



City of Tualatin

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Approved By Tualatin City Council

Date 7-14-08

Recording Secretary MSM

TUALATIN CITY COUNCIL WORK SESSION MINUTES OF MAY 27, 2008

PRESENT: Mayor Lou Ogden, Councilors Chris Barhyte, Monique Beikman, Bob Boryska, Jay Harris, Donna Maddux, and Ed Truax; Sherilyn Lombos, City Manager; Brenda Braden, City Attorney; Mike McKillip, City Engineer; Doug Rux, Community Development Director; Kent Barker, Chief of Police; Don Hudson, Finance Director; Dan Boss, Operations Director; Eric Underwood, Development Coordinator; Carina Christensen, Assistant to the City Manager; Nancy McDonald, Human Resources Director; Paul Hennon, Community Services Director; Ginny Kirby, Recording Secretary

ABSENT: [*denotes excused]

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

A. CALL TO ORDER

Mayor Ogden called the meeting to order at 4:15 p.m. and Council immediately went into Executive Session pursuant to ORS 192.660(2)(h) to discuss current and pending litigation.

A break was taken at 6:10 p.m.

The work session reconvened at 6:18 p.m.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

Freeway Signs

Ms. Lombos noted that this item is on the Council meeting agenda this evening. The discussion now is an opportunity for staff to discuss the ordinance in depth. Will Harper, Associate Planner, noted that in January 2008 Council reviewed freeway oriented signs and asked staff to return with an ordinance that: 1) removes freeway oriented activity area signs from the Code, and 2) revises the definition of nonconforming.

Mr. Harper gave a PowerPoint presentation.

Freeway Oriented Activity (FOA) Area Signs - these were a big focus at the January meeting. The proposed amendment will remove FOA area and sign provisions from the Sign Code and any existing FOA signs will become nonconforming. Councilor Harris asked if, for example, some large entity such as Disneyland came to town wanting a very large sign, what could they do. Doug Rux, Community Development Director, noted that one avenue they could take would be to apply for a variance or possibly a Plan Text Amendment.

Nonconforming Signs (prior to 1982) provisions – the proposed amendment will revise the standards for nonconforming signs by: providing a more inclusive definition of

nonconforming signs; establishing that a change in use can result in a sign becoming nonconforming; and encouraging the replacement or scaling down of existing large and tall pole signs to be reduced in size, while retaining a nonconforming sign status.

Mr. Harper then reviewed policy considerations related to PTA 08-01, which addressed how the proposed amendment accomplished Council's intent and would provide nonconforming sign standards that encourage property owners to reduce the height and size of existing nonconforming signs. He stated that there are approximately 30 larger, tall pole signs in existence.

Councilor Harris asked if the sign is pulled, does the sign go away. Mr. Rux said if in a FOA, a sign can be left in the same location, but can make it smaller (minimum of 25% reduction); if the owner wants to move the sign's location, that would trigger the amended "rules" – to adhere to new ordinance regulations. He also noted that you can have wall signs. It was reiterated that this ordinance would eliminate FOA areas in the Code.

Mayor Ogden asked for clarification regarding non-conforming signs – a "face change" can be unlimited, but if alterations to the size or structure of a sign, then that comes into nonconforming. If the structure changes and it is a nonconforming sign, it must be removed or dropped by 25% in size. Discussion followed.

Councilor Maddux asked what would happen if a property sells, what can the new owner do. Mr. Rux said a change of ownership does not require a sign be removed.

C. CITIZEN COMMENTS

Not applicable.

D. CONSENT AGENDA

The Consent Agenda was reviewed by the Council. Councilor Harris stated that his firm assisted in the legal description for item D.3. Brenda Braden, City Attorney, said Councilor Harris could abstain on D.3., but vote.

E. PUBLIC HEARINGS - *Legislative or Other*

Not applicable.

F. PUBLIC HEARINGS - *Quasi-Judicial*

Not applicable.

G. GENERAL BUSINESS

None.

H. ITEMS REMOVED FROM CONSENT AGENDA

Not applicable.

I. COMMUNICATIONS FROM COUNCILORS

Ms. Lombos noted that the Spring Fling event will be this Saturday, May 31st, 10:00 a.m. to 2:00 p.m. at the Commons; Mayor Ogden said he would be present at the event.

J. EXECUTIVE SESSION

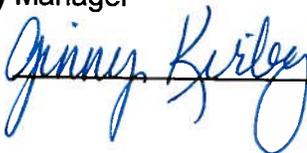
Council went into Executive Session pursuant to ORS 192.660(2)(h) to discuss current and pending litigation at the beginning of work session.

K. ADJOURNMENT

Meeting adjourned at 6:48 p.m.

Sherilyn Lombos, City Manager

Recording Secretary





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Recording Secretary M. Smith

TUALATIN CITY COUNCIL MEETING MINUTES OF MAY 27, 2008

PRESENT: Mayor Lou Ogden, Councilors Chris Barhyte, Monique Beikman, Bob Boryska, Jay Harris, Donna Maddux, and Ed Truax; Sherilyn Lombos, City Manager; Brenda Braden, City Attorney; Mike McKillip, City Engineer; Doug Rux, Community Development Director; Kent Barker, Chief of Police; Dan Boss, Operations Director; Darrel Condra, Library Manager; Kaaren Hofmann, Civil Engineer; Don Hudson, Finance Director; Carina Christensen, Assistant to the City Manager; Colin Cortes, Assistant Planner; Paul Hennon, Community Development Director; Ginny Kirby, Recording Secretary

ABSENT: [* denotes excused]

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

A. CALL TO ORDER

Mayor Ogden called the meeting to order at 7:04 p.m.
Councilor Boryska lead the Pledge of Allegiance.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. Chamber of Commerce Update – *Carla Thaler*

Ms. Thaler noted many new businesses in the City, including Lil Jumping Beans, Evergreen Gardening, RPM Chassis, Happy Kids Daycare, Safe Journeys, and Forever More.

Events coming up include Ribbon Cuttings on June 4 for Urban Bean Co. (Martinazzi Square), and on June 18 for Fiorano Ristorante (on the Lake).

Ms. Thaler wanted to remind folks that the 4th Thursday in June is the next Chamber Monthly Luncheon, featured speaker will be a representative from TriMet.

2. New Employee Introduction – *Danny Smith Jr., Community Services Department* Community Services Library Manager Darrel Condra introduced Danny Smith Jr. Danny is a new Senior Library Assistant for Community Services Department – Library.

3. Presentation of Public Art – *Buck Braden and Donna Maddux*

Buck Braden, SW Shawnee Trail, Tualatin, stated that the Tualatin Arts Advisory Committee (a 7-member committee) is to give a yearly report to Council on the past year's activities. Art Splash had 54 artists last year and grossed \$15,000; the City retains 30% as commission which then goes to help art programs in the community. They helped sponsor Concerts on the Commons and raised \$20,000. Also, they helped support some outside entities such as Broadway Rose, Tualatin Heritage

Center, and the Tualatin Heritage Center (THC) Luminaire Players. The first Student Visual Chronicle was sponsored, nine artwork pieces were chosen, and a reception was held at the THC. The second Student Visual Chronicle was held this year.

Councilor Maddux wanted to speak to new art for the Library. She noted that the copper piece "Through the Eyes of Children" (currently on the back wall in the Council Chambers) will be in the Children's area at the new Library. An Ad Hoc Art Selection Committee had been established; more than 200 proposals were received and reviewed. The group recommended seven pieces of artwork that Council approved. Mayor Ogden commented on the large community involvement in this process and thanked the committee for all their hard work.

C. CITIZEN COMMENTS

Cindy Green, Comanche Way, Tualatin. Ms. Green said she was here to address the Seminole Trail issue. She noted that Tualatin Planning Advisory Committee (TPAC) passed a 2-part recommendation that dealt with rental housing unit of 6 or more and adherence to all City regulations.

Karen Jones, Seminole Trail, Tualatin. Ms. Jones noted that Seminole Trail is a short street with a small cul-de-sac which hinders some larger vehicle turning movements. Concerns were expressed over parking and the amount of vehicles. She thought Oxford House was a good thing, just not in this location due to potential parking issues. Ms. Jones felt there should be a minimum of 350 square feet per person allowed in a single family residence; there will be 11 people in this home.

Scott Repp, Seminole Trail, Tualatin. Mr. Repp stated that he, too, was here to keep this issue in the forefront of everyone's minds. He noted he had a personal appreciation of Oxford House. He had two requests: 1) formally hear the concerns of parking safety; and 2) that the City of Tualatin empower themselves on the appeal of the building permit for the garage. Mr. Repp read excerpts from articles from both the U.S. Department of Justice and Department of Housing & Development, which addressed group home issues, specifically parking issues that can arise.

Kathy Newcomb, Cheyenne Way, Tualatin. Ms. Newcomb distributed a handout: Monthly Water Demand Analysis. She noted that at the last meeting she came with information regarding water shortages during summer and potential ideas to help alleviate this issue. Ms. Newcomb said some people questioned the shortages and she wanted to clarify that we do have shortages in the summer months. She said we should increase our number of aquifer storage & recovery wells to help alleviate summer shortages.

Arne Nyberg, Dogwood Street, Lake Oswego. Mr. Nyberg stated he is on the Rivergrove Budget Committee. He said they will be shutting off water for their City park so the grass won't continually grow and this will then lessen the amount of mowing that is done as their form of mitigation.

Mr. Nyberg requested that item D.3. be removed from the Consent agenda. The Mayor agreed to do so.

Mayor Ogden stated there will be an "open house" tomorrow evening, May 28, 2008, at 6:30 p.m. in the Training Room at the Tualatin Police Department regarding Oxford House. He invited everyone with concerns and questions to please come to the Open House. Councilor Truax noted that originally it was mentioned that they might possibly have a special council meeting, but that was changed due to pending litigation. It has been changed to an Open House and Mayor Ogden will be there as Council's representative.

Katie Bailey, Seminole Trail, Tualatin. Ms. Bailey asked what litigation is pending. Brenda Braden explained the information received by the City.

Leslie Ross, Seminole Trail, Tualatin. Ms. Ross asked who was attending the May 28th meeting for Council; it was reiterated that the Mayor would be in attendance.

D. CONSENT AGENDA

Item D.3. was removed from the Consent Agenda earlier in the meeting.

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

1. Resolution No. 4788-08 Amending the City of Tualatin Fee Schedule and Rescinding Resolution No. 4757-08
2. Resolution No. 4789-08 Approving Amendment No. 2 to the Intergovernmental Agreement Between Washington County and the City of Tualatin for the Coordination of Activities Related to the U.S. Department of Homeland Security's Urban Areas Security Initiative (UASI) Grant Program
4. 2007 Annual Report of the Tualatin Arts Advisory Committee
5. Resolution No. 4791-08 Accepting Deed of Dedication and Easements Associated With the SW Herman Road Improvements Project (Sally Lee Paulson)

MOTION CARRIED.

E. PUBLIC HEARINGS - Legislative or Other

1. An Ordinance Relating to Signs; Removing Freeway-Oriented Activity Signs as Allowed Freestanding Signs; Amending Nonconforming Sign Provisions; and Amending TDC 20.030, 31.060, 35.200, 38.110, and 38.220 - PTA 08-01

Mayor Ogden opened the public hearing.

Will Harper, Associate Planner, entered the entire staff report and attachments into the record. Mr. Harper stated that in late January 2008, Council looked at the issue of older tall pole signs adjacent to I5 and the feasibility of removing one or more by process. Council had expressed their concerns for the look of the older tall signs. Mr. Harper

briefly reviewed what had been reviewed in the January work session. The Freeway-Oriented Activity (FOA) area was originally established in the late 1960s. FOA was defined by a map (Attachment A) that showed boxes around freeway interchanges. The signs could be 45' tall and have an area of 250 square feet.

Tualatin's non-conforming regulations currently apply to signs erected prior to 1972. Council's interest had been in reducing height and size of FOA signs. Based on the analysis in the staff report and attachments, staff asks that Council recommend the amendment and direct staff to bring back an Ordinance for Council approval.

PROPOSERS - None.

OPPOSERS

Arne Nyberg, Dogwood Street, Lake Oswego. Mr. Nyberg expressed a concern about the Nyberg Crossing development's sign located at the southwest corner of SW Nyberg/15, which was installed in 2001. Mr. Harper said that Nyberg Crossing's free-standing sign is a FOA type sign. If this amendment is approved, that sign would fall under non-conforming sign category; it can stay and can have certain face changes. It can remain as is, a structural change would come under non-conforming and a new sign could be altered as long as the face area was a minimum of 25% smaller. Mr. Nyberg asked if, for example, the tubes were set incorrectly and they would need to make a change that made the sign face wider and not so "tall", what would happen. Mr. Rux clarified that if a structural change were required, and you want the sign to stay, the face change would have to be 25% smaller.

Mr. Nyberg stated he felt this plan text amendment is a travesty. He said that "face" is important to businesses; signs make an economic impact for a business. He feels it would be a bad thing to do for the business community. He feels it could be written much differently; that this is not the way to go. He felt it should be written in a more pro-business fashion. Mayor Ogden asked what Mr. Nyberg felt could be done better. Mr. Nyberg replied he didn't feel the City should abandon the FOA category for signs.

Councilor Truax asked what exactly Mr. Nyberg didn't like; Mr. Nyberg stated he felt it is a "taking" by definition. He noted that under Measure 37, billboard signs would have been allowed. Mr. Nyberg said that by removing FOA designation, the sign would no longer be allowed. It was clarified that the sign would not have to be removed, it can stay as is. However, if structural changes were needed, the height may be lessened or structural changes may require that the sign face size may have to be decreased. Councilor Harris asked about replacing the structure, for example, can a person replace the structure with the same pole structure, same housing, etc. Mr. Harper said yes, it could be replaced.

Mayor Ogden closed the public hearing.

COUNCIL DISCUSSION – None.

MOTION by Councilor Barhyte; SECONDED by Councilor Boryska to adopt the staff report and attachments and ask staff to prepare an Ordinance granting the Plan Text Amendment (PTA 08-01). MOTION CARRIED.

F. PUBLIC HEARINGS - Quasi-Judicial

1. An Ordinance Applying the Institutional (IN) Planning District to 8930 SW Norwood Road, and Amending the Community Plan Map 9-1 (PMA 08-02)

Mayor Ogden read language required by legislation before a comprehensive plan or land use regulation [*ORS 197.753(5) and (6)*] and opened the public hearing. No bias or ex parte contact noted.

Colin Cortes, Assistant Planner, entered the entire staff report into the record. Mr. Cortes noted that this site contains a reservoir and that the Engineering Division would like to construct a pump station on the property. A water reservoir is an allowed use, but a pump station is not.

PROPOSERS – None.

OPPOSERS – None.

Mayor Ogden closed the public hearing.

COUNCIL DISCUSSION – None.

MOTION by Councilor Truax; SECONDED by Councilor Boryska to adopt the staff report, accept the Plan Map Amendment, and direct staff to prepare an Ordinance amending the Community Plan Map 9-1 (PMA 08-02). MOTION CARRIED.

G. GENERAL BUSINESS

1. Resolution No. ---- Allowing a Traffic Signal at the Intersection of SW 108th Avenue and SW Tualatin Road

Mike McKillip, City Engineer, gave a PowerPoint presentation. Mr. McKillip commented that this item is similar to several previously discussed at earlier meetings. When you start installing traffic control devices when warrants are not met, Council needs to use discretionary judgment to make the decision.

This project is included in the City's Transportation Plan and System Development Code. Area residents have, in the past, expressed concerns about potential removal of trees if this project were approved. Businesses in the Leveton Tax Increment District typically inquire what being in the Tax District will provide; this project is listed as one of the items.

If the City does not install this project, there are several other routes that vehicles can take. The volumes on SW 108th Avenue are quite low; the project does not meet warrants. Mr. McKillip said some questions had been raised regarding ques. There would potentially be backups created that block SW 109th Avenue to the west and SW 106th Avenue to the east. There have also been some concerns expressed regarding sight distance. He said many intersections on Tualatin Road have the same issue, once you stop at the stop bar, you typically have to inch forward just slightly for clear sight distance.

Ms. Lombos asked for clarification regarding potential tree removal. Doug Rux, Community Development Director, noted they have been working with their engineers to make sure none of the large fir trees would have to be removed during traffic signal installation. Pedestrian issues have also been raised. The project is being designed to preserve the large firs at the southwest corner.

Councilor Harris was concerned that the sight distance wasn't as good as it could be and that this intersection is "an accident waiting to happen". Councilor Boryska expressed concerns that the traffic numbers are so low and so many intersections in the City are the same as the subject intersection. Mr. Rux spoke to why this project is before Council tonight. The possibility for several more large businesses being built in the District exists and the question is typically asked regarding what is being done for transportation. He went on to explain that the District has funding now; when the District "goes away" the funding goes away from this source. This would, in essence, be installation of infrastructure.

Kaaren Hofmann, Civil Engineer, explained that the traffic numbers stated in the staff report do take into account all potential businesses that could be built in the Leveton Tax Increment District. At projected buildout in 2024, the intersection is not projected to meet warrants; 2028 full buildout traffic projections still may not meet warrants. Ms. Hofmann reiterated what Mr. McKillip stated regarding the available alternate routes in the area.

Councilor Maddux agreed with Councilor Boryska, it doesn't appear to be warranted at this point in time. Mayor Ogden asked staff if they thought many trucks would divert to SW 108th Avenue if a signal were installed; staff couldn't speculate. Discussion continued.

Mayor Ogden said he feels this is not the right time for this project; but would like to take another look in the future before the District closes.

2. Change Order No. 3 to the Contract Documents for Construction of the Library/City Offices Expansion and Remodel Project

Paul Hennon, Community Services Director, stated the purpose of this item is to provide an overview of the Change Order and the status of the project. Mr. Hennon gave a PowerPoint presentation.

The project is within the available funds overall and this has no impact on the schedule. \$90,052 is the amount of this change order; it covers signage, some lighting improvements, changes to the ceiling, etc. Funding is coming from project contingency. He noted one more change order is anticipated and will be covered by available funding. The project is ahead of schedule. A two-step process is planned for offices moving back into the building; the City office side will have Engineering/Building and Community Development moving back on June 5 and June 6.

The temporary library will be closed June 20-July 13. The new library will open July 14. Returns (book drops) will be operating at the new library and the front parking lot will be open the first week of June. When the library opens on July 14, the water feature will not yet be complete. Also, a bronze art piece will be installed in front of the library in December 2008. Mr. Hennon stated staff recommends that Council approve Change Order No. 3.

Councilor Beikman asked if there will be an outside drop-off for books. Mr. Hennon said there will not be; an outside book drop would have meant sacrificing several parking spaces. Councilor Harris noted the new facility is very nice and will be greatly appreciated by the public. Mayor Ogden thanked staff for all the hard work it took to make the move to the temporary space and how much it will take to move back.

MOTION by Councilor Truax, SECONDED by Councilor Boryska to approve Change Order No. 3 to the Contract Documents for Construction of the Library/City Offices Expansion and Remodel Project. MOTION CARRIED.

H. ITEMS REMOVED FROM CONSENT AGENDA

D.3. Resolution No. 4790-08 Authorizing Off-Site Buffer Mitigation and Easement on City Property in Brown's Ferry Park

Councilor Harris recused himself as his firm prepared the legal description for this project.

Paul Hennon, Community Services Director, noted that approximately a half-acre of native plantings would be installed. This property is owned jointly with Metro. The developer has a natural resource mitigation requirement due to the Deer Creek Subdivision constructed in King City. They contacted the City asking if this mitigation would be possible. Mr. Hennon noted it is a long standing goal of the City to enhance the area. We have allowed City property to be used for off-site mitigation in a couple of instances in the past; at Hedges Creek wetlands area and at Brown's Ferry Park. Staff discussed this with the Park Advisory Committee and they were in favor.

Arne Nyberg, Dogwood Street, Lake Oswego. Mr. Nyberg asked why the City was only requiring a 2-year maintenance agreement, as Clean Water Services (CWS) typically asks for a 10-year agreement. Mr. Hennon noted that in the past, it has always been a 2-year agreement with CWS and that his knowledge is that 2-years is CWS's standard.

MOTION by Councilor Barhyte, SECONDED by Councilor Truax to grant off-site buffer mitigation and easement on City Property in Brown's Ferry Park. MOTION CARRIED.

I. COMMUNICATIONS FROM COUNCILORS

None.

J. EXECUTIVE SESSION

City Council held an Executive Session pursuant to ORS 192.660(2)(h) to discuss current and pending litigation at the beginning of work session.

K. ADJOURNMENT

The meeting adjourned at 9:17 p.m.

Sherilyn Lombos, City Manager

Recording Secretary 