



City of Tualatin

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Approved By Tualatin City Council

Date 3-9-09

Recording Secretary M. Smith

TUALATIN CITY COUNCIL WORK SESSION MINUTES OF FEBRUARY 9, 2009

PRESENT: Mayor Lou Ogden; Councilors Chris Barhyte, Monique Beikman, Joelle Davis, Jay Harris, Donna Maddux, and Ed Truax; Sherilyn Lombos, City Manager; Brenda Braden, City Attorney; Mike McKillip, City Engineer; Doug Rux, Community Development Director; Paul Hennon, Community Services Director; Dan Boss, Operations Director; Kent Barker, Police Chief; Carina Christensen, Assistant to the City Manager; Aquilla Hurd-Ravich, Senior Planner; Will Harper, Associate Planner; Eric Underwood, Development Coordinator; Maureen Smith, Recording Secretary

ABSENT: None.

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

A. CALL TO ORDER

Mayor Ogden called the work session to order at 5:00 p.m.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. *Metro's Transit Oriented Development (TOD) Program*

Metro representative Leila Aman presented a *PowerPoint* on their Transit Oriented Development (TOD) program. The program is to create public-private partnerships in the region that produce TOD development projects and vibrant, compact urban centers to increase travel by transit, walking and biking.

The program was discussed, and what, if any implications it may have for Tualatin and concluded with key messages of what Metro is trying to accomplish. More information is available online at www.oregonmetro.gov/tod.

Discussion followed and mention was made of the recent opening of the commuter rail and the issue associated with the train horn noise. It was also asked if developable land would be reduced because of noise issues. Ms. Aman said there are a number of commuter trails across the U.S. and will look into how other communities have handled noise mitigation. City Manager Sherilyn Lombos said staff has been in contact with Metro regarding noise impact associated with TOD.

2. *Tualatin-Sherwood Road Pedestrian/Landscape Improvements Project*

City Manager Lombos said this is a follow-up to the project discussion in November 2008, with Council direction to provide further information on this project.

Consultants Carol Mayer-Reed, Mayer/Reed, and Dave Simmons, CH2M Hill were present to review several options for pedestrian/landscape improvements on Tualatin-Sherwood Road from I-5 to SW 90th. Three different streetscape options were presented. The options are traditional boulevard, nature greenway, and ornamental parkway. Ms. Mayer-Reed reviewed each of the three options, and explained the differences between the three.

Discussion followed on how the proposed options would fit in with the existing land and the proposed design, with the ability to have as much canopy and mass as possible. The proposed costs were reviewed, along with what could be done in phases. Also asked and answered that the signal improvements are aesthetic and also giving a chance to update equipment. What is presented is a streetscape that does include a gateway.

Community Development Director Doug Rux reviewed various options for reducing the project scope and budget. Also discussed was what could be done of the elements of each option and the availability of funding.

Mayor Ogden asked Council if there is interest in completing certain portions of project, and general consensus was if Council were to move forward with the project it would be done in its entirety. Councilor Truax said he doesn't agree with the project and is in favor of finishing the Commons and building the tower. Councilors Beikman, Davis and Maddux were in favor of any funds that could be used for train horn noise abatement. Mr. Rux said the funds have to be used within the district boundaries and what is specified in the plan. It was noted by City Manager Lombos that the train horn noise mitigation is not specified in the Tualatin-Sherwood Road area, etc.

Councilors Barhyte, and Harris agreed that this would be an identity for Tualatin, one of the first things people see when they come to Tualatin. Councilor Harris said he also agreed with Councilor Truax, but he wanted to be certain the community would be behind the Commons project completion. Councilor Maddux asked how much of district funding has been used for aesthetics and for functional uses. Mr. Rux said a considerable amount has been spent on roads, and infrastructure improvements, but does not have the data available at this meeting and will provide the information to Council at a future meeting.

Ms. Mayer-Reed said as consultants they have been following a scope but she is also seeing how there is an evolution of thinking in the two meetings that have been held with Council. Ms. Mayer-Reed said with Tualatin struggling with identity it could be hard to justify spending the funds for the project, and could take a look at other ways. Councilor Beikman said she was not in favor of sending staff back again for a completely different project scope. Staff noted that the Council/Commission has from time to time modified projects and that staff has been moving forward with what was given as direction from the Council/Commission, but are free to change the project scope if they choose to do so.

It was suggested to set the options aside and take a look at a water feature/gateway feature and gather input from advisory committees and come back to Council at a future time.

3. *Access Way Restrictions*

City Manager Lombos revisited the issue of access way restrictions. This arose from the placement of a fence by a property owner on city-owned property to restrict access on a path next to the homeowner's house. After discussion by Council in October, a Revocable Permit was brought back to Council in November, which would allow the fence to remain in its current location. The item was removed from the agenda for further discussion at a future work session. Staff said direction is needed from Council regarding whether restriction of public access ways is permissible, and if yes, under what circumstances.

Council discussion followed. Moving the fence back off public property was mentioned, and also clarified that the city owns the sidewalk. A revocable permit could be done to take care of this issue as it stands to date. It was also mentioned that no other neighbors have objected.

All Council present, except for Councilor Beikman, had no objection to the fence and to have a Revocable Permit put in place. Councilor Beikman noted disagreement and will vote no when this comes back to Council on a future agenda.

C. CITIZEN COMMENTS

N/A

D. CONSENT AGENDA

None.

E. PUBLIC HEARINGS – *Legislative or Other*

N/A

F. PUBLIC HEARINGS – *Quasi-Judicial*

N/A

G. GENERAL BUSINESS

N/A

H. ITEMS REMOVED FROM CONSENT AGENDA

N/A

I. COMMUNICATIONS FROM COUNCILORS

Councilor Maddux said at the Washington County Commission on Children and Families, program budgets were reviewed and mentioned the healthy start (teen-based programming) took the bulk of cuts.

Councilor Harris gave a brief update on the Clackamas County Coordinating Committee meeting.

Councilor Barhyte attended a MACC (Metropolitan Area Communications Commission) meeting and noted the digital transition has been put on hold until June 2009.

Mayor Ogden gave a brief update on I-5/99W connector project. He said the project will likely not be moving forward. Looking to have Alternative 7 be the final recommendation that is passed on to Metro's JPACT (Joint Policy Advisory Committee on Transportation) and placed on the Regional Transportation Plan. Also mentioned was how some funds from federal, state and county levels that have been earmarked for the connector project could be spent on other transportation projects. Possible projects were mentioned and Mayor Ogden suggested Council put together some projects and discuss at the next work session before the next steering committee on February 25, 2009.

J. EXECUTIVE SESSION

None.

K. ADJOURNMENT

The work session adjourned at 7:06 p.m.

Sherilyn Lombos, City Manager

Recording Secretary

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



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ABSENT: None.

Mayor Ogden called the meeting to order at 7:08 p.m.

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

A. CALL TO ORDER

Councilor Maddux led the Pledge of Allegiance.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. Tualatin Youth Advisory Council Update

Representatives from the Youth Advisory Council (YAC) gave an update on various activities in recent weeks. The YAC explained Project F.R.I.E.N.D.S., which involves 5th graders from all elementary schools getting together to help build self esteem, connect and communicate, with mentoring done by the YAC. The event will take place the morning of May 1, 2009. Council thanked the YAC for their appearance at the meeting.

2. Tigard-Tualatin Family Resource Center Update – Catherine West

Catherine West, Executive Director, gave a brief background and update on the Tigard-Tualatin Family Resource Center. Ms. West noted the Resource Center has been helping families since 1992. Ms. West thanked the Council for the recent \$5,500 grant for the center, and also thanked Councilors Beikman and Maddux for serving on their steering committee. Ms. West also introduced their new office staff assistant. Councilor Maddux commented on the value of the Resource Center for the community, and as a member of the Washington County Commission on Families and Children, the recent budget review involved almost no cuts for the center. Ms. West said the Tigard-Tualatin Resource Family Resource Center can be reached at 503.603.1585.

3. Proclamation Declaring February 2009 as “Smart Kids Smart Community” Month

Maureen Wolf and Margie Green from the Foundation for Tigard-Tualatin Schools were present and gave a brief report on the Foundation’s mission. The Foundation was created in 1991 and services extend to hundreds of students. They believe that raising the bar for one raises for all and they are proud of the Foundation. Ms. Green noted the upcoming “Smart Kids Smart Community” fund drive in February and presented a short video clip, and thanked Council for their support.

Councilor Beikman read the Proclamation declaring February 2009 as "Smart Kids Smart Community" month in the City of Tualatin.

In response to Councilor Maddux' request, Ms. Wolf also explained how the "Caring Closet" works and what and how it provides for families in need. It is located across from the Family Resource Center.

4. *30-Year Service Award Presentation – City Engineer Mike McKillip*

City Manager Sherilyn Lombos presented City Engineer Mike McKillip with his service award, and gave a background on his tenure with the City of Tualatin over the past 30 years. Mayor Ogden also noted Mr. McKillip's accomplishments and thanked him for his years of service and dedication to the City and the community.

C. CITIZEN COMMENTS

Marissa Houlberg, 9789 SW Coquille Court, was present to request that the Tualatin Youth Advisory Council (YAC) and teen programs be able to be the main use of the Van Raden Center. Ms. Houlberg gave a detailed background of what activities and programs the YAC is involved with, in addition to other teen activities. Mayor Ogden said staff has met to discuss this issue and City Manager Lombos said staff will be coming back to Council to discuss recreation priorities and look at the what has been proposed for the center, and whether or not to table that effort, which would allow for teens and YAC to use the Van Raden Center as dedicated space.

Derek Colby, 21717 SW Aspen Place, was present to revisit train horn noise, and asked if the City has received a number of complaints, if TriMet has agreed to participate in any problem-solving, and whether there is any legal actions that can be taken. Mr. Colby also asked if the City can contract to have an independent report to rebut the findings of the noise impact study done by TriMet. Mr. Colby also inquired whether the City has the ability to charge fees in the parking lots, not only the train lot, but bus lots as part of the solution to the financial impact.

Mayor Ogden said a number of complaints have been received and Council recognizes the train horn noise situation and has been meeting with citizens and legislators to ask that the train horn noise issue be part on the recent federal stimulus package. Council is looking at what types of sources of funding may be available for train horn noise mitigation. Mayor Ogden added that horns are a "federal" requirement and cautioned that there may not be legal standing with TriMet for any misrepresentation. In response to Mr. Colby's question regarding parking lot fees, City Attorney Brenda Braden said the lots are not part of the city's jurisdiction, and some sort of "tax" would need to be done if wanting to go that route. TriMet could be asked to charge a fee and direct funds to Tualatin. This is the first "transit" function that has noise associated with it. Mr. Colby asked and Mayor Ogden replied that any possible adjustments to the trains during the morning and evening times would have to be asked of TriMet. Monthly passes are available for "all" TriMet mass transit including the commuter rail.

Also mentioned was the importance for people to send e-mails not only to the City Council, but also to TriMet's Board of Directors, State legislators, etc. A link on the City's website will be made available to provide information and where to send comments in response to Mr. Colby's request.

Mayor Ogden concluded that this is a community problem and that legislators do know about the train horn noise. Mayor Ogden also wanted to note that the commuter rail project was originally a product of Washington County and asked TriMet to build the project, and in many respects, TriMet is doing the project that was asked for.

David Anderson, 22923 SW Cowlitz, was present to express his unhappiness with the train horn noise and also noted other area neighbors were present to express the same concern. Mr. Anderson also submitted signatures from neighbors about the train horn noise. Mayor Ogden reiterated that Council recognizes the problem and hasn't lost sight that this is the number one issue in Tualatin right now.

Trevor Engels, 22945 SW Cowlitz, asked how the impact of train horn noise was not examined fully. Mayor Ogden answered that an impact analysis was done and the City followed the correct process. The notion of freight whistles was not part of scenario and nowhere in that process at that time was the train horn noise mentioned. Council takes full responsibility for the oversight, and added that Council did question the decimal noise issue and impact analysis that was actually done several years before by TriMet. Also mentioned is the requirement by the Federal Railway Administration (FRA) to blow horns at a certain decimal level, as there is a safety factor, and not sure if TriMet has the ability to look at modifying. The only possible solution would be establishing quiet zones, but they come with a large price tag.

Mayor Ogden concluded discussion by noting that the City Council is fully aware of the train horn noise problem and are looking to do what can be done to solve the problem.

D. CONSENT CALENDAR

MOTION by Councilor Maddux, SECONDED by Councilor Barhyte to adopt the Consent Agenda as read:

1. Resolution No. 4864-09 Awarding Bid for the Tualatin Operations Yard Parking Lot, Storage Yard and Utility Improvements
2. Establishment of an Ad Hoc Committee to Coordinate the 2009 Arbor Week Celebration

MOTION CARRIED.

E. PUBLIC HEARINGS – Legislative or Other
None.

F. PUBLIC HEARINGS – Quasi-Judicial

1. Request for Review of the December 19, 2008 Historic Landmark Designation Decision to Approve the Demolition of the Gerald Avery Building Located at 19945 SW Boones Ferry Road (2S123DD 500) (HIST-08-01)

Mayor Ogden read language required by legislation before a comprehensive plan or land-use regulation [ORS 197.763(5) and (6)] and opened the public hearing.

Mayor Ogden noted that the City Council has participated in public meetings for use of the site, alternatives uses of the site, and have spoken with individuals and groups for the last several years. *No bias was noted*, but there has been ex parte contact. Councilor Harris noted he met with the Tualatin Historical Society on tree issue discussion and talked about this in general but not specifics about this application.

Associate Planner Will Harper presented the staff report and entered the entire staff report and attachments into the record. Also noted for the record were three e-mail comments that were recently received by staff. This is an appeal by Yvonne Addington on behalf of the Tualatin Historical Society, and appeal of the December 19, 2008 affirming the Historic Landmark Demolition Findings and Decision of the Community Development Director approving the demolition of the "Gerald Avery Building" located at 19945 SW Boones Ferry Road.

Mr. Harper said the purpose of demolition is to allow redevelopment of acreage which is owned by the Tigard-Tualatin School District (TTSD). The Gerald Avery building was built in 1939 and was listed in the City's landmark inventory in 1993. The TTSD closed the elementary school in 2005 to open a newly constructed school. Mr. Harper read the criteria listed in the staff report for the decision that was made for demolition. Five reasons were raised for the appeal, and also noted in the staff report is substantial documentation addressing the reasons for the appeal.

Staff recommends the City Council consider the staff report and Attachment A-F, and materials submitted into the record and direct staff to prepare a resolution affirming the December 19, 2008 Historic Landmark Demolition Certificate of Appropriateness Findings and Decision on the demolition of the Gerald Avery Building in HIST-08-01, subject to the conditions noted.

PROPOSERS

Kirsten Van Loo, land use planner, Emerio Design, 6107 SW Murray, Suite 147, Beaverton, OR, representing Marquis Development noted the hearing's purpose is to review the evidence on the record and the appropriateness of staff's recommendation. Ms. Van Loo noted that an application was submitted and upon appeal has collected a significant amount of data in documenting the decision making process, and examining the uses and reuses associated with this building. Marquis Development has also submitted considerable information about the building. Ms. Van Loo acknowledged the significance of the building and the challenge of finding a way to reuse the building that is reasonable, functional, and can be integrated with the rest of the proposed development. The information has shown that the Tigard-Tualatin School District has spent a number of years to find a way to reuse the building. Left with a difficult decision, there is no practical, economic, or viable way to preserve this building for any use. Ms. Van Loo concluded that there is no money, no outpouring of community support, have tried to find a way to reuse this building, and said she was present to affirm staff's recommendation to the City Council.

Scott Miller, Marquis Companies Inc., 4560 SW International Way, Milwaukie, OR, said Marquis has spent the past two years trying to determine the best way to reuse the building. They like the site and are willing to spend time and money to get to the point where they feel comfortable submitting the application, having tried to figure out a way to incorporate the design of the current Gerald Avery building, none of which were viable. Marquis hired several architects to look into the design, and after meeting with the Tualatin Historical Society, staff and others, what has been presented by Marquis is where they are today with the project.

Rob Saxton, TTSD Superintendent, 6960 SW Sandburg Lane, Tigard, OR, commented with several points about the property and said the School District supports the staff decision. He noted the District considered a number of opportunities after the building was no longer used for school, all of which were not viable. After a number of School Board meetings that were held, it was determined to sell the property and the TTSD received no opposition except from the THS. It became clear that the cost of renovating the building would be too much for many non-profits, etc.

OPPONENTS

Tualatin Historical Society President Yvonne Addington took the opportunity to note she hired City Engineer Mike McKillip (*recognized earlier for his 30-years of service*) when she was Tualatin city manager 30 years ago.

Ms. Addington acknowledged conflicted feelings and the emotional attachment she has had with this issue, and that the THS has been advocating saving the site with the TTSD and City. It has been a multi-year struggle and 850 to 1,000 signatures have been gathered asking Council to consider keeping the building and the site. Ms. Addington noted some success with other buildings in the City and feels there are more threats to historic structures to come, and asked the Council to use their role as public officials to consider what is happening with historic buildings. She said the developer, Marquis, has been wonderful, but she first must advocate for the preservation of the building and believes the City will need that land in the future. Since it appears that the entire 12-acre site is not being used, Ms. Addington suggested Marquis could use a portion of the site and the TTSD could hold the remaining property until an appropriate use comes along. An alternative would be to ask for conditions on approval of the demolition if Council chooses. Mention has been made by the developer for an opportunity to reuse some of the materials such as the bricks, windows, and gym floor for a proposed public auditorium where historical information would be available for the purpose of the public having access to. Ms. Addington said THS is looking for a way to attach some reasonable conditions for the site to be memorialized and used for public purpose.

Chris Krivens, 22464 SW 107th Avenue, said this came to his attention after driving past the building many times. He understands this has been addressed over the years, and he has not previously been at a Council meeting and was not aware this issue had been in the community for the last four years. After talking with his neighbors and friends they all expressed an interest in a way to reuse the site in some fashion. He also asked if there is anything Council sees as a way to preserve the building, as he believes it is an important piece of property.

Beth Roach, 22382 SW 107th Avenue, said with the City having gone through the "Tualatin Tomorrow" process in the past few years, asked to consider holding off on making a decision on the property and take time to consider the citizens in Council's decision.

Ms. Addington also introduced Evi Andrews, and as a former teacher in the early years of the Tualatin Elementary School, asked that the cherry tree located on the property be preserved in her honor.

REBUTTAL

Ms. Van Loo said it important to understand that the site Marquis is looking at for development is removal of its historical designation. Marquis will be buying 5-1/2 acres, leaving the remaining acreage which is not part of this application. The site is comprised of three actual parcels within the entire acreage. This application and decision falls under State law and there is no methodology that affords the Council to impose an extended delay, as the 120-day period is up in either March or April 2009. It is important to note that the TTSD started in October, 2005 holding public hearings and public meetings. Ms. Van Loo also mentioned the condition of the building and the seismic report indicating it is not safe and three architects tried every which way to find a way to save the building. Marquis is also looking at ways to save some of the materials, and also reiterated that the TTSD owns the land and is a different ownership entity than the City or the THS. The TTSD has legal responsibility for this land and their decision came after a lengthy evaluation. Ms. Van Loo concluded that

while appreciating that a 1,000 signatures were gathered, it is not easy to come up with the millions of dollars needed to upgrade the building.

Marquis representative Mr. Miller said there has been some e-mails sent on ways Marquis has looked at preserving and reusing the gym flooring and windows, bricks, and other items, and they are more than willing to put something in writing when the process moves forward. The proposed auditorium space will be available to the public and they offered to reuse the flooring and would then donate back to the THS, and Marquis would even store the materials if needed. They are looking at using the bricks at access points, walkways, or a memory walk, and Marquis believes there is value in the history there. However, from a marketing standpoint to construct a retirement community to attract senior citizens to move to, Marquis would not proceed if the building were still in place.

Kellie Hoosani, 111 SW Fifth Avenue, Suite 500, Portland, OR, attorney with Miller Nash, representing the Tigard-Tualatin School District (TTSD), wanted to comment that the TTSD and Marquis have reviewed all the avenues possible and no one will be able to take on that building as it is. The School District does not want to have conditions placed on the application and they recognize Marquis will do everything possible to preserve as much of the materials of that building as possible.

STAFF RESPONSE

Associate Planner Harper noted the 120 day limit is up the first week of March. Also in response to questions about Council's ability to impose conditions, staff proposed six conditions that are directly from the Tualatin Development Code which are standard conditions of approval. However, staff could add conditions that have not already been mentioned.

COUNCIL DISCUSSION

Council questioned the permit is approved when demolition would take place.

Council discussion followed with questions on when the building would be demolished if approved, and subsequent development, and if conditions can be placed by Council. Staff noted there are specific guidelines to follow, and there is no connection between the demolition and the proposed development. Council quoted the criterion from TDC Section 68.060(c) of the benefits of demolishing the landmark and the construction of the identified conflicting permitted use(s) outweigh the value to the community of preserving the landmark, is clearly linked to the use that is proposed. Staff noted it has been addressed in the conditions of approval requiring all permits to be in place before demolition or excavation.

Mayor Ogden said the decision for demolition is based on the proposed use, and Ms. Van Loo again quoted, ... "The benefits of demolishing the landmark and the construction of the identified conflicting permitted uses(s) outweigh the value to the community of preserving the landmark..." and said it is important to understand the underlying land designation and be reminded about developers that showed no interest in the property. If the building is not removed it prevents development of the property.

Mayor Ogden reiterated the proposed use for the site is not a permitted use, and asked staff the logic used in the benefit to the community of developing the land on any currently permitted use that outweighs keeping the structure. Staff said what Marquis is proposing can be done through a conditional use permit (CUP), as technically, but not specifically, it is an allowed use. Staff also did not evaluate on

anything other than the proposed housing project for that site. Marquis representative Scott Miller said they would not continue with the project if the demolition is not approved.

Associate Planner Harper said Criterion (c) is a judgment that balances preservation with other community use, and the quandary is to make sure that the terms or value is one that would allow Council to agree that the criteria has been met. As decision-makers Council could disagree with the calculation arrived at in the staff report.

Ms. Hoosani reiterated that the building has to be removed and it is in the record that TTSD has talked with many people in taking a hard look at this building, and Criterion (c) doesn't need to be quoted as the record support a finding that the benefits of demolishing a landmark and being able to construct identifying conflicting uses. If something were to happen to the proposed Marquis development there is still no value to TTSD as Criterion (c) has been met. Ms. Hoosani said Council could make a finding based on the evidence that Criterion (c) has been met, with or without the Marquis development, and if conditions are placed on the Marquis project, they will be back again at some point arguing the same issues.

Council discussion followed. Mr. Miller said a project of this size is \$40 million, and just to get the condition of approval will exceed \$2 million, without even knowing if Marquis will have the demolition in place. Marquis will not do anything on the site until they know they can build their building.

Mayor Ogden questioned what actual conditions would be defensible, and asked if Council would have any grounds by placing any conditions. City Attorney Braden said Council could run into problems by doing so, such as placing a condition to save as much of the materials as possible, but that it could possibly be done because the applicant would be willing to accept the condition.

Mayor Ogden closed the public hearing.

COUNCIL DELIBERATIONS

MOTION by Councilor Barhyte, SECONDED by Councilor Harris, to approve the demolition permit, with the condition that prior to demolition the applicant has gone through the conditional use process or architectural review for the approved project.

Discussion on Motion

Councilor Maddux asked how that process differs from what is already provided for in the Development Code. Mayor Ogden clarified that Council would grant the demolition, if and only if, the applicant met all the subsequent conditions of approval of the project.

Councilor Harris said his only question is the importance of recycling and reuse of materials and suggested adding a condition.

MOTION TO AMEND by Councilor Harris to include a condition to require as much viable reuse and recycling of materials from the building.

Discussion on Motion

Councilor Beikman said she would only support the amendment portion of the motion for reuse and recycle of materials.

Councilor Truax noted agreement with Councilor Beikman, but does not support the motion at all, was not supportive of placing conditions on the applicant, and was also not sure of the viability of reusing some of the materials.

Councilor Maddux said she was in agreement with Councilors Beikman and Truax, and commented that the School District is tied to an unsalable piece of land.

MOTION FAILED.

[Vote: 5-2; NO – Ogden, Beikman, Davis, Maddux, Truax; YES – Barhyte, Harris]

MOTION by Councilor Maddux, SECONDED by Councilor Beikman to adopt the staff report, and Attachments A-F and materials submitted into the record and direct staff to prepare a resolution affirming the December 19, 2008 Historic Landmark Demolition Certificate of Appropriateness Findings and Decision on the demolition of the Gerald Avery Building in HIST-08-01, subject to the conditions noted.

Discussion on Motion

Councilor Barhyte said the appeal does not address the uses, and TTSD is not the applicant. Councilor Harris said he agrees with Councilor Barhyte and will not vote to approve, and believes placing certain conditions would not place the Council in harms way with the State Land Use Board of Appeals (LUBA).

Councilor Davis said she prefers to support a motion that would include the recycling and reuse of materials as previously stated.

MOTION TO AMEND by Councilor Davis to add a condition to include recycling and reuse of materials. MOTION DIED for lack of agreement.

Discussion on Motion

Mayor Ogden said in his opinion he does not believe Council has the legal ability to place requirements on the applicant, and believes they are obligated to grant the staff report.

Councilor Truax called for the question.

MOTION RESTATED by Councilor Maddux, SECONDED by Councilor Beikman to adopt the staff report and Attachments A-F and materials submitted into the record and direct staff to prepare a resolution affirming the December 19, 2008 Historic Landmark Demolition Certificate of Appropriateness Findings and Decision on the demolition of the Gerald Avery Building in HIST-08-01, subject to the conditions noted. MOTION CARRIED. *[Vote: 4-3; YES – Ogden, Beikman, Maddux, Truax; NO – Barhyte, Davis, Harris]*

G. GENERAL BUSINESS

1. 2008 Heritage Center Annual Report

Community Services Director Paul Hennon said the purpose is to present Council with the 2008 Tualatin Heritage Center Annual Report. He noted that it is operated by a successful partnership with the Tualatin Historical Society (THS) and the City of

Tualatin. The annual report was presented to TPARK, and provided feedback to THS, and staff's recommendation is council accept the 2008 heritage center annual report.

THS President Yvonne Addington said they are working on many projects this year, and are also looking at developing a strategic plan. The goal in the coming year is to involve more and younger people. Membership is now over 200+.

Heritage Center Director Larry McClure continued with a PowerPoint presentation and reviewed highlights of Heritage Center activities and events in the past year. Mr. McClure also acknowledged the support the City Council has given to the Heritage Center.

Mayor Ogden noted the good work the THS has done with the community and their core mission. Councilor Harris asked about long term plans for the center with the need for more space and Mr. McClure said they are always looking for possible venues, etc. Ms Addington added that many artifacts are stored in other places because of lack of space. Council thanked the THS for their work with the Heritage Center and look forward to the coming year.

MOTION by Councilor Barhyte, SECONDED by Councilor Beikman to accept the 2008 Heritage Center Annual Report. MOTION CARRIED.

2. I-5 / 99W Connector Update

City Engineer Mike McKillip gave a brief PowerPoint presentation on the I-5 / 99W Connector project benefits and impacts of "Alternative 7", also known as the "Hybrid" or "Three Arterial" alternative. The staff report includes information that outlines the impacts of Alternative 7 and compares it to the other six alternatives previously presented. The Policy Steering Committee will meet February 25, 2009, and hopefully will forward to Metro for inclusion as an amendment to the Regional Transportation Plan (RTP). The specifics of Alternative 7 were reviewed by Mr. McKillip. Councilor Harris asked about extension of Tualatin Road/Herman Road, and said there is a need of sports fields, but doesn't see a lot of use for the boat ramp.

Mayor Ogden said he is not certain the work that was done on "Alternative 7" is how it will actually end up, particularly with funding issues.

Bob and Kathy Newcomb, 17515 SW Cheyenne Way, said it was interesting to view the presentation, and commented there are several problems with Tualatin Road in relation to Herman Road, and they do not approve of the widening of Tualatin-Sherwood Road. Ms. Newcomb mentioned the neighbors that had appeared before Council on a portion of Tualatin Road (across from the cemetery) that has traffic safety issues. She was also surprised to learn the Tualatin Chamber endorsed Alternative 7, and was not happy that residents were not able to be part of the selection process, and that this should not be taken to Metro without public input. Ms. Newcomb asked that more information be provided in the City's newsletter. Mr. Newcomb said his main concern is Tualatin Road and the difficulty they have accessing Cheyenne Way from Tualatin Road.

Dolores Hurtato, 8685 SW Chinook Street, was present to express her concerns about the proposed project. She has a condominium and where she lives, under this particular plan her home would be gone. She said she wants to be able to live and

stay in her home and said the public should be invited to look at this particular proposal.

Mayor Ogden said he understands the concerns expressed, but said the project will likely not occur for a very long time. He further explained the transportation system that has been adopted in Tualatin, and the TSP has had a substantial amount of public involvement, has been regularly reviewed, and that this project has been part of the plan for the past nine years. It is a long way to being committed to by this Council, as it remains to be designed and engineered, and is nowhere close to being funded.

Ms. Newcomb reiterated her request for public input and that Council not recommend "Alternative 7" when presented at their February 25, 2009 Council meeting.

H. 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.

I. EXECUTIVE SESSION

None.

J. COMMUNICATIONS FROM COUNCILORS

Councilor Beikman mentioned the recent "Tualatin Tomorrow" luncheon. Many good ideas were raised and also possible partnering opportunities.

Councilor Harris said the Tualatin Library Foundation had its first fundraiser with a great turnout, and welcomed all the support. He also thanked Legacy Meridian Park Hospital for being the main sponsor of the event and looking forward to next year's event.

K. ADJOURNMENT

MOTION by Councilor Truax, SECONDED by Councilor Harris to adjourn the meeting at 11:34 p.m. MOTION CARRIED.

Sherilyn Lombos, City Manager

Recording Secretary

Maureen Smith