



**OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR
DECEMBER 11, 2017**

Present: Mayor Lou Ogden; Councilor Frank Bubenik; Council President Joelle Davis; Councilor Nancy Grimes; Councilor Paul Morrison; Councilor Jeff DeHaan; Councilor Robert Kellogg

Staff Present: City Manager Sherilyn Lombos; City Attorney Sean Brady; Police Chief Bill Steele; Planning Manager Aquilla Hurd-Ravich; Deputy City Recorder Nicole Morris; Teen Program Specialist Julie Ludemann; Assistant to the City Manager Tanya Williams; Assistant City Manager Alice Cannon; Associate Planner Erin Engman; City Engineer Jeff Fuchs

A. CALL TO ORDER
Pledge of Allegiance

Mayor Ogden called the meeting to order at 7:02 p.m.

B. ANNOUNCEMENTS

1. Update on the Tualatin Youth Advisory Council's Activities for December

Members of the Youth Advisory Committee (YAC) presented a PowerPoint on their latest activities and upcoming events. YAC members participated in the Starry Nights and Holiday Lights event on December 1. Upcoming events include Park After Dark and preparations for Project FRIENDS.

2. New Employee Introduction- Betsy Ruef, Community Engagement Coordinator

Assistant to the City Manager Tanya Williams introduced Community Engagement Coordinator Betsy Ruef. The Council welcomed her.

3. New Employee Introduction- Jonathan Taylor, Economic Development Program Manager

Assistant City Manager Alice Cannon introduced Economic Development Program Manager Jonathan Taylor. The Council welcomed him.

4. Proclamation Declaring December 10, 2017 as Human Rights Day in the City of Tualatin

Council President Joelle Davis read the proclamation declaring December 10, 2017 as Human Rights Day in the City of Tualatin.

C. CITIZEN COMMENTS

This section of the agenda allows anyone to address the Council regarding any issue not on the agenda, or to request to have an item removed from the consent 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.

Scott Chamburg spoke to concerns of the proposed location of the bridge in the basalt creek area. He spoke to the potential affects it could have on his property value.

Dorothy Cofield, legal representative for the Tualatin Professional Center, spoke to concerns they have regarding the IGA with Clackamas County on the consent agenda. They believe it will affect the north accesses to their properties. She requested the item be heard separately.

D. CONSENT AGENDA

The Consent Agenda will be enacted with one vote. The Mayor will ask Councilors if there is anyone who wishes to remove any item from the Consent Agenda for discussion and consideration. If you wish to request an item to be removed from the consent agenda you should do so during the Citizen Comment section of the agenda. The matters removed from the Consent Agenda will be considered individually at the end of this Agenda under, 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 Councilor Jeff DeHaan, SECONDED by Council President Joelle Davis to adopt the consent agenda.

Aye: Mayor Lou Ogden, Councilor Frank Bubenik, Council President Joelle Davis, Councilor Nancy Grimes, Councilor Jeff DeHaan, Councilor Paul Morrison, Councilor Robert Kellogg

MOTION CARRIED

1. Consideration of Approval of the Minutes for the Work Session and Regular Meeting of November 13, 2017
2. Consideration of Approval of a New Liquor License Application for Benza Vineyards
3. Consideration of the System Development Charge (SDC) Annual Reports on Sewer, Storm, Water, and Transportation Development Tax (TDT) for Fiscal Year 2016/2017
4. Consideration of the Parks System Development Charge (SDC) Annual Report for Fiscal Year 2016/2017

E. PUBLIC HEARINGS – Quasi-Judicial

1. Request for Review of MAR17-0041, Tualatin Professional Center Parking Lot Improvement Land Use Decision Located at 6464 SW Borland Road

Mayor Ogden opened the public hearing for a request for review of MAR17-0041, Tualatin Professional Center (TPC) parking lot improvement land use decision located at 6464 SW Borland Road. He read the rules of the hearing in accordance with ORS 197.765(5) and (6) and ORS 197.79(3)(b).

Planning Manager Aquilla Hurd-Ravich and Assistant Planner Erin Engman presented the staff report. Manager Hurd-Ravich stated the appeal is for a Minor Architectural Review (MAR) for parking lot site improvements and regrading to match proposed Sagert Street extension. She stated an Architectural Review cannot be used to vary or change standards in the Tualatin Development Code so a Variance Application would be required. Planner Engman reviewed the current right of way conditions noting a temporary loss of Sothern access drives to TPC while Sagert Street is being improved. Background on the private improvements for TPC were reviewed noting the agreement allowing improvements expired in 1989 with clear provisions to remove the improvements when Sagert street was extended. The MAR project summary was reviewed. Planner Engman stated the application was approved on October 12, 2017 with seven conditions of approval. The conditions of approval were recapped.

Manager Hurd-Ravich reviewed the appeal summary stating staff found the request for review is without merit for the following reasons: the Sagert Farm subdivision design does not apply to improvements on this property, TPC's parking lot is not a legal, nonconforming use, and parking lot improvements are required to meet current code. Planner Engman reviewed the five appellant claims for the appeal and staff's findings. Manager Hurd-Ravich stated staff has informed the applicant the variance process is the best process for them as that is where standards can be altered and changed. TPC chose not to pursue the variance option at this time.

APPLICANT

Dorothy Cofield, Attorney for the TPC, and Chris Kalamo, Traffic Engineer, spoke on behalf of the request for review. Ms. Cofield spoke to concerns of loss of parking for the site. She requested to have the hearing remain open while the applicant has time to review ARB 83-06 as they did not receive it with their public records request.

PUBLIC COMMENT

None.

COUNCIL QUESTIONS

Councilor Bubenik asked about the 50 foot depth of the drive aisle. Manager Hurd-Ravich stated it is necessary to allow room for car queuing coming in and out of the development.

Councilor Grimes asked if it is still possible for the applicant to pursue a variance for this request. City Attorney Brady stated having the hearing tonight does not preclude them from requesting a variance.

Councilor Kellogg asked if the map the applicant submitted was approved as part of the Sagert Farms subdivision. Manager Hurd-Ravich stated it is not an

approved map.

Councilor Morrison asked if the road being built was the trigger for this further development need. Assistant City Manager Alice Cannon stated it is and that is what makes them a candidate for the variance process.

City Attorney Brady made clarification regarding the request to leave the hearing open stating Ms. Cofield did receive ARB 83-06 in an email dated September 22, 2017.

Councilor DeHaan asked if an agreement had been met regarding the loss of parking spaces. Ms. Cofield stated they can't meet city code without losing the spaces.

Council President Davis asked how parking lot safety is affected with removal of the parking spots. Mr. Kalamo stated the parking lot would still be safe with a shorter queuing length since the lot has low turnover in cars.

Councilor DeHaan stated he is sympathetic but the code is very clear for a reason.

Councilor Morris asked if submitting the MAR means the entire development has to be brought to code. Manager Hurd-Ravich stated only what is in the scope of the MAR has to be brought to current standards.

PUBLIC COMMENT

James Walker stated he was told by city staff that Lennar would be required to reestablish the driveways as part of their land use approvals. Lennar eventually walked away from their negotiations with TPC and they were left to resolve the issue themselves.

Ms. Cofield asked if the driveway queuing measurement could be taken from the center of the road. Manager Hurd-Ravich stated it has to come from the property line.

Mayor Ogden stated the record will remain open for seven days per the applicant's request. Mayor Ogden closed the oral portion of the hearing stating the hearing will be continued on January 8, 2018.

F. GENERAL BUSINESS

If you wish to speak on a general business item please fill out a Speaker Request Form and you will be called forward during the appropriate item. 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.

1. Consideration of **Resolution No. 5350-17** Authorizing the City Manager to Execute a 4-party Intergovernmental Agreement Seeking a Non-Appealable Decision from Metro Regarding the Central Subarea of the Basalt Creek Planning Area

City Manager Lombos presented an agreement between Metro, Washington County, the City of Wilsonville, and the City of Tualatin to have Metro make a non-appealable decision regarding the Central Subarea of the Basalt Creek Planning Area. The two cities have been unable to reach an agreement on the area and feel this is the best way to settle the dispute.

CITIZEN COMMENT

Tom Ray asked if all parties are in agreement regarding the IGA and how long will a decision take. Mayor Ogden stated all parties are in agreement. Metro Councilor Craig Dirksen stated Metro Council will receive an analysis for Metro Staff and evaluate the recommendations the first part of the year.

MOTION by Councilor Paul Morrison, SECONDED by Council President Joelle Davis to adopt Resolution No. 5350-17 authorizing the City Manager to execute a 4-party Intergovernmental Agreement seeking a non-appealable decision from Metro regarding the Central Subarea of the Basalt Creek Planning Area.

Aye: Mayor Lou Ogden, Councilor Frank Bubenik, Council President Joelle Davis, Councilor Nancy Grimes, Councilor Jeff DeHaan, Councilor Paul Morrison, Councilor Robert Kellogg

MOTION CARRIED

2. Consideration of Council Rules

The Council took a break from 9:20-9:30 p.m.

Mayor Ogden briefly recapped previous discussion on the Council Rules. He presented his track changes as attached to the staff report. Discussion regarding the council rule items was held by the Council and will be reflected in the final draft.

G. 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.

1. Consideration of **Resolution No. 5348-17** Authorizing the City Manager to Execute the Termination of an Intergovernmental Agreement (IGA) with Clackamas County Relating to SW Borland Road

Dorothy Kofield, legal representative for the Tualatin Profession Center, stated they are concerned about the affect this will have on the northern accesses to their property. They would like to be considered a stakeholder during future IGA discussions as they believe it affects their property.

City Attorney Sean Brady stated the transfer of jurisdiction would not affect the access points. Assistant City Manager Alice Cannon stated the intent is to renegotiate the terms and conditions of an IGA in the future.

MOTION by Council President Joelle Davis, SECONDED by Councilor Robert Kellogg to adopt Resolution No. 5348-17 authorizing the City Manager to execute the termination of an Intergovernmental Agreement (IGA) with Clackamas County relating to SW Borland Road.

Aye: Mayor Lou Ogden, Councilor Frank Bubenik, Council President Joelle Davis, Councilor Nancy Grimes, Councilor Jeff DeHaan, Councilor Paul Morrison, Councilor Robert Kellogg

MOTION CARRIED

H. COMMUNICATIONS FROM COUNCILORS

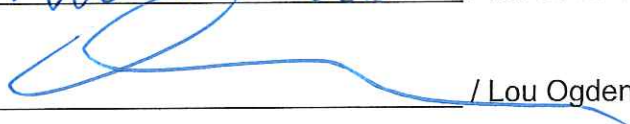
None.

I. ADJOURNMENT

Mayor Ogden adjourned the meeting at 10:50 p.m.

Sherilyn Lombos, City Manager

 / Nicole Morris, Recording Secretary

 / Lou Ogden, Mayor