



City of Tualatin

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/ as amended
Approved By Tualatin City Council
Date 4-13-09
Recording Secretary M. Smith

TUALATIN CITY COUNCIL WORK SESSION MINUTES OF MARCH 23, 2009

PRESENT: Mayor Lou Ogden, Councilors Joelle Davis, Donna Maddux, and Ed Truax; Sherilyn Lombos, City Manager; Brenda Braden, City Attorney; Mike McKillip, City Engineer; Doug Rux, Community Development Director; Dan Boss, Operations Director; Kathy Kaatz, Program Coordinator; Kaaren Hofmann, Civil Engineer; Eric Underwood, Development Coordinator; Ginny Kirby, Recording Secretary

ABSENT: Chris Barhyte*, Monique Beikman*, Jay Harris* [* denotes excused]

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

A. CALL TO ORDER

Mayor Lou Ogden called the meeting to order at 6:33 p.m.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

Citizen Involvement Committee (CIC)

Ms. Lombos conferred with Councilors Maddux and Davis regarding scheduling a date for a CIC meeting. The available dates are Monday, March 30, Monday, April 6, 2009, or Wednesday, April 8 if necessary. A date will be selected and they will receive notification in the next couple of days.

Saum Creek Slide Repair

Mike McKillip, City Engineer, gave a PowerPoint presentation regarding slide issues at 4640 SW Saum Way (in the Fox Hill East Subdivision). The City's real concern is the sanitary sewer line that runs through a portion of the slide area that is continuing to move. Mr. McKillip described the current circumstances and the proposed remedy which would include a helical anchor and 4" pipe pile. He noted it is approximately 30' (vertically) from the creek. The intent would be to find a more permanent solution for the future. It may be that this "temporary" fix stabilizes the area enough that further mitigation won't be necessary.

A brief discussion followed regarding what type of engineering requirements were in place when the homes were constructed. Mayor Ogden asked for clarification on who would pay if the slide (which is on City property) would get worse and take out the sewer line. Mr. McKillip said the City would pay for that piece. If the slide takes the sewer and the house, or a portion thereof, would the City be liable for the house; Mr. McKillip said he didn't believe that the City would be liable for the house. The costs for the slide repair would show up in the current budget as an adjustment.

Truck Routes

Due to time constraints, this will be rescheduled for a future date.

Snow & Ice Response Plan

Due to time constraints, this will be rescheduled for a future date.

Washington County Urbanization Forum Resolution

Due to time constraints, this will be rescheduled for a future date.

Council Communications & Roundtable

Councilor Maddux noted she had spoken with a citizen regarding train horn noise/quiet zones. She asked if it would be possible to have City staff do regular (maybe monthly) updates at Council meetings to keep everyone informed.

Ms. Lombos noted she is waiting to hear back from TriMet to see if April 8th (morning) will work for performing tests with noise meters at various crossings to monitor the actual noise levels. Mayor Ogden voiced concern on how different train horn noise levels affect different households at different crossings. Brief discussion followed.

C. CITIZEN COMMENTS

Not applicable.

D. CONSENT AGENDA

The Consent Agenda was reviewed by Council.

E. PUBLIC HEARINGS - Legislative or Other

Not applicable.

F. PUBLIC HEARINGS - Quasi-Judicial

Not applicable.

G. GENERAL BUSINESS

2. Ordinance No. 1280-09 Relating to Mandatory Recycling for Businesses; Adding New Sections 9-6-005, 9-6-010, 9-6-020, and 9-6-030 to The Tualatin Municipal Code

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

I. COMMUNICATIONS FROM COUNCILORS

Councilor Maddux asked if Ms. Lombos had received the email she sent including the FRC newsletter; Ms. Lombos confirmed she had received it and had sent it out.

Councilor Davis noted that from some of her conversations with people, folks in West Linn area are growing increasingly interested in the Stafford Triangle and related issues.

J. EXECUTIVE SESSION

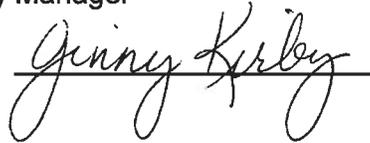
None.

K. ADJOURNMENT

The meeting adjourned at 7:03 p.m.

Sherilyn Lombos, City Manager

Recording Secretary

A handwritten signature in cursive script, reading "Ginny Kerley", is written over a horizontal line.



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TUALATIN CITY COUNCIL MEETING MINUTES OF MARCH 23, 2009

PRESENT: Mayor Lou Ogden, Councilors Joelle Davis, Donna Maddux, and Ed Truax; Sherilyn Lombos, City Manager; Brenda Braden, City Attorney; Mike McKillip, City Engineer; Doug Rux, Community Development Director; Dan Boss, Operations Director; Paul Hennon; Community Services Director; Don Hudson, Finance Director; Colin Cortes, Assistant Planner; Carl Switzer, Parks & Recreation Coordinator; Ginny Kirby, Recording Secretary

ABSENT: Chris Barhyte*, Monique Beikman*, Jay Harris* [** denotes excused*]

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

A. CALL TO ORDER

Mayor Ogden called the meeting to order at 7:08 p.m.
Councilor Davis led the pledge of allegiance.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. *Scott Bruun, Oregon State Representative, District 37*, came before Council this evening to give a brief update. Representative Bruun reported that they've gone through a "rebalance" program to find approximately \$8 billion. He met with Tigard-Tualatin School District last week and went through budget numbers. The legislature will not do "across the board" cuts; and he feels schools will do better than some others. Representative Bruun went on to say that there will be some new revenues on the table. He feels there will be some good quality things come out of this "crisis" which will include tax restructuring. Some legislation currently being worked on is a "stimulus package" of sorts. Also, work is being done on a tax credit package that includes some items for both businesses and individuals for doing particular improvements on structures (business or home). Representative Bruun also said there is a bill in the legislature now regarding adult entertainment and nude dancing; this is a constitutional referral. It was noted that City Attorney Braden assisted with the crafting of the bill (HJR 42). Councilor Truax thanked Representative Bruun for taking the time to come before Council this evening to update everyone.
2. *Tree City USA Presentation and Proclamation Declaring April 5-11, 2009 "Arbor Week in the City of Tualatin"*
Carl Switzer, Parks and Recreation Coordinator, introduced DJ DeAustria, a member of TPARK, and Paul Reese, Oregon State Department of Forestry. They are here tonight to talk about Arbor Week activities and present the City with its Tree City USA Award. Mr. DeAustria noted that there are a number of activities planned, including a Scavenger Hunt for Tualatin fifth graders, that begins on April 1, and a huge tree planting at Tualatin Community Park on the morning of April 11. More information on

all the events can be found on the City's website, www.ci.tualatin.or.us. Mr. DeAustria went on to thank all those who are contributing to these events. He said that fifth graders in local schools participated in an Arbor Week poster contest and the winners were present tonight; they brought their winning drawings for all to see. Friends of the Library were thanked for the tree themed books that were donated to the schools.

Mr. Paul Reese announced that 2008 was the 22nd consecutive year that the City of Tualatin has been named a Tree City USA city and commented that Tualatin should be very proud of their 22 years. He went on to say that in honor of the State of Oregon's 150th anniversary they are recognizing 150 events statewide. A special plaque that commemorates that the City is part of the 150th anniversary was presented. Mr. Reese also gave the City the commemorative "22 Years" stickers to place on the Tree City USA signs and a new Tree City USA flag.

Mayor Ogden congratulated the community and noted this honor is due in great part to the staff who work diligently in making a place for this program in the City. Mr. Switzer noted that approximately 9000 trees have been planted in the last year alone.

Councilor Maddux read the "Arbor Week in the City of Tualatin" Proclamation.

3. *Proclamation Declaring April 12-18, 2009 "National Community Development Week"*
Mayor Ogden noted that the money for the CDBG program comes from the Federal government. Councilor Davis read the Proclamation.
4. *Library Foundation Update – Marge Congress*
Abigail Elder, Library Manager, introduced Ms. Marge Congress, President of the Tualatin Library Foundation. Ms. Congress gave a PowerPoint presentation that covered some background about the Library Foundation, including Development of the Need, History of the Foundation, Future Plans, and the Future Vision. She noted that the Board of Directors meets monthly; they recently added one new member and will be adding two more members in July 2009. The main purpose of the Library Foundation is to hold fundraisers to help purchase needed items such as new computers and furniture for the Library.

The Mayor thanked Ms. Congress for all the Foundation's hard work. Ms. Congress noted that further information about the Library Foundation is available at: www.tualatinlibraryfoundation.org.

C. CITIZEN COMMENTS

None.

D. CONSENT AGENDA

MOTION by Councilor Truax, SECONDED by Councilor Davis to adopt the Consent Agenda as amended and read:

1. Approval of Minutes for the Special Work Session of March 2, 2009 and the Work Session and Meeting of March 9, 2009

2. 2008 Annual Report of the Tualatin Planning Advisory Committee
 3. Resolution No. 4872-09 Amending a Communication Site Lease Agreement with Mobilitie Investments II, LLC for the Cell Tower at the Norwood Water Reservoir Site
 4. Resolution No. 4873-09 Accepting Public Improvements for 115th Commerce Park
 5. Resolution No. 4874-09 Adopting Policies and Fees for the Tualatin Public Library Community Room
- G-2 Ordinance No. 1280-09 Relating to Mandatory Recycling for Businesses; Adding New Sections 9-6-005, 9-6-010, 9-6-020, and 9-6-030 to The Tualatin Municipal Code

MOTION CARRIED.

E. PUBLIC HEARINGS - Legislative or Other

1. Ordinance Relating to Tree Removal; and Amending TDC 34,200, 73.405, 74.706, 74.707, 74.708, and 74.765 (PTA-08-04)

Ordinance No. 1279-09 Relating to Tree Removal, and Amending TDC 34.200, 73.405, 74.706, 74.707, 74.708, and 74.765 (PTA-08-04)

Mayor Ogden opened the public hearing.

Colin Cortes, Assistant Planner, entered the entire staff report and attachments into the record. The amendment is part of an on-going process of reviewing the City's tree ordinance. The main thrust is for those who remove street trees, they will be required to replace the removed trees on a one-to-one basis, with three exceptions. The exceptions are: 1) conflict with public or private improvements or utility facilities, or minimum vision clearance; 2) interference with the existing tree canopy, the maturation of the crown of the proposed replacement tree, or both; or 3) creation of conflict by planting trees too close to each other. Mr. Cortes stated that both the Tualatin Planning Advisory Committee and the Tualatin Parks Advisory Committee recommend passing of this ordinance. It was noted that the Operations Department will continue to advertise this program through the use of door hangers.

Mayor Ogden clarified that in the past citizens had a choice on whether or not they wanted to replace a tree that was removed. This ordinance will mandate the replacement of a tree that is removed on a one-for-one basis.

PROPOSERS / OPPOSERS - None.

COUNCIL QUESTIONS - None.

COUNCIL DISCUSSION

Councilor Truax noted he felt this is a good step in the right direction.

Mayor Ogden closed the public hearing.

COUNCIL DELIBERATIONS

MOTION by Councilor Truax, SECONDED by Councilor Maddux to grant the Ordinance for this Plan Text Amendment. MOTION CARRIED. [Vote: 4-0; Barhyte, Beikman, Harris absent]

MOTION by Councilor Truax, SECONDED by Councilor Maddux for first reading of the Ordinance by title only. MOTION by Councilor Truax, SECONDED by Councilor Maddux for a second reading by title only. MOTION CARRIED. The poll was unanimous [Barhyte, Beikman, and Harris absent.] MOTION by Councilor Truax, SECONDED by Councilor Maddux to adopt the ordinance relating to tree removal and amending the TDC (PTA-08-04). MOTION CARRIED.

F. PUBLIC HEARINGS - Quasi-Judicial

None.

G. GENERAL BUSINESS

1. 2008 Annual Report of the Tualatin Library Advisory Committee (TLAC)
Ms. Marge Congress, Chair of TLAC, gave a PowerPoint presentation covering TLAC activities for 2008, which included the opening the new library in August 2008, and welcoming Abigail Elder as the new Library Director (who was hired to replace Darrel Condra). Mayor Ogden thanked Ms. Congress for her work and that of the Committee.

MOTION by Councilor Truax, SECONDED by Councilor Maddux to accept the 2008 Annual Report of the Tualatin Library Advisory Committee. MOTION CARRIED.

2. Ordinance No. - - - Relating to Mandatory Recycling for Businesses; Adding New Sections 9-6-005, 9-6-010, 9-6-020, and 9-6-030 to The Tualatin Municipal Code

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

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. COMMUNICATIONS FROM COUNCILORS

Councilor Maddux reminded everyone about a fundraiser for the Tigard-Tualatin Family Resource Center, tomorrow evening (March 24, 2009) at Wine Styles in Nyberg Woods.

Councilor Truax said there is a Rescue Dog Benefit, "Million Doodle March", scheduled for Sunday, March 29, 12:45 p.m. meet at Tualatin PetSmart (in Nyberg Woods) and

march to Brown's Ferry Park and back. This March will benefit dog rescue programs including Oregon Dog Rescue here in Tualatin. It was noted that dogs do not have to be a "doodle" breed to participate in the march.

Mayor Ogden stated that train horn noise updates will be given at Council meetings and information will be posted on the City's website. Also, wayside horn trials are tentatively scheduled for April 8. He reminded everyone that all options for this issue are being pursued.

J. EXECUTIVE SESSION

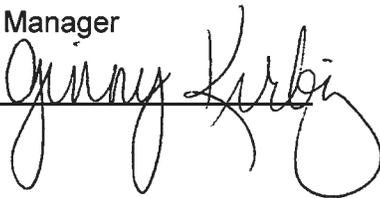
None.

K. ADJOURNMENT

The meeting adjourned at 8:07 p.m.

Sherilyn Lombos, City Manager

Recording Secretary

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