



OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR JUNE 22, 2020

Present: Mayor Frank Bubenik, Council President Nancy Grimes, Councilor Bridget Brooks, Councilor Robert Kellogg, Councilor Paul Morrison, Councilor Maria Reyes, Councilor Valerie Pratt

Call to Order

Mayor Bubenik called the meeting to order at 7:04 p.m.

Announcements

1. National Pollinator Week Proclamation

Councilor Brooks read the proclamation declaring June 22-28, 2020 as National Pollinator Week in the City of Tualatin.

2. New Employee Introduction- Human Resource Specialist Benjamin Caracciolo

Human Resource Director Stacy Ruthrauff introduced Human Resource Specialist Benjamin Caracciolo. The Council welcomed him.

3. New Employee Introduction- Police Officer Chris Boyle

Police Chief Bill Steele introduced Police Officer Chris Boyle. The Council welcomed him.

Public Comment

Anthony Stewart, representative of Western Oregon Dispensary, asked the Council to continue to review changes to the development code to allow for expanded spaces for marijuana facilities.

Consent Agenda

Motion to adopt the consent agenda as amended made by Councilor Kellogg, Seconded by Councilor Brooks.

Voting Yea: Mayor Bubenik, Council President Grimes, Councilor Brooks, Councilor Kellogg, Councilor Morrison, Councilor Reyes, Councilor Pratt

MOTION PASSED

1. Consideration of Approval of the Regular Meeting Minutes of June 8, 2020
2. Consideration of Approval of a New Liquor License Application for Lugano Cafe
3. Consideration of **Resolution No. 5499-20** Approving and Authorizing Provision of Workers Compensation Insurance Coverage to Volunteers of the City of Tualatin
4. Consideration of **Resolution No. 5500-20** Awarding a Contract to Redflex Traffic Systems, Inc., to Provide Red Light Photo Enforcement Services and Authorizing the City Manager to Execute a Contract

5. Consideration of **Resolution No. 5502-20** Awarding the Contract for the Boones Ferry Road Improvements, part of the Tualatin Moving Forward Bond Program and the 2020 Pavement Maintenance Program.
6. Consideration of **Resolution No. 5503-20** Authorizing Changes to the FY 2019-2020 Adopted Budget
7. Consideration of **Resolution No. 5504-20** Amending the City of Tualatin Fee Schedule and Rescinding Resolution No. 5478-19

Special Reports

1. Tualatin Valley Fire District Annual Report

Tualatin Valley Fire and Rescue District Chief Deric Weiss presented their annual report. Chief Weiss spoke to the department's response to COVID-19 including logistics, operations, and communications. They created a COVID-19 Task Force whose role is to make sure the department is equipped and have proper training. Chief Weiss stated their current Personal Protection Equipment (PPE) supply is adequate for response. He noted the department transitioned to reusable PPE early on that can be decontaminated and reused. Chief Weiss stated the department has been communicating with the public via social media. He stated they developed a COVID-19 Operations Task Force that evaluates ongoing changes in the state so the department can react appropriately. Chief Weiss stated they also created an Economic Forecast Committee that is looking at the impacts to the organization due to the pandemic and come up with a plan to help them remain fiscally stable.

Chief Weiss stated the new Logistics Facility Center on Avery Street in Tualatin is now open. He added that Station 39 on McEwan Road will have an open house sometime in the future.

Chief Weiss spoke to firework safety and encouraged citizens to be safe and follow the rules.

Councilor Morrison asked for clarification on timeline for opening their community rooms. Chief Weiss stated a timeline hasn't been put in place for opening.

Public Hearings - Legislative or Other

1. Consideration of **Resolution No. 5506-20** Adopting the City of Tualatin Budget for the Fiscal Year Commencing July 1, 2020, Making Appropriations, Levying Ad-Valorem Taxes, and Categorizing the Levies

Finance Director Don Hudson presented the Fiscal Year 2020-21 budget. He stated the Tualatin Budget Committee approved the budget on May 20, 2020. Director Hudson stated this year's total budget is \$134,022,565 as approved by the committee and includes amendments for the Council's consideration. He stated the City's tax rate is \$2.2665 per \$1,000 of taxable assessed value. In addition he requested \$2,923,950 be levied for bonded debt. Director Hudson stated city staff take pride in providing quality services to the community in a fiscally prudent manner. He stated the budget includes the city's approach to COVID-19 and maintains a positive fiscal health position. Director Hudson stated revenues and expenditures were reviewed and impacts of the pandemic were considered through September 2020. He noted \$500,000 was set aside in reserves to help offset any additional impacts that were not factored.

Director Hudson stated since the committee approved the budget in May staff has made the decision to reduce services for summer recreation programs and events which led to decreases in the proposed budget lines. He added the decision was made to not hire summer park rangers from the Police Department budget. Director Hudson stated staff is also proposing changes in the Park Development Fund and the General Fund. He stated the approved budget includes renovation of the Tualatin Commons Fountain. It was noted design work was completed in the current fiscal year so the capital outlay budget in the Park Development Fund is being reduced by \$28,000 and the transfers between the General Fund and the Park Development Fund are also being reduced by the same amount. Director Hudson stated changes in the General Fund are carryovers in the Library budget of \$2,000 for expenditures related to a grant for census promotion and \$55,000 in Maintenance Services for a maintenance vehicle that will not be received until after July 1st. He added changes are also included in the Non-Departmental budget for Worker's Compensation insurance in the amount of \$6,730 and cyber security insurance for \$10,400.

COUNCIL QUESTION

Councilor Morrison asked if the Road Utility Fee Fund in the proposed budget is reflected in tonight's resolution. Director Hudson stated the fees in the proposed resolution are built into the budget.

Councilor Pratt asked why the Park Rangers were eliminated from the budget this year. Chief Steele stated the decision was made based on the uncertainty in the parks during the pandemic. He stated the department has rotated the School Resource Officers into these positions since summer programs were canceled.

PUBLIC COMMENT

None.

Motion to adopt Resolution No. 5506-20 adopting the City of Tualatin budget for the fiscal year commencing July 1, 2020, making appropriations, levying ad-valorem taxes, and categorizing the levies made by Councilor Kellogg, Seconded by Councilor Pratt.

Voting Yea: Mayor Bubenik, Council President Grimes, Councilor Brooks, Councilor Kellogg, Councilor Morrison, Councilor Reyes, Councilor Pratt

MOTION PASSED

Public Hearings - Quasi-Judicial

1. Consideration of **Ordinance No. 1439-20** Annexing Territory at 10835 SW Tualatin Road, Tax ID 2S115DD00800, into the City of Tualatin; and Withdrawing the Territory From the Washington County Enhanced Sheriff Patrol District (File No. Ann 20-0002)

Mayor Bubenik opened the hearing for consideration of annexation of territory at 10835 SW Tualatin Road, Tax ID 2S115DD00800. He read the rules of the hearing in accordance with ORS 197.763(5) and (6) and ORS 197.796(3)(b).

Assistant City Planner Tabitha Boschetti presented the application for annexation at 10835 SW Tualatin Road. She stated the request is to annex into the city with a designation of low density residential. Planner Boschetti stated there is no planned development at this time. She stated all applicable criteria have been met for annexation. Planner Boschetti stated staff recommends approval of the annexation.

The applicants spoke in support of their application. They stated they plan to build a single family home in the future.

COUNCIL DISCUSSION

Council President Grimes asked how this piece of property was excluded from the city when it is surrounded by city property. She asked if the overgrown foliage on the property would be dealt with in a timely manner. Planner Boschetti stated the property wasn't in the city limits since property owners have the option to annex at any time. The applicant stated they are currently working on cleaning up the property.

PUBLIC COMMENT

Veronica Williams stated as a neighbor she is thrilled that someone has purchased the property who has proper plans for the location.

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

Voting Yea: Mayor Bubenik, Council President Grimes, Councilor Brooks, Councilor Kellogg, Councilor Morrison, Councilor Reyes, Councilor Pratt

MOTION PASSED

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

Voting Yea: Mayor Bubenik, Council President Grimes, Councilor Brooks, Councilor Kellogg, Councilor Morrison, Councilor Reyes, Councilor Pratt

MOTION PASSED

Motion to adopt Ordinance No. 1439-20 annexing territory at 10835 SW Tualatin Road, Tax ID 2S115DD00800, into the City of Tualatin; and withdrawing the territory from the Washington County Enhanced Sheriff Patrol District (File No. Ann 20-0002) made by Councilor Brooks, Seconded by Council President Grimes.

Voting Yea: Mayor Bubenik, Council President Grimes, Councilor Brooks, Councilor Kellogg, Councilor Morrison, Councilor Reyes, Councilor Pratt

MOTION PASSED

General Business

1. Consideration of **Ordinance No. 1438-20** Establishing the Mixed Use Commercial (MUC) Zoning District; Deleting the Mixed Use Commercial Overlay District; and Amending Plan Map 9-1 to Implement PTA 20-0001 and PMA 20-0001

Motion for first reading by title only made by Councilor Brooks, Seconded by Councilor Kellogg.

Voting Yea: Mayor Bubenik, Council President Grimes, Councilor Brooks, Councilor Kellogg, Councilor Morrison, Councilor Reyes, Councilor Pratt

MOTION PASSED

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

Voting Yea: Mayor Bubenik, Council President Grimes, Councilor Brooks, Councilor Kellogg, Councilor Morrison, Councilor Reyes, Councilor Pratt
MOTION PASSED

Motion to adopt Ordinance No. 1438-20 establishing the Mixed Use Commercial (MUC) Zoning District; deleting the Mixed Use Commercial Overlay District; and amending Plan Map 9-1 to implement PTA 20-0001 and PMA 20-0001 made by Councilor Brooks, Seconded by Council President Grimes.

Voting Yea: Mayor Bubenik, Council President Grimes, Councilor Brooks, Councilor Kellogg, Councilor Morrison, Councilor Reyes, Councilor Pratt
MOTION PASSED

2. Consideration of **Ordinance No. 1440-20** Authorizing the City to Enter into a Short Form Franchise Agreement with Portland General Electric (PGE)

Public Works Director Jeff Fuchs and Management Analyst Nic Westendorf presented the short form franchise agreement with PGE. Analyst Westendorf shared the history of the franchise agreement with PGE. He stated the current PGE franchise expired at the end of 2019. Analyst Westendorf stated PGE has requested a short-form franchise agreement to supplement the ROW ordinance for flexibility. He explained PGE has opted to use a short-form franchise agreement as the agreement is focused on partnership and responsiveness. Analyst Westendorf stated the agreement supplements the Tualatin Municipal Code and provides a practical approach to the unique partnership with PGE for their services. The proposed agreement is for five years and creates a programmatic permit to expedite work in Tualatin and allows PGE to work in the ROW without a permit for each occurrence. Analyst Westendorf noted the gross revenue is staying the same and now includes revenue from pole attachment leases. He stated staff recommends approval of the ordinance.

COUNCIL QUESTIONS

Councilor Brooks stated she is happy to see the expedited processes put in place.

Mayor Bubenik stated he received great feedback from PGE on the streamlined permitting process.

Motion for first reading by title only made by Council President Grimes, Seconded by Councilor Morrison.

Voting Yea: Mayor Bubenik, Council President Grimes, Councilor Brooks, Councilor Kellogg, Councilor Morrison, Councilor Reyes, Councilor Pratt

MOTION PASSED

Motion for second reading by title only made by Council President Grimes, Seconded by Councilor Morrison.

Voting Yea: Mayor Bubenik, Council President Grimes, Councilor Brooks, Councilor Kellogg, Councilor Morrison, Councilor Reyes, Councilor Pratt

MOTION PASSED

Motion to adopt Ordinance No. 1440-20 authorizing the City to enter into a Short Form Franchise Agreement with Portland General Electric (PGE) made by Council President Grimes, Seconded by Councilor Morrison.

Voting Yea: Mayor Bubenik, Council President Grimes, Councilor Brooks, Councilor Kellogg, Councilor Morrison, Councilor Reyes, Councilor Pratt
MOTION PASSED

Items Removed from Consent Agenda

1. Consideration of **Resolution No. 5501-20** Authorizing Personnel Services Updates for Non-Represented Employees for FY 2020-2021

Councilor Morrison stated he does not feel the proposed 1.5% COLA is fair or equitable for this group. He recommended a 2% COLA increase.

Council President Grimes stated the City Manager was very specific about compression problems if we give a higher rate to this group.

Councilor Pratt recommend a 1.75% rate as a compromise.

Councilor Morrison stated he would like to see appropriate steps taken now to stay competitive with other cities.

Councilor Brooks stated she would like to stick with the proposed rate and not overspend and have to lay off staff potentially in the future.

Council President Grimes asked the City Manager to reiterate her concerns about an increased rate. City Manager Lombos stated those comments where made during executive session so she can't comment.

Councilor Reyes stated people in the community are making sacrifices and she believes the 1.5% is fair. Her preference would be to put the COLA on hold.

Councilor Morrison recommended a 1.5% on July 1 and another 1% on January 1.

Councilor Kellogg stated the Council should take the recommendation of the staff.

Motion to adopt Resolution No. 5501-20 authorizing personnel services updates for non-represented employees for FY 2020-2021 made by Councilor Kellogg, Seconded by Councilor Brooks.

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

Voting Nay: Councilor Morrison

MOTION PASSED

2. Consideration of **Resolution No. 5505-20** Amending Water, Sewer, Stormwater, and Road Utility Fee Rates Inside the City of Tualatin and Rescinding Resolution 5442-19

Councilor Morrison stated he feels raising the rate 3.36% doesn't feel right when the budget has a 10% reserve built into it. He stated inflation doesn't impact this item.

Mayor Bubenik stated the current budget has been passed with this rate in place.

Motion to adopt Resolution No. 5505-20 amending water, sewer, stormwater, and road utility fee rates inside the City of Tualatin and rescinding Resolution 5442-19 made by Councilor Kellogg, Seconded by Councilor Brooks.

Voting Yea: Mayor Bubenik, Council President Grimes, Councilor Brooks, Councilor Kellogg, Councilor Reyes, Councilor Pratt
Voting Nay: Councilor Morrison
MOTION PASSED

Council Communications

Councilor Kellogg stated he will be meeting with Tri-Met staff to get an update on funding for the SW Corridor. He asked the Council to authorization him to speak on behalf of the Council on July 9 to request additional funding to fully cover the costs of the SW Corridor. Council consensus was reached for him to speak at the hearing.

Councilor Kellogg stated he has requested ODOT consider reframing the I-205 tolling project to having tolling on the entire length of I-205. He should have feedback on that topic from them by the end of the month.

Councilor Kellogg stated he has been in communication with Lake Oswego regarding the Stafford Basin planning effort in regards to opening discussions on the areas of interest. He stated they would be interested in those discussions if Tualatin where to send them a formal invitation. Councilor Kellogg asked if the Council is willing to open the areas of interest discussion. Councilor Brooks asked what direction the discussion was coming from. Councilor Kellogg stated the Stafford-Hamlet Neighborhood Association has been in contact with him about these discussions. Councilor Morrison stated he is strongly in favor of opening discussions. Council consensus was reached to draft a letter of invitation to coordinate a discussion on the areas of interest.

Councilor Reyes stated she participated in the MACC committee meeting to approve their budget.

Councilor Morrison responded to comments submitted from Western Dispensary. He stated the city is following best practices by allowing dispensaries in industrial areas.

Councilor Brooks provided updates from the following committees: the Willamette River Coalition, the Policy Advisory Board, Tualatin Arts Advisory Committee, and the Tualatin Police Community Foundation.

Councilor Pratt provided an update from the Tualatin Police Community Foundation on their outreach program.

Councilor Reyes stated the Science and Technology Scholarship winners have been selected and will be announced at the next meeting.

Mayor Bubenik provided updates from the following meetings he attended: the Washington County Coordinating Committee, Chair Harrington's Mayors meeting, Business Recovery Center ribbon cutting event, and the King City's State of the City. He will be attending the Department of Public Safety and Standards Training on basic police training and use of force training at the academy.

Mayor Bubenik reminded citizens of the Governor's mandate to wear face coverings in public spaces.

Adjournment

Mayor Bubenik adjourned the meeting at 9:24 p.m.

Sherilyn Lombos, City Manager

_____ / Nicole Morris, Recording Secretary

_____ / Frank Bubenik, Mayor