



OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR JANUARY 24, 2022

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

Call to Order

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

Pledge of Allegiance

Moment of silence for those who have lost their lives to COVID-19

Announcements

1. Equity Committee Planning Group Recruitment

Engagement Coordinator Betsy Ruef stated the city will begin recruiting for a temporary city committee to help create the structure of the new Equity Committee. She stated anyone interested can find information on how to apply on the city's website.

2. New Employee- Librarian I Alec Chunn

Library Director Jerianne Thompson introduced Librarian I Alec Chunn. The Council welcomed him.

3. New Employee- Management Analyst II Cody Field

Community Development Director Kim McMillian introduced Analyst II Cody Field. The Council welcomed him.

4. New Employee- Building Official Suzanne Tyler

Community Development Director Kim McMillian introduced Building Official Suzanne Tyler. The Council welcomed her.

5. New Employee- City Engineer Heidi Springer

Community Development Director Kim McMillian introduced City Engineer Heidi Springer. The Council welcomed her.

Public Comment

Republic Services Municipal Relationship Manager KJ Lewis stated they are working to reduce waste in the community. She noted they are working on how to provide the benefit of "hard to recycle" products in an equitable and sustainable manner in the community.

Consent Agenda

Motion to adopt the consent agenda made by Council President Grimes, Seconded by Councilor Pratt.

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

MOTION PASSED

1. Consideration of Approval of the Work Session and Regular Meeting Minutes of January 10, 2022
2. Consideration of **Resolution No. 5589-22** Authorizing the City Manager to Execute an Intergovernmental Agreement with Washington County, in support of the Countywide Transit Study Project
3. Consideration of **Resolution No. 5592-22** Awarding a Contract for the Tualatin River Greenway Trail Extension Construction Documents and Professional Services to Alta Planning + Design, Inc.
4. Consideration of **Resolution No. 5594-22** Authorizing an Amendment to a Services Agreement with Murraysmith, Inc. for the Tualatin Moving Forward Bond Program and Authorizing the City Manager to Execute the Amendment
5. Consideration of **Resolution No. 5596-22** Authorizing the City Manager to Execute a Collective Bargaining Agreement with the American Federation of State, County & Municipal Employees (AFSCME) Local 422
6. Consideration of the System Development Charge Annual Reports for Fiscal Year 2020-21

Public Hearings - *Quasi-Judicial*

1. Consideration of Approval of a Plan Map Amendment (PMA-21-0001) and Adoption of **Ordinance No. 1464-22** to Rezone the Tualatin Heights Apartments Site Located at 9301 SW Sagert Street (Tax Map 2S123DC, Tax Lot 600) from the Medium Low Residential (RML) Zoning District to the Medium High Density Residential (RMH) Zoning District

Mayor Bubenik opened the hearing in accordance with ORS 197.763(5) and (6) and ORS 197.793 (3)(b).

Mayor Bubenik declared he was approached by residents of Tualatin Heights apartments during the public meetings phase of the process with concerns about parking. He noted it was an informational meeting regarding the change in density.

Assistant Community Development Director Steve Koper and Associate Planner Keith Leonard presented the Tualatin Heights Apartments Plan Map Amendment (PMA 21-0001). Planner Leonard stated Angelo Planning Group is requesting to rezone the property from Medium low Density Residential (RML) to Medium High Density Residential (RMH). He noted development would be required to go through the Architectural Review Application process. Planner Leonard shared a map highlighting the property with the existing and proposed zoning. He additionally shared the conceptual redevelopment plan that includes two new buildings. Planner Leonard shared amendment criteria and stated the amendment is in the public interest and meets all Oregon Statewide planning goals and administrative rules. He noted there is a deficit of 109

RMH units in the city. Director Koper stated the Planning Commission has recommended approval of the PMA. He noted they did express concerns regarding the parking and the potential need for a parking district in the area.

Applicant Representative Frank Angelo, Angelo Planning Group, stated the existing site has 220 multifamily units. He stated the proposed amendment will make more efficient use of the site and provide additional multi-family housing to meet needs in Tualatin. The proposal would provide an additional 116 units on the site. Mr. Angelo shared the existing site plan and conceptual site plan. He spoke to the need for multi-family housing in Tualatin due to the deficit of RMH units. Mr. Angelo stated they prepared an on-street and off-street parking assessment that arose due to neighborhood concerns. Consultant Matt Hughart spoke to the traffic impact study that was done and stated the study found that no off-site improvements are needed due to the rezone. He shared the parking study summary noting the facility has adequate on-site parking. Mr. Angelo shared a parking policy comparison that was done with other apartment facilities within a mile radius. He noted charging for an additional space other than the one assigned space is comparable to other facilities.

PUBLIC COMMENT

Scott Bauer stated he is a resident of the complex. He noted there are only six guest spots for 220 units in the complex. Mr. Bauer stated residents are less likely to pay for additional spaces so they street park. He expressed additional concerns with the garbage facilities and their current capacity. Mr. Bauer stated the proposed additional units doesn't allow for additional capacity for two car families.

Jim Kiel spoke in opposition of the application. He stated parking in the neighborhood has increased because of the apartment complex. Mr. Kiel stated it creates a lot of issues in the area including blocking of driveways and trouble with garbage service.

Alisa Wilson-Coleman spoke in opposition of the application. She spoke to concern with the current lack of parking and the stress new units will put on the current apartment community.

Nicole Tribble expressed concerns with not hearing from the neighborhood residents. She shared concerns with the traffic study being done in July instead of when school is in session and traffic is at its heaviest.

APPLICANT REBUTTAL

Mr. Angelo stated this is not a development proposal as that would be done at a later time in the Architectural Review process.

Mr. Angelo stated recycling and waste management would be dealt with during the Architectural Review process. He stated there is no timeframe currently for development.

Mr. Angelo spoke to a potential entrance off of 195th, he stated that it will only be used for a fire entrance.

Mr. Angelo stated there are currently 457 parking spaces on site and the city standards only require 350 spaces. He stated if additional housing units are added they would add additional parking spaces. Mr. Angelo stated the conceptual plan shows 540 spaces with the city requiring 475 spaces.

Consultant Hughart stated the traffic study was done in July because that is when it was requested. He acknowledged traffic patterns are different in the summer time. Consultant Hughart stated they looked at highest demand times for the complex at 5am which is not impacted by school being present.

John McGrew stated they are just looking at zoning currently but ultimately it will come down to economics for the owner. He stated the addition hasn't been approved at this time.

Mayor Bubenik asked city staff to explain the residential zone parking program. Director Koper stated the residential zone program is initiated by citizens. He stated the zone is reviewed by staff and the city provides permits and signage if approved. Mayor Bubenik stated it is an easy process for residents to go through.

COUNCIL QUESTIONS

Councilor Brooks asked if there are service delivery days that can be posted for no parking times. Director Koper spoke to different parking zones throughout the city. He noted those zones are typically resident driven by request. Councilor Brooks asked if there are costs to residents to receive the permits. Director Koper stated there is no cost to residents. Councilor Brooks asked if apartment residents would be able to get permits. Director Koper stated they would not be included.

Councilor Brooks asked about traffic concerns in the area with already failing intersections in the area. Director Koper stated the intersection failing is based off a 10-15 year timeframe and is irrespective of the rezoning of the area as it would fail without it.

Councilor Brooks asked why parking is allowed in front of the homes and not in front of the apartments. Director Koper stated it is not feasible to allow parking on both sides of the street.

Councilor Brooks asked how many spaces are available in the complex. Mr. Hughart stated there are 450 total spaces and 360 spaces are being used.

Councilor Pratt asked if spaces for new units will need to be added or can they use existing spaces. Director Koper stated once it goes under Architectural Review they will have to come into compliance with new minimum parking standards. He stated the concept plans are just to show that the units can fit but don't correlate to the amount of required spaces.

Councilor Sacco asked about the current RMH housing deficit. She asked if the new apartments going in at Stafford Hills will fill the current deficit. Director Koper stated that property was included in the housing needs analysis as available housing units so it doesn't affect the deficit numbers.

Councilor Sacco stated based on the numbers for parking at the complex she feels it will be worse with the new buildings. She asked what influence the Council has at the Architectural Review process and what influence they have moving forward. Director Koper stated a future Architectural Review application would be at the board or staff level so the council wouldn't have direct influence on the application.

Councilor Hillier expressed concerns with parking, quality of the living experience, and greenspace for the residents of the complex.

Councilor Brooks asked if the City has oversight over the garbage pickup in the area. Police Chief Bill Steele stated there are no laws currently in place about blocking garbage cans or mail boxes.

Councilor Pratt asked since this meets the criteria does the Council have to approve it. City Attorney Chad Jacobs stated the Council has to judge the application against the criteria. He stated if it doesn't meet what is in the city's best interest then they would need to articulate that as the reason to deny the application.

Mayor Bubenik asked if Council can attach conditions to the zoning change that could be related to parking. Attorney Jacobs stated it would be difficult to oppose criteria attached to parking tonight. He stated it would be better to impose them during the Architectural Review process.

COUNCIL DELIBERATIONS

Councilor Reyes stated she would rather have more units available for living then worry about the parking.

Councilor Brooks stated the housing needs analysis is a goal and wants to have more housing available but at the same time wants to ensure parking issues are addressed.

Councilor Sacco stated we are in a housing crisis and have a lack of affordable housing and she has to balance that with the quality of life for those who already live in the complex. She wants to ensure they do what is in the public's interest.

Councilor Pratt expressed concerns with the affordability of the housing, the effects on the neighborhood, livability in the area, and access to parks.

Council President Grimes spoke to her concerns about the change being in the public's best interest. She stated known concerns in the neighborhood related to parking and access are of great concern for her. She would like to see a more detailed plan for the development in order to understand the affordability of the potential housing. Council President Grimes also acknowledged the lack of public transit in the area.

Mayor Bubenik encouraged the applicant to consider a robust parking management plan for the complex. He stated the homeowners in the neighborhood can fix the parking issue by coming to Council and requesting a permitted parking zone for their neighborhood. Mayor Bubenik expressed concerns with the limited public transit in the area. He stated HB 2001 purpose is to increase density and remove arbitrary standards from development. He noted this is going to create higher density and more cars in the suburbs. Mayor Bubenik stated he would approve this application as it meets criteria.

Councilor Pratt expressed concerns with this being for the public good. Attorney Jacobs stated you have to have clear criteria. He stated what is in the best interest of the public is a difficult standard to determine what is clear and not clear. Attorney Jacobs stated if the council is going to define that this is not in best interest of the public you have to define clear reasons of why it is not as a Council. He stated an appeal would go before LUBA and they apply some deference to what the Council determines what is in the best interest of the public but it has to be clear.

Director Koper stated this is a Quasi-Judicial hearing and so sufficiency of the evidence on record is important. He stated there is testimony tonight on record that gives some weight to it

being in the best interest of the public or not. Director Koper stated there would have to be concurrence amongst Council for the decision to be made.

Attorney Jacobs stated the record can be left open to allow for additional submission of comments that could help the Council make a decision one way or the other.

Councilor Sacco asked when defining the public interest who the public is. Attorney Jacobs stated it would be anyone in your jurisdiction.

Council President Grimes asked if conditions could be applied since it is just a zoning change request and since the city doesn't know what the development will look like. Director Koper stated the Council would have to look at the development code and determine if those standards are acceptable in this situation or require something above and beyond the minimums.

Council Hiller asked if setting conditions would set a precedent for future developments in Tualatin and allow the Council to change the code. Director Koper stated it doesn't directly set a precedent it would just be an application based condition for approval.

Councilor Pratt stated she is in favor of continuance of this hearing so the residents of the neighborhood can be accurately noticed and heard from.

Council Presidents Grimes spoke in favor of leaving the record open so the residents have additional time to be noticed and heard.

Motion to reopen the record for Plan Map Amendment (PMA-21-0001) and adoption of Ordinance No. 1464-22 to rezone the Tualatin Heights Apartments site located at 9301 SW Sagert Street (Tax Map 2S123DC, Tax Lot 600) from the Medium Low Residential (RML) Zoning District to the Medium High Density Residential (RMH) Zoning District made by Councilor Brooks, Seconded by Council President Grimes.

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

MOTION PASSED

Motion to continue the hearing to February 14, 2022 made by Councilor Brooks, Seconded by Council President Grimes.

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

MOTION PASSED

General Business

1. Consideration of **Resolution No. 5593-22** Accepting the City of Tualatin Basalt Creek Parks and Recreation Plan

Parks Planning and Development Manager Rich Mueller, MIG Consultant Rachel Edmonds, and MIG Consultant Brice Maryman presented the Basalt Creek Parks and Recreation Plan. Consultant Edmonds presented a brief recap of the presentation made at the January 10, 2022 meeting. Director Hoover recapped community concerns as presented in length at the January 10th meeting. Director Hoover stated the resolution presented tonight is an acceptance step that

provides time for community members to continue to provide feedback and input. He stated it also gives direction to staff to start planning for future acquisition.

PUBLIC COMMENT

None.

COUNCIL DELIBERATIONS

None.

Motion to adopt Resolution No. 5593-22 accepting the City of Tualatin Basalt Creek Parks and Recreation Plan made by Councilor Pratt, Seconded by Councilor Brooks.

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

MOTION PASSED

2. Consideration of **Resolution No. 5595-22** Establishing Recommendations for the I-205 Tolling Project

Mayor Bubenik stated this was requested by Councilor Pratt at the last meeting. He stated he used this as a basis for his letter to the Oregon Transportation Commission.

Councilor Pratt stated West Linn and Lake Oswego passed similar resolutions.

Councilor Reyes asked for a brief history on the tolling project. Mayor Bubenik stated HB 2017 gave ODOT direction to look at the Metro region as a potential area that could use tolling to pay for interstates. He stated this is due to the lack of funds from the gas tax. Mayor Bubenik stated ODOT has been looking at how tolling could be implemented in the region and conducting outreach. He stated people are criticizing the lack of a communication plan and impacts of diversion into city side streets. Mayor Bubenik stated the City Council is concerned with diversion, equity, and the lack of east/west transit.

City Manager Lombos stated there are two projects going on right now but the Regional Mobility Congestion Pricing Concept is being highlighted. She stated there is current advocacy to pay for the Abernathy Bridge in another way outside of tolling and finish the region mobility pricing project first. She stated ODOT has stated there are not sufficient funds right now but region leaders don't agree.

Councilor Pratt stated more information can be found at www.oregon.gov/odot/tolling. She stated questions and concerns can be submitted there. Mayor Bubenik stated questions can be submitted to their state representatives as well.

Councilor Pratt stated the resolution asks ODOT to address how funds will be used from tolling after the Abernathy Bridge is completed.

Councilor Brooks stated Tualatin already has traffic concerns and is concerned with the potential grid lock tolling will cause in Tualatin. She wants ODOT to make sure infrastructure is reinforced throughout the region before tolling begins and creates further impacts. Councilor Brooks stated she is opposed to tolling.

Motion to adopt Resolution No. 5595-22 establishing recommendations for the I-205 Tolling Project made by Councilor Pratt, Seconded by Council President Grimes.
Voting Yea: Mayor Bubenik, Council President Grimes, Councilor Brooks, Councilor Reyes, Councilor Pratt, Councilor Hillier, Councilor Sacco
MOTION PASSED

Adjournment

Mayor Bubenik adjourned the meeting at 10:23 p.m.

Sherilyn Lombos, City Manager

_____ / Nicole Morris, Recording Secretary

_____ / Frank Bubenik, Mayor