



OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR NOVEMBER 14, 2022

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

Absent: Councilor Bridget Brooks

Call to Order

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

Pledge of Allegiance

Announcements

1. New Employee Introduction- Police Services Technician Lindsay Nations

Police Chief Greg Pickering introduced Police Services Technician Lindsay Nations. The Council welcomed her.

2. Employee Promotion- Police Captain Jeremy Rankin

Police Chief Greg Pickering announced the promotion of Police Captain Jeremy Rankin. The Council congratulated him.

3. Proclamation Declaring November 26, 2022 as Small Business Saturday

Tualatin Chamber of Commerce President Susan Noack and CEO Anneleah Jaxon stated Small Business Saturday is the Saturday after Thanksgiving and encouraged citizens to shop small and local.

Councilor Pratt read the proclamation declaring November 26, 2022 as Small Business Saturday in the City of Tualatin.

Public Comment

None.

Consent Agenda

Motion to adopt the consent agenda made by Councilor Pratt, Seconded by Councilor Sacco.
Voting Yea: Mayor Bubenik, Councilor Reyes, Councilor Pratt, Councilor Hillier, Councilor Sacco
Voting Abstaining: Council President Grimes
MOTION PASSED

1. Consideration of Approval of the Work Session and Regular Meeting Minutes of October 10 and 24, 2022

2. Consideration of **Resolution No. 5651-22** Authorizing the City Manager to Execute an Encroachment Agreement for the Private Encroachment of a City Public Utility Easement on 19551 SW 56th Court
3. Consideration of **Resolution No. 5656-22** Authorizing the City Manager to Execute a Professional Services Agreement with Northwest Geotechnical Consultants, Inc. for Materials Testing and Inspection Services for the City's Capital Projects and for Private Development
4. Consideration of **Resolution No. 5657-22** Authorizing the City Manager to Execute Deeds Granting an Easement to PGE for Utilities Associated with the EV Charging Infrastructure at the Tualatin City Services Site at 10699 SW Herman Road
5. Consideration of Approval of a Change in Liquor License Application for Baja Fresh
6. Consideration of Approval of a New Liquor License Application for Fiasco Enterprises

Public Hearings - Legislative or Other

1. Consideration of **Ordinance No. 1471-22** Making Certain Determinations and Findings Relating to and Approving the Core Opportunity and Reinvestment Area Plan and Directing the Notice of Approval to be Published

Economic Development Manager Jonathan Taylor and Consultant Elaine Howard presented the Core Opportunity Reinvestment Area (CORA). Manager Taylor stated this has been a multi-year endeavor to securely position the community for long-term economic prosperity. He stated with community growth, development constraints presented challenges for long-term community prosperity. Manager Taylor stated the Economic Opportunities Analysis and the Housing Needs Analysis identified that the city is deficient in land. He stated the proposed plan document identifies priority projects and funding in alignment with community needs and goals. Manager Taylor stated the foundation for this project started with the Tualatin 2040 plan in 2018. He stated work on this plan started in 2019 with a URA education series and CURD closure. In 2020 a URA Feasibility study was completed that identified Leveton projects. He stated in 2021 and 2022 District 1 and District 2 were adopted. Manager Taylor stated the plan effort focuses on future redevelopment near major transportation modes, enhancing current employment lands, preparing for major regional transportation projects, remediating areas that are prone to environmental issues, enhancing existing connectivity, and funding major infrastructure projects. He shared the vision for the CORA plan. Manager Taylor shared the recommended boundary is a 42% reduction in the original proposal and a 32% reduction in the maximum indebtedness. He stated they eliminated the portion near Bridgeport Village, the industrial area near Dick's, and removed the RV Park of Portland. He shared the nine plan goals including blight remediation, enhanced connectivity, multi-use development, economic development, community identity, industrial development, public utilities, flood mitigation, and environmental stewardship. Manager Taylor stated the proposed project summary totals \$82,400,000 with a total maximum indebtedness of \$139,000,000. Consultant Howard stated this is not a new tax and explained it is just a new division of how the current tax is disbursed. She noted this does not impact school funding. Manager Taylor stated the plan was shared with all other local taxing jurisdictions and stated they received positive feedback. Consultant Howard shared proposed plan changes as suggested by the City and the Washington County Board of Commissioners. Consultant Howard stated they are seeking acceptance of the proposed changes tonight. Manager Taylor stated if these changes are approved tonight they will come back to the Council on November 28th for consideration of final adoption of the plan.

PUBLIC COMMENT

Dan Cobb stated he would like to see the median income range changed to accommodate affordable housing. He expressed concerns with property values in the Norwood area if a high rise goes in. Mayor Bubenik stated the boundary for the urban renewal zones does not include the Norwood area.

COUNCIL QUESTIONS/COMMENT

Councilor Sacco stated she was impressed with how the city listened to residents and made changes based on the needs of the community.

Councilor Pratt stated she thinks the proposed changes make a lot of sense.

Motion to accept the changes and direct staff to bring back the plan for adoption made by Councilor Pratt, Seconded by Councilor Sacco.

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

MOTION PASSED

Public Hearings - *Quasi-Judicial*

1. Consideration of **Ordinance No. 1470-22** Vacating a Portion of the Right-of-Way Located at the East Terminus of Myslony Street and Authorizing the City Manager to Take Any and All Actions Necessary to Implement the Ordinance

Mayor Bubenik opened the public hearing on the consideration of Ordinance 1470-22, vacating a portion of the right-of-way located at the east terminus of Myslony Street and authorizing the City Manager to take any and all actions necessary to implement the ordinance.

Assistant Community Development Director Steve Koper presented the vacation of a portion of Myslony Street. He presented background on what a street vacation means noting ORS 271 allows the City to initiate the process and to make a decision at a public hearing. Director Koper shared a map of the proposed street vacation removing the cul-de-sac and extending the street through to increase connectivity. He shared the notification requirements of the vacation. Director Koper stated all approval criteria for the proposed vacation have been met. He stated staff recommends adoption of the ordinance.

PUBLIC COMMENT

Brian Kendall spoke in favor of the extension of the street.

COUNCIL QUESTIONS/COMMENT

None.

Motion for first reading by title only made by Councilor Pratt, Seconded by Councilor Sacco.

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

MOTION PASSED

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

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

MOTION PASSED

Motion to adopt Ordinance No. 1470-22 vacating a portion of the right-of-way located at the east terminus of Myslony Street and authorizing the City Manager to take any and all actions necessary to implement the Ordinance made by Councilor Pratt, Seconded by Councilor Hillier.

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

MOTION PASSED

Special Reports

1. Quarterly Financial Report - 1st Quarter of FY 2022/2023

Finance Director Don Hudson presented the first quarter financial report for fiscal year 2022/23. He shared the Quarterly Investment Report and highlighted the portfolio distribution. Director Hudson stated the annual audit for FY 2021/22 was held onsite and will be completed by December 31, 2022. He provided an update on the general fund revenues stating the city has received the opioid settlement allocation, marijuana taxes, and property taxes. Director Hudson provided updates on the budget to actuals for the building fund, road operating fund, storm operating fund, the Core Area Parking Fund, and the water operating fund.

Councilor Pratt asked if the city is limited in the amount of risk the city can take in the portfolio. Director Hudson stated they meet with the City's Investment Advisor on an annual basis and noted there are some limitations made by state statute on what the city can invest in.

General Business

1. Republic Services Request to Consider a Rate Adjustment and Two Additional Solid Waste and Recycling Programs

Management Analyst Lindsay Marshall and Republic Services Staff KJ Lewis and Matt Ketchum presented program considerations and a rate adjustment. Analyst Marshall stated Republic Services is requesting a 7.8% aggregate increase across all service that is a trickle down of costs from Metro for fees regarding the wet waste tonnage allocation. She stated Metro is anticipating a 7-8% increase annually over the next five years. Analyst Marshall stated this increase amounts to an average of \$2.29 a month for a 35 gallon cart.

Councilor Pratt asked what the additional .7% increase for Republic is for since the Metro increase is 7.1%. Ms. Lewis stated it is for inflation costs.

Councilor Reyes stated this is a large increase over the next five years and will impact residents greatly. Analyst Marshall stated Metro can only pass through the cost for doing business.

Councilor Sacco asked what the average increase has been in the past. Analyst Marshall stated the increase last year was 4.8% and even lower before that.

Councilor Pratt asked what percentage of Republic expenses is for dumping fees. Mr. Ketchum stated disposal is a large portion of their costs.

Councilor Reyes asked where residents could go to if they have comments or concerns about these fees. Mayor Bubenik stated they can go to Metro Councilor Rosenthal to discuss these rate increases.

Councilor Hiller asked what the breakdown of the increase is. Analyst Marshall stated 7.1% is from Metro and the .7% is for Republic Services. Ms. Lewis stated Republic's portion is to cover inflation costs.

Councilor Pratt would have liked to see Republic's financials prior to tonight.

Council President Grimes asked if there are any programs that offer hardship waivers. Ms. Lewis stated the county has programs to assist with utility programs.

Mayor Bubenik asked if there was any public comment on the proposed rate increase. There was none.

Councilor Pratt asked for clarification on the aggregated cost as the increased proposed does not average out to such a high increase. City Manager Lombos suggested Republic come back at the next Council meeting with a presentation on the financials to justify the rate increase.

Analyst Marshall presented a residential organics program that allows for curbside composting by placing food waste in yard debris bins for weekly pickup. She stated the program will be available for residential customers who receive an individualized bill. Analyst Marshall stated the program is an additional 70 cents per month per customer and an additional \$1.00 per month if the Council decides to add countertop containers.

Councilor Hillier asked if people can currently recycle food waste in their yard debris bins. Ms. Lewis stated if it becomes a city wide program they want to make sure to capture those costs. Mr. Ketchum stated if residents currently place food waste into their yard debris bins it will have to be captured as trash.

Councilor Sacco asked if the rate of pickup would increase for yard debris pickup. Mr. Ketchum stated the additional stops are based on consumer behavior and composting would increase the amount of pickups.

Councilor Reyes asked if each customer can opt into the program. Analyst Marshall stated this would be a city-wide program.

Councilor Reyes asked where the food waste goes. Manager Lewis stated it goes to a compost facility and then is turned into compost.

Councilor Reyes asked if this program would be in addition to the proposed rate increase. Analyst Marshall stated it would be an additional program cost.

Councilor Sacco asked what the education piece is around the program to change consumer behavior. Analyst Marshall stated there would be an education campaign in coordination with Washington County.

Council President Grimes stated this program is a wonderful opportunity for the city to continue to be more green. She stated with the rate increase under consideration it is hard for her to add an additional fee at this time.

Councilor Reyes would like more time to talk to constituents about their desire for a program like this.

Councilor Pratt would like to see a rate comparison to other cities for a program like this.

Council consensus was reached to push the program to consider at a later date.

Analyst Marshall presented the Recycle+ Program. She stated it is an expanded curbside recycling program for hard to recycle items. She stated only participating customers pay the fees at a monthly base fee of \$2.50 with a pickup cost of \$9.25-\$12.02.

PUBLIC COMMENT

Taylor Loewen for Ridwell spoke in opposition of the Recycle+ Program and asked the Council to consider an alternative regulatory approach that considers innovative programs like Ridwell's. She stated they provide a more comprehensive service that is provided at a lower cost than the one proposed tonight. Ms. Loewen stated they are happy to participate in a regulatory permitted program.

Lori Kellogg spoke in support of the current recycling programs available in Tualatin. She is a current Ridwell customer as they offer her the opportunity to reuse and recycle many items that Republic does not accept. Ms. Kellogg stated she is in support of healthy commerce but against programs that would inhibit innovation from companies such as Ridwell. She encouraged the council to support healthy commerce and look at new ways to provide innovative services to customers.

Terri Renfro does not want to see Ridwell eliminated as a provider. She wants to see the Council leave the door open for innovative companies such as theirs.

COUNCIL QUESTIONS/COMMENTS

Mayor Bubenik asked if the Recycle+ Program is approved, if Ridwell would no longer be able to operate. Analyst Marshall stated Ridwell would only not be allowed to pickup items that Republic is recycling per the franchise agreement. Ms. Lewis stated Republic is the city's franchise hauler making what they do regulated and they have to report to Council. She stated the recycling modernization act will be coming online soon and will change how items are recycled.

Councilor Sacco asked about the Recycling Modernization Act. Manager Lewis stated the act will create a statewide list for what is recyclable so there is consistency across the state and it also created the Truth in Labeling Committee.

Council President Grimes asked if the act requires haulers to expand what they take. Manager Lewis stated it may but it will be considering many other factors as well.

Mayor Bubenik asked if a franchise agreement is eventually reached with Ridwell as a drop box service how would that impact the Recycle+ program. City Manager Lombos stated they would need to get clarification on that from the City Attorney.

Councilor Pratt would like Ridwell to work with the City on coming to a resolution on a franchise agreement.

Councilor Sacco stated it is important to meet consumers where they are at and having two programs would be the optimal option for the environment.

Council consensus was reached to decline the program at this time and ask Ridwell to sign on as a franchisee.

Council Communications

Councilor Hillier thanked the Police Department for holding the Drug Take Back event.

Council President Grimes asked if the wetlands that are flooding behind the strip mall on Nyberg could be addressed. City Manager Lombos stated staff will look into it.

Adjournment

Mayor Bubenik adjourned the meeting at 9:27 p.m.

Sherilyn Lombos, City Manager

_____ / Nicole Morris, Recording Secretary

_____ / Frank Bubenik, Mayor