



OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR APRIL 22, 2024

Present: Mayor Frank Bubenik, Council President Valerie Pratt, Councilor Bridget Brooks, Councilor Maria Reyes, Councilor Cyndy Hillier, Councilor Christen Sacco, Councilor Octavio Gonzalez

Call to Order

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

Pledge of Allegiance

Announcements

1. Proclamation Declaring the Week of April 21-27, 2024 as Volunteer Appreciation Week

Human Resource Director Stacy Ruthrauff presented the Volunteer Appreciation Week proclamation.

Councilor Gonzalez read the proclamation declaring the week of April 21-27, 2024 as Volunteer Appreciation Week.

2. Proclamation Declaring the Week of May 5-11, 2024 as Public Service Recognition Week in the City of Tualatin

Human Resource Director Stacy Ruthrauff presented the Public Services Recognition Week proclamation.

Councilor Brooks read the proclamation declaring the week of May 5-11, 2024 as Public Service Recognition Week in the City of Tualatin.

3. Proclamation Declaring the Week of May 12-18, 2024 as National Police Week

Police Chief Greg Pickering presented the National Police Week proclamation. He shared the department's recruitment video.

Council President Pratt read the proclamation declaring the week of May 12-18, 2024 as National Police Week.

4. New Employee Introduction- Bella DePhillipo, Parks Department Office Coordinator

Parks Planning and Development Manager Rich Mueller introduced Office Coordinator Bella DePhillipo. The Council welcomed her.

Public Comment

None.

Consent Agenda

Motion to adopt the consent agenda made by Councilor Sacco, Seconded by Council Hillier.
Voting Yea: Mayor Bubenik, Council President Pratt, Councilor Brooks, Councilor Reyes, Councilor Gonzalez, Councilor Hillier, Councilor Sacco

MOTION PASSED

1. Consideration of Approval of the Work Session and Regular Meeting Minutes of April 8, 2024
2. Consideration of Approval of Late Liquor License Renewals for 2024
3. Consideration of Approval of a Change in Liquor License Application for Stickmen Brewing Company
4. Consideration of **Resolution No. 5767-24** Increasing the Contract Authorization amount for the Transportation System Plan Update
5. Consideration of **Resolution No. 5768-24** Authorizing the Purchase of Las Casitas Park Playground Equipment through an Interstate Cooperative Procurement Program
6. Consideration of **Resolution No. 5769-24** Awarding the Contract for Construction of the Martinazzi Sanitary Sewer Upsizing Project
7. Consideration of **Resolution No. 5770-24** Authorizing the City Manager to Execute a Grant Agreement with the Oregon Institute of Technology; and Appropriating Special Purpose Revenues in the City's General Fund During the FY 2023-24 Budget

Special Reports

1. Outside Agency Grant Awardee- Family Resource Center

Family Resource Center Social Services Manager Colleen Nakanashi provided an overview of their organization's services, emphasizing their support for all students in the Tigard-Tualatin School District. Manager Nakanashi highlighted their assistance with food and housing insecurity, healthcare access, and education support. She outlined how grant funds have been utilized, including aid for utilities, rent, furniture, and miscellaneous expenses like transportation and laundry.

Council President Pratt inquired about student transportation needs despite the availability of buses. Manager Nakanashi explained that families experiencing homelessness may move out of the district but still attend their home school, necessitating self-transportation.

Manager Nakanashi mentioned their ongoing efforts to broaden services by collaborating with other organizations such as SOAR Legal, ODHS Self-Sufficiency, and OHP. Their focus is on preventive measures rather than temporary solutions.

Councilor Brooks inquired about resources for affordable childcare and further collaboration with the city for programs like utility bill assistance. Manager Nakanashi explained that while they don't have specific childcare resources, they offer information on available options. She shared that they are excited to partner with the city to utilizing existing programs and look forward to continuing to collaborate.

Council President Pratt sought insights on the top measures to reduce student homelessness. Manager Nakanashi highlighted their efforts to rebuild trust with the school district among families experiencing homelessness, along with intentional outreach to address their needs.

Councilor Gonzalez suggested exploring partnerships with the city's Community Involvement Organization groups.

Public Hearings - Legislative or Other

1. Consideration of **Ordinance Nos. 1484-24 and 1485-24** City-Initiated Updates to the Tualatin Development Code (File No. PTA 24-0001)

Mayor Bubenik read rules for the legislative land use hearing related to Ordinance No. 1484-24 in accordance with statewide planning goals, Tualatin Development Code, and the city's Comprehensive Plan.

Assistant Community Development Director Steve Koper and Senior Planner Erin Engman presented PTA 24-0001. Planner Engman outlined the project's purpose, explaining that it stemmed from requests by business owners to modernize and expand certain aspects of the city's code. She detailed the proposed amendments, which included adding retail sales of home improvement materials in the Central Commercial (CC) zone, incorporating health and fitness facilities as a limited use in the General Commercial (CG) zone, and introducing a battery electric vehicle showroom as a limited use in the Mixed Use Commercial (MUC) zone. Additionally, the proposal aimed to expand hours of operation for retail sales and medical cannabis facilities.

Planner Engman provided an overview of the draft amendment language for several code chapters, including 39 (Use Categories), 53 (Central Commercial Zone), 54 (General Commercial Zone), 57 (Mixed Use Commercial Zone), and 80 (Cannabis Facilities). Planning Commission Chair Bill Beers noted that the commission unanimously recommended approval of the plan text amendment.

Planner Engman clarified that Ordinance No. 1484-24 addresses all amendments except those related to Chapter 80 (Cannabis Facilities), which are covered by Ordinance No. 1485-24.

PUBLIC COMMENT

None.

COUNCIL QUESTIONS

Council President Pratt sought clarification regarding Chapter 53, particularly concerning conditional uses and the allowance for outdoor uses. Director Koper clarified that outdoor use is considered a conditional use, requiring approval through that process.

Councilor Brooks sought clarification on automobile sales and whether test-driving would be anticipated and allowed. Director Koper explained that vehicles for test-driving would be situated in the parking garage, ensuring compliance with regulations.

Mayor Bubenik closed the hearing.

Motion for first reading by title only made by Council President Pratt, Seconded by Councilor Brooks.

Voting Yea: Mayor Bubenik, Council President Pratt, Councilor Brooks, Councilor Reyes, Councilor Gonzalez Councilor Hillier, Councilor Sacco

MOTION PASSED

Motion for second reading by title only made by Council President Pratt, Seconded by Councilor Brooks.

Voting Yea: Mayor Bubenik, Council President Pratt, Councilor Brooks, Councilor Reyes, Councilor Gonzalez Councilor Hillier, Councilor Sacco

MOTION PASSED

Motion to adopt Ordinance No.1484-24 related to land use; amending Tualatin Development Code Chapters 39, 53, 54, and 57; PTA 24-001 made by Council President Pratt, Seconded by Councilor Brooks.

Voting Yea: Mayor Bubenik, Council President Pratt, Councilor Brooks, Councilor Reyes, Councilor Gonzalez

Voting Nay: Councilor Hillier, Councilor Sacco

MOTION PASSED

Mayor Bubenik read rules for the legislative land use hearing related to Ordinance No. 1485-24 in accordance with statewide planning goals, Tualatin Development Code, and the city's Comprehensive Plan.

PUBLIC COMMENT

Don Pearson voiced his support for the ordinance, emphasizing the importance of cannabis access and expressing a willingness to collaborate on cannabis education initiatives.

Doug Childs expressed his backing for the ordinance, highlighting NW Cannabis's focus on promoting health and safety in the cannabis industry. He advocated for extended business hours to remain competitive with neighboring communities.

Susan Noack, President of the Tualatin Chamber of Commerce, endorsed the ordinance, citing NW Cannabis's positive community engagement and supporting their request for extended hours.

Members of the Tualatin High School Leap program, including Scott Hall, Bergen Lien, and Olivia Berck, voiced opposition to the ordinance. They argued that current dispensary hours are sufficient for medical users and caregivers, expressing concerns about increased access for youth if hours are extended.

Sue Wise, President of Tualatin Together, emphasized their organization's prevention efforts and advocated for limiting dispensary hours as a protective measure against youth substance use.

Justin Lindley spoke against the ordinance, urging the Council to restrict hours of operation to deter youth access to cannabis.

COUNCIL QUESTIONS

Council President Pratt sought clarification on whether extended hours would lead to increased crime. Police Chief Pickering indicated that there hasn't been a noticeable uptick in crime since the opening of cannabis facilities.

Council President Pratt inquired about the facility's proximity to residential neighborhoods and the impacts on children. Director Koper mentioned that buses pass through the intersection where the facility is located.

Councilor Hillier sought clarification on the statement regarding NW Cannabis potentially leaving the community if hours aren't extended. Ms. Noack clarified that they are advocating to operate within the hours permitted by OLCC regulations.

Councilor Reyes asked if NW Cannabis intends to open earlier and close at 8pm. Mr. Childs clarified that they plan to operate from 7am to 10pm and emphasized that they don't currently utilize sign spinners nor do they plan to in the future.

Councilor Reyes asked about the reason for seeking extended hours. Mr. Childs emphasized the importance of providing access to the medical community and remaining competitive with neighboring businesses.

COUNCIL DELIBERATIONS

Councilor Sacco thanked the students for their comments related to social norms and visibility to kids and the impact that has had on her. She does not believe extended hours will increase access and those who want access will find a way to get access.

Councilor Brooks stated voters in Oregon voted for cannabis facilities to be legal and she would like to align the city's rules with the state's rules on operational hours.

Councilor Gonzalez stated the city needs to be fair to businesses and not limit competition.

Councilor Reyes stated for those who need cannabis as medicine that access is important.

Council President Pratt concurred with Councilor Brooks that the hours of operations should align with those set by the state allowing them to be competitive with other businesses.

Councilor Hillier stated cannabis a not federally regulated product. She wants the council to consider what is good for the community today and in the future and not just businesses. She stated she feels strongly that the hours should remain what they currently are.

Mayor Bubenik stated the city has very restrictive rules for cannabis facilities with only one in the city currently. He stated he is supportive of expanding hours so that businesses can remain competitive with facilities in other cities.

Motion for first reading by title only made by Councilor Brooks, Seconded by Council President Pratt.

Voting Yea: Mayor Bubenik, Council President Pratt, Councilor Brooks, Councilor Reyes, Councilor Gonzalez Councilor Hillier, Councilor Sacco

MOTION PASSED

Motion for second reading by title only made by Councilor Brooks, Seconded by Council President Pratt.

Voting Yea: Mayor Bubenik, Council President Pratt, Councilor Brooks, Councilor Reyes, Councilor Gonzalez Councilor Hillier, Councilor Sacco

MOTION PASSED

Motion to adopt Ordinance 1485-24 related to land use; amending Tualatin Development Code Chapter 80; PTA 24-001 made by Councilor Brooks, Seconded by Council President Pratt.

Voting Yea: Mayor Bubenik, Council President Pratt, Councilor Brooks, Councilor Reyes, Councilor Gonzalez

Voting Nay: Councilor Hillier

Voting Abstain: Councilor Sacco

MOTION FAILED for lack of unanimity

General Business

1. Consideration of **Ordinance No.1483-24** Adopting the 2023 Oregon Residential Specialty Code and the 2023 Oregon Plumbing Specialty Code

Building Official Suzanne Tyler presented the 2023 updates to the Oregon Residential Specialty Code and the Oregon Plumbing Specialty Code. She explained that these updates are adopted every three years by the Department of Consumer and Business Services, Building Codes Division, to align with the most appropriate version of International Model Codes. Official Tyler stated the City is under a Memorandum of Agreement (MOA) with the State Building Codes Division, to administer and enforce these adopted building codes.

Councilor Brooks inquired about any significant changes in the revised code. Official Tyler explained that the changes are mostly minor and provide clarification to the existing code.

Councilor Gonzalez sought clarification on notable changes in the revised code. Official Tyler mentioned the removal of certain definitions. Councilor Gonzalez stated he would like more information on the direct impacts this will have on citizens.

Council President Pratt asked about the consequences of not adopting these code changes. Official Tyler explained that it would violate the MOA with the State Building Codes Division and emphasized that the code updates undergo extensive review at the state level before adoption.

Councilor Gonzalez expressed support for remaining in compliance with the code updates.

Motion for first reading by title only made by Council President Pratt, Seconded by Councilor Brooks.

Voting Yea: Mayor Bubenik, Council President Pratt, Councilor Brooks, Councilor Reyes, Councilor Gonzalez Councilor Hillier, Councilor Sacco

MOTION PASSED

Motion for second reading by title only made by Council President Pratt, Seconded by Councilor Brooks.

Voting Yea: Mayor Bubenik, Council President Pratt, Councilor Brooks, Councilor Reyes, Councilor Gonzalez Councilor Hillier, Councilor Sacco

MOTION PASSED

Motion to adopt Ordinance No.1483-24 adopting the 2023 Oregon Residential Specialty Code and the 2023 Oregon Plumbing Specialty Code made by Council President Pratt, Seconded by Councilor Brooks.

Voting Yea: Mayor Bubenik, Council President Pratt, Councilor Brooks, Councilor Reyes, Councilor Gonzalez, Councilor Hillier, Councilor Sacco

MOTION PASSED

- 2. Consideration of Appointment of Ryan Wilson as Youth Liaison to the City of Tualatin Budget Advisory Committee

Assistant City Manager Don Hudson presented Budget Advisory Committee Youth Liaison Ryan Wilson for reappointment to the committee. He is requesting this appointment so that he would be reappointed before the first budget committee meeting.

Motion to appoint Ryan Wilson as the youth liaison on the Budget Advisory Committee made by Councilor Reyes, Seconded by Councilor Sacco.

Voting Yea: Mayor Bubenik, Council President Pratt, Councilor Brooks, Councilor Reyes, Councilor Gonzalez Councilor Hillier, Councilor Sacco

MOTION PASSED

Council Communications

Mayor Bubenik reminded everyone about the upcoming State of the City Event to be held on May 2, 7:30 a.m., at the Marquis.

Councilor Hillier stated the Winona Grange will be hosting the Bees and Seed event this Saturday, April 28, 1-4 p.m.

Councilor Brooks wished everyone who celebrates Orthodox Easter a happy one.

Adjournment

Mayor Bubenik adjourned the meeting at 9:07 p.m.

Sherilyn Lombos, City Manager

_____ / Nicole Morris, Recording Secretary

_____ / Frank Bubenik, Mayor