



## OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR MARCH 23, 2020

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

---

### **7:00 P.M. CITY COUNCIL MEETING**

#### **Call to Order**

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

#### **Announcements**

1. Arbor Week Proclamation

Councilor Pratt read the proclamation declaring the week of April 5-11, 2020 as Arbor Week in the City of Tualatin.

2. Community Development Week Proclamation

Councilor Brooks read the proclamation declaring April 13-17, 2020 as Community Development Week in the City of Tualatin.

#### **Public Comment**

None.

#### **Consent Agenda**

Motion to adopt the consent agenda 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**

1. Consideration of Approval of the Regular Meeting Minutes of March 9, 2020
2. Consideration of Approval of Late Liquor License Renewals for 2020
3. Consideration of **Resolution No. 5484-20** Authorizing the City Manager to Execute an Intergovernmental Agreement with Clean Water Services for Construction of the Nyberg Sanitary Sewer Trunk Line Rehabilitation
4. Annual Report of the Tualatin Library Advisory Committee

## Public Hearings - *Quasi-Judicial*

1. Consideration of **Ordinance No. 1430-20** An Ordinance Annexing Territory Located at 23620, 23740 SW Boones Ferry Road And 9185, 9335, 9415 SW Greenhill Lane (Tax Map: 2s135d Lots: 400, 401, 500, 501, 600, 800, And 900) Into the City of Tualatin; Annexing Portions of SW Lower Boones-Ferry Road; Withdrawing the Territory from the Washington County Enhanced Sheriff Patrol District; and Annexing Territory Into the Boundary Of Clean Water Services (Ann-19-0002).

Mayor Bubenik opened the hearing for consideration of annexing territory located at 23620, 23740 SW Boones Ferry Road and 9185, 9335, 9415 SW Greenhill Lane (Tax Map: 2s135d Lots: 400, 401, 500, 501, 600, 800, And 900) into the City of Tualatin. He read the rules of the hearing in accordance with ORS 197.763(5) and (6) and ORS 197.796(3)(b).

Mayor Bubenik announced on March 14 he had a discussion with Grace Lucini regarding her property. He does not feel this biases him in anyway.

Councilor Morrison stated he has exchanged emails with Ms. Lucini in regards to a visit to her property. He has not visited the property at this time.

Councilor Pratt stated she visited Ms. Lucini's property and doesn't feel this presents a bias.

Assistant Planner Erin Engman presented ANN 19-002 for Autumn Sunrise annexation. She acknowledged public comment that has been received by Grace Lucini and the applicant. She stated the hearing is to review a request for annexation of 38 acres of land in the Basalt Creek area into the City of Tualatin. She stated the subject property is contiguous with the Tualatin city limits and is within unincorporated Washington County. The property is located in the Basalt Creek area, south of Horizon High School and west of I-5. The applicant has requested approval to annex seven tax lots comprising approximately 36.62 acres of private property and approximately 1.38 acres of adjacent Boones Ferry Road right-of-way. If approved the properties would be designated a combination of Medium Low Density Residential (RML) and Neighborhood Commercial (CN) planning districts, as shown on the Community Plan Map, included as Exhibit B. She noted there is no development proposed at this time. Planner Engman stated the annexation meets all applicable criteria and staff recommends approval.

### COUNCIL QUESTIONS

Council President Grimes asked if there would be additional ingress and egress added to the development. Planner Engman said those decisions would be made through a separate process on the subdivision application.

### APPLICANT

Levi Levasa, Project Manager for the Applicant, presented a PowerPoint that was submitted for the record.

Gordon Root, with Stafford Development and Autumn Sunrise, stated he looks forward to this annexation so he can provide diversity of housing in the city.

### PUBLIC COMMENT

It was noted that Grace Lucini had submitted a letter for the record.

## COUNCIL DISCUSSION

Councilor Brooks asked about the citizen concern regarding the city's CCI Committee. Director Hurd-Ravich state the city's official CCI is the Planning Commission. She noted the CCI is a method for citizen engagement. Councilor Brooks stated she wants to ensure property owners who are affected by the annexation feedback is heard. Director Hurd-Ravich noted the annexation required certain rules for noticing and engagement that were met.

Councilor Brooks asked how the wetlands for the area will be handled. City Engineer Kim McMillan stated the designated wetland area will be addressed when they apply for land use. She added a service provider letter from Clean Water Services will be provided at that time to mitigate any wetlands.

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

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

### MOTION PASSED

Motion to adopt Ordinance No. 1430-20 annexing territory located at 23620, 23740 SW Boones Ferry Road And 9185, 9335, 9415 SW Greenhill Lane (Tax Map: 2s135d Lots: 400, 401, 500, 501, 600, 800, And 900) into the City of Tualatin; annexing portions of SW Lower Boones-Ferry Road; withdrawing the territory from the Washington County Enhanced Sheriff Patrol District; and annexing territory into the boundary of Clean Water Services (Ann-19-0002) made by Councilor Kellogg, 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. 1433-20** An Ordinance Relating to Public Meetings; and Amending Tualatin Municipal Code Chapter 1-04

City Attorney Brady presented the ordinance relating to public meetings. He stated the proposed changes to the code is in relation to the special meeting noticing timeframes. The proposed ordinance would delete the 48 hour notice and reduce it to the 24 hour notice which is in line with the state's requirements.

Councilor Kellogg stated the 48 hours was originally tied to the public meetings law and then it changed to the 24 hour notice. He would like to see language that states it will reflect what the public meeting law is so it doesn't have to be changed each time the law changes. Attorney Brady stated this proposal strikes the specificity and adds language that states the city will follow the Oregon public meetings law.

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

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

MOTION PASSED

Councilor Morrison stated he would like more information and background before moving forward with this.

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 Reyes, Councilor Pratt, Councilor Morrison

MOTION PASSED

Motion to adopt Ordinance No. 1433-20 relating to public meetings; and amending Tualatin Municipal Code Chapter 1-04 made by Council President Grimes, Seconded by Councilor Reyes.

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

Voting Nay: Councilor Morrison

MOTION FAILED

2. Consideration of **Resolution No. 5486-20** Amending Rule 2 of the Council Rules

Forwarded to April 13, 2020 meeting with Ordinance No. 1433-20.

3. Consideration of **Resolution No. 5487-20** Delegating Authority to the Tualatin Development Commission to Establish an Economic Stabilization Program For Businesses Impacted By COVID-19

Economic Development Manager Jonathan Taylor presented a resolution delegating authority to the TDC to authorize grant funding in the form of an Economic Stabilization Grant. He stated the grants would be up to \$10,000 for qualified businesses. Manager Taylor stated nearly 20% of Tualatin's current workforce is employed in the retail and hospitality sector which accounts for a total annual payroll of \$145 million dollars. He stated 145 businesses (as of 3/20/2020) have reduced, altered or ceased operations and 2,807 employees have had their hours altered, reduced or were laid-off or furloughed. Manager Taylor stated the TDC will be able to commit \$250,000 in non-tax increment funding. Businesses can use this grant for any operating expenses to sustain the current workforce or business in Tualatin. He stated business must meet all of the following to be eligible:

- Designated business categories under a mandatory service change.
- Businesses with 55 or less FTE (full time equivalent employees).
- The business must have a physical store-front establishment in Tualatin.
- The business must have experienced loss of income due to COVID-19.
- The business must have been in operations for two years or more.

Manager Taylor stated the program will be operated through an online application and notice of award will be made through email within two weeks. He noted grants will be on a first come first serve basis. Manager Taylor added reimbursement materials will be required before funds are disbursed.

Councilor Morrison asked if franchisees with multiple locations would qualify for their locations in Tualatin. Manager Taylor stated they would not qualify because bigger businesses like that have better access to capital with lending institutions.

Councilor Reyes asked if the program has a deadline. Manager Taylor stated the only hard stop for the program is when funds are gone.

Councilor Morrison asked how the program would be publicized. Manager Taylor stated the program would be released tomorrow through the city's press release process.

Councilor Pratt asked where the requirement for less than 55 employees came from. Manager Taylor stated he evaluated impacted businesses.

Councilor Pratt asked for clarification on what "sustaining the work force" meant. Manager Taylor stated it is to help businesses to continue to pay employees through this time.

Councilor Pratt asked how many businesses would be eligible for this grant. Manager Taylor stated 84 businesses would be eligible.

Councilor Pratt asked where the funds for this program are coming from. Manager Taylor stated the funds are coming from urban renewal dollars.

Councilor Brooks asked if duplication of funding with other government funds would be allowed, if social good would be recognized, and if it will be needs based. Manager Taylor stated receiving multiple grants is not a factor at this time. He added social good from businesses would have a higher ranking because they are meeting the immediate need of the community.

Councilor Reyes asked if the grants are specifically used for payroll or can be used for other expenses. Manager Taylor stated the grant can be used to maintain general business operations.

Councilor Grimes asked how grant recipients will be determined. Manager Taylor stated the first line of determination is the criteria listed in the application, once they meet the criteria staff will have to drill down on the ranking criteria further. Manager Hurd-Ravich stated staff will work through ranking once the review committee is put in place.

Councilor Kellogg stated the grant states it will be on a first come first come serve basis and he would like to see another mechanism used so each application can be analyzed and prioritized on an equal basis.

Councilor Reyes agreed with Councilor Kellogg that it may take longer for those who have a need to submit an application. She would like to see the first come first serve language changed as well.

City Manager Lombos stated they could move to an application period or reduce the funding amount.

Councilor Pratt would also like to see the first come first serve language removed and have a short application period so funds can be distributed in a reasonable timeframe.

Mayor Bubenik asked about the requirement of being in business longer than two years. Manager Taylor stated at the two year mark businesses have a better ability to utilize these funds. Mayor Bubenik would like to see that criteria removed from the eligibility guidelines and added to the scoring criteria instead.

Councilor Kellogg would like to see grants hold off until April 2 when Federal Regulations have been put in place.

Councilor Brooks agreed with Mayor Bubenik on the two year eligibility criteria.

Council consensus was reached to remove the first come first serve language and implement a 10-14 day application period, remove the two year minimum requirement, and staff will come up with a scoring criteria.

City Manager Lombos asked for clarification on where the Council wants to go with franchises.

Councilor Kellogg stated as long as they are a local business owner with one location in town it should be allowed. Councilor Morrison and Councilor Pratt concurred with the single location owners.

Councilor Pratt asked if this program is to help businesses in need or help businesses survive this period. Manager Taylor stated this was modeled after the City of Beaverton and Seattle. He stated Seattle's program is used to help retain the workforce and Beaverton is to only help storefront operations. Manager Taylor stated the city is looking to what would have the most immediate impact right now.

Motion to adopt Resolution No. 5487-20 delegating authority to the Tualatin Development Commission to establish an Economic Stabilization Program for businesses impacted by COVID-19 made by Councilor Morrison, Seconded by Councilor Pratt.

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

MOTION PASSED

4. Consideration of **Resolution No. 5488-20** Declaring a Local State of Emergency as a Result of the COVID-19 Pandemic

City Manager Lombos stated the proposed resolution would help with procurement decisions and would allow the Council to have authority and power to take action outside of the Governor's order.

Councilor Pratt stated all the surrounding cities have made an emergency declaration.

Councilor Kellogg asked about section two which delegates authority to the City Manager to spend funds. He would like council to have a policy role to approve or deny requests at a specific threshold. City Manager Lombos stated she currently has the authority to spend up to \$150,000 through appropriate procurement requirements.

Attorney Brady stated this helps to waive some of the procurement requirements to quickly acquire items.

Councilor Brooks asked if this would cover our current contracts. Attorney Brady stated it would cover our current contractors.

Councilor Pratt stated authority is only given to the City Manager for a short period of time during this emergency.

Councilor Kellogg stated he would like a cap on purchasing authority so the Council can maintain financial oversight.

Councilor Morrison suggested to amend section two to read expend city funds within her authority.

Councilor Brooks stated she is in favor of the ordinance as presented.

City Manager Lombos stated she feels the necessary part of the order is section one, she is okay if section two is removed.

Councilor Reyes stated she is favor of the ordinance as presented.

Motion to adopt Resolution No. 5488-20 declaring a local state of emergency as a result of the COVID-19 pandemic made by Councilor Brooks, Seconded by Councilor Reyes.

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

Voting Nay: Councilor Kellogg

**MOTION PASSED**

Motion to amend section two to authorized the City Manager to spend less than \$150,000 made by Councilor Kellogg second by Council Paul Morrison

Voting Yea: Council President Grimes, Councilor Kellogg, Councilor Morrison

Voting Nay: Mayor Bubenik, Councilor Brooks, Councilor Reyes, Councilor Pratt

**AMENDMENT FAILED**

Mayor Bubenik recessed the meeting at 9:38 p.m. Mayor Bubenik called the meeting back to order at 10:17 p.m.

### **Council Communications**

Councilor Brooks stated the Council is prioritizing the pandemic and not leaving anyone behind in the community. She encourage citizens to adhere to social distancing guidelines.

Councilor Pratt stated the Tualatin School House Panty is seeking donations and volunteers to help with distribution of food. She also encouraged citizens to give blood with the Red Cross.

Councilor Morrison thanked staff for all their proactive work during this time.

Councilor Kellogg stated he is proud of what the city has done to date.

Councilor Reyes thanked staff for their communication during this time.

Council President Grimes would like to look at additional funding sources to help incentivize businesses.

Mayor Bubenik implored folks to abide by the Governor's order that goes in affect tonight at midnight. He stated social distancing must be taken seriously.

**Adjournment**

Mayor Bubenik adjourned the meeting at 10:30 p.m.

Sherilyn Lombos, City Manager

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

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