



## OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR APRIL 9, 2018

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Present: Councilor Frank Bubenik; Council President Joelle Davis; Councilor Nancy Grimes; Councilor Paul Morrison; Councilor Jeff DeHaan; Councilor Robert Kellogg

Absent: Mayor Lou Ogden

Staff Present: City Manager Sherilyn Lombos; Community Services Director Paul Hennon; Finance Director Don Hudson; Community Development Director Aquilla Hurd-Ravich; Deputy City Recorder Nicole Morris; Public Works Director Jeff Fuchs; Assistant City Engineer Dominique Huffman; IS Director Bates Russell; HR Director Stacy Ruthrauff; Economic Development Director Johnathan Taylor; Building Official Chris Ragland; Parks Division Manager Tom Steiger; Parks and Recreation Manager Rich Mueller; Library Director Jerianne Thompson; Program Coordinator Lisa Thorpe; Court Administrator Courtney Kammerer; Network Administrator Frank Butler; Maintenance Services Manager Clay Reynolds; Management Analyst II Kelsey Lewis; Pohl Center Supervisor Sara Shepard

### A. CALL TO ORDER

Council President Davis called the meeting to order at 7:03 p.m. A moment of silence was held in honor of former Tualatin City Councilor Katherine Forrest.

### B. ANNOUNCEMENTS

#### 1. Tualatin Youth Advisory Council Update for April 2018

Members of the Youth Advisory Committee (YAC) presented a PowerPoint on their latest activities and upcoming events. Three YAC Members attended the National League of Cities Congressional Cities Conference. The conference focused on civic engagement, leadership development, and networking. Highlights from the conference included attending workshops on increased youth engagement in local and federal governments and how the YAC can support economic development for youth. The members were provided with the opportunity to tour the US Capitol Building and explore Washington DC. Members presented recommendations from the conference including conducting a youth survey, increasing focus in local/state/national policy issues, and to work to increase awareness of internships and apprenticeships for teens.

#### 2. Proclamation Declaring April 8-14, 2018 as Public Safety Telecommunicators Week

Council President Davis read the proclamation declaring April 8-14, 2018 as Public Safety Telecommunicators Week.

**C. CITIZEN COMMENTS**

*This section of the agenda allows anyone to address the Council regarding any issue not on the agenda, or to request to have an item removed from the consent 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.*

None.

**D. CONSENT AGENDA**

*The Consent Agenda will be enacted with one vote. The Mayor will ask Councilors if there is anyone who wishes to remove any item from the Consent Agenda for discussion and consideration. If you wish to request an item to be removed from the consent agenda you should do so during the Citizen Comment section of the agenda. The matters removed from the Consent Agenda will be considered individually at the end of this Agenda under, 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 Councilor Nancy Grimes, SECONDED by Councilor Frank Bubenik to adopt the consent agenda.

Aye: Councilor Frank Bubenik, Council President Joelle Davis, Councilor Nancy Grimes, Councilor Jeff DeHaan, Councilor Paul Morrison, Councilor Robert Kellogg

Other: Mayor Lou Ogden (Absent)

MOTION CARRIED

1. Consideration of Approval of the Minutes for the Regular Meeting of March 26, 2018
2. Consideration of **Resolution No. 5362-18** Approving Modifications to Employment Agreement with the City Manager

**E. SPECIAL REPORTS**

1. Tualatin Community Emergency Response Team (CERT) Program Update

CERT Members Cathy Holland, Barbara Bracken, and Charlie Benson presented an update on the Tualatin CERT program. Member Holland recapped CERT program activities for 2017. Highlights for the year included Oregon Emergency Management certification approval, multiple basic and field CERT trainings, increased membership, HAM classes, and bylaws adoption. She thanked the City Council, city staff, and many others for their support of the CERT program. CERT's multi-year objectives include increasing membership to 150 active volunteers, holding two CERT classes, maintaining funding for team trainings and equipment, creating a competitive team for the CERT Olympics, conducting field training exercises, and assisting the CIO's in the adoption of the Neighborhood Ready program.

Member Bracken spoke to the success of the Map Your Neighborhood program in Durham and how that can be translated into Tualatin. She stated she will begin working with Tualatin CERT and asked the Council to help spread the benefits of

the program to all citizens. Member Benson spoke to the program implementation, noting they will begin in East Tualatin. He presented meeting dates for those CIO's.

**2. Tualatin Heritage Center Annual Report**

Parks and Recreation Manager Rich Mueller, Tualatin Historical Society President Russ Baker, and Tualatin Historical Society Director Larry McClure presented the Tualatin Heritage Center Annual Report. Director McClure presented highlights including displays at the Marquis Community Center, expanded Pioneer Days, the return of the Community Theater, and increased social media. The center's operating agreement and City responsibilities were reviewed. Director McClure recapped 2017 activities including history programming, cultural and environmental education, arts and enrichment programs, social gatherings, and business and community support. Upcoming activities for 2018 include making decision on how to display the restored Tualatin farm wagon, bench installations, special projects and fundraising, and welcoming new board members. Director McClure thanked Community Services Director Paul Hennon for his hard work over the years and wished him well in his retirement.

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

1. Consideration of a Conditional Use Permit for a Fire Station (Station 39) Operated by Tualatin Valley Fire & Rescue in the Light Manufacturing (ML) Planning District on Land Adjacent to 7100 SW McEwan Road (Tax Map 2S1 13DD, Tax Lot 1601) (CUP-17-0002)

Council President Davis opened the public hearing for a request for review of CUP-17-0002 for Fire Station use. She read the rules of the hearing in accordance with ORS 197.765(5) and (6) and ORS 197.79(3)(b).

Community Development Director Aquilla Hurd-Ravich and Contract Planner Matt Straite presented the Conditional Use Permit (CUP) for a Fire Station operated by Tualatin Valley Fire and Rescue (TVFR). Director Hurd-Ravich stated the CUP is to place a fire station in the Light Manufacturing (ML) Planning District. She noted TVFR has already acquired the rights to the property. Planner Straite reviewed the applicant's proposal. The CUP approval criteria were reviewed. Staff found the proposed use meets the CUP criteria and recommended approval with the conditions identified in the staff report.

**APPLICANT PRESENTATION**

Frank Angelo, Angelo Planning Group, and TVFR Assistant Chief Mark Habner provided further context on the project. They explained the positioning of this fire station will enhance the districts response time to the east side of I5 and Rivergrove. They spoke to staffing, parking, and the planned community room. They requested approval of the CUP.

**PUBLIC COMMENT**

City of Rivergrove Mayor Heather Kibbey and Council President Arne Nyberg spoke in support of the project. They reiterated the need for a fire station on the east side of I5.

## COUNCIL QUESTIONS

Councilor Kellogg asked about the condition related to noise. He wants to ensure there is a noise barrier for the nearby residential area. Planner Straite stated noise is addressed in the Architectural Review process.

Councilor DeHaan asked how the site was selected and if this would help their insurance rating. Assistant Chief Habner stated the site was selected based on data from the coverage area. The location would greatly reduce call travel times in the area. He noted TVFR went through an insurance re-rate last fall noting the district gets looked at as a collective. He stated this new station would not likely change their ISO rating since it is already good.

## COUNCIL DELIBERATIONS

Councilor Kellogg stated this is a much needed service in the area.

Council President Davis thanked the City of Rivergrove for their community support.

MOTION by Councilor Frank Bubenik, SECONDED by Councilor Paul Morrison to approve a Conditional Use Permit for a Fire Station (Station 39) operated by Tualatin Valley Fire & Rescue in the Light Manufacturing (ML) Planning District on land adjacent to 7100 SW McEwan Road and directing staff to bring back a resolution for consideration.

Aye: Councilor Frank Bubenik, Council President Joelle Davis, Councilor Nancy Grimes, Councilor Jeff DeHaan, Councilor Paul Morrison, Councilor Robert Kellogg

Other: Mayor Lou Ogden (Absent)

MOTION CARRIED

## 2. Request for Review (Appeal) of a Planning Commission Decision Approving a Variance (VAR17-0001) to the Separation Requirements of Wireless Communication Facilities

Council President Davis opened the public hearing for request for review (appeal) of a Planning Commission decision approving a Variance (VAR17-0001) to the separation requirements of Wireless Communication Facilities. She read the rules of the hearing in accordance with ORS 197.765(5) and (6) and ORS 197.79(3)(b).

Councilor Morris stated he attended the neighborhood meeting on the original application a year ago.

Councilor Bubenik stated he attended the same neighborhood meeting and he has drove the site.

Community Development Director Aquilla Hurd-Ravich entered the staff reports and attachments into the record. She began by stating the Planning Commission approved the variance application in January and has since been appealed. The purpose of this hearing is to hear the variance application. Maps of the existing and proposed facilities were reviewed. She stated the applicant is proposing to locate a

monopol/WCF on the Tote 'N Stow property at 10290 SW Tualatin road within 1,500 feet of an existing WCF. Variance approval criteria were reviewed. Photo simulations of the site characteristics were provided. Staff concluded based on the photo simulations the applicant demonstrated that 50% of the monopole would be screened by tall dense evergreen trees from the RL (Residential Low Density) Planning District. Next steps for the application would be an Architectural Review of the physical elements of the proposed WCF.

#### APPLICANT PRESENTATION

Mike Connors, Attorney for the Applicant, reiterated the hearing is just about whether the criteria for the VAR has been met. He stated the applicant feels the criteria have been met. The only party that has appealed the decision is American Tower Corporation. He spoke to American Towers Corporations statements regarding tower heights and their arguments for denial of the applications. He spoke to the arguments the appellant presented about the photo simulations. He spoke to the process and the consultant who completed the photo simulation.

#### PUBLIC COMMENT

Lee Richey spoke in favor of the variance. He stated increased cell service in the area is needed. Councilor Kellogg asked if 50% of the pole would be shaded by evergreen trees from Mr. Richey's perspective. Mr. Richey stated there are plenty of trees from the residential area that would block it.

#### APPELLANT PRESENTATION

Allen Sorem and Nick Hasa, Attorney's for American Tower Company, reminded Council the hearing is a De Novo hearing, so the applicant has the burden of proof. They believe they can modify their current tower to accommodate another carrier through a tower extension. Images showing coverage levels were presented. They spoke to tree coverage in the area and the amount of deciduous trees vs. evergreen trees.

Mr. Sorem Requested the record be kept open for seven days.

#### PUBLIC COMMENT

None.

#### APPLICANT REBUTTAL

Mr. Connors stated no clear evidence was presented from the appellant that they will meet the needs of the carriers if they complete a tower extension. He added they currently do not have an application pending to do the work. He spoke to tree coverage, again noting 50% of the tower will be covered. The applicant strongly believes all criteria have been met.

#### COUNCIL QUESTIONS

Councilor Kellogg asked about the visibility in residential areas and the evergreen coverage along the eastern boundary. Mr. Connors stated there is coverage along the far edge of the eastern boundary but not on the subject site.

Councilor Bubenik asked for clarifications on the code language regarding 50% coverage of the monopole. City Attorney Brady stated it is up to the Council to make the determination of it meets that requirement, the language is left open.

Councilor Bubenik asked if the 50% is related to the height. City Attorney Brady stated the common sense interpretation would be height but Council gets to make that determination.

Councilor DeHaan asked if the Planning Commission considered all the considerations during the original hearing. Director Hurd-Ravich stated they spent time considering all aspects of the conditions.

Councilor Bubenik asked about the location of the tower of the property. Mr. Connors stated it is in the back corner of the property behind a 160 foot tree.

Councilor Grimes asked if the design of the tower has been discussed. Mr. Connors stated designed would be discussed during the Architectural Review process.

Councilor Morrison asked if it would be better for a carrier to go on an existing or new pole. Mr. Connors stated it would be better to go on an existing pole.

Councilor DeHaan asked if the City makes revenue off the existing pole. City Attorney Brady stated the original pole is on City property and we are currently in contract negotiations. He added that in regards to the pole in discussion the City is the regulator not the property owner.

Councilor Davis asked what carriers are on the existing pole. Mr. Sorem stated Sprint is the sole carrier on the pole at this time. Councilor Davis asked if they have intentions of upgrading the pole. Mr. Sorem stated they are planning a pole extension.

Councilor Kellogg asked who can provide better coverage at the 150 foot height. Mr. Connors stated a Verizon RF Engineer proved evidence stating the applicant's pole is in a better location for coverage. Mr. Sorem disagreed stating their RF Engineer for their company provided coverage predictions stating they could provide the coverage.

Council President Davis stated the record will be left open for seven days.

Mr. Connors asked for a request for a 120 day extension due to scheduling conflicts. The Council decided to hold the next hearing on May 14, 2018 to accommodate the scheduling conflict.

MOTION by Councilor Robert Kellogg, SECONDED by Councilor Paul Morrison to accept the request to extend the hearing.

Aye: Councilor Frank Bubenik, Council President Joelle Davis, Councilor Nancy Grimes, Councilor Jeff DeHaan, Councilor Paul Morrison, Councilor Robert Kellogg

Other: Mayor Lou Ogden (Absent)

MOTION CARRIED

## **G. COMMUNICATIONS FROM COUNCILORS**


Councilor Bubenik reported on his attendance at the National League of Cities Conference. He will be emailing the Council his report and handouts.


Councilor Kellogg asked about the issues with the stoplights at Saggert and 65<sup>th</sup>. Police Chief Steele spoke to the work being done to sync the lights.

**H. ADJOURNMENT**

Council President Davis adjourned the meeting at 10:09 p.m.

Sherilyn Lombos, City Manager

 / Nicole Morris, Recording Secretary

 / Lou Ogden, Mayor