



TUALATIN CITY COUNCIL WORK SESSION MINUTES OF OCTOBER 26, 2009

PRESENT: Mayor Lou Ogden, Councilors Chris Barhyte, Monique Beikman, Jay Harris, and Ed Truax; Sherilyn Lombos, City Manager; Brenda Braden, City Attorney; Doug Rux, Community Development Director; Don Hudson, Finance Director; Dan Boss, Operations Director; Cindy Hahn, Assistant Planner; Paul Hennon, Community Services Director; Colin Cortes, Assistant Planner; Carina Christensen, Assistant to the City Manager; Eric Underwood, Development Coordinator; Maureen Smith, Recording Secretary

ABSENT: Councilors Joelle Davis* and 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 5:04 p.m.

Council reviewed the Consent Agenda first with no questions or changes.

Mayor Ogden recessed the Council work session at 5:06 p.m. and reconvened the work session at 5:07 p.m.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. Amendment of For Lease/Sale Sign Regulations

Community Development Director Doug Rux and Assistant Planner Colin Cortes presented information on the consideration of amending the sign code regulations on For Lease/Sale signs. Discussions have been held with Tualatin Planning Advisory Committee (TPAC), the Chamber and various real estate brokers on this issue.

In discussions with the brokers their consensus is the City's sign ordinance is good as is, but could perhaps look at some type of enforcement. They believe any more restrictions would hamper their ability to lease property as they need signs to be able to lease or sell space. There was an acknowledgement that some of the signs are too large, but expressed concern that the signs wouldn't be seen as prominently.

Mr. Rux reviewed the Tualatin Planning Advisory Committee (TPAC) perspective on the sign issue, and their recommendations to Council. Discussion followed on the possibility of implementing a sign review process, such as regulating the size, location, and length of time they are left up.

Chamber of Commerce Director Linda Moholt, present in the audience, spoke on discussions she has had with brokers. There is currently a high vacancy rate and signs are a tool of their business. She said the goal of the Chamber is to work with and promote businesses, and asked that Council wait to make any changes to the sign regulations until there is an economic turnaround.

It was suggested some sort of program be started. Mayor Ogden said he did not want to exacerbate the problem but perhaps give brokers a year for compliance. Mr. Rux said staff could do some sort of enforcement, and while that is happening, get a letter put together to the real estate community that an enforcement process is being done, and give brokers one year for compliance. After a year, then go through the process of applying for a permit. There was extended discussion of whether enforcement would work, and to adopt some sort of ordinance first, with implementation a year or more out, then if the sign has not been taken care of, begin the permit process.

After considerable discussion, Council suggested that the current sign regulations be enforced, contact brokers on what the City is and will be doing regarding signs, and after a given amount of time such as twelve months, prepare an ordinance addressing that after twelve months of displaying a "temporary" sign, it would become permanent and the broker would then need to go through the process of applying for a "permanent" sign.

2. *Sherwood's Concept Planning for the Tonquin Employment Area*

Community Development Director Rux and Assistant Planner Cindy Hahn presented information on the City of Sherwood currently going through concept planning for the Tonquin Employment Area. Ms. Hahn said she has been attending various meetings and there are a few issues that arose that may be of concern to Tualatin, such as retail, and access onto 124th. They are looking at areas that Tualatin has concerns with. Mr. Rux said Sherwood is moving fast and staff wanted to keep Council informed of what's happening with their planning efforts. Staff will continue to meet with Sherwood and keep Council apprised of the situation. Brief discussion followed.

3. *Dog Park Update*

Community Services Director Paul Hennon explained what has been happening to date. The contractor for the pump station is behind a bit, but there is an opportunity to give Tualatin a better park. Mr. Hennon reviewed a display of the area, and said trading some of the excavation may be more like what we want to end up with for a dog park. In addition to a fence it would be good to have a gravel path, and may be able to get Clean Water Services (CWS) to fund that part also. An issue for Council is whether to use SDCs for a certain portion of the proposed park. Ms. Lombos said Operations Director Dan Boss and Parks Maintenance Supervisor Bob Martin were present to discuss maintenance.

Parks Maintenance Supervisor Bob Martin said based on 45-50,000 square feet, maintenance estimate is about 290 hours a year, the bulk comes into litter and garbage during the months of March through October. Since the park would be irrigated there would be mowing, which is currently contracted out, but staff would like to keep it in-house for this park. Soil would be brought in and seeding to keep the park as level as possible, with the total at approximately \$10,402 a year, including material. Operations Director Boss said they feel good with that the number, and being the dog park will be in Community Park, everything will be in one place and workloads would be distributed effectively.

Mr. Hennon said there is no water as yet, but it is stubbed out. There is irrigation and will be using reclaimed water. Councilor Harris said would like to see a way to get water there, such as a drinking fountain. Mr. Hennon said he has cost estimates, but it would need to be funded. Discussion followed on where funding could be obtained. Mr. Hennon said staff will come back with more information on costing and Mayor Ogden said if there is any reasonable way, to make it happen.

4. *Continuation of Bancroft Bonding Discussion*

Finance Director Don Hudson presented information from the previous discussion regarding whether the City should continue to offer Bancroft Bonding for private projects. Council asked staff to come back with administrative costs, etc., as well as ways to mitigate the risk to the City if continue to offer this form of financing.

Mayor Ogden said he was not comfortable with this process and said he does not want to be in the business of bancrofting, but did not want to penalize the developer that has asked for a reduction in the fee. Discussion on whether to change the ordinance to remove the fee, or an ordinance to repeal. Councilor Beikman wanted to go on record that she is not in favor of this and should not be allowed, and since the developer has requested a reduction in the fee he should pay the 15% as currently in the ordinance.

Discussion followed and conclusions by Council were to change the fee to a sliding scale, remove the commercial portion of the ordinance, repeal the commercial, although the residential cannot be repealed by State statutes. Council also concluded to reduce the 15% fee to 5% to the developer that requested the reduction.

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
None.

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)(h) to discuss current and pending litigation will be held after the regular meeting.

K. ADJOURNMENT

The work session recessed at 6:54 p.m. and reconvened at 7:47 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 9:04 p.m.

Sherilyn Lombos, City Manager

Recording Secretary





TUALATIN CITY COUNCIL MEETING MINUTES OF OCTOBER 26, 2009

PRESENT: Mayor Lou Ogden, Councilors Chris Barhyte, Monique Beikman, 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: Councilors Joelle Davis* and 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 7:06 p.m.

The Pledge of Allegiance was led by Councilor Harris.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. *Friends of the Library / People for Libraries Presentation (added to the Agenda)*
Rob Drake, former mayor of Beaverton, Harry Bodine, longtime advocate for the Cedar Mill Library, and Marge Congress, Friends of the Tualatin Library, were present to discuss the Washington County libraries. The current county library levy is up in 2011, and it will be the County Commissioners decision whether to extend the levy. Harry Bodine said the truth in library campaigning is people will vote for libraries if asked to do it. A Political Action Committee (PAC) has been in place before 1996 to secure funding for libraries, and they expect the levy will be on the ballot for November, 2010. It would be a renewal of the current levy, with no increase proposed, which needs to be approved every five years to continue operations of libraries in Washington County. Marge Congress said there is a website for more information at www.peopleforlibraries.org. They hope for the City's support to help them help the community.
2. *Tualatin Tomorrow Presentation Key Focus Area - Health, Safety & Social Services*
Not present.
2. *2009 Tualatin West Coast Giant Pumpkin Regatta Announcement*
Parks and Recreation Coordinator Carl Switzer gave a presentation on the upcoming 2009 West Coast Giant Pumpkin Regatta. It has grown over the years and last year's attendance was upwards of 4,000 attendees. There are some new activities that have been added this year and they are looking forward to another great event this year

C. CITIZEN COMMENTS

Linda Moholt, Tualatin Chamber of Commerce, was present to promote the "Regatta Run", a 5K race at this year's Pumpkin Regatta. Ms. Moholt mentioned sponsors of the event, and there will be a scholarship fund established in memory of Tualatin resident, Corporal Matthew Lembke. They are looking to get 300 runners and walkers, and Ms. Moholt invited all to participate. More information can be obtained at www.tualatinchamber.org.

Stephen Ricker, representing Juanita Pohl Center, gave a monthly update on the center's activities. Mr. Ricker wanted to thank the Council and staff for the attention given to adult opportunities. Mayor Ogden thanked the Center for all the work they are doing and said it is a vibrant and busy place to be.

D. CONSENT CALENDAR

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

1. Approval of the Work Session and Meeting Minutes of September 28, 2009 and the Special Council Work Session of September 30, 2009
2. Change Order No. 2 to the Contract Documents for Construction of the Tualatin Interstate 5/Nyberg Interchange Landscape Improvements
3. Fiscal Year 2008/2009 Parks Systems Development Charge (SDC) Annual Report
4. Fiscal Year 2008/2009 Water System Development Charge (SDC) Annual Report
5. Resolution No. 4937-09 Accepting Public Improvements for Taco Bell
6. Resolution No. 4938-09 Granting the Request for a Sign Variance for Dick's Sporting Goods Store in the General Commercial (CG) Planning District at 17799 SW Lower Boones Ferry Road (Tax Map 21E18BC, Tax Lot 1001) (SVAR-09-01)
7. Community Involvement Committee Appointments
 - *Marge Congress – Library Advisory Committee, Full term ending 10/31/12*
 - *Mike Riley – Planning Advisory Committee, Partial term ending 08/31/12*

E. PUBLIC HEARINGS – Legislative or Other

1. Public Hearing to Consider an Ordinance Extending the Approval Periods of Certain Architectural Review Decisions, and Amending TDC 73.056 (PTA-09-06)

Mayor Ogden opened the public hearing and noted it is a legislative hearing.

Assistant Planner Colin Cortes presented the staff report and entered the entire staff report into the record. The purpose is to amend the Tualatin Development Code to extend approval period of all architectural reviews (AR) that the City issued on or after January 1, 2007 through June 20, 2009 to a date certain of December 31, 2012. This would allow for additional time with ARs, due to the economic recession.

PROPOSERS/OPPONENTS – None.

COUNCIL DISCUSSION – None

Mayor Ogden closed the public hearing.

MOTION by Councilor Barhyte, SECONDED by Councilor Harris to accept the staff report and direct staff to prepare an ordinance granting PTA-09-06. **MOTION CARRIED.**

Ordinance No. 1291-09 Extending the Approval Periods of Certain Architectural Review Decisions, and Amending TDC 73.056 (PTA-09-06)

MOTION by Councilor Harris, SECONDED by Councilor Beikman for a first reading by title only. MOTION by Councilor Harris, SECONDED by Councilor Beikman for a second reading by title only. **MOTION CARRIED.** The poll was unanimous. *[Davis, Maddux absent.]* MOTION by Councilor Harris, SECONDED by Councilor Beikman to adopt the ordinance granting PTA-09-06. **MOTION CARRIED.**

F. PUBLIC HEARINGS – *Quasi-Judicial*

1. Request for Continuance – Appeal of the July 23, 2009 Interpretation Answering "What is the Status of the Nonconforming Use Rights of the Land and Structure Located at 8250 SW Tonka Street"? (Tax Map 2S124CB Tax Lot 1700) (INT-09-01) **[CONTINUED from September 28, 2009]**

Mayor Ogden opened the public hearing, and noted it was continued from September 28, 2009, and noted a request to continue the hearing to November 9, 2009.

Councilor Harris asked and Community Development Director Rux said the 120-day rule has been extended by the applicant.

MOTION by Councilor Barhyte, SECONDED by Councilor Harris to continue the public hearing to November 9, 2009. **MOTION CARRIED.**

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. 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

None.

K. ADJOURNMENT

MOTION by Councilor Barhyte, SECONDED by Councilor Harris to adjourn the meeting at 7:45 p.m. MOTION CARRIED.

Sherilyn Lombos, City Manager

Recording Secretary

Maurice Smith