



OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR  
JANUARY 9, 2012

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Present: Mayor Lou Ogden; Councilor Wade Brooksby; Councilor Frank Bubenik;  
Councilor Joelle Davis; Councilor Nancy Grimes

Absent: Council President Monique Beikman; Councilor Ed Truax

Staff Present: City Manager Sherilyn Lombos; City Attorney Brenda Braden; Police Chief Kent Barker; Community Development Director Alice Rouyer; Community Services Director Paul Hennon; Finance Director Don Hudson; Planning Manager Aquilla Hurd-Ravich; Assistant to the City Manager Sara Singer; Assistant Planner Colin Cortes; Program Coordinator Becky Savino; Teen Program Specialist Julie Ludemann; Management Analyst Ben Bryant; Executive Assistant Maureen Smith

**A. CALL TO ORDER**

Mayor Ogden opened the meeting at 7:01 p.m.

The Pledge of Allegiance was led by Councilor Grimes.

**B. ANNOUNCEMENTS**

**1. Tualatin Youth Advisory Council Update for January 2012**

Members of the Youth Advisory Council (YAC) presented a PowerPoint and gave an update on past month activities and events. It was asked and the YAC members explained their involvement in the City's Transportation System Plan (TSP) process, and that they have given their initial input. It was suggested that the Youth Advisory Council continue their involvement and participation in the City's TSP process.

**C. CITIZEN COMMENTS**

*Kathy Newcomb, SW Cheyenne Way, Tualatin, OR* was present and distributed her comments for the record, and referred to the "Linking Tualatin" project which she said appears to address only businesses, commercial and industrial, but not residents. She asked that this topic be reviewed at the next Council Work Session to address inclusion of residents and representatives of the Citizen Involvement Organizations (CIOs). Regarding "Open Houses" that have been held for various projects, Ms. Newcomb believes open houses do not provide a method of working out issues with all parties involved.

Mayor Ogden explained the Linking Tualatin project is the City's part in the corridor project. It is taking a broad look at the entire corridor study area, and there is substantial involvement in the process other than holding open houses. All components of the City, which include residential areas, and CIOs are included as part of the process. In response to Ms. Newcomb's request for clarification by the next work session of her comments, Mayor Ogden believes her concerns have been addressed, and asked that staff contact Ms. Newcomb for further discussion.

*Gary Thompson, Tualatin resident* suggested the lighting above the Council dais be adjusted.

#### **D. CONSENT AGENDA**

MOTION by Councilor Frank Bubenik, SECONDED by Councilor Joelle Davis to approve the Consent Agenda as read.

**Vote: 5 - 0 MOTION CARRIED**

1. Approval of the Minutes for the Work Session and Meeting of December 12, 2011.
2. Resolution No. **5080-12** Accepting Public Improvements Constructed in Association with Walgraeve Tualatin Business Park (SW 112th and SW Myslony)
3. Resolution No. **5081-12** Authorizing an Intergovernmental Agreement Between the City of Durham and the City of Tualatin for the Performance of Police Services within the City of Durham's Boundaries
4. Resolution No. **5082-12** Accepting Public Improvements for Construction of Phase 2 Park Improvements Consisting of Sports Field Restoration, Pathway, and Native Plant Restoration and Enhancement Associated with the Lower Tualatin Pump Station
5. Resolution No. **5083-12** Establishing Regular Meetings of the City Council, Architectural Review Board and Tualatin Planning Commission and Repealing Resolution No. 5016-11

#### **E. SPECIAL REPORTS**

1. 2011 Annual Report of the Tualatin Arts Advisory Committee

Community Services Program Coordinator Becky Savino, Arts Advisory Committee Chair Buck Braden, and committee member Gary Thompson were present and gave a PowerPoint on the 2011 Tualatin Arts Advisory Committee (TAAC) Annual Report. The TAAC members thanked Councilor Bubenik for his participation on the committee as Council liaison, and staff member Becky Savino for her work on the TAAC.

The annual report was reviewed with Council and a summary of the committee's activities during the preceding year, such as ArtSplash, Concerts on the Commons, ArtWalk, Visual Chronicle, Student Visual Chronicle, with three student art purchases, support of outside agencies that included Broadway Rose Theatre, Lumiere Players theater group, and the Tualatin Heritage Center for their promotion of art programs. The Community Enhancement Award program was reviewed and the TAAC's involvement in the gateway monument feature.

Council thanked the members of the Arts Advisory Committee for their work on the committee and Councilor Bubenik also thanked the members of the committee and their commitment and involvement to the arts in the community.

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

1. Amending the Tualatin Development Code (TDC) Chapter 31-Amending References for Land Use Notice, Adding Citizen Involvement Organizations as Recently Enacted in the Tualatin Municipal Code Chapter 11-9. Amending TDC 1.031, 31.060, 31.063, 31.064, and 31.067. Plan Text Amendment PTA-11-09

Mayor Ogden opened the Legislative public hearing.

Planning Manager Aquilla Hurd-Ravich presented the staff report and entered the entire staff report into the record. She went on to explain what the proposed amendment entails adding language to add the Citizen Involvement Organizations (CIO) to the list of parties receiving all noticing requirements. They will include Notice of Hearing, Notice of Application and Opportunity to Comment, Notice of Annexation, and Notice of Neighbor Developer Meeting. The proposal amends the Tualatin Development Code Chapter 1.031 - Notice Requirements, Chapter 31.063 - Neighborhood/Developer Meetings; 31.064 - Land Use Applications and 31.067 - Procedure for Annexation.

#### **PROPOSONENTS**

*Mike Riley, vice-chair, Tualatin Planning Advisory Committee* was present and said the committee reviewed the proposed changes and recommend adoption of the amendment. Mr. Riley added he is actively involved in the Citizen Involvement Organization (CIO) program and from their point of view, this is an essential component of the process.

**OPPONENTS** - None.

#### **COUNCIL DISCUSSION**

It was asked and answered by staff that all CIOs will be notified as part of the notification process.

Mayor Ogden closed the public hearing.

COUNCIL DELIBERATION

MOTION by Councilor Joelle Davis, SECONDED by Councilor Nancy Grimes to approve Plan Text Amendment 11-09 as stated in the staff report and direct staff to prepare an ordinance approving the amendment.

**Vote: 5 - 0 MOTION CARRIED**

2. A Plan Text Amendment Changing the Tualatin Planning Advisory Committee (TPAC) into a Planning Commission; and Amending TDC 1.020, 1.030, 1.031, 2.050, 2.060, 31.077, 31.078, 33.010, 33.020, 33.022, 33.024, 33.025, 33.040, 33.050, 34.183, 34.184, 34.185, 34.186, 35.040, 35.050, 35.060, 35.080, 37.010, 37.030, and 37.040 (PTA-11-11)
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Mayor Ogden opened the Legislative public hearing.

Assistant Planner Colin Cortes presented the staff report and entered the entire staff report and attachments into the record. A PowerPoint was given outlining the process for Plan Text Amendment 11-11, changing the Tualatin Planning Advisory Committee to a Planning *Commission* and granting decision-making authority over specified land use applications. If approved the Planning Commission will meet in March 2012.

PROPONENTS

*Mike Riley, Vice-Chair, Tualatin Planning Advisory Committee* was present and noted the committee is in agreement and recommends approval of the amendment.

*Cathy Holland, Tualatin resident* spoke on her involvement with the Commercial Citizen Involvement Organization (CIO) and said she was in approval of the amendment.

OPPONENTS - None.

Mayor Ogden closed the public hearing.

COUNCIL DELIBERATION

MOTION by Councilor Joelle Davis, SECONDED by Councilor Frank Bubenik to approve the staff report and supporting attachments and direct staff to prepare an ordinance granting PTA-11-11.

DISCUSSION ON MOTION

Mayor Ogden commented there has been some concern expressed about transferring certain land use decision-making to a Planning Commission. Citizens have come to expect land use-type issues are dealt with by their elected officials, and Council feels a responsibility to the citizens and community, but believes the concerns have been adequately addressed.

**Vote: 5 - 0 MOTION CARRIED**

**G. PUBLIC HEARINGS – Quasi-Judicial**

1. A Conditional Use Permit for Seasonal Products on Behalf of PrimeSource Building Products Inc. to Allow Building Materials and Supplies, Wholesale Sales, and Warehousing in the General Manufacturing (MG) Planning District at 10595 SW Manhasset Drive (Tax Map 2S1 22DA, Tax Lot 500) (CUP-11-04)

Mayor Ogden read language required by legislation before a comprehensive plan or land-use regulation [ORS 197.765(5) and (6)] and opened the public hearing. No bias or ex parte contact noted.

Assistant Planner Colin Cortes presented the staff report and entered the entire staff report into the record. The request is for Conditional Use Permit 11-04 by Seasonal Products to allow for building materials and supplies, wholesale sales, and warehousing by PrimeSource Building Products Inc. within the General Manufacturing (MG) Planning District at 10595 SW Manhasset Drive (Tax Map 2S1 22DA, Tax Lot 500).

Assistant Planner Cortes reviewed the request which allows for storage of building materials. No assembly or manufacturing will be done, and minor improvements will be made to the site. Staff has reviewed the request and the analysis and findings show PrimeSource storage of building materials and supplies meets conditional use criteria.

Staff recommends that Council consider the staff report and supporting attachments and direct staff to prepare a resolution granting Conditional Use Permit 11-04.

**PROPONENTS**

*Jim Hermann, owner, Seasonal Products LLC* was present to answer questions if needed.

**OPPONENTS** - None.

**COUNCIL DISCUSSION**

Questions were asked and answered about addressing any issues with the surrounding businesses.

It was asked and Assistant Planner Cortes explained that this request required a conditional use permit because of a decision made by Council in 1994 which was done to avoid allowing a lumber yard-type facility. It is the ability of storage of building materials generating this conditional use permit request.

Mayor Ogden closed the public hearing.

**COUNCIL DELIBERATIONS**

MOTION by Councilor Nancy Grimes, SECONDED by Councilor Wade Brooksby to approve the staff report and supporting attachments and direct staff to prepare a resolution granting Conditional Use Permit 11-04.

**Vote: 5 - 0 MOTION CARRIED**

## **H. GENERAL BUSINESS**

1. Ordinance No. **1337-12** Relating to the Parks Charter Amendment; Identifying Certain Utility Activities Not Requiring a Vote; and Adding a New Chapter 5-7 to the Tualatin Municipal Code
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City Attorney Brenda Braden gave a brief review of the staff report and background of the proposed ordinance. Voters approved an initiative in March 2011 to amend the City Charter, requiring the City electors to vote to allow a major change in use on city parkland before such a change could occur. While there are some examples listed in the amendment of what would constitute a major change in use, it does not clearly define what would not be considered a major change, and has caused the public and franchised utilities to be concerned that some of their routine maintenance activities might be interpreted as requiring a vote before the maintenance could occur. That was not, and is not the intent of the chief petitioners on the initiative nor of the Protect the Parks group that gathered signatures to put the amendment on the ballot. The Protect the Parks group and utility representatives met to propose an ordinance that would spell out which activities would not trigger a vote to give some certainty to the utility companies. City Attorney Braden said the ordinance does not offer total protection, but goes a long way in providing it.

### PROPONENTS

*Annie Vigileos, SW Shawnee Trail, Tualatin, OR* encouraged Council to pass the ordinance and submitted two documents for the record; a joint issues list and meeting discussion document, and a copy of City Attorney Braden's Memorandum regarding implementation of parks Charter amendment. Ms. Vigileos believes these documents should be part of the ordinance, and also made a suggestion to include a reference in the ordinance of having a staff analysis/assessment. Ms. Vigileos said as a resident and park advocate she also would like the City to take the opportunity to review and update documented park policies that date back to the 1980s.

*Kathy Newcomb, SW Cheyenne Way, Tualatin, OR* said she fully endorsed Ms. Vigileos' comments, and noted the ordinances already in effect, and appears to address any concerns. Ms. Newcomb, as one of the chief petitioners of the Charter amendment, said it was a good experience to work with the utilities on this issue, and said the whole process went well.

OPPONENTS - None.

### COUNCIL DISCUSSION

It was asked about the suggestions made by Ms. Vigileos and the addition of language of inclusion of a staff analysis in the ordinance. Brief discussion followed on whether including staff analysis in the ordinance is necessary and it is by nature, implied. Staff noted that a review and update of park policies has already started, and staff can also begin adding an analysis/information portion in any staff report that relates to park issues.

Mayor Ogden concluded the discussion.

MOTION by Councilor Bubenik, SECONDED by Councilor Grimes for a first reading by title only. MOTION by Councilor Davis, SECONDED by Councilor Grimes for a second reading by title only. MOTION CARRIED. The poll was unanimous. [Beikman, Truax absent.] MOTION by Councilor Davis, SECONDED by Councilor Bubenik to adopt the ordinance.

2. Resolution No. **5084-12** Accepting a Master Plan for the Blake Street Right-of-Way and Designating it as Ibach Greenway

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Community Services Director Paul Hennon presented the staff report and said the purpose is to provide information on the acceptance of a master plan for the Blake Street Right-of-Way and renaming it "Ibach Greenway."

Director Hennon gave a PowerPoint and said the proposed master plan is for the undeveloped Blake Street right-of-way, which includes a multi-use path within a landscaped corridor that closes a gap between the sidewalk at the corner of 108th Avenue and Blake Street and the sidewalk in the 110th Place cul-du-sac. The proposed pathway would strengthen Tualatin's interconnected transportation system of on- and off-street pedestrian and bikeway facilities while providing an opportunity to help create a stronger neighborhood, promote health and wellness, and provide a buffer between industrial and residential areas. The design element was reviewed and noted there were alternative viewpoints and concerns, which are highlighted in the staff report. He reviewed the one-time capital costs and the ongoing maintenance costs, but noted there is not adequate funds to build now. However, if accepted by Council, staff will apply for a grant, requiring matching funds from the City, and if not approved, it becomes one of the unfunded parks areas until funding could be determined. The Tualatin Parks Advisory Committee (TPARK) has reviewed and recommended approval of the master plan and the naming as Ibach Greenway.

PROPONENTS

*Scott Campbell, SW Byrom Terrace, Tualatin, OR* said his property adjoins the master plan site and appreciates the work that has been done by staff, by a continuation of effort to provide a buffer between residential and industrial. It will not only create a visual buffer but help with noise complaints from the nearby industrial area.

*Julie Makarowsky, Tualatin, OR* said she was in full support of the master plan, but said she was contacted by the Helenius family, long-time residents of Tualatin about postponing the naming of the site. Ms. Makarowsky gave a brief background of the Helenius family having been in Tualatin for many years and she asked that the naming of the greenway be postponed for further review. Council thanked Ms. Makarowsky for bringing the information forward.

*Scott Peterson, SW 110th Place, Tualatin, OR* said he wanted to give his full support of the project and the effort that went into improving the right-of-way, and also his appreciation of safety improvements. He supports this project but has also heard there is still concerns about safety in and near the proposed greenway.

*Ted Jenkins, SW 108th Avenue, Tualatin, OR* lives near the proposed greenway area and said there is not only a traffic issue, but a noise issue. 108th is a noisy and busy road and said he would appreciate concern shown about the safety and noise factor there.

#### COUNCIL DISCUSSION

Discussion followed on the project and priority level, and the safety issues of the 108th Avenue curve which is not inside the City limits. The safety and traffic issues of the 108th curve is bigger than what this project could entail, and Council was not aware there was also noise issues.

Mr. Peterson commented again about the greenway and reiterated that it isn't that he doesn't want to see the project happen, but where it would be on a priority list. He also commented that people are bringing up the issue of looking at the whole corridor, not just the right-of-way, and questioned the validity of 108th Avenue not being inside the city limits.

Discussion followed and possible grant funding and when it could be available was discussed. It was asked and staff explained that with the timeline of the trail grant funding and that this project being the most "shovel-ready" was a factor in bringing this forward now. Also discussed were the costs of the annual maintenance which is funded from the City budget, and other ways the maintenance issue costs could be addressed.

Mayor Ogden concluded the oral portion of the discussion.

MOTION by Councilor Frank Bubenik, SECONDED by Councilor Nancy Grimes to adopt the resolution accepting the master plan for the undeveloped Blake Street right-of-way, and direct staff to implement the process of incorporating it into the Parks and Recreation Master Plan and Tualatin Development Code, proceed with construction as funds become available, and delay the "naming" of the right-of-way.

**Vote: 5 - 0 MOTION CARRIED**

**I. ITEMS REMOVED FROM CONSENT AGENDA**  
None.

**J. COMMUNICATIONS FROM COUNCILORS**

**K. EXECUTIVE SESSION**

*None.*

**L. ADJOURNMENT**

MOTION by Councilor Nancy Grimes, SECONDED by Councilor Joelle Davis to adjourn the meeting at 9:08 p.m.

**Vote: 5 - 0 MOTION CARRIED**

Sherilyn Lombos, City Manager



Maureen Smith / Recording Secretary