



OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR JANUARY 25, 2016

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

Absent: Councilor Joelle Davis

Staff Present: City Manager Sherilyn Lombos; City Attorney Sean Brady; Police Chief Kent Barker; Community Services Director Paul Hennon; Planning Manager Aquilla Hurd-Ravich; Deputy City Recorder Nicole Morris; Engineer Associate Tony Doran; Maintenance Services Division Manager Clayton Reynolds; Assistant to the City Manager Tanya Williams; Assistant City Manager Alice Cannon; City Engineer Jeff Fuchs

A. CALL TO ORDER

Pledge of Allegiance

Mayor Ogden called the meeting to order at 7:12 p.m.

B. 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.

C. 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 Council President Monique Beikman, SECONDED by Councilor Frank Bubenik to approve the consent agenda.

Aye: Mayor Lou Ogden, Council President Monique Beikman, Councilor Wade Brooksby, Councilor Frank Bubenik, Councilor Joelle Davis, Councilor Ed Truax

Other: Councilor Nancy Grimes (Absent)

MOTION CARRIED

1. Consideration of Approval of the Minutes for the Regular City Council Meeting of January 11, 2016

D. PUBLIC HEARINGS – *Quasi-Judicial*

1. Request for Review of SB15-0002, Sagert Farm Subdivision land use decision located at 20130 SW 65th Avenue.

Mayor Ogden opened the public hearing for a request for review of SB15-0002, Sagert Farm Subdivision Land Use Decision located at 20130 SW 65th Avenue. He read the rules of the hearing in accordance with ORS 197.763(5) and (6) and ORS 197.796(3)(b).

Councilor Bubenik and Councilor Grimes stated they attended the neighborhood developer meeting regarding this subject.

Mayor Ogden stated he has in the past worked with the applicant's engineers from 3J Consulting and has had incidental contact regarding the subject through emails. Mayor Ogden also added the City has hired Jeff Condet of Miller Nash to represent the City in the Stafford Urban Reserves litigation. Mr. Condets representation has no bearing on the concerns brought forth tonight and will not affect the outcomes of decision of the hearing.

STAFF REPORT

City Engineer Jeff Fuchs and Engineering Associate Tony Doran presented the staff report. Engineer Fuchs submitted the staff report, attachments, and PowerPoint into the record. The summary of the application submitted by Lennar Homes was reviewed. A request for review of the application was filed by representatives of Tualatin Professional Center (TPC) on December 16, 2015. The appellant is not in opposition to the subdivision but concerned with how the Sagert Street extension will impact access to their facility. The appellant is asking Council to consider a proposal to move Sagert Street south to lessen the impact on their facility. Requested accommodations include shifting Sagert Street extension to the south, closing the west driveway, and constructing a private driveway located partially in the right of way to connect their East and West lots. Making this accommodation would require elimination of the westbound bike lane. During the 14-day comment period the City received eight comments. Staff and the applicant responded to comments and incorporated them into the decision where appropriate. Lennar Homes held three neighborhood meetings and two individual meetings with TPC. TPC rejected proposed solutions by the applicant. Engineer Fuchs provided background on the original TPC development. TPC was allowed in 1984 to make private improvements that encroached upon the right of way. The agreement allowing improvements expired in 1989 with clear provision to remove improvements when Sagert Street was extended. Engineer Fuchs stated the proposed Sagert Street alignment by the applicant and staff meets the requirements of the Tualatin Development Code 75 by installing a raised median prohibiting left turns into the West driveway while maintaining two Southern access

points in the TPC facility. TPC's request provides circulation between both their lots, eliminates the Western driveway and requires elimination of the Westbound bike lane. TPC's request is not preferred by staff. The applicants proposed subdivision provides the safest alignment, maintains access to TPC, meets TDC Chapter 75 requirements, and does not significantly increase trip times to TPC. Engineer Fuchs stated the Council has three options: approve with original conditions of approval, approve with modified conditions of approval, or deny the application.

APPLICANT

Kelly Hossaini, Miller, Nash, Graham, and Dunn LLP, presented on behalf of the applicant Lennar Homes. Ms. Hossaini introduced John Howorth, 3J Consulting, who presented the engineered drawings from the applicant. Matt Hughart, Kittleson and Associates, briefed the Council on the traffic impact study that was prepared on behalf of the applicant. He noted the proposed design is the safest and most efficient layout for the development. Further, the design provides reasonable access as required by recent precedent set by Oregon Supreme Court

APPELLANT

Dean Alterman, Folawn Alterman and Richardson LLP, presented on behalf of the appellant Tualatin Professional Center Owners Association (TPC). Mr. Alterman submitted a letter for the record. He highlighted TPC's concerns as outlined in the letter.

PUBLIC COMMENT

Nicole Graves presented concerns with how the City will address current traffic issues in the area and the further impact of traffic once the subdivision is built.

Dr. James Walker stated the proposed plan poses an ingress and egress issue for patients coming to visit his office and would like to see access maintained to the Westside of the lot.

Bob Nelson presented concerns regarding the proposed tree fencing for the subdivision as it may pose a problem to the trees on his property.

The Council took a break at 8:06 p.m. and resumed the meeting at 8:16 p.m.

REBUTTAL

Ms. Hossaini rebutted the applicant is unsure of TPC's ability to create an internal cross connection between the lots. TPC would have to further study.

Mr. Hughart spoke to access points off of Boreland Road noting they are feasible access points to the site. He addressed Ms. Graves concerns regarding traffic stating that signalized intersections should improve traffic in the area.

Andrew Tull, 3J Consulting, spoke to Mr. Nelson's concerns with the tree fencing. He stated the applicant will have an arborist on site to monitor the trees during construction.

Engineer Fuchs further addressed the traffic concerns presented stating the signaled controls will create traffic improvements in regards to the stacking on 65th Street.

Mr. Hughart noted all intersections studied in the area meet city standards.

COUNCIL QUESTIONS

Councilor Truax asked if the alternate proposal meets the needs of TPC. Mr. Alterman stated the alternate proposal, exhibit two, meets TPC's needs.

Councilor Bubenik asked what the basis of the appeal is about. Mr. Alterman stated the appeal is based on access concerns for TPC and they are asking for balance for the existing development.

Council President Beikman questioned site circulation and the amount of patients needing to access both parking lots at any given time. Mr. Alterman stated the site slope does not allow for a connection between the lots.

Councilor Brooksby asked if TPC hired a professional engineer to evaluate modifications to the existing lot. Mr. Alterman stated TPC did not.

COUNCIL DELIBERATIONS

Councilor Truax stated the main difference between the two plans is the existence of the bike lane. Council President Beikman noted a planter strip is being removed in both plans.

Councilor Bubenik stated he believes staffs proposal meets City code and is the safest plan for the area.

Mayor Ogden stated if TPC had been planned today it would not have been allowed the access it currently has.

Councilor Grimes stated had the City not allowed the entrance on the South side to be built the way it was originally built it would have forced the developer to better address the circulation issues originally.

MOTION by Council President Monique Beikman, SECONDED by Councilor Nancy Grimes to approve the December 3, 2015 SB15-0002, Sagert Farm Subdivision review findings and decision, subject to the original conditions imposed.

Aye: Mayor Lou Ogden, Council President Monique Beikman, Councilor Wade Brooksby, Councilor Frank Bubenik, Councilor Nancy Grimes, Councilor Ed Truax

Other: Councilor Joelle Davis (Absent)

MOTION CARRIED

E. 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.

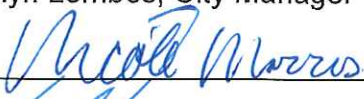
F. COMMUNICATIONS FROM COUNCILORS


Councilor Bubenik will be participating in the Washington County Policy Advisory Board Development Block Grant award process on Wednesday. The grant is underfunded this year based on the amount of requests.

G. ADJOURNMENT

Mayor Ogden adjourned the meeting at 9:37 p.m.

Sherilyn Lombos, City Manager


_____/ Nicole Morris, Recording Secretary


_____/ Lou Ogden, Mayor