



## OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR MAY 28, 2024

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

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### Call to Order

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

### Pledge of Allegiance

### Announcements

#### 1. Proclamation Declaring June 2024 as Gun Violence Awareness Month in the City of Tualatin

Moms Demand Action representatives thanked the Council for the opportunity to build awareness in the community about the prevalence of firearm violence and to remember those who have perished from it. They stated they wear orange today in their honor.

Councilor Reyes read the proclamation declaring June 2024 as Gun Violence Awareness Month in the City of Tualatin.

#### 2. Proclamation Declaring June 2024 as Pride Month in the City of Tualatin

Councilor Sacco read the proclamation declaring June 2024 as Pride Month in the City of Tualatin. She invited everyone to the Tualatin Pride Stride on June 22<sup>nd</sup>, 10am, at the Tualatin Commons.

### Public Comment

None.

### Consent Agenda

Motion to adopt the consent agenda made by Council President Pratt, Seconded by Councilor Sacco.

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

### MOTION PASSED

Councilor Brooks thanked the police department for their leadership in the trauma informed response.

#### 1. Consideration of Approval of the Regular Meeting Minutes of May 13, 2024

#### 2. Consideration of Approval of a New Liquor License Application for Straightaway Cocktails

3. Consideration of **Resolution No. 5776-24** Authorizing the City Manager to Execute a Grant Agreement with the Oregon Department of Justice for Trauma Informed Response Training

## **General Business**

1. Consideration of **Resolution No. 5774-24** Authorizing the City Manager to Execute a Lease Agreement for Small Cell Facilities in the Rights-of-Way with Crown Castle Fiber, LLC

Deputy Public Works Director Nic Westendorf presented a small cell lease agreement with Crown Castle Fiber. He provided a brief background on the small cell program in Tualatin, highlighting that construction standards and fees were adopted in December 2018. Director Westendorf explained that small cells are used to increase coverage capacity in high-traffic areas and extend coverage to hard-to-reach locations. These cells improve cell coverage and speed, eliminate "dead zones," and accommodate future technology. Director Westendorf stated small cells are typically mounted on streetlights and utility poles.

Director Westendorf outlined the lease agreement, noting it is a five-year term that covers location determination, a \$250 usage fee per year per site, legal protections, and alignment with the existing rights-of-way ordinance. He also shared the small cell process for both the provider and the city.

Councilor Brooks inquired if the improved cell quality benefits only the provider leasing the cell. Director Westendorf confirmed that it benefits the single provider leasing the cell, though multiple poles are available for different providers.

Councilor Brooks asked how often the design standards are updated. Director Westendorf said they have not been updated since adoption but can be modified as needed.

Council President Pratt questioned how the small cell provider sells their capacity. Director Westendorf explained that the provider sells capacity to a cell provider, who then benefits from the improved service.

Councilor Sacco inquired about potential downsides. Director Westendorf mentioned initial concerns about safety, aesthetics, and health, which have diminished since 2018. Mayor Bubenik noted that original contentions were also about FCC fees.

Councilor Hillier asked if the city has input on locations based on community needs. Director Westendorf stated that while providers determine locations, the city can indicate where gaps exist.

Councilor Reyes asked who owns the streetlights downtown. Director Westendorf stated most have been transferred to PGE.

Councilor Hillier asked about fee collection. Director Westendorf explained that PGE collects fees for poles they own, while the city collects application and attachment fees.

Council President Pratt asked if additional providers could apply after this agreement. Director Westendorf confirmed that any provider can apply.

Mayor Bubenik inquired about adjusting the usage fee. Director Westendorf stated that staff will monitor their time and ensure fees are appropriately aligned as the program evolves.

Motion to adopt Resolution No. 5774-24 authorizing the City Manager to execute a lease agreement for Small Cell Facilities in the rights-of-way with Crown Castle Fiber, LLC made by Councilor Sacco, Seconded by Council President Pratt.

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

MOTION PASSED

2. Consideration of **Resolution No. 5775-24** Adopting the Community Climate Action Plan (CAP)

Deputy Public Works Director Nic Westendorf presented the Tualatin Community Climate Action Plan, which aims for the city to achieve net-zero carbon emissions by 2050. He detailed that the plan comprises two major sections: one focusing on preparing for climate change (adaptation) and the other on reducing emissions (mitigation). Within these sections, there are seven primary focus areas, each containing specific strategies and actions. In total, the plan outlines 28 strategies and 146 actions. Deputy Westendorf noted the key outcomes of the plan, which include preparing for the impacts of climate change, reducing greenhouse gas emissions, and positioning the city for effective implementation of these strategies. He stated the creation of the plan was guided by four principles: a science-based approach, equity, community benefits, and partnerships.

Director Westendorf explained the community outreach process for developing the plan was conducted in three phases: building awareness and understanding, creating the plan, and reviewing the draft plan. He stated since the last Council meeting, several developments occurred including NW Natural, a local utility company, submitting comments on the plan. Director Westendorf stated phase three of community engagement continued, a density memo was added to the plan, the final design of the plan was completed, and an executive summary was created. He noted that during phase three of community engagement, it was found that the majority of the community supported the plan's outcomes, which include protecting the environment and people, reducing car dependency, and encouraging responsible consumption. Director Westendorf stated there were also concerns about the costs associated with the plan, government regulations, a potential natural gas ban, and uncertainty about increased density in certain areas. The concerns led to updates in the community support section and the addition of more context for the implementation phase.

Director Westendorf shared that NW Natural's comments raised issues with the city's methodology, the plan's reliance on the Climate Protection Program (CPP), and the language used in actions related to technology and programs. In response to these comments, some action language was updated, but the overall actions were retained.

Director Westendorf explained that the added density memo looks at the benefits of increased density in downtown Tualatin, helping to create a clearer and more measurable picture of the holistic benefits of increased density. He stated if the plan is adopted staff will return with a five-year work plan that includes specific, prioritized actions for Council feedback and adoption.

#### PUBLIC COMMENT

Dan Kershner voiced his opposition to the Tualatin Community Climate Action Plan, specifically addressing concerns with two strategies: strategy 4.4, which involves banning gas connections, and strategy 4.5, which pertains to the replacement of appliances in existing buildings. Mr. Kershner highlighted the costs associated with implementing these strategies, as well as the reliability of natural gas as a dependable energy source.

NW Natural Government Affairs Officer Nina Carlson asked to have a letter submitted for the record. She provided additional comments and concerns related to electrification and a potential gas ban.

## COUNCIL COMMENT

Councilor Brooks stated the plan has been well thought out and thanked the staff and city partners for all of their work. She responded to questions related to a gas ban, saying she doesn't foresee the city implementing a gas ban as a first step but wants to ensure the option remains in the plan.

Councilor Brooks asked about the different phases of the plan. Director Westendorf explained that the first phase of the plan focuses on the community, the second phase on city operations, and the third phase on sustainability. Councilor Brooks emphasized the importance of remembering why they have carbon measure goals, noting that while the plan is not a complete fix, it addresses community, livability, safety, and climate change.

Council President Pratt stated she would like to see considerations about the city's future direction and the associated actions they can take. She stressed the importance of cost-effectiveness.

Councilor Gonzalez asked how many respondents the city received to the survey. Director Westendorf stated there were around 300 participants. Councilor Gonzalez noted that this is a very small portion of the community and expressed concerns about NW Natural being included in the plan. He suggested removing those parts and addressing other straightforward measures, such as bolstering the city's tree plan to naturally address most of the city's carbon emissions.

Councilor Reyes supported addressing straightforward measures first, such as planting trees. She emphasized the importance of reviewing and revising the plan every five years and ensuring the city's climate strategy considers both hot and cold weather.

Councilor Sacco stressed the importance of using the plan as a guiding framework for all city actions, particularly in terms of consumption and its impact on the climate. She stated her desire to keep the natural gas actions in the plan to set up future councils for success, even if these actions are not immediate.

Councilor Hillier acknowledged the current straightforward measures already being addressed in the community. She advocated for increased education and highlighting these ongoing efforts, and called for a stronger focus on equity within the plan.

Council President Pratt sought clarification on the purpose of the document. Director Westendorf explained that it serves as a dynamic roadmap. He stated that as the work plan is defined, more measurable actions can be applied.

Councilor Brooks noted that having the plan in place positions the city to be prepared for future regulations and funding opportunities. Director Westendorf added that the comprehensive scope of the plan allows for future work to overlap with and support these goals moving forward.

Mayor Bubenik asked if a gas ban is unconstitutional. Attorney McConnell stated he doesn't believe so but would need to look into it further. Mayor Bubenik suggested that a gas ban should be considered further out in the plan, possibly in the 6-10 year range.

Councilor Gonzalez argued that the gas ban is on the short list as it is part of the current plan. He acknowledged that it will not happen immediately but noted it is in the near future. He emphasized that the city should focus on actionable items it can implement right now, such as enhancing the tree plan and offering credits for water conservation.

Council President Pratt, Councilor Reyes, and Councilor Brooks concurred with the Mayor on moving the gas ban discussion to the 6-10 year category.

Motion to adopt Resolution No. 5775-24 Adopting the Community Climate Action Plan (CAP) and moving sections 4.4 and 4.5 moved to the 6-10 year category out made by Councilor Brooks, Seconded by Councilor Sacco.

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

Voting Nay: Councilor Gonzalez

MOTION PASSED

### **Council Communications**

Council President Pratt announced that Blender Dash will be held on June 8<sup>th</sup>.

Council President Pratt read a statement regarding interactions at the last Council meeting: "Our responsibility serving on Council is to make the best possible decisions for our community and to make sure city staff has the needed support to enact these decisions. Voicing our varying perspectives is essential to making the best and most informed decisions as a governing body. At times, this can mean somewhat heated discussions. To operate most effectively as one governing body, it is imperative that each of us keep in mind the importance of engaging in this process with civil discourse, keeping the focus on the topic at hand without taking it personally, and showing respect for the Mayor and other Councilors. It is through our joint efforts that we can best serve the interests of all who work, play, and live in Tualatin."

Councilor Brooks acknowledge that May is Asian American Pacific Islander Month.

Mayor Bubenik announced the Riverpark CIO Community Fair, June 1<sup>st</sup>, 11am-1pm, at Jurgens Park.

### **Adjournment**

Mayor Bubenik adjourned the meeting at 8:55 p.m.

Sherilyn Lombos, City Manager

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

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