



City of Tualatin

www.ci.tualatin.or.us

Approved By Tualatin City Council

Date 3/10/2008

Recording Secretary G. Kirby

TUALATIN CITY COUNCIL WORK SESSION MINUTES OF JANUARY 28, 2008

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

ABSENT: Lou Ogden*, Donna Maddux* [** denotes excused*]

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

A. CALL TO ORDER

Mayor Pro tem Truax called the meeting to order at 5:04 p.m.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

2008 Recreation Bond Feasibility Study

Ms. Lombos noted that Paul Hennon, Community Services Director, and Matt Hastie, of Cogan Owens Cogan, are here to present survey results to Council. Mr. Hennon said the survey was just done and a summary is available tonight; the more detailed results will be available next week.

A quick overview of survey results was given; 300 households in Tualatin were surveyed; approximately 90% of the respondents said they were registered voters. All responses to survey questions were reviewed. Building a community center rated very high when citizens were given the choice of renovating playgrounds, making improvements to existing parks, upgrading sports fields, etc. Councilor Harris asked for clarification on the method for selecting who received survey calls. Mr. Hastie said it was done through a random digit dialing process.

Mr. Hennon said that the Youth Action Council (YAC) heard about the survey and wanted to be involved with surveying young folks. YAC "touched" 719 students. 65% of the kinds of activities they wanted would be indoor activities; 25% voiced the need for fields; 9% for trails.

Ms. Lombos stated that in Survey question 4, the a. - n. list was compiled from items Council noted at their special work session. She asked if there were any of these activities that they would prefer not to include. It was noted that the rock wall feature was rated #5 by the youth that YAC surveyed; so what the youth say they would like really needs to be taken into consideration during this process. Discussion followed.

Mr. Hennon said that, ultimately, the results will be based on survey work. Council did not want to take anything off the list at this time.

Next Steps: special work session on February 6, 2008 will not only include transportation, but also cover Tigard-Tualatin School District issues. The Ad Hoc Committee will meet on February 7, 2008. Ms. Lombos reviewed the list of possible committee members. Discussion followed.

Refinancing of the 1999 Police Bond

Don Hudson, Finance Director, gave a PowerPoint presentation. He noted the final redemption date is February 1, 2019; optional redemption is February 1, 2009. \$3.1 bond par amount. Average interest would be 3.15%, final maturity would be the same; resulting in an annual savings of \$12,000 to \$16,000. Total savings: \$154,000.

Discussion followed regarding where Council would like to load the savings. It was explained that the savings would "go back" to taxpayers, in that the City would levy less. One suggestion was "giving back" by saving the taxpayer 6 cents per \$1000. A resolution will come back to Council at February 11, 2008 meeting.

Freeway Sign Amortization

Will Harper, Associate Planner, was back before Council this evening to continue the discussion from the January 14, 2008 Council meeting. The question is whether Council would like staff to move forward to create an amortization program to remove large signs along I-5. Mr. Harper gave a brief overview of what was previously covered before starting his PowerPoint presentation. Examples of the different styles of signs were shown.

Discussion followed regarding if a sign has been in long-time existence and the business changes, therefore the content of the sign changes, this is allowed, but can that be changed. It was noted that currently size, design, height, and structure can all be regulated; not content.

Mr. Harper said there are 24 large signs currently in existence; 6 additional just outside the "freeway area". Councilor Harris asked how many of those are still "advertising" the original intent. Mr. Harper noted approximately half are still used in the original intent use.

Mr. Harper reviewed State and Federal regulations. Cities in Oregon and other states have developed programs to remove non-conforming signs through buy-outs, regulatory mechanisms, and amortization. Amortization sets up a process for removing existing signs that is similar to depreciation with a value-based or prescribed schedule. Federal law pre-empts amortization on signs adjacent to highway without paying compensation

Discussion followed regarding amortization, possible options, and current code.

- ♦ Do you want staff to move forward to change non conforming code?
- ♦ Do you want staff to move forward with amortization?
- ♦ Do you want staff to address sign design?

Discussion continued on existing freeway signs and potential new signs. Mayor Pro tem Truax asked about what types of fees are paid to buy-out old signs. Mr. Harper noted that the amounts are greatly varying.

Ms. Lombos noted that the City was not required to have the Freeway Oriented Activity Area (FOA); so the code could be rewritten to strike the FOA. Doug Rux, Community Development Director, explained that the underlying use would apply. There are major commercial districts that allow 20 feet high/100 square feet face area.

Council would like staff to:

- ♦ look at taking out FOA
- ♦ change non-conforming – change in use means no longer non-conforming
- ♦ look at architectural features in MCC and CC/CG

[Work Session recessed at 6:44 p.m. – will reconvene after the regular Council Meeting]

(Councilor Boryska departed at 8:47 pm.)

[Work Session reconvened at 8:48 p.m.]

City and Town Center Gateways

Ms. Lombos stated that a policy memo had been given to Council. Cindy Hahn, Assistant Planner, was before Council tonight to review gateways and proposed locations. Ms. Hahn gave a PowerPoint presentation that reviewed potential locations for gateways. A gateway is typically a streetscape, landmark, or other feature. Gateways can be traffic circles, monument type signs, banners, and metal sculpture.

Tualatin Gateway Program identifies potential locations for a gateway:

- 15 landscaping at Bridgeport Road/Lower Boones Ferry Road and at Nyberg Road.
- City gateway at or near corporate boundary
- Town Center gateway

Discussion followed regarding potential locations. Ms. Hahn stated the desired outcome(s):

- list of locations for gateways
- agreement on components that are consistent throughout
- parameters for design features and schedule

After further discussion, Council said they would like:

- elaborate “bunker” (Commons Park)
- at most “minimal” locations, upgrade the City of Tualatin population signs

Mr. Rux noted that there have been discussions regarding having some type of sign on the wall at The Pointe at Bridgeport. He also stated that Community Development is getting ready to go out to bid for a landscape improvement project on Tualatin-Sherwood Road from Kmart west to the railroad tracks; included in those plans are signage for the Commons Park area. Discussion continued. Council would like to keep the design simple, consistent, and flexible. Council asked that staff move forward with getting a consult and preparing a design(s).

C. CITIZEN COMMENTS

Not applicable.

D. CONSENT AGENDA

The Consent Agenda was reviewed by the Council.

- G.1. Ordinance No. 1251-08 Related to Amending the Industrial Business Park Overlay Planning District (IBPOD) to Allow a Child Day Care Center Use in an IBPOD Development Greater than 10 Acres in Size; Amending TDC 69.020 and 69.065 (PTA 07-05)

MOTION by Councilor Beikman, **SECONDED** by Councilor Barhyte for a first reading by title only. MOTION by Councilor Beikman, **SECONDED** by Councilor Barhyte for a second reading by title only. **MOTION CARRIED**. The poll was unanimous [Councilor Harris abstained]. MOTION by Councilor Beikman, **SECONDED** by Councilor Barhyte to place adoption of the ordinance on the Consent Agenda. **MOTION CARRIED**.

- 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 9:44 p.m.

Sherilyn Lombos, City Manager

Recording Secretary





TUALATIN CITY COUNCIL MEETING MINUTES OF JANUARY 28, 2008

PRESENT: Mayor Pro tem Ed Truax; Councilors Chris Barhyte, Monique Beikman, Bob Boryska, and Jay Harris; Sherilyn Lombos, City Manager; Brenda Braden, City Attorney; Mike McKillip, City Engineer; Doug Rux, Community Development Director; Don Hudson, Finance Director; Dan Boss, Operations Director; Carina Christensen, Assistant to the City Manager; Dayna Johnson, Project Engineer; Cindy Hahn, Assistant Planner; Ginny Kirby, Recording Secretary

ABSENT: Lou Ogden*, Donna Maddux* [* denotes excused]

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

A. CALL TO ORDER

Mayor Pro tem Truax called the meeting to order at 7:04 p.m.
Commander Dale Potts, VFW, was invited to lead the pledge of allegiance.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

None.

C. CITIZEN COMMENTS

Mr. Dale Potts, SW 86th Avenue, Tualatin, came before Council tonight to thank everyone for their support of the VFW. Mr. Potts noted one of the VFW fundraisers helped a soldier's family in Vernonia that was affected by the recent floods. Another fundraiser during the holidays raised approximately \$27,000 for the purchase of phone cards to be given to soldiers to use when calling back home to the States. Mr. Potts again thanked the community for their support.

D. CONSENT AGENDA

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

1. Approval of Minutes for the Special Work Session of January 9, 2008.
2. Approval of Change of Ownership Liquor License Application for PacWest LLC dba Jacksons #553
3. Resolution No. 4745-08 Authorizing an Intergovernmental Agreement (IGA) Between the City of Tualatin ("Tualatin") and Washington County Broadband Users Group

4. Resolution No. 474~~6~~⁶-08 Supporting a Clackamas County Order to Initiate the Formation of the Clackamas County Extension Service and 4-H District
 5. Resolution No. 4747-08 Authorizing the Killarney Lane Sewer Project
 6. Resolution No. 4748-08 Authorizing Deed of Dedication and Public Utility Easement Associated with the Library and City Offices Expansion Project (Tax Map 2S1 24B, tax lot 1900 & 2001)
 7. Resolution No. 4749-08 Authorizing a Settlement, Property Acquisition, and Right-of-Way Agreement with Franklin Business Park, LLC
- G.1. Ordinance No. 1251-08 Related to Amending the Industrial Business Park Overlay Planning District (IBPOD) to Allow a Child Day Care Center Use in an IBPOD Development Greater than 10 Acres in Size; Amending TDC 69.020 and 69.065 (PTA 07-05)

MOTION CARRIED.

E. PUBLIC HEARINGS - Legislative or Other

1. PTA-07-06 – Amending the Multi-Family Design Standards in TDC 72.130 and 73.190 For Lands Within the Mixed Use Commercial Overlay District (MUCOD)

Assistant Planner Cindy Hahn entered the staff report and attachments into the record. Ms. Hahn gave a bit of background on this Plan Text Amendment (PTA). The changes proposed are to make minor changes to Chapter 73 Community Design Standards, Sections 73.130 and 73.190. Ms. Hahn said that the amendment is being made at this time to correct an existing code conflict by including lands within the MUCOD in exceptions to minimum standards for providing primate outdoor areas, storage areas, shared outdoor areas, and children's play areas, and entry areas similar to those provided for in the Central Design District. The amendment is to exempt the MUCOD from specific standards (listed above).

Ms Hahn asked that Council approve the staff report and supporting attachments and direct staff to prepare an Ordinance granting the PTA based on the draft ordinance in Attachment E.

PROPONENTS

Cathy Corliss, Angelo Planning Group, was present to speak on behalf of the applicant, TCR Pacific NW Acquisitions LP, and to answer any questions Council may have. Ms. Corliss stated that they were very supportive of staff's recommendations.

OPPONENTS - None

COUNCIL DISCUSSION

Councilor Barhyte asked about density/number of units. Doug Rux, Community Development Director, explained that the numbers had come down a bit since last time Council touched on this topic. Trip generation was questioned in relationship to the

number of units. Mr. Rux noted fewer units are being talked about now than when the Plan Map Amendment was being discussed. Councilor Harris asked about requirements and what would apply in MUCOD after this amendment as relates to the shared outdoor and children's areas. Mr. Rux showed a *conceptual plan* for the Alexan development. Discussion continued regarding shared outdoor areas and the potential of modifying language in the proposed ordinance to require some percentage of shared outdoor areas. Another option mentioned would be to craft some new language to deal with the outdoor areas.

It was decided that the Ordinance would be brought back to Council with language reflecting required open shared children's areas via language in the architectural review process.

Mayor Pro tem Truax closed the public hearing.

MOTION by Councilor Boryska; SECONDED by Councilor Harris to adopt the staff report and attachments and direct staff to prepare an ordinance with suggested language modifications. MOTION CARRIED.

F. PUBLIC HEARINGS - Quasi-Judicial
None.

G. GENERAL BUSINESS

1. Ordinance No. --- Related to Amending the Industrial Business Park Overlay Planning District (IBPOD) to Allow a Child Day Care Center Use in an IBPOD Development Greater than 10 Acres in Size; Amending TDC 69.020 and 69.065 (PTA 07-05)

(Item G.1 MOVED to Consent Agenda during Work Session.)

2. Commuter Rail Train Horn Noise Mitigation Update

Mike McKillip, City Engineer, and Dayna Johnson, Project Engineer. It was noted that the first cars are to be delivered in March or April. Mr. McKillip and Ms. Johnson are before Council to present the information that has been gathered, to date, regarding the train noise.

Mr. McKillip started by giving some background information. The City first met with TriMet regarding noise assessment in August of 2007. In October of 2007 the City met again with TriMet and their consultant, RCL (RCL specializes in crossing devices). In December of 2007, a meeting was held with Federal Railroad (FRA), Oregon Department of Transportation (ODOT), Portland & Western, and Washington County. It was decided the next step would be on-site visits to all crossings.

On January 23, 2008, a site visit was made to every crossing and everyone discussed all things in play at those crossings. The purpose was to gather comments and thoughts from each agency.

Mr. McKillip noted that a Quiet Zone (QZ) is a zone around a crossing that has been made safe for vehicle and pedestrian traffic in a way that blowing of the horn is not necessary. One option is to install Supplemental Safety Measures (SSMs) - which include four quadrant gates, one-way streets, closures – temporary or permanent, gates with median or channelized devices. He said something that was learned in talking with all the “partners” is that the railroad and ODOT are not in favor of quiet zones.

When the commuter rail project begins, there are wholesale changes being made: trains will be traveling at higher speeds (freight – average speed is 40 mph / commuter rail – average speed will be 60 mph), the number of trains will be greatly increased, and pedestrian traffic will increase around areas of rail stations.

Next, Mr. McKillip addressed what is involved in getting wayside horns approved and installed. The process involves ODOT, Portland & Western Railroad, the City and County, but typically not the FRA; requires ODOT crossing order to implement; and can take 6 to 10 months to implement. Wayside horns require an advance warning sign with electronics similar to traffic signals.

Issues to consider include: who will pay for the horn system, who will pay for maintenance, who will pay for required testing of the systems. These issues need to be answered as the application for Wayside Horns requires answers to these questions.

In a Quiet Zone or with Wayside Horns, train horns will still be blown when:

- pedestrians are in crossing areas
- trespassing within the right-of-way
- workers in orange vests are present
- animals are within the right-of-way
- other emergency situations

If crossing arms go into failure mode, the wayside horn will sound continually until someone from the railroad arrives and can deactivate the horn.

Distance Between Crossings / Train Speeds

This is a big safety concern. Many of the crossings are at bends in the track, which limits sight distance, and coupled with the increased speeds, there is a potential safety issue. Mr. McKillip then reviewed railroad crossings. It was noted that commercial/industrial driveways have to be limited within a certain distance from the crossing if wayside horns were installed. Wayside horns point towards the traffic – not forward down the tracks. The decibel level is nearly the same as the train horn, but since it is not pointing down the track and it is stationary, essentially, it is not as loud.

If you don't keep the treatment of crossings consistent, you are setting up a potential problem for the motoring public not knowing what to expect. Concerns were expressed for the crossing at 95th Avenue, as that is an area of multi-family housing. Any horns affect a great number of people; it becomes a livability issue. Due to distance, this could potentially be a stand alone crossing for determination of a Quiet Zone.

Mr. McKillip said the plan is to continue to refine the information that has been gathered and complete a report that will include:

- necessary improvements to each intersection to implement a QZ, including preliminary costs; and
- necessary improvements to each intersection to implement Wayside Horns

It was noted that timing of the commuter rail project and potential installation of wayside horns (6-10 months installation process) doesn't appear to "line up". Commuter rail will be up and running before noise mitigation measures could be implemented/installed.

Ms. Lombos noted that due to the fact that the commuter rail will be running before any measures could be taken, the noise will be "experienced" by many, and this will give everyone direct knowledge of the noise created. Discussion followed regarding duration of horn noise from the train vs. wayside horns. Staff will be back before Council in March.

Councilor Harris asked if any public/neighborhood outreach was going to be done. Ms. Lombos said that the October 2007 meeting was designed to reach the neighborhood.

H. ITEMS REMOVED FROM CONSENT AGENDA

No items were requested for removal from the Consent Agenda.

I. COMMUNICATIONS FROM COUNCILORS

None.

J. EXECUTIVE SESSION

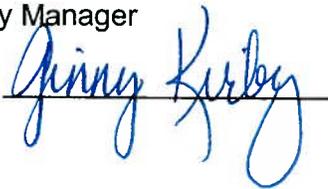
Not applicable.

K. ADJOURNMENT

The meeting adjourned at 8:44 p.m.

Sherilyn Lombos, City Manager

Recording Secretary

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