



TUALATIN CITY COUNCIL WORK SESSION MINUTES OF MARCH 9, 2009

PRESENT: Mayor Lou Ogden *[arrived at 5:22 p.m.]*; Councilors Chris Barhyte, Monique Beikman, Joelle Davis, Jay Harris, Donna Maddux, Sherilyn Lombos, City Manager; Brenda Braden, City Attorney; Doug Rux, Community Development Director; Dan Boss, Operations Director; Don Hudson, Finance Director; Police Captain Brad King; Carina Christensen, Assistant to the City Manager; Kaaren Hofmann, Civil Engineer; Paul Hennon, Community Services Director; Abigail Elder, Library Manager; Aquilla Hurd-Ravich, Senior Planner; Eric Underwood, Development Coordinator; Colin Cortes, Assistant Planner; and Maureen Smith, Recording Secretary

ABSENT: Councilor Ed Truax* *[* denotes excused]*

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

A. CALL TO ORDER

Council President Barhyte called the work session to order at 5:03 p.m.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. *Urban/Rural Reserves – Local Aspirations*

Senior Planner Aquilla Hurd-Ravich began by presenting a PowerPoint on the urban/rural reserves – local aspirations residential land and South Tualatin analysis.

At the February 4, 2009 special work session, information was presented for discussion on building trends in planning areas, capacity inside and outside the planning areas, and two identified potential candidates for urban reserves. Various topic areas will be presented in greater detail with a final report back to Council at the April 13, 2009 Council meeting, in preparation for the presentation of presenting the information at the Tualatin Tomorrow community event April 30, 2009.

Policy considerations for Council to consider is how much growth should Tualatin plan for in the next 20 and 50 years in the residential planning area, and what density requirements should apply to residential land in South Tualatin. A review of residential land indicates net vacant land is at 99 acres, infill land at 25 acres and redevelopable land is 114 acres. South Tualatin's residential net vacant land is 314 acres, industrial land at 19 acres, and commercial/retail at 10 acres. Aerial maps were displayed indicating vacant, infill, and redevelopable residential land within Tualatin, and net developable vacant land south of Tualatin, including the North Wilsonville Study area.

Council reviewed dwelling units per acres/density requirements. Tualatin's current population is 26,040. The combined growth of City and low density development ranges from a low of approximately 28,000 to a high of 35,000, combined growth of City and State densities ranges from a low of 30,000 to a high of 36,000, and the combined growth of City and Metro densities estimated population at a low of 32,000 to a high of 38,000. The projected numbers do not take into consideration the Stafford area. The cities of Tigard and Wilsonville are looking at more density for their cities and other cities have not submitted any local aspirations as yet to Metro. Discussion followed, and staff reminded Council of their discussion in November about not wanting more density than what is currently in place. Keeping the population at 28,000 to 35,000 was discussed by Council.

City Manager Lombos said there will be one more work session to discuss the remaining components in the next few weeks, with a final report of Local Aspirations brought back to Council on April 13, 2009 for presentation to the Tualatin Tomorrow Community Event at the end of April, 2009.

3. *Fence Standards – Phase II Follow-up*

Assistant Planner Cindy Hahn presented a PowerPoint on the next round of discussion on fence standards. As requested by Council, staff has provided additional analysis on whether to extend the current fence standards that apply along arterials and collector streets to freeways in residential planning districts that have back or side yards facing the freeways. If so, to be determined is what type of fencing should be required and what should be the required height. A sound wall will also be done as part of ODOT's I-5 auxiliary lane project from the I-5 / I-205 interchange south to SW Norwood Road.

Displayed and reviewed by Council were topographic maps, aerial photos and Google Earth photos of various areas along the I-5 / I-205 freeways where additional fencing may be placed.

Discussion followed on the fence height requirement and the type of material that should be required. Council also suggested staff bring back language to extend the fence regulation to freeways, unless there is a natural buffer of 200 feet, starting at the right-of-way, and require fence heights to be a minimum of eight feet. What types of fence materials and the costs and aesthetics of wood versus masonry fences was discussed, with masonry being the favored fence material by Mayor Ogden and Councilors Barhyte, Davis and Harris. Staff will also take what has been discussed to the Tualatin Planning Advisory Committee (TPAC) members for their review.

4. *Policies & Fees for Use of Library Rooms*

Community Services Director Paul Hennon and Library Manager Abigail Elder were present to review with Council proposed policies and fees for public use of the Library Community Room and also the Library Study Room. The Tualatin Library Advisory Committee (TLAC) has reviewed the proposed policies and fees.

Staff reviewed the current policies for use of the Community Room. Examples of approved and non-approved uses under the "draft" policy were also reviewed. In addition to Library and other City-sponsored and co-sponsored uses the proposal is that the room be used by groups and organizations that are open to the public, and private and commercial uses not be allowed. Scheduling priorities and the reservations policy were reviewed

Discussion followed. It was suggested to add a clarification of damages to the facility would be the responsibility of the renter. The fee schedule was reviewed, and it was suggested to increase the non-resident fee, and also cancellation fees be charged. It was noted by staff in the proposed resolution the need to strike the word "Individuals" under Section 6, Fee Schedule, Class 4, All Other Groups, Organizations, and Individuals.

Considerable discussion continued on the concern of how to account for limiting the frequency of use for the Community Room. Non-profit versus commercial uses were also mentioned and whether types of groups such as the Chamber would be considered commercial use.

City Manager Lombos summarized the discussion on the proposed policies and fees for use of the library rooms – to be used for non-commercial uses, open to the public, and not for-profit making uses. Staff will clarify the Chamber of Commerce's organization status and it was requested to also look at trade organizations, etc. Staff will come back with clarification and will address the extended usage issue, etc. at the next meeting.

C. CITIZEN COMMENTS

N/A

D. CONSENT AGENDA

4. Resolution No. 4869-09 Affirming the December 19, 2008 Historic Landmark Demolition Decision of the Gerald Avery Building Located at 19945 SW Boones Ferry Road (2S123DD 500) (HIST-08-01)

Councilor Davis requested Item D-4 be removed from the Consent Agenda.

City Manager Lombos noted Councilor Truax will be available telephonically when this is discussed during the regular meeting.

E. PUBLIC HEARINGS – Legislative or Other

N/A

F. PUBLIC HEARINGS – Quasi-Judicial

N/A

G. GENERAL BUSINESS

1. Ordinance No. 1278-09 Adopting Core Area Parking District Tax Rate and Credit Year 2009/10

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



City of Tualatin

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Approved By Tualatin City Council
Date March 23, 2009
Recording Secretary J Kirby

TUALATIN CITY COUNCIL MINUTES OF MARCH 9, 2009

PRESENT: Mayor Lou Ogden, Councilors Chris Barhyte, Monique Beikman, Joelle Davis, Jay Harris, and Donna Maddux; Sherilyn Lombos, City Manager; Brenda Braden, City Attorney; Mike McKillip, City Engineer; Doug Rux, Community Development Director; Dan Boss, Operations Director; Kent Barker, Police Chief; Maureen Smith, Recording Secretary

ABSENT: Councilor Ed Truax* [*available telephonically for a portion of the meeting*]
[* denotes excused]

Mayor Ogden called the meeting to order at 7:06 p.m.

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

A. CALL TO ORDER

Councilor Harris led the Pledge of Allegiance.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. Tualatin Student Visual Chronicle Presentation

Community Services Director Paul Hennon introduced Tualatin Arts Advisory Committee (TAAC) members Richard Hager and Buck Braden. Two students whose art was chosen for the visual chronicle were present – Madelyn Reynolds and Kevo Kirakossian, and also noted was that two other art pieces chosen for the visual chronicle by Laura Koch and Haley Fisher (*not present*). A brief PowerPoint was shown outlining the visual chronicle which is to create a record in various mediums documenting life of the Tualatin community, and was open to students in grades 9-12. The Student Visual Chronicle now comprises 17 pieces, with a total of the total chronicle is approx. 180 pieces, with almost 90 the historical portion of the chronicle.

Mayor Ogden and the Council congratulated the TAAC for all the work that has been done with the committee over the years, and admired the art work of the youth, on view in the Council Chambers. Mr. Braden added having been a former high school art teacher the work that was done by this group of students is excellent.

said in a previous life I was a high school art teacher, and the artwork that he's seen in this group are really incredible and is a good start and was a great reception held to recognize the artists. Hager acknowledged the other committee members that were present, and Councilor Maddux' participation.

2. New Employee Introductions

City Attorney Brenda Braden introduced new paralegal Linda Odermott, and gave a brief background on her qualifications and experience. Council welcomed Ms. Odermott to the City staff.

Community Services Director Paul Hennon introduced new Library Assistant Amy Honisett, and gave a brief background on her qualifications and experience. Council welcomed Ms. Honisett to the City staff.

3. *Tualatin Historical Society Presentation – 150th Celebration*

Loyce Martinazzi, representing the Tualatin Historical Society (THS), gave a presentation on a story theatre production titled "The Road to Statehood Ran Through Tualatin" in honor of the 150th year of Oregon's statehood. Also present was THS member John Hartman, and presented a short video clip of the theatre production. Ms. Martinazzi noted the video is approximately 48 minutes long and is available for purchase at the Tualatin Historical Society Heritage Center.

C. CITIZEN COMMENTS

Amy Anderson, 22923 SW Cowlitz Drive, was present to comment on commuter rail horn noise. Ms. Anderson said the horn noise has been disruptive to her family beginning in the early morning hours, which then causes the freight trains to pass by in the middle of the night. Her family moved in the neighborhood knowing the freight trains went by every so often, but they were not prepared for the commuter rail horn noise. Ms. Anderson mentioned the importance of getting a quiet zone for Tualatin and asked for an update on Council's progress with that issue.

Charlie Cheever, 22729 SW Cowlitz Drive, agreed with Ms. Anderson's comments. He said his family moved to Tualatin knowing about the commuter rail project, but was not prepared for the train horn noise. He believes it has caused property values to decline because of it and is looking for support on the implementation of quiet zones.

Derek Colby, 21717 SW Aspen Place, asked about Councilor Maddux' recent trip to Washington DC. He noted he has spoken with a few attorneys regarding taking a legal approach to the train horn issue, and an injunction was mentioned to get TriMet to take notice on quiet zones mitigation. Mr. Colby also mentioned appropriate noise decibel levels, and suggested an independent noise analysis be done by the City.

Councilor Maddux noted she was in Washington DC for work, and had the opportunity to pass on information on the train horn noise issue to Representative Wu and other legislators. Councilor Maddux said they are all aware of the train horn noise and the need to address this issue, but the question of funding remains. Councilor Maddux reiterated that the federal legislators are hearing the citizens' concerns.

Mayor Ogden said a number of solutions are being examined, and filing a lawsuit to get attention would not solve the problem and would be counterproductive as Mayor Ogden believes TriMet is committed to being a partner in working together to arrive at a solution.

Mr. Cheever asked that quiet zones still be pursued in response to Mayor Ogden's mention of wayside horns. Mayor Ogden responded that there are situations where the use of wayside horns for safety may be needed, as unprotected railroad crossings are of concern. Mayor Ogden wanted all to know that Council is looking at all options and is continuing to work with TriMet to arrive at a mutually beneficial solution.

Dave Simmons, representing CH2M Hill, was present to present a donation to the Tualatin Food Pantry. Mr. Simmons said at the recent opening of the 108th Avenue construction project, CH2M Hill opted as a goodwill gesture to make a donation to the Tualatin Food Pantry.

Mike Shiffer, and Linda Moholt, Tualatin Food Pantry representatives, were present to accept the \$500 donation and said they appreciated the support given by CH2M Hill. It is greatly needed and they have seen an amazing increase in need, and they also seen an increase in food donations. Mr. Shiffer noted they will continue to have a huge need and ask citizens, businesses, and Council to continue the support.

Kathy Newcomb, 17515 SW Cheyenne Way, was present to speak to Council on the I-5/99W connector project, specifically Alternative 7. Ms. Newcomb noted her disappointment in Councilor Beikman's affirmative vote on Alternative 7 at a recent steering committee meeting, and questioned how the direction was given by Council.

Mayor Ogden explained the City's involvement in regional committees, etc., and that a councilor will act as a representative for Council at the various committees, forums, etc. City Attorney Brenda Braden explained in response to Ms. Newcomb's concern that Council can vote on issues during a work session. Mayor Ogden also said in response to Ms. Newcomb's comment, that the I-5/99W connector and alternatives has been brought before the Council for discussion on numerous occasions. And Alternative 7 required a unanimous vote of the committee, which did not happen and the steering committee is no longer meeting. There is a process to complete the Regional Transportation Plan which is reviewed periodically. Staff will get back to Ms. Newcomb with more information as requested, about the process.

Joy Basse, representing Rainbow Valley Press, was present to thank the Council for the rental standards program that has been put in place. To date it has been very effective and she also thanked the Community Services Officer for her help in compliance with landlords. Ms. Basse thanked Council for their willingness to listen to reason and to hear the pleas of tenants in the community. Mayor Ogden noted the Council's support, in particular the efforts of Councilors Barhyte and Harris in making this happen.

General Business Item No. 2 was moved to this portion of the meeting.

G. General Business

2. Youth Advisory Council Monthly Report and Discussion of Mayors' Action Challenge For Children and Families

Four representatives from the YAC were present to give an update on activities they are taking part in. The YAC also reviewed goals they have set and the Mayor's Action Challenge for Children and Families. They recognize that all the goals will not be able to be met, and there is a pared-down list with two focus areas. Mayor Ogden asked about what the roles of the Council and the YAC in those two focus areas, and the fit challenge goal would need to be an ongoing effort.

Councilor Harris notice the community garden was removed from the list and he believes it is a tangible project that could move forward and suggested some partnering to be able to get this project going. Councilor Beikman said she would be glad to be part of the YAC efforts, and mentioned her interest in the safe routes to schools program. Brief discussion followed.

D. CONSENT CALENDAR

Item D-4 was removed from the Consent Agenda by Councilor Davis at the work session. Item G-1 was added to the Consent Agenda at work session. MOTION by Councilor Harris, SECONDED by Councilor Maddux to adopt the Consent Agenda as amended and read:

1. Approval of Minutes for the Special Work Session of February 4, 2009 and the Work Session and Meeting of February 9, 2009, and the Work Session and Meeting of February 23, 2009
2. Approval of 2009 Liquor License Renewals – Late Submittals
3. Approval of New Liquor License Application for Marinepolis Sushi Land
5. Resolution No. 4870-09 To Close Out the City Center Remodel Fund and Transfer Remaining Funds to the General Fund
6. Resolution No. 4871-09 To Authorize Interfund Loan for Voice Over Internet Protocol Phone System
- G-1 Ordinance No. 1278-09 Adopting Core Area Parking District Tax Rate and Credit Year 2009/10

MOTION CARRIED.

E. PUBLIC HEARINGS – *Legislative or Other*

1. Ordinance Relating to Monument Signs in the Office Commercial (CO) Planning District; Amending Provisions and TDC 31.060 and 38.190 (PTA-08-07)

Mayor Ogden opened the public hearing.

Associate Planner Will Harper presented the staff report and entered the entire staff report into the record. The proposal is to amend the Office Commercial (CO) Planning District elements of the Tualatin Development Code chapter on sign regulations regarding freestanding monument signs. The issue arose in the South Center business complex to better identify the complex itself particularly for visitors. Mr. Harper said this would be a change of the standards to allow an eight foot tall monument style sign. The Tualatin Planning Advisory Committee (TPAC) voted 5-2 recommending the Council approve this plan text amendment.

Staff recommends that Council consider the staff report and its supporting attachments and direct staff to prepare an ordinance granting PTA-08-07 based on the draft ordinance in Attachment A.

PROPOSERS/OPPONENTS – None.

COUNCIL DISCUSSION

Council asked and staff replied on what the process would be if the plan text amendment is approved. Council also questioned the benefit to the whole community, not just a developer request for change. Staff was in agreement with the property owner to have this part of the sign code modified.

It was asked and answered that the sign permit process is done mainly for the size and does not include content, color, etc. Also asked about was brightness, and staff replied there is a portion in the TDC that addresses illumination, however there is not a specific standard. Also asked were the reasons behind the dissenting votes of TPAC members, and Mr. Harper said one member believed one sign would be enough, and there was concern about the size of the sign by the other member. Also the question was raised and staff replied there is an area to be able to pull off the road to view the sign.

Mayor Ogden closed the public hearing.

COUNCIL DELIBERATIONS

MOTION by Councilor Beikman, SECONDED by Councilor Davis to adopt the staff report and direct staff to prepare an ordinance granting PTA-08-07 based on the draft ordinance attached. MOTION CARRIED. [Vote: 6-0; Truax absent]

MOTION by Councilor Harris, SECONDED by Councilor Beikman for a first reading by title only. MOTION by Councilor Harris, SECONDED by Councilor Beikman for a second reading by title only. MOTION CARRIED. The poll was unanimous [Truax absent]. MOTION by Councilor Harris, SECONDED by Councilor Beikman to adopt the ordinance as presented in the staff report. MOTION CARRIED. [Vote: 6-0; Truax absent]

2. Ordinance Relating to Definitions and Parking Standards for Single Family Residential Development; Amending Definitions and Parking Standard; and Amending TDC 1.020; 31.060 and 73.370 (PTA-08-08)
-

Mayor Ogden opened the public hearing.

Associate Planner Will Harper presented the staff report and entered the entire staff report into the record. Mr. Harper said this plan text amendment would provide a revised definition of the term "family" with respect to residential uses, and revisions to the off-street parking standards for single-family residential development. The Tualatin Planning Advisory Committee (TPAC) voted 4-2, with one abstention, recommending approval.

Staff recommends that Council consider the staff report and supporting attachments and direct staff to prepare an ordinance granting PTA-08-08 based on the draft ordinance in Attachment A.

PROPOSERS/OPPONENTS – None.

COUNCIL DISCUSSION

Council asked and staff replied the two dissents and abstention by TPAC members were outlined in the staff report.

City Attorney Braden replied in response to the question that changing the definition of "family" is consistent with the current standard. It was also asked about the implications of using "household" instead of "family". Staff replied family is commonly used terminology and there would be consistency issues and would require a major change to the Development Code. Also asked whether the higher density areas in Tualatin would be able to meet the two parking space requirement, and staff replied this would only apply to single-family detached homes.

Mayor Ogden closed the public hearing.

COUNCIL DELIBERATIONS

MOTION by Councilor Beikman, SECONDED by Councilor Barhyte to adopt the staff report and supporting attachments and direct staff to prepare an ordinance granting PTA-08-08 based on the draft ordinance in Attachment A. MOTION CARRIED.
[Vote: 6-0; Truax absent.]

MOTION by Councilor Harris, SECONDED by Councilor Barhyte for a first reading by title only. MOTION CARRIED. MOTION by Councilor Harris, SECONDED by Councilor Beikman for a second reading by title only. The poll was unanimous. *[Truax not present.]* MOTION by Councilor Harris, SECONDED by Councilor Beikman to adopt the ordinance as presented in the staff report. MOTION CARRIED.

F. PUBLIC HEARINGS – *Quasi-Judicial*

None.

G. GENERAL BUSINESS

1. Ordinance No. 1278-09 Adopting Core Area Parking District Tax Rate and Credit Year 2009/10

[The ordinance had first and second readings at work session and was placed on the Consent Agenda.]

[The following item was removed from the Consent Agenda]

4. Resolution No. 4869-09 Affirming the December 19, 2008 Historic Landmark Demolition Decision of the Gerald Avery Building Located at 19945 SW Boones Ferry Road (2S123DD 500) (HIST-08-01)
-

Mayor Ogden noted Councilor Davis requested this item be removed from the Consent Agenda. City Manager Lombos noted Councilor Truax' availability telephonically.

Mayor Ogden said this is not reopening the public hearing but whether Council will be approving the resolution.

Councilor Harris noted his reason of not supporting this issue initially was because of not including a condition for recycling of materials. He hopes the developer will work with staff and the Historical Society and Council Harris said he would support the resolution at this meeting if a recycling of materials plan was included.

Mayor Ogden asked and City Attorney Braden clarified Council is only able to ask process questions of staff.

Councilor Davis said she agreed with Councilor Harris' request for a motion to develop a recycle plan, and her objection has been there is nothing holding the developer to in terms of recycling materials from the building.

Councilor Barhyte reiterated his position from the public hearing held and believes the ordinance does allow for recycling of materials, etc.

Mayor Ogden said he is fully supportive of anything that can be done to retain as much material as possible, however the problem is if Council wants to legislate it needs to be specific and clear on what it takes to comply. It is also possible the project may not proceed forward and he is convinced there is no economic viability for the building and the applicant has met the required conditions.

Councilor Maddux said a public hearing was held on this matter and her position has not changed. This is not a reopening of the public hearing and Council should proceed with voting on the resolution.

Councilor Truax said this is an issue of doing business with the City that is governed by ordinance, of which the applicant has met with the ordinance as written. He is not opposed to having a recycling plan, but it is not right to attempt to create something in the middle of the hearing. The applicant has the right to expect that the City upholds the codes that are on the books. Councilor Truax added he is willing to have a future discussion about changing the ordinance itself.

City Attorney Braden replied to the process question of additional conditions on the applicant would require supportable findings.

COUNCIL DELIBERATIONS

MOTION by Councilor Maddux, SECONDED by Councilor Beikman to uphold the resolution affirming the December 19, 2008 Historic Landmark Demolition Decision of the Gerald Avery Building located at 19945 SW Boones Ferry Road (HIST-08-01).

MOTION CARRIED.

[Vote: 4-3; YES – Ogden, Beikman Maddux, Truax; NO – Barhyte, Davis, Harris]

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

An executive session pursuant to ORS 192.660 (2)(d) to discuss labor relations was held after the regular meeting.

J. COMMUNICATIONS FROM COUNCILORS

None.

K. ADJOURNMENT

MOTION by Councilor Harris, SECONDED by Councilor Maddux to recess the meeting at 9:59 p.m. to go into executive session. MOTION CARRIED.

The meeting adjourned at 10:47 p.m.

Sherilyn Lombos, City Manager

Recording Secretary

