



## OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR NOVEMBER 13, 2023

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

Absent: Councilor Christen Sacco

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### **Call to Order**

Mayor Bubenik called the meeting to order at 7:03 p.m.

### **Pledge of Allegiance**

### **Announcements**

#### 1. Proclamation Recognizing November 2023 as Native American Heritage Month

Councilor Brooks read the proclamation recognizing November 2023 as Native American Heritage Month.

#### 2. Proclamation Declaring November 25, 2023 as Small Business Saturday

Council President Pratt read the proclamation declaring November 25, 2023 as Small Business Saturday.

Tualatin Chamber of Commerce President Susan Noack thanked the city for the proclamation and their partnership.

#### 3. New Employee- Bryce McKenna, Maintenance Services Manager

Public Works Director Rachel Sykes introduced Maintenance Services Manager Bryce McKenna. The Council welcomed him.

#### 4. New Employee Introduction- Abby McFetridge, Engineering Associate

City Engineer Mike McCarthy introduced Engineering Associate Abby McFetridge. The Council welcomed her.

### **Public Comment**

None.

### **Consent Agenda**

Motion to adopt the consent agenda as amended made by Council President Pratt, seconded by Councilor Brooks.

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

Hillier, Councilor Gonzalez  
MOTION PASSED

1. Consideration of Approval of the Work Session and Regular Meeting Minutes of October 23, 2023
2. Consideration of **Resolution No. 5733-23** to Adopt the City of Tualatin Investment Policy
3. Consideration of **Resolution No. 5734-23** Renaming Stoneridge Park to Parque Las Casitas/Las Casitas Park
4. Consideration of **Resolution No. 5736-23** Authorizing the City Manager to Execute an Intergovernmental Agreement with Clean Water Services for the Design Phase of the Martinazzi Sanitary Sewer Trunk Line Upsizing Project

### **Special Reports**

1. Tualatin Arts Advisory Committee Community Enhancement Award

Recreation Manager Julie Ludemann presented the Tualatin Arts Advisory Committee Community Enhancement Award. She stated the award was created to recognize individuals and organizations for their contributions to significant art endeavors and experiences within the Tualatin community. She announced Angela Wrahtz as the recipient of the most recent Community Enhancement Award for her work as a professional artist in Tualatin and participation in the "Wild Over Watercolors" group held at the Tualatin Heritage Center.

Mrs. Wrahtz thanked the Council for the award.

### **General Business**

1. Republic Services Annual Report and Request for a 2024 Rate Adjustment

Management Analyst Lindsay Marshall, Republic Services General Manager Jason Jordan, Republic Services Municipal Relationship Manager Cindy Rogers, and Republic Services Finance Manager Akimi Murata-Chambers presented the Republic Services Annual Report and requested rate adjustments. Manager Rogers provided service facts for Tualatin, stating they service over 6,000 single-family customers and 800 commercial customers in the area. She detailed the breakdown of residential materials collected by Republic Services and highlighted their participation in community events such as the Tualatin High School career fair, Tualatin Bulky Waste Day, Rid Patrol, and Toys for Tots. Manager Rogers mentioned the initiation of the residential food waste collection in July, with no rate impacts until 2025, and proposed piloting a battery program starting January 2024.

Manager Jordan addressed garbage disposal costs, explaining that Metro controls the flow of solid waste in the Metro region, and noted there are five cost components: tonnage charge, Metro's Regional System fee, Metro's Excise tax, Metro's Host Fee, and the DEQ fee. He presented a graph indicating the average per ton disposal rate, totaling \$148.05 per ton in 2024, and highlighted Metro's rate increase of around 7% over the year.

Manager Jordan discussed the 10% industry target, specifying that 3-4% of the margin is paid in taxes, 3-4% is allocated to reserves for day-to-day activities, and the remaining portion is returned to owners as dividends and distributions. Republic Services requested a 6% rate

adjustment on all services effective January 1, 2024. Manager Jordan cited three key factors considered: increases in disposal and recycling costs, unprecedented inflation, and labor.

Manager Murata-Chambers presented financials, comparing returns to the acceptable range, providing a statement of income with and without the rate adjustment, a table of expenses, and the cumulative price adjustments index. She broke down the costs for a 35-gallon customer with a monthly rate of \$31.41. Manager Rogers shared the requested rate adjustment table with breakdowns for all services, noting that the average customer with a 35-gallon cart would see a rate increase of \$1.88.

Council President Pratt inquired about the disposal and recycle fees, noting the increase over the Metro fee, with Metro's rate increase at 7.8% and the overall increase at 9.6%. Manager Jordan explained that they used the solid waste forecast for the area and employed a conservative approach in calculating the numbers.

Council President Pratt asked if the battery program is implemented in other cities and inquired about the average cost. Manager Jordan stated that the battery program has been rolled out in other cities and is averaging around eight cents a month per customer.

Councilor Gonzalez inquired about Republic Services' safety record and training programs provided to employees. Manager Jordan discussed their safety frequency ratings and outlined the training programs available to their workforce.

Councilor Hillier expressed concern about the impact on low-income and senior citizens in the community and questioned the programs available to support them. Manager Jordan indicated that they rely on the city to lead such programs and expressed willingness to collaborate on the objectives. Councilor Hillier voiced worries about rising costs and limited program availability.

Councilor Reyes echoed the concerns raised by Councilor Hillier and advocated for the implementation of a low-income program.

Councilor Brooks asked why, when garbage amounts decrease, rates are increasing. Manager Jordan emphasized the importance of reduction, indicating that the cost of recycling is not expected to decrease, requiring them to outpace the rising costs associated with recycling.

Mayor Bubenik inquired about Metro's Improvement Plan and the four presented scenarios regarding garbage collection and recycling, noting the difference in rates among them. Manager Jordan explained their concerns with certain components of the plan and mentioned they are awaiting answers from Metro.

The council reached a consensus to approve the rate increase and expressed consideration for implementing low-income programs.

## 2. Planning 301 Council Education Series

Assistant Community Development Director Steve Koper and Senior Planner Erin Engman presented a planning education series. Director Koper recapped the last two presentations on why planning is essential and the comprehensive plan. Planner Engman explained the Tualatin Development Code (TDC) serves as the implementation tool for the Comprehensive Plan, specifically applying to development proposals on private property, encompassing zoning and development standards.

Planner Engman highlighted that the TDC covers a range of scenarios, including exterior modifications, remodeling, site alterations, and new or modified land uses. However, she clarified that the TDC does not extend to activities exclusively within the street, those permitted outright in a specific zoning district, and the effects of a permitted activity. Planner Engman detailed the various chapters of the TDC, including regulatory, residential zoning district, institutional and commercial district, industrial district, overlay and natural resource district, design, public facilities, and miscellaneous provisions and maps and figures.

Planner Engman stated the Comprehensive Plan functions as a high-level policy document guiding a community's vision for growth and development. She emphasized that a comprehensive update involves extensive public outreach and staff efforts, while targeted amendments may be recommended through Master Plan updates (e.g., Transportation System Plan, Water Plan). Planner Engman pointed out that the Development Code consists of regulations and standards for development to realize the vision outlined in the Comprehensive Plan. She stated updates to the code may occur periodically at the Council's discretion, in response to quasi-judicial requests, or to comply with state mandates, with the level of effort varying by project.

Council President Pratt asked for the definition of middle housing. Planner Engman stated that middle housing includes homes excluded from single-family zoning, such as duplex and quadplex developments.

Council President Pratt inquired about the process involved in a code change. Planner Engman explained a code change requires thorough groundwork, including public engagement and presenting facts and findings leading up to a decision by the Council.

Council President Pratt sought information on the typical timeframe for a full code review. Director Koper stated there are no set standards for when or how often a code should be updated. He mentioned that standards exist for updating specific chapters, like transportation and the comprehensive plan.

Councilor Brooks asked about the most impactful changes from the state recently that have affected Tualatin. Director Koper mentioned that changes are anticipated in the future, and the approach has shifted to a more top-down model, deviating from the traditional model where the city engages with the community to implement what fits best for them.

Mayor Bubenik inquired about how the TSP updates are reflected in the TDC in a timely manner for effective implementation. Manager Koper explained the TSP updates are based on the current TDC and consider factors like growth. He highlighted the changes made to the comprehensive plan from the Tualatin 2040 work, and noted this will be used as a guiding resources for TSP updates. Manager Koper mentioned that more information on the TSP update will be presented in January, followed by engagement, including discussions on zoning changes.

Mayor Bubenik expressed concerns about parts of the development code being extremely outdated and emphasized the importance of the code looking ahead to anticipate future developments rather than playing catch-up.

Councilor Brooks asked how planning documents can reflect and include incentives and preferences. Manager Koper stated that there are tools that could be included in these documents to address incentives and preferences moving forward.

3. Consideration of **Ordinance No. 1482-23** Amending Tualatin Municipal Code Chapter 1-21 Delegating Authority to the City Manager to Approve Certain Intergovernmental Agreements, Grants, and Similar Agreements

City Attorney Kevin McConnell presented an ordinance amending Tualatin Municipal Code Chapter 1-21, delegating authority to the City Manager to approve certain intergovernmental agreements, grants, and similar agreements. He explained that the ordinance aims to align the code with the city's finance policy, the charter, and the manager's authority as the administrator. Attorney McConnell emphasized that these provisions and authority align with practices in similar cities, leading to streamlined processes and saved staff time.

Council President Pratt's inquiry about examples of agreements that would qualify without exceeding the limit. City Manager Lombos mentioned cooperative agreements as potential examples.

Councilor Gonzalez asked about potential delays caused by these items having to come to Council. City Manager Lombos acknowledged that delays have occurred in the past, particularly in grant processes, necessitating special meetings.

Councilor Reyes inquired about Memorandums of Understanding (MOUs) and Intergovernmental Agreements (IGAs) needing to come to Council. Attorney McConnell clarified that both types of agreements have come to Council in the past.

Councilor Brooks stated the dollar amount is not always the primary concern for constituents, and she appreciates the transparency provided by having these agreements in the meeting materials.

Council President Pratt shared concerns about transparency to the Council and suggested providing updates to the Council about the contracts that are signed if this moves forward.

Councilor Hillier viewed the ordinance as standard operating procedure and acknowledged her fellow councilors' concerns.

Mayor Bubenik expressed opposition to the ordinance, advocating for the continuation of transparency in the council packet.

Councilor Brooks stressed the importance of the democratic process and the need to maintain transparency by including these items in meeting materials.

Mayor Bubenik proposed adding these matters to a future work session for further discussion.

Councilor Gonzalez expressed confidence in moving the ordinance forward as it stands.

Motion for first reading by title only made by Councilor Gonzalez, Seconded by Councilor Reyes. Voting Yea: Mayor Bubenik, Council President Pratt, Councilor Brooks, Councilor Reyes, Councilor Hillier, Councilor Gonzalez

MOTION PASSED

Motion for second reading by title only made by Councilor Gonzalez, Seconded by Councilor Reyes.

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

#### MOTION PASSED

Motion to adopt Ordinance No. 1482-23 amending Tualatin Municipal Code Chapter 1-21 delegating authority to the City Manager to approve certain Intergovernmental Agreements, Grants, and similar agreements made by Councilor Gonzalez, Seconded by Councilor Reyes.

Voting Yea: Councilor Reyes, Councilor Gonzalez

Voting Nay: Mayor Bubenik, Council President Pratt, Councilor Brooks, Councilor Hillier

#### MOTION FAILED

Council consensus was reached to move the item to a work session for further discussion.

### Items Removed from Consent Agenda

1. Consideration of **Resolution No. 5735-23** Authorizing the City Manager to Execute an Intergovernmental Agreement with Washington County to include design of a trail connection and a water line in the design of the Basalt Creek Parkway Extension Project

Community Development Director Kim McMillian and City Engineer Mike McCarthy presented an Intergovernmental Agreement with Washington County to incorporate the design of a trail connection and a water line into the Basalt Creek Parkway Extension Project. Director McMillian explained the city has collaborated with Washington County on this project, and the agreement offers the city an opportunity to participate in the design process at a lower cost than if the city were to handle the design independently. Engineer McCarthy emphasized the agreement remains neutral on whether the bridge or road gets built. He noted that if the bridge is constructed, it would be more cost-effective and efficient to include the waterline and trail in the design, making participation at this stage crucial. Director McMillian highlighted alternative methods, such as trenching or boring under the creek, which would require additional permits.

Councilor Brooks expressed concerns with the area being in a seismic zone. She questioned the project's cost, its likelihood of being built, and the demand for providing water to the area. Director McMillian explained that alternatives include going through the creek or acquiring rights-of-way down Day Road. She stated while there is not a current demand for water in the area, the connection is outlined in the water master plan.

Council President Pratt inquired about Washington County's funding for the project's design phase. Engineer McCarthy confirmed that they do have funding for design and are progressing with it.

Council President Pratt expressed concern about the project not being a priority for Washington County, as construction funds have not been identified. She emphasized the need to address the city's water needs independently of the bridges construction timeline. Director McMillian highlighted the city's ongoing efforts, such as pursuing projects like the reservoir for the area.

Councilor Gonzalez emphasized the importance of the city being involved in the discussion, considering it as a smart planning move, regardless of whether the bridge is eventually constructed.

Councilor Brooks sought clarification on funds already allocated to the project. City Manager Lombos explained that funds have been identified in the urban renewal fund specifically for transportation related to the bridge project.

Mayor Bubenik expressed a preference for completing the planning now to ensure Tualatin has a seat at the table.

Councilor Brooks voiced concern about investing money in planning for a project that might not materialize.

Motion to adopt Resolution No. 5735-23 authorizing the City Manager to execute an Intergovernmental Agreement with Washington County to include design of a trail connection and a water line in the design of the Basalt Creek Parkway Extension Project made by Councilor Gonzalez, Seconded by Councilor Reyes.

Voting Yea: Mayor Bubenik, Councilor Reyes, Councilor Hillier, Councilor Gonzalez

Voting Nay: Council President Pratt, Councilor Brooks

MOTION PASSED

### **Council Communications**

Councilor Gonzalez stated he attended the Mid-West CIO meeting, the Tualatin Historical Society Luncheon, the Veteran's Breakfast, and the Las Casitas Neighborhood meeting.

Councilor Brooks stated she attended the Policy Advisory Board meeting, the Mid-West CIO meeting, the Tualatin Historical Society Luncheon, and the Veteran's Day Breakfast.

Councilor Hillier stated she attended the Architectural Review Board meeting.

Council Reyes stated she attended the Council Committee on Advisory Appointments meeting.

Council President Pratt stated she attended the Tualatin Historical Society Luncheon, the Veteran's Breakfast, the Council Committee on Advisory Appointments meeting, and the Drug Take Back event.

Mayor Bubenik stated he attended the Halloween event at the Library, a Tri-Met meeting to discuss bus routes, the Metro Mayors meeting, the Greater Portland Inc. meeting, the Veteran's Breakfast, and the MSTIP meeting.

### **Adjournment**

Mayor Bubenik adjourned the meeting at 10:20 p.m.

Sherilyn Lombos, City Manager

\_\_\_\_\_ / Nicole Morris, Recording Secretary

\_\_\_\_\_ / Frank Bubenik, Mayor