



TUALATIN CITY COUNCIL WORK SESSION MINUTES OF AUGUST 24, 2009

PRESENT: Mayor Lou Ogden [arrived at 5:10 p.m.]; Councilors Monique Beikman, Joelle Davis, 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; Carina Christensen, Assistant to the City Manager; Dan Boss, Operations Director; Paul Hennon, Community Services Director; Eric Underwood, Development Coordinator; Colin Cortes, Assistant Planner; Maureen Smith, Recording Secretary

ABSENT: Council President Barhyte\* [\* denotes excused]

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

**A. CALL TO ORDER**

Councilor Truax opened the work session at 5:09 p.m.

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

1. *Tualatin-Durham Services*

City Manager Lombos noted this issue was postponed from the previous work session. Police Chief Kent Barker gave a brief background on the services provided to the City of Durham by the Tualatin Police Department. An agreement was done in 1989 with Durham to contract for police services. A comparison from 1989 to 2003 indicates the increase in services. A meeting was held with Durham in 2003 with the former city manager and city administrator of Durham regarding the actual real costs of providing services. At that meeting an agreement was made for an annual agreement to be done with a 4% increase. Chief Barker reviewed a model for services provided by the City of Newberg for Dundee. Chief Barker said Durham's city administrator has stated they cannot pay anymore than they are already paying. Cost considerations were reviewed. It was asked and explained about police response protocol and that Durham could look to Tigard or Lake Oswego for services if desired. Options were reviewed.

Councilor Truax said he initially asked for discussion on this issue, and believes that Durham should pay the equivalent of the Newberg-Dundee model. The way it stands now it is a "give-away" and not fair to the Tualatin taxpayers. Councilor Maddux said she agreed with Councilor Truax. Discussed followed and Council does not believe Tualatin should be subsidizing Durham any longer, and to approach Durham with various models, and allow enough time for them to go out for a bond measure if needed. City Manager said staff will move forward and enter into discussions with Durham officials.

2. *South / Southwest Tualatin Concept Plan Areas.*

Community Development Director Doug Rux and Assistant Planner Colin Cortes presented information on the South / Southwest Tualatin Concept Plan areas, which covers the government portion discussion and laid out the steps of that process.

Assistant Planner Cortes gave an overview of the memorandum and essentially what lands should be governed, and where should jurisdictional lines be drawn, and the steps to be able to move forward.

Council discussion followed on possible urbanization of various lands and to be able to govern areas, but not looking to get jurisdictional control.

Mayor Ogden asked if Council agreed with the land on the eastside of the freeway, and Borland Road somehow area becomes urbanized, or subject of urbanization, and Tualatin wants to be able to govern that area. Not hungry to get jurisdictional control, but want it to be

Discussion followed and Community Development Director Rux reviewed how the various properties were included in the concept plan.

The land to be extended along Day Road and Boones Ferry Road was discussed. South of Day Road is Wilsonville and the City of Wilsonville controls Day Road. Discussion continued on what lands should be included for governance and jurisdictional control by Tualatin. Mr. Rux laid out the scenario of what could happen if Wilsonville is not amenable. Discussion on possible scenarios that could happen with Wilsonville. The pros and cons of annexation were also discussed.

Mr. Rux summarized the discussion. Interest expressed in having Day Road as the southern boundary, and pick up the Knife River piece to coincide with Area of Interest 2. South of that Council has no interest.

3. *Phase III Review of Tree Regulations*

Assistant Planner Colin Cortes began by noting this is the third phase of the tree regulations and the memorandum contains policy considerations.

Mr. Rux gave an update on the current tree regulations and what is being looked at now. Current tree removal regulations on private property was one area. Councilor Harris said he is really looking at controlling street trees and not pertain to private property trees. Mr. Rux reviewed the tree groves (from a map displayed) in the city. There is not a lot of developable land currently, but if look to the future there are many groves of trees in areas outside the city limits.

Discussion followed on how to address tree preservation and protection. Also mentioned is how do some of the other surrounding cities handle tree regulations. Most of the future risk is what will happen to south and east in the future, as the City is more or less built-out presently, and boils down to the private property issue.

City Manager Lombos summarized the discussion that staff will research what surrounding jurisdictions do regarding tree preservation, and look at differences between the current ordinance and a grove-type protection ordinance outside the current city limits. Also, Council

did not wish to have a plan to “fill the holes” that are already out there. It was suggested to do more to advertise the “tree for fee” program. Council wants staff to pursue regulations for private trees than what is place now, and not be more restrictive than what is currently in place. Also bring back information about future lands to could be annexed into the City.

**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 – N/A**

2. Ordinance No. 1287-09 Relating to Traffic Offenses; and Amending TMC 8-3-020

MOTION by Councilor Harris, SECONDED by Councilor Maddux 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. [*Barhyte absent.*] MOTION by Councilor Harris, SECONDED by Councilor Davis to place the adoption of the Ordinance on the Consent Agenda. MOTION CARRIED.

**H. ITEMS REMOVED FROM CONSENT AGENDA – N/A**

**I. COMMUNICATIONS FROM COUNCILORS**

Councilor Beikman noted she and Mayor Ogden attended the “Safe Route to Schools” conference. The first walk/bike school day event is October 7, 2009.

Councilor Harris noted he attended a work group regarding the continuing discussions on the Clackamas County Library District issue.

**J. EXECUTIVE SESSION**

Mayor Ogden noted an executive session pursuant to ORS 192.660(2)(h) to discuss current and pending litigation will be held after the regular meeting.

**K. ADJOURNMENT**

The work session recessed at 7:00 p.m. and reopened at 8:37 p.m. to go into executive session pursuant to ORS 192.660(2)(h) to discuss current and pending litigation.

The work session adjourned at 10:20 p.m.

Sherilyn Lombos, City Manager

Recording Secretary

A handwritten signature in cursive script, appearing to read "Maureen Spink", is written over a horizontal line.



# City of Tualatin

www.ci.tualatin.or.us

Approved By Tualatin City Council  
Date 9-14-09  
Recording Secretary W. Smith

## TUALATIN CITY COUNCIL MEETING MINUTES OF AUGUST 24, 2009

**PRESENT:** Mayor Lou Ogden, Councilors Monique Beikman, Joelle Davis, Jay Harris, Donna Maddux, and Ed Truax; Sherilyn Lombos, City Manager; Brenda Braden, City Attorney; Mike McKillip, City Engineer; Doug Rux, Community Development Director; Paul Hennon, Community Services Director; Kent Barker, Police Chief; Carina Christensen, Assistant to the City Manager, Maureen Smith, Recording Secretary

**ABSENT:** Council President Barhyte\* [\* denotes excused]

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

### **A. CALL TO ORDER**

Mayor Ogden called the meeting to order at 7:07 p.m.

Councilor Truax led the Pledge of Allegiance.

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

#### *1. Tualatin Tomorrow Presentation – Parks, Recreation, and Natural Areas*

Connie Ledbetter, Jill Anderson, and Dayna Kam were present to give a brief PowerPoint and update on the focus area of Tualatin Tomorrow parks, recreation and natural areas. It was noted that along with Dayna Kam, there are several youth representatives involved in the focus areas for this project. Ms. Anderson said they are also looking at the prospect of a “dog park” for Tualatin. Ms. Ledbetter noted that part of the Council packet contains various brochures and information on parks, natural areas, etc. Also mentioned were businesses that they have not yet established relationships but will be pursuing and the work that’s been done with other businesses that are involved in some of the action items. Visit the website at [www.tualatintomorrow.org](http://www.tualatintomorrow.org) for volunteer opportunities and more information.

Councilor Beikman thanked all the members of the group, and particularly the youth involved. Councilor Maddux added there is a meeting in mid-September on the proposed “dog park”.

#### *2. Sexual Assault Resource Center Report*

Erin Ellis, Director of the Sexual Assault Resource Center, was present and distributed material including statistics on the Center, and explained the majority of their work is for non-reporting survivors. Ms. Ellis noted an upcoming event in support of the center, and looking to raise \$25,000, with all proceeds going to support the clinic. Ms. Ellis invited Council to attend, which is scheduled for Saturday, September 26, 2009, 10:00 a.m. at Beaverton City Park, across from the Beaverton Library.

**C. CITIZEN COMMENTS**

*Stephen Ricker and Joe Lipscomb*, representing the Juanita Pohl Center, distributed a bulletin of the activities of the past month. A review of the events were noted and it was mentioned during the recent heat wave, the center was open and used as a "cooling center" for those that needed it. Council noted their appreciation of the volunteers that participated in keeping the center open during that time.

*David Dahle, Get Spotted Media*, was present and said he is partnering with the Tigard-Tualatin School District on a new media project for the Tualatin High School students. A 90-minute video of how Council meetings are conducted will be produced, to expose youth to local government. Mr. Dahle said he will be contacting the City Manager to make sure that the spirit of intent and is correct and promoting the message correctly. Mr. Dahle also noted events that will be taking place, in particular the VFW dedication, which will be available at [www.tualatintv.com](http://www.tualatintv.com).

**D. CONSENT CALENDAR**

Councilor Davis abstained from Item D-2 due to a conflict of interest. Item G-2 – Ordinance No. was placed on the consent agenda at work session. MOTION by Councilor Harris, SECONDED by Councilor Maddux to adopt the Consent Agenda as amended and read:

1. Approval of the Work Session and Meeting of August 10, 2009
2. Community Involvement Committee Appointments
3. 2009 Annual Report of the Tualatin Development Commission
4. Resolution No. 4918-09 Accepting Public Improvements for the Shoppes and Hotel At Bridgeport
5. Resolution No. 4919-09 Accepting Public Improvements for Living Savior Lutheran Church
6. Resolution No. 4920-09 Approving Participation in the National League of Cities Prescription Discount Card Program

MOTION CARRIED.

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

None.

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

1. Public Hearing to Consider a Resolution for a Conditional Use Permit (CUP) for Light Truck Rental, Leasing, and Associated Temporary Signage in the General Manufacturing (MG) Planning District at 19800 SW Cipole Road (Tax Map 2S1 21DC, Tax Lot 1000) (CUP-09-02)
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Mayor Ogden read language required by legislation before a comprehensive plan or land-use regulation [ORS 197.763(5) and (6)] and opened the public hearing. Councilor Harris disclosed his company works with an adjacent property owner but does

not have anything to do with this particular property, and does believe it will affect his decision-making and participation in the hearing. No other bias or ex parte contact noted.

Assistant Planner Cindy Hahn presented the staff report and entered the entire staff report into the record. The applicant is Tualatin Mini-Storage LLC, and is located at 19800 SW Cipole Road. The applicant has decided to do less buildings and provide storage for some truck leases. Staff indicated it would be permitted, as long as a CUP application was submitted and was not part of the original CUP. The applicant is asking to allow the temporary storage of ten light moving trucks, that could be parked on the site. They would be screened from view, and there would be fewer storage units than what was approved initially. The traffic report notes there would be slight reduction in traffic, as indicated in the staff report. All of the criteria has been met. The applicant held a neighborhood developer meeting as required, and after review of the proposal, staff is recommending Council consider the staff report and supporting attachments and adopt the staff report with two conditions, as noted in the staff report.

#### PROponents

*Peter Hoffman, Portland, OR, applicant, was present to answer any questions, if needed.*

#### OPponents

None.

#### COUNCIL DISCUSSION

Mayor Ogden closed the public hearing

#### COUNCIL DELIBERATIONS

MOTION by Councilor Truax, SECONDED by Councilor Maddux to approve the staff report granting CUP- 09-02 to allow light truck rental, leasing, and associated temporary storage with the conditions stated in the staff report. MOTION CARRIED. [Vote: 6-0; Barhyte absent]

Resolution No. 4921-09 Granting a Conditional Use Permit for Light Truck Rental, Leasing, and Associated Temporary Storage in the General Manufacturing (MG) Planning District at 19800 SW Cipole Road (Tax Map 2S1 21DC, Tax Lot 1000) (CUP-09-02)

MOTION by Councilor Truax, SECONDED by Councilor Maddux to adopt the resolution granting CUP-09-02 allowing light truck rental, leasing, and associated temporary storage with the conditions stated in the staff report. MOTION CARRIED. [Vote: 6-0; Barhyte absent]

### **G. GENERAL BUSINESS**

#### 1. Approval of City Installation of Fire Hydrant for the Robinson Crossing II Project

City Engineer Mike McKillip gave a brief background on the staff report and noted it is an issue related to the installation of a fire hydrant, and noted a correction to the staff report on page 2, third paragraph, should read that the project as described by the developer is not financially feasible at this time as it relates to the particular project. There are also rough estimates of fire hydrants as listed in the staff report.

*David Emami, Lake Oswego, OR developer of the project, was present and distributed an email for the record. He noted that he has invested in the future of Tualatin, and the vision of urban renewal and explained what is wanted for that particular area of the city center. Mr. Emami said that during planning and meetings, the fire hydrant was overlooked, and he would appreciate Council taking a look at this issue that was missed by staff initially. He now has to install a fire hydrant at a substantial increase. Mr. Emami said he believes this is a partnership between the City and the private sector and believes it is unfair to take on the burden of the hydrant costs. He asked the Council consider his request.*

It was asked why fire hydrants were not part of the infrastructure in the first place. Community Director Doug Rux explained urban renewal programs are established to remove blight conditions within a certain area. The governing body determines what projects to invest money in, and Tualatin has focused on public infrastructure, to be able to attract development. The staff report outlines different options available, and at the time staff didn't know what development was going to actually be built there. Mr. Rux said hydrants could have been placed and knowing what is known now there could also be additional hydrants. Mr. Rux also noted he has held discussions with Mr. Emami and if staff had known what was going to be developed, the sewer line would have been redesigned. It was asked and answered that infrastructure was provided by other downtown urban renewal projects, such as the buildings around the Commons. Mr. Rux said in the case of the Commons project, the City was the developer and owned the property. In this case Mr. Emami owns this property and is the developer, and all that remains is the fire hydrants.

Mr. McKillip explained that additional hydrants can be installed on public property, and may then be installed on the private property. It was asked if the hydrant is a private demand versus public. Mr. McKillip said if there is room on the site, it would service that property. It was explained that a hydrant wouldn't be placed if not for this project.

It was asked and Mr. Rux replied the three story building project in the downtown area built few years back, were private hydrants provided by the developer, and the Development Commission did not participate in the fire hydrants at that building.

Alternatives were outlined in the staff report, and Alternative 3 was recommended by staff, and suggested that two hydrants be provided by Tualatin, and one to be provided by the developer. Discussion followed on the possible difficulty in locating and placement of the hydrant.

Mayor Ogden said the offer is that the City pays for two hydrants and Mr. Emami for one Council was in agreement.

MOTION by Councilor Truax, SECONDED by Councilor Harris that the City participate in providing two required hydrants on Seneca Street to support the Robinson II building, with ..... the developer providing the third hydrant. 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)(h) to discuss current and pending litigation will be held after the regular meeting.

**J. COMMUNICATIONS FROM COUNCILORS**

Councilor Truax thanked members of the community for supporting Oregon Dog Rescue. A successful fundraising event was held at Wine Styles in Tualatin.

**K. ADJOURNMENT**

MOTION by Councilor Truax, SECONDED by Councilor Maddux to recess the meeting at 8:36 p.m. MOTION CARRIED.

The work session reopened at 8:37 p.m. to go into executive session pursuant to ORS 192.660(2)(h) to discuss current and pending litigation. The work session adjourned at 10:20 p.m.

Sherilyn Lombos, City Manager

Recording Secretary 