



**OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR APRIL
22, 2013**

Present: Mayor Lou Ogden; Council President Monique Beikman; Councilor Wade Brooksby; Councilor Frank Bubenik; Councilor Joelle Davis; Councilor Nancy Grimes; Councilor Ed Truax

Staff Present: City Manager Sherilyn Lombos; City Attorney Sean Brady; Police Chief Kent Barker; Community Development Director Alice Rouyer; Community Services Director Paul Hennon; Finance Director Don Hudson; Deputy City Manager Sara Singer; Information Services Manager Lance Harris; Assistant Planner Colin Cortes; Associate Planner Cindy Hahn; Parks and Recreation Manager Carl Switzer; Library Manager Abigail Elder; Economic Development Manager Joe Phillips; Program Coordinator Becky Savino

A. CALL TO ORDER

Pledge of Allegiance

Mayor Ogden called the meeting to order at 7:01 p.m.

B. ANNOUNCEMENTS

1. Hon. Congresswoman Bonamici Recognizes Tualatin's Centennial Anniversary

The Honorable Congresswoman Suzanne Bonamici presented a commemoration of the Centennial of Tualatin, she read the commemoration which was entered into the Congressional record on April 9, 2013.

2. City of Tualatin Public Service Recognition Week Proclamation

Council President Beikman read the proclamation recognizing May 5-11 as Public Service Recognition Week.

3. Proclamation Endorsing Efforts to Implement Conservation Areas and Encourage Policy Makers to Pursue a Sound Forest Policy

Councilor Davis read the proclamation endorsing efforts to implement conservation areas and encourage policy makers to pursue a sound forest policy. Chris Smith thanked the Council for reading this proclamation. He stressed the importance of this conversation for the sustainable management of the state's forest.

4. 2013 Crawfish Festival Annoucement

Linda Moholt from the Tualatin Chamber of Commerce announced that this year's Crawfish Festival will be themed for the City's Centennial, "Claws for Celebration." The festival will be held on August 9-10, 2013.

C. **CITIZEN COMMENTS**

This section of the agenda allows citizens to address the Council regarding any issue not on the agenda. The duration for each individual speaking is limited to 3 minutes. Matters requiring further investigation or detailed answers will be referred to City staff for follow-up and report at a future meeting.

Linda Moholt spoke in regards to the Job Access Mobility Institute. JAMI will help employees get from WES and TriMet out to the industrial area. Trimet administers federal funds for operational programs which will help to expand the current shuttle program to get people from public transit to their jobs.

Kathy Newcomb submitted comments for the record. She emphasized the need for better transit in Tualatin. She also asked for better representation for Tualatin in the SW Corridor planning.

D. **CONSENT AGENDA**

The Consent Agenda will be enacted with one vote. The Mayor will first ask staff, the public and Councilors if there is anyone who wishes to remove any item from the Consent Agenda for discussion and consideration. The matters removed from the Consent Agenda will be considered individually at the end of this Agenda under, 1) Items Removed from the Consent Agenda. The entire Consent Agenda, with the exception of items removed from the Consent Agenda to be discussed, is then voted upon by roll call under one motion.

MOTION by Council President Monique Beikman, SECONDED by Councilor Nancy Grimes to approve the consent agenda.

Vote: 7 - 0 MOTION CARRIED

1. Consideration of Approval of the Minutes for the City Council Work Session and Regular Meeting on April 8, 2013
2. Tualatin Library Advisory Committee Annual Report for 2012
3. Consideration of Approval of a New Liquor License Application for Lakeside Bistro

E. **SPECIAL REPORTS**

1. Community Enhancement Award Presentation to The Lewis & Floetta Ide Healing Garden at Legacy Meridian Park Medical Center

Becky Savino and Gary Thompson from the Arts Advisory Committee presented the Community Enhancement Award to Legacy Meridian Park Medical Center for the Lewis and Loetta Ide Healing Garden. This garden is for recreational therapy and to bring together the community for reflection, volunteering to care for the garden and many other opportunities. Allyson Anderson, Theresa, and Floetta Ide accepted the award. Mayor Ogden presented the plaque to the recipients.

F. PUBLIC HEARINGS – Legislative or Other

1. Consideration of Resolution No. 5137-13 Adopting Findings in Support of an Exemption from Competitive Bidding and Authorizing a Competitive Request For Proposal Process for the SW Martinazzi Avenue Project

Engineering Manager Kaaren Hofmann presented a report regarding the SW Martinazzi Ave project. The project started design work in March of 2012 and is approximately 95% complete. This project is intended to replace existing water and sewer lines, pavement, catch basins and traffic signals in the area. As the project has progressed open houses and meetings with individual property owners have been held. It has become apparent as the designs have progressed that this project will have several challenges during construction. The major challenge being the construction on SW Martinazzi Ave, as it is one of the busiest streets in Tualatin. This resolution will allow staff to use an untraditional bidding process for this project to help alleviate the challenges by finding a contractor who can get the project done most efficiently.

MOTION by Council President Monique Beikman, SECONDED by Councilor Ed Truax to adopt Resolution Number 5137-13 finding in support of an exemption from competitive bidding and authorizing a competitive request for proposal process for the SW Martinazzi Avenue project.

Vote: 7 - 0 MOTION CARRIED

G. PUBLIC HEARINGS – Quasi-Judicial

1. Consideration of a Conditional Use Permit to Allow a Small-lot Subdivision in the Medium Low Density (RML) Planning District at 9355 SW Stono Drive (Tax Map 2S1 35AC, Tax Lot 13900) (CUP-13-01)

Mayor Ogden read the following in accordance with ORS 197.763(5) and (6) and ORS 197.796(3)(b):

The City Council may allow a conditional use, after a hearing conducted pursuant to TDC 32.070, provided that the applicant provides evidence substantiating that all requirements of this Code relative to the proposed use are satisfied and that the proposed use also satisfies the following criteria [TDC 32.030]:

- a. The use is listed as a conditional use in the underlying planning district.
- b. The characteristics of the site are suitable for the proposed use, considering size, shape, location, topography, existence of improvements and natural features.
- c. The proposed development is timely, considering the adequacy of transportation systems, public facilities, and services existing or planned for the area affected by the use.
- d. The proposed use will not alter the character of the surrounding area in any manner that substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying planning district.
- e. The proposal satisfies those objectives and policies of the Tualatin Community Plan that are applicable to the proposed use.

Testimony and evidence must be directed toward the above criteria or those

criteria in the Development Code which you believe apply to this decision.

If additional documents or evidence is provided in support of the application, any party shall be entitled to a continuance of the hearing.

Unless there is a continuance, before the conclusion of the initial evidentiary hearing a participant may request, before the hearing is closed, that the record remain open for at least seven days after the hearing.

Failure to raise an issue accompanied by statements or evidence sufficient to afford the Council and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.

The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow this Council to respond to the issue precludes an action for damages in circuit court.

The hearing will begin with a presentation of the City staff report followed by testimony on behalf of the applicant and supporters of the applicant. Next follows the evidence against the application. Rebuttal will then be permitted. After evidence is received the hearing will be closed and the Council will deliberate towards a decision. Any tentative decision will be reduced to a final written decision and adopted by the Council, usually at its next meeting.

If any Council members wish to announce any potential conflict of interest, bias or ex parte contact, they should do so now.

Council President Beikman stated that she did drive by the subject property with a staff member to become familiar with the property.

Assistant Planner Colin Cortes made a presentation regarding the conditional use permit. A small lot subdivision requires a conditional use permit approved by the Council. Mr. Cortes shared the conditions of approval. He presented the summary from the neighborhood developer meeting regarding the request to preserve trees on the site. He stated the application does meet the standards for conditional use.

Dean Reynolds spoke on behalf of the applicant. He stated that Pennington Heights was originally planned to have six lots, and the entire infrastructure is in place to support it.

Councilor Grimes asked if there were any other concerns raised by the neighbors during the neighborhood meeting. Mr. Cortes responded that most questions were in regards to architectural style, construction schedule and other general questions about the project, yet not anything in opposition.

Mayor Ogden closed the testimony part of the hearing.

MOTION by Councilor Ed Truax, SECONDED by Council President Monique Beikman to approve the proposed Conditional Use Permit to Allow a Small-lot Subdivision in the Medium Low Density (RML) Planning District at 9355 SW Stono Drive (Tax Map 2S1 35AC, Tax Lot 13900) (CUP-13-01).

Vote: 7 - 0 MOTION CARRIED

H. GENERAL BUSINESS

I. 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.

J. COMMUNICATIONS FROM COUNCILORS

Councilor Davis sent best wishes to Senator Betsy Johnson who was in an accident today and is currently at Oregon Health and Science University.

Councilor Bubenik thanked everyone who was involved in this past weekend's Vine2Wine event. He said it was another great success.

K. ADJOURNMENT

The meeting adjourned at 8:30 p.m.

Sherilyn Lombos, City Manager



/ Sara Singer, Recording Secretary



/ Lou Ogden, Mayor