



**OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR
NOVEMBER 13, 2018**

Present: Mayor Lou Ogden; Councilor Frank Bubenik; Council President Joelle Davis;
Councilor Nancy Grimes; Councilor Paul Morrison

Absent: Councilor Jeff DeHaan; Councilor Robert Kellogg

Staff Present: City Manager Sherilyn Lombos; City Attorney Sean Brady; Teen Program Specialist Julie Ludemann; Assistant to the City Manager Tanya Williams; Parks and Recreation Manager Rich Mueller; City Engineer Jeff Fuchs; IS Director Bates Russell; Management Analyst II Nic Westendorf; Parks and Recreation Director Ross Hoover

A. CALL TO ORDER

Pledge of Allegiance

Mayor Ogden called the meeting to order at 7:00 p.m.

B. ANNOUNCEMENTS

1. Tualatin Youth Advisory Council Update

Members of the Youth Advisory Committee (YAC) presented a PowerPoint on their latest activities and upcoming events. YAC held their annual Haunted House, October 24-27, over 250 people attended. They also participated in events at the Pumpkin Regatta. Members will be participating in Starry Nights and Holiday Lights in December.

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.

Tualatin Chamber of Commerce Director Linda Moholt congratulated all the newly elected officials. She addressed the parks SDCs noting the Chamber has reached out to the business community and the issue will be reviewed at an upcoming board meeting. She said it is important to have feedback from all different types and sizes of businesses.

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 Council President Joelle Davis to adopt the consent agenda.

Aye: Mayor Lou Ogden, Councilor Frank Bubenik, Council President Joelle Davis, Councilor Nancy Grimes, Councilor Paul Morrison

Other: Councilor Robert Kellogg (Absent)

MOTION CARRIED

1. Consideration of Approval of the Minutes for the Work Session of October 8, 2018, and Work Session and Regular Meeting of October 22, 2018
2. Consideration of Approval of a New Liquor License Application for Lachini Vineyards LLC
3. Consideration of Approval of a New Liquor License for Non La Vietnamese Cuisine
4. Consideration of **Resolution No. 5406-18** Accepting Public Improvements for Construction of the Tualatin River Greenway Trail Project at River Ridge Apartments
5. Consideration of **Resolution No. 5408-18** Authorizing the Purchase of Public Utility Easements for the Construction of Myslony Bridge

E. GENERAL BUSINESS

If you wish to speak on a general business item please fill out a Speaker Request Form and you will be called forward during the appropriate item. 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.

1. Consideration of **Resolution No. 5407-18** Accepting the Tualatin Parks and Recreation Master Plan

Parks and Recreation Director Ross Hoover, Parks and Recreation Manager Rich Mueller, and Consultant Cindy Mendoza presented the Parks and Recreation Master Plan update. Director Hoover stated this is the first update to the Master Plan since 1983. He stated it provides guidance for parks, recreation facilities, programs, greenways and natural areas. The process began in July 2017 and involved public outreach, a system inventory and analysis, a needs assessment, an ADA assessment, goals and recommendations, and a funding and action plan.

Manager Mueller discussed the planning process, which included stakeholder interviews, online surveys, focus groups, Hispanic meetings, pop-up activities, and

park walks. Approximately 2,900 members of the public were involved in the initial community outreach. The outreach resulted in seven community outreach themes. Director Hoover stated the themes formed the key values and mission. The mission has seven goals including: expand accessible and inclusive parks and facilities, create a walkable, bikeable, and interconnected City, conserve and restore natural areas, activate parks and facilities, support the arts through programs, parks and public spaces, promote Tualatin's unique identity, economic vitality, and tourism, and manage, administer, and maintain quality parks, facilities, and programs.

Director Hoover discussed the project recommendations and stated Tualatin has 37 existing parks projects and 16 proposed additions or new acquisitions resulting in 53 total projects. He explained the prioritization criteria that will be used to evaluate the project phasing, development of work, funding strategy, and CIP.

Manager Mueller spoke to public engagement which included three open houses, presentations and meetings with stakeholders, online review and comments, and comment sheets. The Project Advisory Committee held eight meetings and worked at public engagement events. He stated the Tualatin Parks Advisory, Library Advisory, and Tualatin Arts Advisory Committees were involved in the process. All four committees have recommended Council adopt the Parks and Recreation Master Plan.

Mayor Ogden asked about a Veterans Park and how that idea could be advanced. Director Hoover stated staff heard the interest in recognizing veterans and included that in Goal 1, which involves facilitating community conversation and discussion regarding recognition and/or parks and facilities.

Mayor Ogden asked if the proposed plan addresses inter-agency partnerships. Director Hoover stated the plan includes a section on partnership in Goal 6 and recognizes the need for nonprofit, for profit, and public partnerships.

MOTION by Council President Joelle Davis, SECONDED by Councilor Paul Morrison to adopt Resolution No. 5407-18 accepting the Tualatin Parks and Recreation Master Plan.

Aye: Mayor Lou Ogden, Councilor Frank Bubenik, Council President Joelle Davis, Councilor Nancy Grimes, Councilor Paul Morrison

Other: Councilor Robert Kellogg (Absent)

MOTION CARRIED

F. 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.

1. Consideration of **Resolution No. 5401-18** Updating the Public Works Construction Code to Include Section 331- Pole Attachments, Small Cell, and Distributed Antenna Systems (DAS), and Other Items

Public Works Director Jeff Fuchs and Management Analyst Nic Westendorf presented updates to the Public Works Construction Code. Director Fuchs stated in 2017 Council adopted a Right-of-Way (ROW) ordinance transitioning from a franchise program to a licensed ROW program. The City reached out to businesses in the small cell industry regarding construction standards. On September 24, the FCC release a ruling on small cell standards. Director Fuchs stated Verizon and AT&T submitted comments to the City. Most of the comments referred to the FCC ruling and asked the City to adopt the FCC standards. Director Fuchs explained the FCC ruling had dimensional standards under the definition for what small cell wireless is and staff chose not to include those. He stated staff defined what small cell wireless is in a separate section of the code and have the actual dimensional standards listed. The proposed language includes a baseline set of criteria founded on industry standards and allows the ability to change as different applications are received. Director Fuchs stated staff included proposed language regarding distance from signalized intersections standard that was not addressed in the FCC ruling

PUBLIC COMMENT

Steve Coon and Alan Bar with Verizon spoke in opposition of the proposed language. Mr. Coon stated they met with Analyst Westendorf and determined the need to further discuss possible changes to the proposed language. Mr. Bar stated there are a number of criteria set forth in the proposed code that do not make 4G/5G viable. He referred to concerns regarding coverage gaps.

Mayor Ogden asked what Verizon is requesting and why it is being addressed now. Mr. Bar stated they originally thought their presentation represented many small cell installations with a variety of configurations and showed the spectrum. He noted they failed to follow up with staff as the language was drafted. Mayor Ogden asked Director Fuchs if they have a clear understanding of Verizon's concerns. Director Fuchs stated staff received written comments regarding the proposed code language today. The comments noted what Verizon does not want, but did not inform staff of what they do want. Analyst Westendorf stated staff needs concrete numbers from Verizon. Director Fuchs asked for a commitment from Verizon and AT&T to provide meaningful information.

City Manager Lombos stated she appreciates the approach staff has taken to reach out to the industry. Mayor Ogden asked if it is possible to have an agreement and a revised resolution before the next meeting. Staff stated they could.

Karen Manske came forward on behalf of AT&T stating her coworker provided a letter to the Council today addressing their significant concerns on the proposed language. She commented on concerns regarding the specific antenna type, size, limitation and numbers noting this may not meet other carrier's standards. She added the proposed language limits the flexibility of all the carriers and is discriminatory. She stated AT&T prefers the FCC standards because the FCC took into account more than just one carrier's needs for their equipment. She asked for the opportunity to suggest changes that are competitively neutral, flexible for all carriers, and more reasonable to meet all the carrier's needs.

Mayor Ogden asked when staff began working on this issue. Director Fuchs

stated staff has worked on this over the last six months. Mayor Ogden asked if staff contacted AT&T. Director Fuchs stated staff contacted AT&T and received comments in October, and modifications were incorporated to add clarity.

Mayor Ogden asked when staff contacted Verizon. Analyst Westendorf stated Verizon submitted an application in April, which prompted the City to work with them to develop standards. Mayor Ogden asked if staff reached out to other carriers at the time. Analyst Westendorf stated not prior to September 24. AT&T submitted comments on the original draft standards in opposition and stated more detail would be provided in a follow up. Staff received comments on October 26 from AT&T in support of the FCC language. Mayor Ogden asked if staff responded to AT&T's concerns. Analyst Westendorf stated staff has reached out twice and revised the proposed code language in accordance with their comments. Mayor Ogden referred to Ms. Manske's comments that the proposed code language is specific to Verizon's needs. Analyst Westendorf noted that statement came after changes were made in response to their letter. Mayor Ogden asked staff if they can include AT&T in the conversation over the next two weeks while the proposed language is revised. Director Fuchs stated staff needs dimensional standards from AT&T to write the code.

Alan Galloway approached the Council on behalf of T-Mobile and apologized for not being involved in this process sooner. He offered to assist staff in developing standards that are flexible and fair with objective criteria. He stated the code needs to be in line with the FCC Order, which was designed to clear the barriers for this technology. He noted as T-Mobile enters into the process they will provide dimensions of T-Mobile equipment and contact staff to draft code that is compliant with the FCC Order and flexible, objective and fair.

Mayor Ogden suggested staff reach out to any other carriers that may be interested in this issue before the next Council meeting.

G. COMMUNICATIONS FROM COUNCILORS

Councilor Bubenik thanked all those involved with the Veterans Breakfast last week. He noted it was well attended.

H. ADJOURNMENT

Mayor Ogden adjourned the meeting at 8:36 p.m.

Sherilyn Lombos, City Manager



/ Nicole Morris, Recording Secretary



/ Lou Ogden, Mayor