



# City of Tualatin

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Approved By Tualatin City Council  
Date July 13, 2009  
Recording Secretary J. Kirby

## TUALATIN CITY COUNCIL WORK SESSION MINUTES OF JUNE 22, 2009

PRESENT: Mayor Lou Ogden; Councilors Chris Barhyte, Monique Beikman, Jay Harris, Donna Maddux and Ed Truax, Sherilyn Lombos, 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;; Eric Underwood, Development Coordinator; Maureen Smith, Recording Secretary

ABSENT: Councilor Joelle Davis\*

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

### A. CALL TO ORDER

Mayor Ogden opened the work session at 5:38 p.m.

### B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

#### 1. *Prioritize List of Transportation Projects*

City Manager Sherilyn Lombos said the Washington County Coordinating Committee (WCCC) is developing a joint list of transportation projects to submit to the Regional Transportation Plan (RTP) update process. Projects that are currently on the RTP need to be discussed and the City's priorities to be submitted to the WCCC.

City Engineer Mike McKillip distributed information about soliciting projects that the City would like to go into the RTP. He explained the RTP has become a Metro tool for advancing the 2040 vision plan. Information on refining regional transportation priorities was discussed and staff is looking for feedback from the Council on what types of projects the City should submit. Mr. McKillip distributed various project maps, and reviewed some of the projects that have been discussed with Council in the past, such as road and pedestrian projects, etc. Identifying road projects on the State priorities RTP project list were reviewed, including the federal listing.

Discussion followed. Some types of pathway projects should likely be put on the list, and also whether there are any other projects besides the "road network" (124<sup>th</sup>, Tonquin, etc.) that needs to be added. How often adding to the list was discussed and Mr. McKillip explained the normal process comes up every three to four years for updating.

Discussion followed on some of the projects that are currently listed and Mr. McKillip said more information will be available after the next WCCC meeting.

2. *Update on Coffee Service and Options*

City Manager Lombos said staff needs direction from Council on the Library's coffee service vendor.

Community Services Director Paul Hennon and Library Manager Abigail Elder said the coffee service vendor "Sesame Donuts" is closing on July 3, 2009 due to limited business sales.

The question is whether to continue to have coffee service for the 65 hours a week the Library is open, and to have coffee open during library hours would at least require a subsidization. Discussion followed on various options and what could be done to be able to continue with some type of coffee service in the Library.

Community Services Director Hennon said that the original Request for Proposals from the Commission for the Blind, offered limited daytime hours, Monday through Friday. Having volunteers or a non-profit to keep the service open in the evening was discussed but determined not necessarily workable solution, what with County health regulations, etc. Location and foot traffic a likely factor in the Tualatin library, and how coffee service is fairing in other libraries was also discussed.

Councilor Maddux said she recognized the difficulty in keeping a coffee service viable, and perhaps could look at more flexibility as to hours and terms of when the service would be there, but she is opposed to any kind of subsidy by the City.

Discussion followed on whether to go out for another RFP, and what other companies that are out there. Sounds like more likely due to location, etc. is the problem. Suggested perhaps to have some kind of vending, and comm. For blind also has vending service. Asked of staff to check around, like borders, to see when the hours are that get most service. Works for borders because of location. Hennon said bottom line is not foot traffic.

City Manager Lombos summarized Council discussion on not to provide a subsidy, to look into providing some type of vending machines as a possibility, and what it would take to have some type of non-profit/group step in to provide service.

**C. CITIZEN COMMENTS – N/A**

**D. CONSENT AGENDA**

Council reviewed the Consent Agenda with no changes.

**E. PUBLIC HEARINGS – Legislative or Other**

N/A

**F. PUBLIC HEARINGS – Quasi-Judicial**

N/A

**G. GENERAL BUSINESS**

2. Ordinance No. 1284-09 Relating to Changing the Planning District from Low-Density Residential (RL) to Medium Low-Density Residential (RML) at 19945 SW Boones Ferry Road; and Amending Community Plan Map 9-1 (PMA-09-01)
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MOTION by Councilor Barhyte, SECONDED by Councilor Harris for a first reading by title only. MOTION by Councilor Harris, SECONDED by Councilor Maddux for a second reading by title only. MOTION CARRIED. The poll was unanimous. *[Davis absent.]* 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**

Councilor Maddux gave a brief update and distributed information on the upcoming ArtSplash event on the Commons.

Councilor Truax displayed a map from the Clackamas County Business Alliance of the proposed "Stafford Triangle" that is being shopped around to the surrounding cities, and with discussions on urban/rural reserves, etc., thought Tualatin should know what is out there. City Manager Lombos said staff will look into the information and get back to Council.

**J. EXECUTIVE SESSION**

None.

**K. ADJOURNMENT**

The work session recessed at 6:58 p.m. and reopened at 6:59 p.m.

The work session adjourned at 6:59 p.m.

Sherilyn Lombos, City Manager

Recording Secretary

*Maureen Smith*



TUALATIN CITY COUNCIL MEETING MINUTES OF JUNE 22, 2009

PRESENT: Mayor Lou Ogden, Councilors Chris Barhyte, Monique Beikman, Jay Harris, Donna Maddux; and Ed Truax; Sherilyn Lombos, City Manager; Brenda Braden, City Attorney; Mike McKillip, City Engineer; Don Hudson, Finance Director; Kent Barker, Police Chief; Kent Barker, Police Chief; Carina Christensen, Maureen Smith, Recording Secretary

ABSENT: Councilor Joelle Davis\* [\* denotes excused]

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

**A. CALL TO ORDER**

Mayor Ogden called the meeting to order at 7:12 p.m.

Councilor Barhyte led the Pledge of Allegiance.

**B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS**

1. *Tualatin Tomorrow Presentation – Governance, Leadership & Community – Ed Casey*  
Ed Casey, 22255 SW 102<sup>nd</sup> Court, Tualatin, OR, was present and gave a brief review of the governance, leadership and community portion of the Tualatin Tomorrow visioning project. Mr. Casey noted much of what has been identified is already being done by the city and this portion of the project is proceeding well to meet its goals.

Councilor Beikman thanked Mr. Casey and all the members on the committee for their work and the many volunteer hours they put forth. Councilor Maddux asked and Mr. Casey replied for more information on the project and how to be involved, visit the city's website at [www.ci.tualatin.or.us](http://www.ci.tualatin.or.us) with a link to [www.tualatintomorrow.org](http://www.tualatintomorrow.org). All meetings are open to the public and encouraged people to get involved in Tualatin's future.

2. *Proclamation Declaring July 2009 as National Recreation and Parks Month*  
Councilor Beikman read the proclamation declaring the month of July 2009 as National Recreation and Parks Month in the City of Tualatin.
3. *Hedges Creek Wetlands Enhancement Project Update*  
Parks and Recreation Coordinator Carl Switzer gave a brief background on The Wetlands Conservancy Hedges Creek Marsh enhancement project and introduced Jennifer Wilson and Esther Lev, of the Wetlands Conservancy.

A PowerPoint presentation on the Hedges Creek Marsh – Restoring Hedges Creek Wetlands was given. Project goals are to improve function and habitat values of Hedges Creek Marsh. Project highlights were reviewed, and “Before” and “After” pictures of the work that has been done to improve the marsh area were displayed. The volunteer work that has been done was mentioned, including the partnership work with the City. Ms. Wilson and Ms. Lev thanked the City for the support and partnership in this project. Mayor Ogden acknowledged the efforts of the conservancy and the work that’s been done to date.

4. *2009 Tualatin Crawfish Festival Presentation – Chamber of Commerce*

Tualatin Chamber of Commerce Executive Director Linda Moholt was present and said it was her pleasure to introduce the 2009 59<sup>th</sup> Annual Tualatin Crawfish Festival. The festival continues to grow and expand and continues to offer many expanded activities, food, and music. The festival is August 7, 8, and 9, 2009. Mayor Ogden thanked the Chamber for their work and looks forward to this year’s festival.

Ms. Moholt also noted that the Chamber’s “Leadership Tualatin” program will be continuing, and also mentioned the upcoming monthly Chamber luncheon on Thursday, June 25, 2009 from 11:30 a.m. to 1:00 p.m. at the Tualatin Country Club to discuss urban/rural reserves, and encourage everyone to attend this important discussion on how Tualatin will grow in the next 20-50 years. Call and make a reservation with the Chamber at 503.692.0780.

**C. CITIZEN COMMENTS**

*Julie Sepp, 19065 SW Mobile Place, Tualatin, OR*, was present to discuss the recent public hearings held on Conditional Use Permit CUP-09-01, Stafford Hills Racquet Club project. In her view evidence presented by applicant was inaccurate or incomplete, in particular the comparison study that was done with different tennis clubs in the Portland metropolitan area and how they fit into a residential area.

Ms. Sepp also said the applicant cited widespread Fox Hills neighborhood support, and the petition that was done in support of the project was signed mostly by minors that were not necessarily aware of what the development would mean for the residential area. The applicant also did not provide information on maximum capacity which is needed for Council to accurately determine the impact of this project. Ms. Sepp also mentioned a letter from the Army Corps of Engineers on their concerns of the potential impacts this project will bring to the area, and provided the letter to Council for the record. Ms. Sepp said the bottom line is the majority of Fox Hills residents were not clear in regards to the hearing process, and were deprived of their right to comment at the second (continued) public hearing, regardless of the record being left open. Ms. Sepp said the few residents that were notified of the project didn’t provide for the entire residential area, and asked that extra scrutiny and caution be applied to this project, and that Council reopen the hearing.

*Tim Thornburg, 19291 SW Chesapeake Drive, Tualatin, OR*, said he did not provide previous testimony and would like the opportunity to be part of the public record at this meeting. He said some of the information submitted by the applicant was inaccurate. The data submitted was based on other fitness clubs and much of the issue has to do with traffic. Mr. Thornburg said the data collected on the particular days it was taken was not necessarily a good day to collect accurate data to analyze traffic flow. He distributed information he had on comparisons of different clubs and the uses that happen at those clubs with regards to traffic. Mr. Thornburg concluded that he believes there will be a loss of home values from this project, and asked that the Council reopen the hearing.

Mayor Ogden asked and City Attorney clarified that the information that is brought forward at this meeting will not be part of the public hearing, but could be considered by Council on determining whether to "reopen" the hearing, but not for the hearing itself.

Mayor Ogden suggested this discussion be continued under the *General Business* portion of the agenda, later on in the meeting.

*Ed Casey, representing the Lions Club, Tualatin, OR*, noted on July 18, 2009 from 7:30 a.m. to 11:30 a.m., a pancake breakfast will be held at the Winona Grange for the Lions Club and all invited.

*Joe Lipscomb, 8725 SW Tualatin Road, Tualatin, OR* representing Loaves and Fishes at the Juanita Pohl Center, gave a brief update on activities. Particularly noted on July 12, 2009, there will be a "Wii®" family event for youth, parents and grandparents.

*Dawn Parr, 5393 SW Wichita, Tualatin, OR*, was noted by Mayor Ogden signed up to speak. Ms. Parr indicated she did not wish to speak at this time as her comments have already been mentioned by the citizens speaking on the Conditional Use Permit for the Stafford Hills Racquet Club project.

#### **D. CONSENT CALENDAR**

Item G-2, Ordinance No. 1284-09, had first and second readings at Work Session and placed on the Consent Agenda. MOTION by Councilor Barhyte, SECONDED by Councilor Beikman to adopt the Consent Agenda as amended and read:

1. Approval of the Minutes of the Works Sessions and Meetings of May 26, 2009 and June 8, 2009
2. Resolution No. 4900-09 Accepting Public Improvements for JC Ventures
3. Resolution No. 4901-09 Authorizing Police Management Salary Schedule Adjustments and Benefit Changes for the City's Management, Professional and Confidential Staff for Fiscal Year 2009-10
4. Resolution No. 4902-09 Approving and Authorizing the Provisions of Workers' Compensation Insurance Coverage for Volunteers and Repealing Resolution No. 4803-08
5. Resolution No. 4903-09 Ratifying a Collective Bargaining Agreement Between the City of Tualatin and the Tualatin Employees Association and Authorizing the City Manager to Execute the Agreement
6. Resolution No. 4904-09 Awarding the Bid for the Blue Lot Pedestrian Bridge
7. Resolution No. 4905-09 Approving Changes to the Adopted 2008-2009 Budget
8. Authorizations for the 2009 Crawfish Festival
9. Approval of a Change of Ownership Liquor License Application for Juan Colorado Restaurant
10. Resolution No. 4906-09 Approving Washington County Urbanization Forum Actions

- G-2. Ordinance No. 1284-09 Relating to Changing the Planning District from Low-Density Residential (RL) to Medium Low-Density Residential (RML) at 19945 SW Boones Ferry Road; and Amending Community Plan Map 9-1 (PMA-09-01)

MOTION CARRIED.

**E. PUBLIC HEARINGS – Legislative or Other**

1. Resolution No. 4907-09 Adopting the City of Tualatin Budget for the Fiscal Year Commencing July 1, 2009, Making Appropriations, Levying Ad Valorem Taxes, and Categorizing the Levies

Mayor Ogden opened the public hearing.

Finance Director Don Hudson noted this is a public hearing to consider adoption of the City of Tualatin budget for Fiscal Year 2009/10. Mr. Hudson gave a brief presentation of the fiscal year budget and said the decrease in the budget is primarily related to a decrease in capital projects. The Budget Advisory Committee approved the proposed budget at their May 18, 2009 meeting. Mr. Hudson said the Council has the ability to change the approved budget in each fund by no more than 10% of the total budget, and noted some changes on the negotiated health benefits, and various projects not completed in the present fiscal year.

Staff recommends Council adopt the attached Resolution which includes the approved fiscal year 2009-10 budget, with additional changes as outlined in the staff report.

PROPONENTS – None.

OPPONENTS

*Kathy Newcomb, 17515 SW Cheyenne Way, Tualatin*, was present, noting her past membership on the Budget Advisory Committee, asked that donations to the Tualatin Food Pantry be increased this year. Ms. Newcomb also expressed her concern about the Tualatin Tomorrow visioning project budget, and questioned the level of involvement of Tualatin Tomorrow on traffic concerns in the City, particularly the I-5/99W Connector project. She also questioned overtime costs of a number of City employees in attendance at a recent Tualatin Tomorrow evening event. Ms. Newcomb also mentioned her past support of some type of compensation for the City Council, and went on to say she believes the health insurance benefits offered to Council should be publicized ahead of time before an election as it may interest people in running for Council. Ms. Newcomb concluded she would like to see another way to address Tualatin Tomorrow.

In response to Ms. Newcomb's mention of the Tualatin Food Pantry budget, Mayor Ogden asked and City Manager Lombos noted there is \$15,000 allocated in the budget for social service agencies and a process will begin in the fall of agencies submitting applications for funding awarded by Council.

City Manager Lombos also noted that Tualatin Tomorrow Committee co-chairs presented a budget to the Council, which is part of the Planning Division budget, with \$20,000 for a part-time contract employee to handle the arrangements between lead partners, volunteers, etc.

Mayor Ogden said staff will look into Ms. Newcomb's suggestion of noting benefit compensation for potential councilors ahead of time before an election.

Councilor Barhyte commented on the "Tualatin Tomorrow" project's efforts is to engage citizens and encourage and promote involvement of the community. There is a certain amount of cost of all committees with staff associated with those committees and events and said he is 100% in favor of Tualatin Tomorrow funding in the budget.

Councilor Beikman said there has been many countless hours of time spent by volunteers on this project, and considered Ms. Newcomb's comments uncalled for.

Mayor Ogden closed the public hearing.

#### COUNCIL DELIBERATION

MOTION by Councilor Harris, SECONDED by Councilor Barhyte to adopt the attached Resolution as presented, which includes the approved Fiscal Year 2009-2010 budget, with additional changes as outlined in the staff report. MOTION CARRIED. [Vote: 6-0; Davis absent.]

#### F. PUBLIC HEARINGS – Quasi-Judicial

None.

#### G. GENERAL BUSINESS

**Mayor Ogden returned to the "Citizen Comments" portion of the meeting** for continued discussion on Conditional Use Permit CUP-09-01, Stafford Hills Racquet Club.

#### C. CITIZEN COMMENTS [continued from earlier in the meeting]

*Dawn Parr, 5393 SW Wichita, Tualatin, OR* said her question is when there is residential zoning and a conditional use permit is given, why is there any point to being zoned commercial or residential.

Mayor Ogden explained the planning districts and various uses in the Tualatin Development Code (TDC). In every planning district zone there are *outright uses*, and within many zones there are a list of uses that are *not* permitted on an outright basis, but if certain conditions are met, that use is allowed. If the conditional use permit (CUP) meets conditions, it is presumed that CUP works for that point in time for that zone.

*David Arndorfer, 19339 SW Chesapeake Drive, Tualatin, OR*, said he believes the City owes citizens a higher standard of communication and should be looking after the citizens best interest. He believes Council made an error and took the shortest cut they could and a lot of information was overlooked and not considered by staff. In that regard, he encouraged that Council reconsider its decision and reopen the hearing.

**Thomas ?????, 5783 SW Calusa Loop, Tualatin OR**, said first meeting of a council, that this particular use seems contextually incorrect, and agrees with what everyone else has said, and not sure it will benefit the community.

Tim Thornburg spoke again, emphasizing the impact of what a pool would have in regards to traffic. He spoke with ClubSport on the amount of parking they need, and what would then be the amount of parking needed for Stafford Hills. He also questioned the data submitted about the number of residents from the Fox Hills neighborhood that would be members of the club.

*Bob Dove, 19135 SW Mobile Place, Tualatin OR*, said he was not available to speak at the previous hearing, and would like the opportunity to speak if Council considers reopening the public hearing.

Mayor Ogden noted that Council is *not* in a public hearing process, and directed the question to Councilors about reopening the hearing.

Councilor Barhyte asked and City Attorney Braden explained the recourse of a conditional use in regards to traffic issues. It was asked and answered how traffic issues are controlled with a conditional use process, and City Attorney Braden explained if the use gets too far from what Council originally granted, Council can go back and relook at that. City Attorney Braden also noted that traffic counts used to determine the amount of traffic created by the use are reasonable worst case scenario estimates.

Mayor Ogden reviewed the language from the TDC on what the process is for reopening a hearing and where State law is applicable with regards to the 120-day rule. It appears that Council could reopen the hearing, and could have a hearing at the July 13, 2009 Council meeting, with a "writ of mandamus."

Questions were asked of the process, and running up against the 120-day rule, and all issues would need to be determined at the July 13, 2009 meeting to meet the 120-day requirement.

MOTION by Councilor Barhyte, SECONDED by Councilor Truax to reopen the public hearing regarding Conditional Use Permit, CUP-09-01 Stafford Hills Racquet Club, for the July 13, 2009 meeting.

#### Discussion on Motion

Councilor Truax asked and Ms. Lombos explained the next step would be the architectural review (AR). Councilor Truax said if the hearing is reopened could the Council revoke the permit that has already been approved

Councilor Beikman questioned the process of how the 120-day rule would work with running up against reopening the hearing on July 13 2009, and City Attorney Braden explained.

MOTION by Councilor Truax to call for the question. MOTION FAILED.

Councilor Barhyte said the main reason to reopen the hearing appears to be the traffic data and whether the original traffic data is flawed.

Councilor Truax said it is appropriate in light of the Army Corps of Engineers letter to revisit the impact on the wetlands, and believes they raised issues that were glossed over. Mr. McKillip reviewed the process, particularly in situations when next to wetlands, and conditions that would have to be met, and the need to meet the criteria of other agencies, such as the Army Corps.

It was asked if the applicant has requested an extension and City Attorney Braden said the applicant has not.

Mayor Ogden questioned whether or not traffic trips are a condition Council can apply and the presumption that the data provided is incorrect.

Councilor Beikman said the same questions were raised, and traffic studies do use a "worst case" scenario, and she noted she is uncomfortable with reopening the hearing.

Tim Thornburg spoke again and commented that the traffic engineer did not have the specifics in terms of the day the data was collected, in terms of comparables. He believes the cost of reopening the hearing is worth it.

Mayor Ogden reiterated that Mr. Thornburg is asserting that the comparable information isn't correct, but said Council does not have the ability at this meeting to reread the data previously submitted. Mayor Ogden said Mr. Thornburg's opinion is he believes that the data taken on the comparable facilities is flawed and requests that the hearing be reopened.

David Arndorfer spoke again about what would be the downside if the Council reopens the hearing. Interested residents could attend the hearing on July 13, 2009, and Council and the City gets is a process that is more open, transparent, and available to more citizens. Mayor Ogden said with that assertion, how could anyone say no, but noted there is a defined process, whether good, bad or indifferent, it is what it is.

Mayor Ogden said in his opinion going back because not enough people testified on the issue is not a legitimate reason to go back and reopen the hearing, but if the evidence that was submitted is incomplete is a more compelling argument.

***A break was taken from 9:31 p.m. to 9:40 p.m.***

Mayor Ogden reopened the meeting after the break, and noted during the break he checked the weather for the date in question when the data was collected.

It was noted to reopen the hearing a vote by all Councilors present is required to be *unanimous*.

MOTION to reopen the public hearing on Conditional Use Permit CUP-09-01, Stafford Hills Racquet Club. **MOTION FAILED.** [Vote: 4-1; YES – Ogden, Barhyte, Maddux, Truax; NO – Beikman; Davis absent; Harris recused]

1. Resolution No. 4908-09 Consenting to the Annexation of the Clackamas County Portion of the City of Tualatin to the Clackamas County Library Service District
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Community Services Director Paul Hennon gave a brief recap of the issue to this point. Library services to Tualatin's Clackamas County residents will be reduced on July 1, 2009 as that area is not included in the new Clackamas County Library Service District and since that part of Tualatin does not pay property taxes to Washington County for the Washington County Cooperative Library Services (WCCLS). The Tualatin library is a member of the WCCLS and receives the majority of its funding through Washington County.

Staff's recommendation is for Council to determine what is in the best interest of the citizens of Tualatin. City Manager Lombos said there are three areas that are not filled-in in the Resolution, and based on the discussion, Council needs to have the appropriate amount of return requested from Clackamas County. City Manager Lombos Clackamas County first offered zero, but there has since been an information conversation of their willingness to go 50-50.

Councilor Harris said he had conversation with a Clackamas County Commissioner and not wanting to create a different class of library service. Discussion followed and it was asked and answered how many cards are issued from Clackamas County residents to Clackamas County libraries, and how many Washington County cards for Clackamas County residents.

Council reviewed the map that indicates where patrons of the Tualatin library come from. It was asked and answered that Tualatin is not asking for inclusion of the unincorporated residents of Clackamas County. Discussion followed and it was explained how the issuance of library cards are done with unincorporated and citizens in the city limits.

Discussion continued and Council determined what the percentages should be passed on to Clackamas County in the form of the resolution addressing the distribution of revenue in the incorporated area, distribution of revenue upon annexation of unincorporated area, and prior year recovered delinquencies and interest earned.

MOTION by Councilor Harris, SECONDED by Councilor Barhyte to adopt a resolution consenting to annexation of the Clackamas County Portion of the City of Tualatin to the Clackamas County Library Service District, and in Section 1(d) of the resolution, place 100%, Section 1(e), 100%, and Section 1(f), 100%. MOTION CARRIED. [Vote 6-0; Davis absent.]

#### 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

Mayor Ogden mentioned the great list of performers for the upcoming summer Concerts on the Commons.

#### K. ADJOURNMENT

MOTION by Councilor Harris, SECONDED by Councilor Maddux to adjourn the meeting at 10:30 p.m. MOTION CARRIED.

Sherilyn Lombos, City Manager

Recording Secretary

  
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