



OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR NOVEMBER 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

Call to Order

Mayor Bubenik called the meeting to order at 7:02 p.m.

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

Announcements

1. Holiday Events Announcement

Recreation Manager Julie Ludemann shared information on Holiday Events including: the Holiday Lights Parade, Tualatin Gratitude Wall, Letters from Wintertime Characters, and Donuts in the Park Day.

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 City Council Work Session and Regular Meeting Minutes of November 9, 2020

General Business

1. Consideration of **Ordinance No. 1448-20** Relating to Alarm Systems; Amending Tualatin Municipal Code Chapter 6-6; and Creating New Provisions

Police Chief Bill Steele and Program Coordinator Jennifer Massey presented information on the city's alarm permit program and proposed amendments. Coordinator Massey stated the program was established in 1989 and has been modified once in 2004. She noted the program was created to set rules that regulate the use of alarms in homes and businesses. Coordinator Massey stated the program encourages alarm users and businesses to assume increased responsibility to prevent unnecessary police response. She stated the city currently has 2,019 permits and responded to 824 calls last year. Coordinator Massey stated current issues include delinquent accounts, false alarms not being tracked in an automated system, no protective

sweep options, and no late fees. She stated proposed amendments include alarm companies providing a list of alarm users to the city, eliminating the requirement for paper permits, late fees for initial application and renewals, and the option for pre-consent to protective sweeps. Coordinator Massey stated all of these items will help reduce costs and set the stage for a potential transition to a more efficient alarm permit management system.

Councilor Kellogg asked about the lack of transferability between homeowners. Coordinator Massey stated the ordinance puts the onus back on the alarm company to provide new users with information regarding alarm permits.

Council President Grimes asked about the protective sweep option and the potential negative impacts and what that means for homeowners. Chief Steele stated it is of great benefit to the police officer responding so they have the ability to make sure everything is okay both inside and outside of the home. He stated the entry option is optional consent from the homeowner.

Mayor Bubenik asked what would happen if owners don't give consent. Chief Steel stated they would not enter unless there is clear signs of distress in the home.

Councilor Brooks asked about the difference between no knock warrants and community care taking. Chief Steele stated no knock warrants are never authorized in Oregon. He stated community care taking is about potential break-ins and only have the police officer check on the welfare of the home.

Councilor Reyes stated she is in favor of protective sweeps to both protect homeowners and police officers.

Councilor Pratt asked how these updates will help reduce false alarms. Chief Steele stated there are fees in place now for false alarms and having everyone permitted will help to track and reduce those numbers.

Councilor Morrison stated he is happy to see these changes and the streamlining of this process.

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

Motion to adopt Ordinance No. 1448-20 relating to alarm systems; amending Tualatin Municipal Code Chapter 6-6; and creating new provisions 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

2. Consideration of **Ordinance No. 1449-20** Relating to the Initiative Process; and Amending Tualatin Municipal Code Chapter 1-24

City Attorney Sean Brady stated at the October 23 meeting the Council requested to have the initiative process amended to allow voting at the next statewide primary election. He stated the presented amendments reflect the request.

Motion for first reading by title only 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

Motion for second reading by title only 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

Motion to adopt Ordinance No. 1449-20 relating to the initiative process; and amending Tualatin Municipal Code Chapter 1-24 made by Councilor Kellogg, Seconded by Councilor Pratt.

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

Voting Nay: Councilor Morrison

MOTION FAILED for lack of unanimity

3. Consideration of **Ordinance No. 1447-20** Establishing a Parks Utility; and Creating Tualatin Municipal Code Chapter 3-7

Parks and Recreation Director Ross Hoover and Parks Planning Manager Rich Mueller presented a parks utility fee for consideration. Director Hoover shared examples of projects a utility fee could help to fund including smart irrigation, park site plans, sport court resurfacing, and park benches. He shared examples of fees and revenues from other cities. Director Hoover shared revenues for what a \$2-5 fee would bring into the city.

Councilor Morrison stated he is not in favor of adding another utility rate as he doesn't want to add additional hardship to citizens. He stated he would want authorization from voters before voting in favor of this fee.

Councilor Reyes stated the community survey that was conducted did not show citizens in favor of a utility fee. Mayor Bubenik corrected her stating they were not in favor of a levy.

Councilor Pratt stated the city needs to take care of what they currently have and this would start funding those repairs. She added this is not a solution but it gets the city moving forward.

Councilor Brooks asked how many items are on the level 4 need based on their assessments. Director Hoover stated 42% of items are rated 4 or above. Councilor Brooks stated she has concerns with safety and doesn't want to further the asset management problems.

Councilor Kellogg expressed concerns with a blanket fee for all utility users in the sense that not everyone may use the parks.

Councilor Pratt and Councilor Brooks respectfully disagreed with Councilor Kellogg as the costs need to be carried by everyone in the city.

Councilor Reyes stated she feels citizens are not currently utilizing the parks to the extent they have in the past.

Council President Grimes stated one of the few things right now that remains viable and accessible during these times is outdoor activities including use of community parks. She believes this fee is a great first step for raising necessary funds.

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

DISCUSSION ON THE MOTION

Councilor Kellogg stated he doesn't disagree the parks need funding but he doesn't agree to the mechanism. He would like to see a levy on the ballot.

Councilor Morrison concurred he would like to see a park operating levy passed.

Councilor Reyes stated she would get on board with a funding mechanism that is more impactful such as a levy or a bond.

Councilor Brooks called the question to end the debate. Councilor Pratt seconded.

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. 1447-20 establishing a Parks Utility; and creating Tualatin Municipal Code Chapter 3-7 made by Council President Grimes, Seconded by Councilor Brooks.

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

Voting Nay: Councilor Kellogg, Councilor Morrison, Councilor Reyes

MOTION FAILED for lack of unanimity

4. Consideration of **Ordinance No. 1445-20** Relating to Cannabis Regulations; Amending Tualatin Development Code Chapter 80; and Making Minor Amendments to Other Tualatin Development Code Chapters

Councilor Brooks stated she sees this as a land use decision and not a discussion about people's right's to use these types of products. She understands people's concerns around this topic and wants to break the stigmatism around use.

Councilor Pratt stated she doesn't see any evidence that this increases crime or use by children.

Council President Grimes is concerned with community standards and she would like to see the Council come to an agreement that includes the feedback the Council has received regarding the west side of I-5 and adjacent areas.

Councilor Morrison expressed concerns with the ease of accessibility for youth. He stated he would prefer to see all recreational facilities in an industrial area.

Motion for third 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 to adopt Ordinance No. 1445-20 relating to cannabis regulations; amending Tualatin Development Code Chapter 80; and making minor amendments to other Tualatin Development Code Chapters made by Councilor Kellogg, Seconded by Councilor Pratt.

Voting Yea: Mayor Bubenik, Councilor Brooks, Councilor Kellogg, Councilor Reyes, Councilor Pratt

Voting Nay: Council President Grimes, Councilor Morrison

MOTION PASSED

Council Communications

Councilor Brooks stated she attended the Governor's staff meeting hosted by the League of Oregon Cities where they discussed changes from phases to threat levels. She noted more information should be coming about this soon.

Adjournment

Mayor Bubenik adjourned the meeting at 8:51 p.m.

Sherilyn Lombos, City Manager

_____ / Nicole Morris, Recording Secretary

_____ / Frank Bubenik, Mayor