



OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR FEBRUARY 10, 2014

Present: Mayor Lou Ogden; Council President Monique Beikman; Councilor Wade Brooksby; Councilor Frank Bubenik; Councilor Joelle Davis; Councilor Nancy Grimes; Councilor Ed Truax

Staff Present: City Manager Sherilyn Lombos; City Attorney Sean Brady; Assistant City Manager Alice Cannon; Community Services Director Paul Hennon; Finance Director Don Hudson; Deputy City Manager Sara Singer; Planning Manager Aquilla Hurd-Ravich; Deputy City Recorder Nicole Morris; Information Services Manager Lance Harris; Assistant Planner Colin Cortes; Associate Planner Cindy Hahn; Parks and Recreation Manager Carl Switzer; Engineering Manager Kaaren Hofmann; Teen Program Specialist Julie Ludemann

A. CALL TO ORDER

Pledge of Allegiance

Mayor Ogden called the meeting to order at 7:03 p.m.

B. ANNOUNCEMENTS

1. Tualatin Youth Advisory Council update for February, 2014

Members of the Youth Advisory Committee (YAC) presented a Power Point on their latest activities and upcoming events. YAC has begun revising and updating curriculum for their annual Project FRIENDS workshop tentatively scheduled for May 23. Other upcoming projects include a Youth and Elected Leader Social, Teen Extravaganza, and preparation for the Crawfish Festival and Movies on the Commons.

C. CITIZEN COMMENTS

This section of the agenda allows citizens to address the Council regarding any issue not on the agenda. The duration for each individual speaking is limited to 3 minutes. Matters requiring further investigation or detailed answers will be referred to City staff for follow-up and report at a future meeting.

D. CONSENT AGENDA

The Consent Agenda will be enacted with one vote. The Mayor will first ask staff, the public and Councilors if there is anyone who wishes to remove any item from the Consent Agenda for discussion and consideration. The matters removed from the Consent Agenda will be considered individually at the end of this Agenda under, 1) Items Removed from the Consent Agenda. The entire Consent Agenda, with the exception of items removed from the Consent Agenda to be discussed, is then voted upon by roll call under one motion.

MOTION by Council President Monique Beikman, SECONDED by Councilor Nancy Grimes to approve the consent agenda.

Vote: 7 - 0 MOTION CARRIED

1. Consideration of Approval of the Minutes for the City Council Work Session and Regular Meeting of January 27, 2014
2. Consideration of the 2013 Tualatin Development Commission Annual Financial Report
3. Consideration of **Resolution No. 5180-14** Approving with Conditions, the Architectural Review Application for the Nyberg Rivers Shopping Center Located at 7455-7925 SW Nyberg Street (Tax Map 2S1 24A, Tax Lots 1601, 1602, 1900, 2502, 2506, 2507, 2508, and 2700; Tax Map 2S1 24B, Tax Lots 2000, 2001, and 2100 (AR-13-07)
4. Consideration of **Resolution No. 5179-14** Approving with Conditions, a Public Utilities Decision for the Nyberg Rivers Shopping Center Development Located at 7455-7925 SW Nyberg Street (Tax Map 2S1 24A, Tax Lots 1601, 1602, 1900, 2502, 2506, 2507, 2508, and 1700; Tax Map 2S1 24B, Tax Lots 2000, 2001, and 2100)
5. Consideration of Approval of a New Liquor License Application for Gallardo Inc. d.b.a. Super Mercado la Montana 3
6. Consideration of **Resolution No. 5183-14** Authorizing the City Manager to Sign a Contract for Community Development Software with CRW Systems, Inc.

E. SPECIAL REPORTS

1. 2013 Annual Report of the Tualatin Park Advisory Committee

Parks and Recreation Manager Carl Switzer introduced Tualatin Parks Advisory Committee Chair Dennis Wells. Chair Wells presented the Tualatin Parks Advisory Committee 2013 Annual Report. The report covered actions and accomplishments from the past year and their 2014 action plan. The committee recommended that the City move forward with an update to the Parks and Recreation Master Plan and take appropriate action to see the shared pathway serving the Tualatin River Greenway Trail is constructed as quickly as possible to promote safe circulation and connectivity to the east side of Tualatin.

Mayor Ogden thanked the committee for their hard work throughout the year.

Community Services Director Paul Hennon announced that Parks and Recreation Manager Switzer had accepted a position with another jurisdiction. He wished him well.

2. Tualatin Valley Fire and Rescue Annual State of the District Presentation

Tualatin Valley Fire and Rescue (TVFR) Chief Mike Duyck presented an update. TVFR responded to 2,500 incidents within the City of Tualatin last year and 8 out of 10 calls were emergency medical related. TVFR offers many services including HazMat, Technical Rescue, and Swift Water Rescue teams. Many public safety campaigns occurred over the past year with 60,000 people participating in these risk reduction activities to help promote a safer community. TVFR is current working on a replacement levy bond that will be on the May 2014 ballot. The bond would retain 42 firefighter medics and add 32 new firefighter medics, as well as add three new stations to the community over the next five years.

Councilor Bubenik asked about the potential for increased staffing at the local station. Chief Dyuck responded that TVFR closely monitors response demand in the area and that the increase in call volume is comfortably absorbed at current staffing levels.

Mayor Ogden asked what the average call response time is. Chief Duyck noted that the average call time is 6 to 8 minutes.

Mayor Ogden thanked TVFR for their service and dedication to the City of Tualatin.

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

2. Consideration of **Ordinance No. 1367-14** to Modify the Transportation System Plan to Comply with the Land Use Board of Appeals (LUBA) Opinion and Order

Associate Planner Cindy Hahn and Planning Manager Aquilla Hurd-Ravich presented the staff report for Ordinance No. 1367-14 modifying the Transportation System Plan (TSP) to comply with the Land Use Board of Appeals (LUBA) Opinion and Order. Associate Planner Hahn noted the decision came from an appeal filed regarding the City's 2012 TSP. LUBA found only one of the eight appeals to be affirmed. The remanded issue focused on the Ice Age Tonquin Trail and Tonquin Trail Master Plan. LUBA found the trail, as a whole, constitutes a "park" per Metro Code (MC) and the Tualatin Development Code (TDC). Associate Planner Hahn stated the City has responded to the remand order by preparing a draft ordinance to amend the TSP and the TDC to remove all specific references to the Ice Age Tonquin Trail.

PUBLIC COMMENT

Support

None

Opposed

Wendie Kellington submitted materials for the record. Ms. Kellington requested Council modify the proposed amendments to make clear that the Ice Age Tonquin Trail and all other regional trails are prohibited in the Tonquin Industrial Group (TIG) Area and the Regionally Significant Industrial Area (RSIA).

Mark Brown stated the Tonquin Trail as it currently stands conflicts with heavy truck traffic, future development in the industrial area, and hinders the ability to add a railroad spur in the future to the area.

Henry Stukeley requested the Council protect and preserve the RSIA. He would like the Council to look carefully at the issues the TIG has presented before making a decision.

Nick Storie stated his disappointment in the Council's decision and is no longer willing to sell his property to be used as part of the Tonquin Trail.

Steve McGuire stated the approach the City is taking to address the remand order for LUBA is unfair. He read a letter into the record from Tony Reesers, Senior Vice President of Kidder Matthew.

Linda Moholt spoke in support of the Tonquin Trail and concerns presented by the TIG. She would like to see the trail relocated as to not affect the growth potential in the industrial area.

Council Questions

Mayor Ogden asked if the trail had been moved. Associate Planner Hahn stated the trail had been removed from figure 7 completely and references to it have been stricken from the TSP based on the remand order.

Mayor Ogden asked what specifically the objections are from the TIG. Ms. Kellington responded they would like to see a different alignment reflected outside the RSIA and language stating that any regional trail would not be built through the RSIA.

Councilor Davis asked if language should be added to the Parks Master Plan instead of the TSP since LUBA considered the Ice Age Tonquin Trail a park. Attorney Brady stated it is an option Council could consider.

Councilor Grimes asked if it would be possible to add the language requested by the TIG. Attorney Brady stated it was possible to add such language but LUBA has classified the Tonquin Trail as a park and the City already has a provision in the code prohibiting this in the RSIA.

Councilor Truax asked about the time frame in which the remand orders have to be applied. Attorney Brady stated the City has until March 1st to implement the orders.

Council Deliberations

Councilor Truax stated there is not enough time to re-plan the trail on the map, with the appropriate citizen involvement, based on the timeframe from LUBA. He supports the ordinance as it stands.

Councilor Davis would like to see the suggested amendments from TIG implemented in the ordinance. Councilor Grimes concurred with adding the clarifying language.

Mayor Ogden stated the clarifying language is not needed.

Councilor Davis clarified the language she would recommend would be specifically referencing the TIG area.

MOTION by Councilor Ed Truax, SECONDED by Council President Monique Beikman to approve staff findings and conditions as presented.

Vote: 5 - 2 MOTION CARRIED

Nay: Councilor Joelle Davis
Councilor Nancy Grimes

G. PUBLIC HEARINGS – Quasi-Judicial

1. Consideration of a Conditional Use Permit to Allow Rental and Leasing of Autos and Light Trucks in the Light Manufacturing (ML) Planning District for U-Haul at 7100 SW McEwan Road (Tax Map 2S1 13DD, Tax Lots 900, 1000, 1100, 1200, 1600, and 1700, and Tax Map 2S1 24AA, Tax Lot 5500) (CUP-13-05)

Mayor Ogden opened the public hearing for consideration of a conditional use permit to allow rental and leasing of autos and light trucks in the Light Manufacturing (ML) Planning District for U-Haul at 7100 SW McEwan Road (CUP-13-05). He read the rules of the hearing in accordance with ORS 197.763(5) and (6) and ORS 197.796(3)(b).

Assistant Planner Colin Cortes entered the staff report and attachments into the record. He noted the applicant has asked for a continuance of the public hearing.

Ryan Schera, on behalf of the applicant requested a continuance to the next meeting on February 24th, 2014.

MOTION by Councilor Ed Truax, SECONDED by Councilor Joelle Davis to grant a continuance of the hearing to February 24, 2014.

Vote: 7 - 0 MOTION CARRIED

H. GENERAL BUSINESS

1. Consideration of **Ordinance No. 1367-14** An Ordinance Relating to the Transportation System Plan; Amending the Tualatin Development Code (TDC) 11.650 and the 2012 Tualatin Transportation System Plan Adopted February 25, 2013

City Attorney Sean Brady noted this ordinance is part of the legislative decision from the public hearing remand on the Land Use Board of Appeals (LUBA) relating to the Transportation System Plan and amending the Tualatin Development Code (TDC) 11.650 and the 2012 Tualatin Transportation System Plan Adopted February 25, 2013.

PUBLIC COMMENT

Wendie Kellington asked for verification that the information from the previous public hearing would be included in the record for this action as well. Attorney Brady noted that the previous record would be included with this action. Wendie Kellington stated she believes that the advice the Council is receiving regarding the LUBA remand is incorrect.

Mark Brown thanked Councilor Grimes and Councilor Davis for understanding the Tonquin Industrial Group's request.

Henry Stuckey asked that Council give the same considerations to the businesses in the Industrial Area that they do to citizens in residential neighborhoods.

Nick Storie stated he is no longer willing to annex property with the City.

MOTION by Council President Monique Beikman, SECONDED by Councilor Frank Bubenik for first reading by title only.

Vote: 5 - 2 MOTION CARRIED

Nay: Councilor Joelle Davis
Councilor Nancy Grimes

MOTION by Council President Monique Beikman, SECONDED by Councilor Frank Bubenik for second reading by title only. **[MOTION FAILED] [SECOND READING BY TITLE AT MEETING OF FEBRUARY 24, 2014]**

2. Consideration of **Ordinance No. 1368-14** Relating to Medical Marijuana Facilities; Establishing New Tualatin Municipal Code Chapter 9-08; and Declaring an Emergency.

Council Discussion

Councilor Truax is not in favor of medical marijuana dispensaries being located in Tualatin. He is in favor of regulating them through the zoning process. Councilor Truax proposed changing the sunset date in the draft ordinance to 180 days. Councilor Davis concurred with the change.

Mayor Ogden expressed concern over moving up the sunset date. He believes it will take longer than 180 days to do the proper outreach to citizens and allow Council and staff enough time to draft code language.

Council President Beikman concurred with the Mayor. She wants to make sure the Council has time to look at both recreational and medical marijuana dispensaries.

MOTION by Council President Monique Beikman, SECONDED by Councilor Nancy Grimes for first reading by title only.

Vote: 7 - 0 MOTION CARRIED

MOTION by Council President Monique Beikman, SECONDED by Councilor Nancy Grimes for second reading by title only. **[MOTION FAILED] [SECOND READING BY TITLE AT MEETING OF FEBRUARY 24, 2014]**

I. 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.

J. COMMUNICATIONS FROM COUNCILORS

Council President Beikman attended the Washington County Coordinating Committee (WCCC) where the Transportation Development Tax (TDT) discount for 2014 was discussed. The WCCC recommended that the current discount of 20% be applied until 2015. Mayor Ogden expressed concern over the discount being applied for another year as the tax was put in place to support design infrastructure. He believes that the TDT tax should be adjusted if it is too high instead of discounting it each year.

Councilor Truax attended the Regional Water Suppliers Consortium meeting. The consortium has commissioned a project to help pinpoint boil water notices to a specific address. The project will beta test in June.

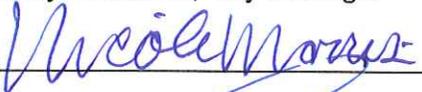
Councilor Davis thanked City Staff for the extra hours that were put in over the snowy weekend to help keep the roads and citizens safe.

Councilor Bubenik reminded citizens of the Washington County screening of the movie *American Winter*. The screening will kick off the 2014-2020 update to their Cooperative Plan. The screening will take place on February 26, 6pm, at the Venetian Theater and will be followed by a panel discussion on poverty in Oregon.

K. ADJOURNMENT

Mayor Ogden adjourned the meeting at 9:23 p.m.

Sherilyn Lombos, City Manager

 / Nicole Morris, Recording Secretary

 / Lou Ogden, Mayor