



OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR JUNE 13, 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 Bubenik called the meeting to order at 7:00 p.m.

Pledge of Allegiance

Announcements

1. Public Health Announcement

Mayor Bubenik stated a new COVID vaccination, Novavax, a more traditional vaccine, has been approved by the FDA. He encouraged citizens to get vaccinated.

2. Proclamation Declaring June 20-26, 2022 as National Pollinator Week in the City of Tualatin

Councilor Brooks read a proclamation declaring June 20-26, 2022 as National Pollinator Week in the City of Tualatin.

3. Proclamation Declaring June 2022 as Gun Violence Awareness Month in the City of Tualatin

Councilor Hillier read a proclamation declaring June 2022 as Gun Violence Awareness Month in the City of Tualatin.

Teri Mills thanked the Council for raising awareness.

4. Introduction of Interim Police Chief Greg Pickering

City Manager Sherilyn Lombos introduced Interim Police Chief Greg Pickering. The Council congratulated him.

Public Comment

Tualatin Chamber of Commerce President Susan Noack stated she participated on the Parks Funding Committee and she is in support of the proposed bond recommendation from the committee. She stated the bond is the right thing to do.

Atlas Sprague and Spencer Navarro requested on behalf of the Tualatin High School Gender and Sexuality Alliance to adopt a Pride Month Proclamation.

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 May 23, 2022
2. Consideration of **Resolution No. 5631-22** Authorizing the City Manager to Adopt Section 116 of the 2019 Oregon Structural Specialty Code
3. Consideration of **Resolution No. 5623-22** Authorizing the City Manager to Execute an Intergovernmental Agreement between the City of Tualatin and the City of Durham for Building Inspection / Plan Review Services

Special Reports

1. Tualatin Moving Forward Quarterly Update

Transportation Engineer Mike McCarthy shared the Tualatin Moving Forward quarterly update. He stated 22 projects have been built and 12 projects are underway. Engineer McCarthy presented project updates on 95th Ave and Avery Street, 93rd Ave and Sagert Street, 65th Ave near Meridian Park Hospital, and the Bones Ferry Road Corridor sidewalk/bike project. He shared the list of the 2022 Neighborhood Traffic Safety projects. Engineer McCarthy spoke to the Hazelbrook Area and the eight projects that will be funded and constructed there.

Councilor Pratt asked when the additional lane will be added to get on the freeway. Engineer McCarty stated it will be built next summer.

Councilor Pratt asked if projects are still being identified for funding. Engineer McCarthy stated all projects have been identified.

Councilor Pratt asked if Klarney Street had been identified as a project since it still has unpaved sidewalks. Engineer McCarthy stated it is not on the list and not all projects could be funded.

Council President Grimes asked if bike lanes being added to roadways are using parked cars as a buffer. Engineer McCarthy stated none of these projects were good candidates for that sort of application.

Public Hearings - Legislative or Other

1. Consideration of **Resolution No. 5622-22** Adopting Findings in Support of an Exemption from Competitive Bidding and Authorizing the City Manager to Execute a Design-Build Contract for the Tualatin City Services Building Parking Lot Expansion and Repair and Enter Into an Agreement with PGE for the Fleet Partner Program

Manager Clay Reynolds presented a Tualatin City Services project update. He shared a brief history on the funding and construction of the Tualatin City Services Building. He stated substantial completion was on time and under budget for the project. Manager Reynolds stated the second part of the project was the application of Solar Panels. He stated Oregon State Law requires 1.5% of specific project costs be spent on green energy. Manager Reynolds stated they upgraded and added to the existing solar panels on site to meet that requirement. He shared the Tualatin Services Site Masterplan stating top priorities that were identified where the fuel tanks, parking, and storm water repair. Manager Reynolds stated the project proposal is to combine the

parking expansion and electric vehicle charging stations, and complete the necessary storm water repairs. The budget for the project is estimated at \$400,000 and will come from savings from the construction jobs for the Tualatin City Services center, city offices renovation, and the library makerspace.

Councilor Brooks asked what the drain repair is for. Manager Reynolds stated there isn't any stormwater that leaves the site, it is all in drywells. He stated the original design has proven to not be big enough.

Councilor Brooks asked if the first round of electric charging stations will be high speed. Manager Reynolds stated they are 50amp chargers. Councilor Brooks asked if they will only be for city utility vehicles or are available for city employees. Manager Reynolds stated if they are available staff will be able to use them for a fee.

Councilor Pratt asked what the estimate of savings is for using the same contractor. Manager Reynolds stated having one contractor for all the projects saves times and resources.

PUBLIC COMMENT

None.

Motion to adopt Resolution No. 5622-22 findings in support of an exemption from competitive bidding and authorizing the City Manager to execute a Design-Build Contract for the Tualatin City Services Building Parking Lot Expansion and Repair and enter into an agreement with PGE for the Fleet Partner Program 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

2. Consideration of **Resolution No. 5625-22** Declaring the City's Election to Receive State Revenue Sharing Funds During Fiscal Year 2022-23

Assistant Finance Director Matt Warner stated in order for the city to receive state shared revenues the city must hold two public hearings. He noted the first public hearing was held before the budget committee on May 31st and the second is being held tonight. Director Warner stated the city is set to receive \$434,585 in state revenue sharing funds in FY 2022-23.

PUBLIC COMMENT

None.

Motion to adopt Resolution No. 5625-22 declaring the City's election to receive State Revenue Sharing funds during fiscal year 2022-23 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

Public Hearings - Quasi-Judicial

1. Consideration of **Ordinance No. 1467-22** Requesting the Annexation of Approximately 1.44 acres of Land Located North of the Intersection of SW Herman Road and SW Cipole Road, (Tax

Map/Lot: 2S121DC00700) into the City of Tualatin and Simultaneously Withdrawing the Territory from the Washington County Enhanced Sheriff Patrol District and Urban Road Maintenance District (File No. ANN 22-0001)

Mayor Bubenik opened the hearing in accordance with Oregon State Statute.

Assistant Community Development Director Steve Koper and Associate Planner Keith Leonard presented Annexation 22-0001 of approximately 1.44 acres of land located north of the intersection of SW Herman Road and SW Cipole Road. Planner Leonard stated the property is designated General Manufacturing (MG). He stated there is no development proposed and future development would be subject to Architectural review and application of approval criteria in the Development Code. Planner Leonard stated all findings and analysis demonstrate all applicable criteria have been met and staff recommends approval.

Applicant Representative Tony Mills, AKS Engineering and Forestry, stated they are excited about this property and look forward to being part of the city.

PUBLIC COMMENT

None.

COUNCIL DELIBERATIONS

Council President Grimes asked for clarification on who pays for utilities to be extended to the site. Planner Leonard stated the applicant will be paying for those connections.

Motion for first reading by title only 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

Motion for second reading by title only 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

Motion to adopt Ordinance No. 1467-22 requesting the annexation of approximately 1.44 acres of land located north of the intersection of SW Herman Road and SW Cipole Road, (Tax Map/Lot: 2S121DC00700) into the City of Tualatin and simultaneously withdrawing the territory from the Washington County Enhanced Sheriff Patrol District and Urban Road Maintenance District (File No. ANN 22-0001) 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

General Business

1. Authorization for the City Manager to Execute a Pilot License Agreement with Bird Scooters

Deputy Public Works Director Nic Westendorf presented the E-Scooter Pilot Program. He stated in 2021 the city was approached by Bird to allow e-scooters in the City and in January the Council directed staff to draft a pilot program agreement. Director Westendorf stated the principles of the pilot program are to remain flexible, responsive, safe, collaborative, and successful. He noted the agreement terms are for a 12-month pilot program, is non-exclusive, limits the program to 50-75 scooters, a \$0.10 fee per ride will be paid to the city, the agreement can be canceled by either party, and data sharing will be allowed with the city. The operations of e-scooters will be regulated like bikes, will not block bike/pedestrian access, must be parked at curbs, will ride on the right side of the road in the bike lanes when possible, and yield to pedestrians and bikes. Director Westendorf stated safety is important and Bird will provide safety education, encourage helmets, offer geo-fencing for safety hazards, and put time restrictions in place. He stated compliance will be the responsibility of the company and issues will need to be resolved within 4 hours during regular business hours. Manager Westendorf stated at the conclusion of the pilot program staff will return to Council to gauge interest in a permanent e-scooter program.

Councilor Reyes asked if other companies will be able to operate and how will multiple companies be handled. Director Westendorf stated the pilot program is not specific to one provider and if another company wanted to enter the city they would have to apply for the program.

Councilor Pratt asked where the scooters would be parked in neighborhoods. Director Westendorf stated they will be parked on the edge of the curb. He stated it will look different in different areas but they have to be tucked out of the way.

Councilor Pratt asked if the fee the city will be receiving will cover the cost of staff time. Director Westendorf stated it is hard to determine how much staff time will be needed for the program but noted it will be assessed at the end of the pilot.

Councilor Pratt asked who assumes liability. Director Westendorf stated the company assumes responsibility.

Councilor Brooks asked if the city will receive information on the complaints. Director Westendorf stated it will be provided to city staff.

Councilor Brooks stated she is glad the city is working on finding ways to make it easier for people to acquire helmets.

Council President Grimes asked if guidance can be placed in areas where scooters park frequently. Director Westendorf stated staff can explore signage and where it can be placed.

Councilor Brooks asked how they stay charged. Director Westendorf stated Bird staff collect the scooters and charge them.

Mayor Bubenik asked what the definition of business days is for response time. Director Westendorf stated they will need to define that with the company.

Council President Grimes asked if there is language in the contract where the city can make changes during the program. Director Westendorf stated the city can make changes or terminate the agreement before the end of the program.

Motion to authorize the City Manager to execute a Pilot License Agreement with Bird Scooters 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

2. Consideration of **Ordinance No. 1468-22** Establishing a Core Area Parking District (CAPD) Tax Rate for Fiscal Year 2022/2023

Economic Development Director Jonathan Taylor presented the annual Core Area Parking District (CAPD) Tax Rate for Fiscal Year 2022/2023. He stated on April 20, 2022 the Core Area Parking District Board recommended a 5% increase to the tax rate making the total rate \$182.86 for the year.

Councilor Pratt stated the Board wants to keep the increases incremental so there are no unexpected increases in the future.

Motion for first reading by title only 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

Motion for second reading by title only 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

Motion to adopt Ordinance No. 1468-22 establishing a Core Area Parking District (CAPD) tax rate for fiscal year 2022/2023 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

Council Communications

Council considered the proclamation request for Pride Month. Council consensus was reached to proceed with the proclamation at the next Council meeting.

Councilor Pratt stated she attended a Grand Allie event with Washington County, the C4 meeting, and the Council Committee on Advisory Appointments meeting.

Councilor Sacco stated she attended the Equity Planning Committee meeting. She acknowledged the upcoming Juneteenth holiday and encouraged people to celebrate.

Councilor Hillier stated she attended the SRO Task Force meeting and the high school awards night.

Councilor Brooks stated she attended the Earthwise Group, the Memorial Day Observance event, the Tualatin Watershed Tour with Clean Water Services, the Tri-County workgroup on the local gunfire noise, the Grand Allie Group event, and Chief Steele's Goodbye Reception with the Police Foundation.

Councilor Reyes attended the MACC and Council Committee on Advisory Appointments meeting.

Council President Grimes stated she attended the Architectural Review Board meeting.

Mayor Bubenik stated he attended the Memorial Day Observance event, the Tualatin Watershed Tour with Clean Water Services, the Tualatin Together Community Cares event, Representative Prusak's Gun Noise Mitigation Roundtable, the Washington County Mayors Luncheon, the Washington County Coordinating Committee meeting, and the Aging Task Force meeting. He stated the Meals on Wheels luncheons have resumed on Tuesdays and Thursdays.

Mayor Bubenik asked the Council to consider amending the municipal code to prohibit carrying loaded firearms within the City. Council consensus was reached to draft an ordinance.

Council President Grimes asked how that would affect those who have concealed carry licenses and the impacts on enforcement. Chief Pickering stated several jurisdictions in the area have similar ordinances. He stated in Tigard it is a Class A misdemeanor.

Councilor Reyes asked for clarification on what the code change means. Mayor Bubenik stated the State of Oregon allows the city to do this. He stated there are three exemptions that include police officers, those on military duty, and those licensed to carry a concealed weapon. He stated this gives an Officer the opportunity to inspect the weapon and ensure it is not loaded.

Councilor Brooks stated this would allow Officers to see if a weapon is loaded if someone is intimidating a fellow citizen with a gun.

Council President Grimes would like to see this discussed further at a work session. She wants to make sure all the nuances are discussed.

Councilor Brooks stated she attended the Blender Dash and the Ice Age Foundation Ribbon Cutting. She stated public comment is now being accepted on the Policy Advisory Board grants.

Adjournment

Mayor Bubenik adjourned the meeting at 9:44 p.m.

Sherilyn Lombos, City Manager

_____ / Nicole Morris, Recording Secretary

_____ / Frank Bubenik, Mayor