Society has been meeting with Mr. Miller from Marquis to discuss what can be done to preserve some of the materials on site. It has been positive, supportive and helpful discussions.

OPPOSERS

None.

COUNCIL DISCUSSION

Discussion on traffic counts and anticipated levels of service for the area, mostly at Sagert and Boones Ferry Road. A question on the AM peak use showing increase/decrease of levels was discussed and Ms. Van Loo explained the analysis and how it plays out during AM peak time. A concern expressed is the future reuse of that property that could happen and the lower trip counts for multi-density and whether local data could be used. Ms. Van Loo said she did not know if there is any local data, but the International Traffic Engineers (ITE) manual has been used for this data.

Mr. Miller of Marquis said they have spent a considerable amount of time looking at the concept of this building, and it is specifically designed for seniors with the hope of operating for many years to come.

It was asked by staff if there would be a way to proceed with the development without rezoning the site. Community Development Director Rux said he did not have an absolute answer to give, and went on to explain what could be done and whether another approach would be less than desirable. Some type of overlay district could be considered, but it would have some of the same consequences as the other.

There was continued concern expressed of what could happen if the development by Marquis would no longer be for retirement use. Discussion followed. It was asked and answered that this application is on the 52nd day of the 120-day requirement.

Mayor Ogden closed the public hearing.

COUNCIL DELIBERATIONS

MOTION by Councilor Barhyte, SECONDED by Councilor Harris to approve the staff report and supporting attachments, granting PMA-09-01.

Discussion on Motion

Councilor Beikman said she believes this development is something that is needed in Tualatin and was brought up as part of the "Tualatin Tomorrow" visioning process.

Councilor Harris said he is in favor of the project, even though he did vote against the demolition permit, and he is happy issues have been worked out between the developer and the Tualatin Historical Society.

Councilor Davis agreed with Councilor Harris, and as project develops, suggested Marquis considers a variety of income levels as part of the senior housing.

Mayor Ogden said he will not support this as he is not in favor of upzoning the property, but he is supportive of the "project". He suggested the project could be approached in a different way.

Councilor Barhyte said he is in favor of the project and upzoning the property, and noted there is a development agreement in place, and questioned whether taking a different approach, as mentioned by Mayor Ogden, would work any better.

It was asked and answered that the suggestion of taking a different approach to the zoning of the property would require a plan map amendment and a minimum of three to four months time.

Councilor Harris agreed with Councilor Barhyte's comment and said it works a lot better within the process that Council is given.

MOTION CARRIED. [Vote: 5-1; YES – Barhyte, Beikman, Davis, Maddux, Truax; NO - Ogden]

I. EXECUTIVE SESSION

None.

J. COMMUNICATIONS FROM COUNCILORS

None.

K. ADJOURNMENT

MOTION by Councilor Barhyte, SECONDED by Councilor Harris to adjourn the meeting at 8:35 p.m. MOTION CARRIED.

Sherilyn Lombos, City Manager

Recording Secretary

Maureen Smith