



TUALATIN CITY COUNCIL WORK SESSION MINUTES OF JULY 28, 2008

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; Doug Rux, Community Development Director; Kent Barker, Chief of Police; Don Hudson, Finance Director; Dan Boss, Operations Director; Dayna Webb, Project Engineer; Eric Underwood, Development Coordinator; Carina Christensen, Assistant to the City Manager; Brad King, Police Captain; Paul Hennon, Community Services Director; Ginny Kirby, Recording Secretary

ABSENT: Bob Boryska* 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 5:31 p.m.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

Commuter Rail Discussion

Mike McKillip, City Engineer, and Dayna Webb, Project Engineer, gave a PowerPoint presentation. Three noise mitigation options were discussed:

1. Installation of wayside horns,
2. Utilize FRA calculator to determine if crossings qualify for Quiet Zone, and
3. Construct supplemental safety measures (four quadrant gates, gates with raised medians, or channelized devices).

Insurance & Liability

Wayside horns: based on an example agreement on the Union Pacific Railroad webpage, they require \$10 million each occurrence and an aggregate limit of not less than \$10 million.

Staff has been doing research on possible insurance coverage/premiums. It has been found that CIS (the City's insurance company) won't provide insurance for this. It was noted that Pendleton has a quiet zone and their insurance premium is \$45,000/year for \$2 million of coverage. Brief discussion followed regarding potential insurance premiums.

Quiet zones: Union Pacific Railroad Quiet Zone agreement does not specify a required insurance amount, but states the following: Public Authority and Railroad agree that they will cooperate as necessary in defense of any claim, demand, investigation or litigation arising out of or related to this Agreement, the Work, the Project, or the Devices.

Brief discussion followed; Mayor Ogden asked about insurance when commuter rail is up and running. Mr. McKillip noted staff would talk to TriMet regarding what they do for insurance coverage and get back to Council. Discussion continued regarding distance train horns could be heard.

Cost Updates

Wayside Horns: cost ~\$200,000; maintenance ~ \$5-10,000 annually

Four Quadrant Gates: cost ~\$400,000 - \$900,000; maintenance ~\$10,000 annually

Mr. McKillip noted that all railroad equipment is maintained by the railroad; the City maintains roadway and barriers/guardrails.

Driveway Relocation/Closure: cost ~\$20,000 - \$40,000; maintenance ~\$0 annually

Raised Medians & Channelization: cost ~\$30,000 - \$60,000; maintenance ~\$1,000 - \$2,000 annually

Additional On-going Costs: insurance, testing, upgrades, and damage repair. These are conceptual cost estimates; they assume cooperative owners and no land acquisition costs.

Distance between Crossings

If distances are very close, it is possible there could be a continual horn; so need to "lump" some of those together as a package (ex: Avery Street and Industrial Way would be "lumped" and treated as one). It was reiterated that the FRA calculator only relates to quiet zones; not wayside horns; it determines the "risk" at each crossing. If the roadway crossed by the railroad has very few cars and few pedestrians, then it would most likely pass the FRA calculator and could be a quiet zone. However, if another crossing that does not pass the calculator is near, the train may need to blow the train horn when not far from quiet zone crossing ahead.

The four downtown crossings that would be treated "as one" are: Tualatin Road, Nyberg Street, Tualatin-Sherwood Road, and the pedestrian crossing.

Funding Options

Project Partners and Outside Sources were discussed.

Next Steps

Mr. Dave Volz said he feels Tualatin is being held hostage with the train horn noise issue. He feels the Environmental Impact Study is blatantly incorrect and they should be sued since the City relied on that Study. He feels the consultant TriMet used to perform the study should be sued for negligence. Ms. Lombos noted her understanding of the EIS is what is in their control, and the train horn noise comes under Federal regulations. The train is under their control, not the Federal requirements of the actual horn noise; that is why new, longer rails were installed.

Mayor Ogden asked how we determine from the businesses in Tualatin (from Oil Can Henry's area north to Robinson Store area), how the train horn noise will affect them during the hours the commuter rail trains are running (morning: ~5:26 a.m. to ~9:45 a.m.). Councilor Barhyte expressed concern about trying to "fix" a problem after the fact as opposed to trying to fix it up front. Councilor Harris expressed concerns for how the train horn noise could affect businesses downtown, such as outside dining, concerts at the Commons, etc. Discussion followed regarding wayside horn noise.

Mayor Ogden wants staff to research the log for the past two weeks – the times the trains have traveled through town. Ms. Lombos said she received a tentative testing schedule from TriMet; more specifics will be available soon regarding when testing will be done. Mr. McKillip noted that freight train speeds may be going faster due to new tracks and new signals.

Ms. Lombos said staff would:

- * Follow-up with CIS and insurance
- * Follow-up with more specific testing schedule so crossings can be observed

Ms. Webb noted that the highest cost four quadrant gates would be: Tualatin-Sherwood Road and Nyberg Street. This is due to space constraints for the gates. Ms. Lombos said this will be scheduled again at a future work session to give Council an update.

Traffic Impact Fee (TIF) / Transportation Development Tax (TDT)

Michael McKillip, City Engineer, gave a PowerPoint presentation which covered the schedule, process, transit project list, outstanding issues, rates, and credits. August 5, 2008 this goes back to the Board of County Commissioners for further discussion and refinements, there will be final adoption of the ordinance and then to November 4, 2008 election. Mr. McKillip states the initial goal is to raise more funds for road improvements.

The TDT will be a Countywide excise tax levied on new construction; it is calculated and operates as a system development charge. The TIF is a system development charge (SDC); certain lists of projects are eligible for expenditures. Mr. McKillip then reviewed the transit project list, which includes WES improvements, streamline bus efficiency improvements, Beaverton-Tualatin frequent service corridor, etc. Existing rates and proposed rates were discussed. Ms. Lombos distributed a recent article from *The Oregonian*.

Councilor Harris asked if anything could be put in WES improvements that could get funds for wayside horns; Mr. McKillip said he would look into that. Brief discussion followed regarding WES fencing and why no fence would be installed along the pedestrian path (SW Koller to SW Gram).

C. CITIZEN COMMENTS

Not applicable.

D. CONSENT AGENDA

The Consent Agenda was reviewed by the Council. Ms. Lombos noted Item D.1. was being removed.

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

None.

J. EXECUTIVE SESSION

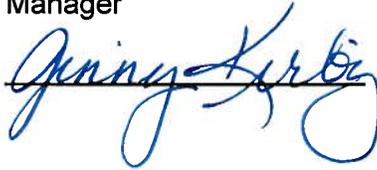
None.

K. ADJOURNMENT

Meeting adjourned at 7:01 p.m.

Sherilyn Lombos, City Manager

Recording Secretary

A handwritten signature in blue ink, appearing to read "Ginny Kurtz", is written over a horizontal line.



TUALATIN CITY COUNCIL MEETING MINUTES OF JULY 28, 2008

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; Doug Rux, Community Development Director; Kent Barker, Chief of Police; Dan Boss, Operations Director; Don Hudson, Finance Director; Dayna Webb, Project Engineer; Brad King, Police Captain; Carina Christensen, Assistant to the City Manager; Colin Cortes, Assistant Planner; Paul Hennon, Community Development Director; Ginny Kirby, Recording Secretary

ABSENT: Bob Boryska* 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 7:08 p.m.
Councilor Beikman lead the Pledge of Allegiance.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. Rotary Books for Uganda Project – *Joyce Lockard, Beaverton Rotary Foundation*
Ms. Lockard stated today was THE day that over 100,000 used text books were put in containers and shipped to Uganda. Councilor Truax noted that the resolution donating shelving was passed; Ms. Lockard thanked Council. Ms. Lockard gave a PowerPoint presentation that showed some of the poor school conditions in Uganda and the students attending classes.

When there are no textbooks, the teachers must write everything on the blackboard. Average class size is 100 children. Many schools have no furniture and children must sit on the floor all day, which can be dirt in many schools. Most schools do not have a library. Ms. Lockard noted that since 2002, shelving has been received from: Tigard Public Library, Pacific University, and the Emporium Store (when it closed).

Mayor Ogden thanked them for all they are doing.

C. CITIZEN COMMENTS

None.

D. CONSENT AGENDA

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

1. Resolution No. - - - Approving Westside Commuter Rail Project TriMet and City of Tualatin Cooperative Maintenance Agreement **(removed from agenda during work session)**
2. Resolution No. 4814-08 Granting a Conditional Use Permit to Allow Building Materials and Supplies, Warehousing and Wholesaling, And Home Improvement Materials and Supplies Rental at 10700 SW Tualatin-Sherwood Road (CUP-08-02)
3. Resolution No. 4815-08 To Reinstate the Intergovernmental Agreement for Telecommunications Financial Review Services
4. Resolution No. 4816-08 Donating Surplus Library Shelving to the Beaverton Rotary Foundation
5. 2008 Annual Report of the Tualatin Development Commission

MOTION CARRIED.

E. PUBLIC HEARINGS - Legislative or Other

Ordinance Amending the Historic Landmark Demolition Criteria; Amending TDC Sections 68.060(1) and (2) and 68.080 - PTA 08-03

Mayor Ogden opened the public hearing.

Colin Cortes, Assistant Planner, entered the entire staff report and attachments into the record, noting that the Analysis & Findings are in Attachment C. Mr. Cortes stated that staff recommends that Council direct staff to prepare an ordinance granting approval of PTA 08-03 based on the draft ordinance in Attachment D.

PROPOSERS -

Norm Parker, Centerwood Street, Lake Oswego, OR. Mr. Parker stated he is here on behalf of the Tualatin Historical Society (THS). He noted that the THS had concerns since historical buildings are a big part of Tualatin. THS wants to make sure they would have adequate notice of any building that may potentially be demolished and the ability to give their input. Mr. Parker said the THS feels the City has done a great job in working on preserving historical buildings. He said they met with City staff and were assured the City is interested in preserving history. After that conversation, THS feels they can endorse the proposed ordinance.

Mr. Parker said as much as they want to save the old school, they do not want a building to stand empty and deteriorate. He noted that the garden patio at the Heritage Center is complete and it is a terrific project; he invited everyone to come visit.

Tim McHugh, Avery Street, Tualatin, OR. Mr. McHugh said he appreciated the extra time spent on the ordinance and the language modifications made. He wanted clarification in the council packet, pg. 2, that the city has never approved a landmark demolition permit; he feels they did (Robinson store) and that he appealed that. Mr. McHugh feels the proposed language does not provide higher protection, it lowers the protection for historic landmarks. Discussion followed.

OPPONENTS - None.

Mayor Ogden asked Council if they had any questions. Councilor Harris raised a question regarding Attachment A, page 75, 1., language regarding landmark shall be approved, approved with conditions, or denied, if one of the following criteria met; and some language in Attachment D – Draft Ordinance. Mr. Rux agreed there is, apparently, an inconsistency in the attachment that went to the THS. He said the Ordinance will be fixed to reflect the appropriate language. Ms. Lombos noted that language was discussed previously and was removed (the “or denied” was to be taken out of the revised ordinance). Councilor Barhyte felt “or denied” should remain. That sentence will be reworked.

Mayor Ogden closed the public hearing.

COUNCIL DISCUSSION –

Mayor Ogden feels the proposed change does reduce the level of protection for historical buildings, as Mr. McHugh stated. When this Ordinance comes back before Council for approval, everyone needs to have their eyes open when demolition permits are considered.

Councilor Truax noted that Council has a longstanding history of working with the THS in preserving historical buildings in the City. He noted that Council has, over the past few years, been approached regarding increasing the inventory of historical buildings.

MOTION by Councilor Truax; SECONDED by Councilor Beikman to adopt the staff report and attachments and ask staff to prepare an Ordinance granting the Plan Text Amendment (PTA 08-03) based on the draft ordinance in the staff report. MOTION CARRIED.

F. **PUBLIC HEARINGS** - Quasi-Judicial
None.

G. **GENERAL BUSINESS**

1. Ordinance No. 1265-08 Relating to Floodplain Management; Amending Floodplain Definitions and Provisions; and Amending TDC 70.030, 70.130, 70.140, 70.170, and 70.180 (PTA-08-02)

MOTION by Councilor Truax, SECONDED by Councilor Harris for a first reading by title only. MOTION by Councilor Truax, SECONDED by Councilor Harris for a second reading by title only. MOTION CARRIED. The poll was unanimous [Boryska, Maddux absent.] MOTION by Councilor Truax, SECONDED by Councilor Harris to adopt the ordinance. MOTION CARRIED.

2. Ordinance No. 1266-08 Relating to Prisoner Property Inventory Policy; Declaring an Emergency; and Adding New Chapter 7-5 to the Tualatin Municipal Code

MOTION by Councilor Truax, SECONDED by Councilor Harris for a first reading by title only. MOTION by Councilor Truax, SECONDED by Councilor Harris for a second reading by title only. MOTION CARRIED. The poll was unanimous [Boryska, Maddux absent.] MOTION by Councilor Truax, SECONDED by Councilor Harris to adopt the ordinance. MOTION CARRIED.

3. Ordinance No. 1267-08 Relating to Vehicle Towing, Impounding, and Inventory Policy; Declaring an Emergency; and Adding New Chapter 7-4 to the Tualatin Municipal Code

MOTION by Councilor Truax, SECONDED by Councilor Harris for a first reading by title only. MOTION by Councilor Truax, SECONDED by Councilor Harris for a second reading by title only. MOTION CARRIED. The poll was unanimous [Boryska, Maddux absent.] MOTION by Councilor Truax, SECONDED by Councilor Harris to adopt the ordinance. MOTION CARRIED.

H. ITEMS REMOVED FROM CONSENT AGENDA

None.

I. COMMUNICATIONS FROM COUNCILORS

None.

J. EXECUTIVE SESSION

None.

K. ADJOURNMENT

The meeting adjourned at 7:52 p.m.

Sherilyn Lombos, City Manager

Recording Secretary

