



# TUALATIN CITY COUNCIL

## OFFICIAL WORK SESSION MEETING MINUTES FOR NOVEMBER 12, 2024

**PRESENT:** Mayor Frank Bubenik, Council President Valerie Pratt, Councilor Maria Reyes, Councilor Cyndy Hillier, Councilor Christen Sacco (joined at 5:22 p.m.), Councilor Octavio Gonzalez (joined at 5:17 p.m.)

**ABSENT:** Councilor Bridget Brooks

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Mayor Bubenik called the meeting to order at 5:04 p.m.

### **1. *Purchasing Thresholds and Contracting Authority.***

Contracts and Procurement Analyst Richard Contreras and City Attorney Kevin McConnell presented information on procurement thresholds and contract authority. Attorney McConnell provided a brief overview of the current procurement threshold process at the city. Analyst Contreras discussed the city's procurement authority as outlined by the Oregon Public Contracting Code. He explained that procurement thresholds refer to a contract's anticipated dollar value, determining the procurement method used, based on local contracting rules adopted in 2009, which were aligned with the State of Oregon's thresholds at that time.

Analyst Contreras outlined the three procurement thresholds: direct appointment (\$5,000 and under), intermediate procurement (\$5,001-\$150,000), and formal procurement (over \$150,000). He elaborated on the professional services qualified pool, noting that the city establishes this pool every two years, allowing staff to directly appoint any consultant within the pool for contracts up to \$150,000. He also covered the City Manager's Contracting Authority, which permits the City Manager to award and sign contracts not exceeding \$150,000—a threshold set in 2009.

Analyst Contreras highlighted that the State of Oregon increased its thresholds in 2023, whereas Tualatin's limits have not been updated since 2009. He pointed out that due to inflation and the updated state purchasing limits, the city's current limits are outdated. He stated updating local procurement thresholds would streamline workflow while maintaining accountability and transparency. Analyst Contreras proposed aligning the city's thresholds with the current state levels: direct appointment (\$25,000 and under), intermediate procurement (\$25,001-\$250,000), and formal procurement (over \$250,000). He emphasized that raising these thresholds would facilitate more effective service delivery to the community.

Council President Pratt asked if the City Manager would be able to directly appoint up to \$250,000. Analyst Contreras clarified that the City Manager, like all staff, would only be able to directly appoint up to \$25,000.

Councilor Hillier inquired about the rationale for maintaining the qualified pool threshold at \$100,000. Analyst Contreras explained that the state did not increase that figure and noted that staff would revisit the matter if the state updates it.

Councilor Reyes asked how many contracts the city executes that exceed \$250,000. Analyst Contreras responded that the city typically posts 20-30 procurements per year.

The Council reached consensus to direct staff to draft the necessary ordinance to increase the procurement thresholds.

## **2. FEMA New Floodplain Requirements.**

City Engineer Mike McCarthy, Assistant Community Development Director Steve Koper, and City Attorney Kevin McConnell presented information on new federal floodplain requirements. Engineer McCarthy provided an overview of the National Flood Insurance Program (NFIP), explaining that it allows property owners, renters, and businesses to obtain flood insurance backed by the federal government. He noted that NFIP insurance is often more accessible and significantly less expensive than private insurance. He shared a map of the Special Flood Hazard Area (Floodplain) in Tualatin.

Attorney McConnell discussed the historical context of biological impacts on endangered species within these areas and outlined measures currently in place to ensure short-term compliance as new program guidelines are developed.

Engineer McCarthy presented the Pre-Implementation Compliance Measure (PICM) options provided by FEMA, which include a moratorium on development, case-by-case analysis, or adoption of a model ordinance. He detailed the model ordinance parameters, emphasizing maintaining the existing level of mitigation or providing reductions through onsite measures, within reach, or through plantings. Director Koper explained how these changes would impact development in Tualatin, particularly regarding developers' responsibilities for mitigation or offsets related to stormwater quality and plantings. He also presented the Endangered Species Act compliance timeline, noting that the city must select a PICM option and begin implementation by December 1, 2024, with reporting starting on January 1, 2025.

Councilor Gonzalez expressed a desire to delay the decision, stating that the parameters feel imposed on the city and create regulatory red tape for businesses. He asked how many developments would be affected. Director Koper noted one current development in the floodplain and indicated that a significant portion of Tualatin could potentially be impacted. Attorney McConnell recommended selecting one of the PICM options to ensure the city remains in compliance. Engineer McCarthy added that the Riverfront Park project could be among the affected developments.

Councilor Reyes asked if there would be additional costs associated with implementing these changes. Engineer McCarthy responded that additional staff time would be required to review projects in the floodplain.

Council President Pratt inquired whether the regulations apply to both private and public properties. Engineer McCarthy confirmed that they apply to both.

Council President Pratt asked if the PICM choice could be changed later. Attorney McConnell explained that while choices may change once the new regulations are adopted, many cities are opting to adopt the model ordinance.

Mayor Bubenik expressed concern about the impact on the vision for the CORA area and how the regulations would affect development in Tualatin, given its location in the floodplain.

The Council reached a consensus to direct staff to implement the model ordinance option as outlined in the PICM options.

### **3. Council Meeting Agenda Review, Communications & Roundtable.**

Councilor Pratt asked about the cost of consent agenda item two and whether it was a typical cost. City Manager Lombos confirmed that the cost was normal for a development of that size.

Councilor Sacco shared that she attended the Veteran's Breakfast.

Councilor Sacco took a moment to remind citizens that Tualatin is a caring community that values diversity, equity, and access. She requested that the Council issue a statement reaffirming that the 2030 Vision remains unchanged.

Councilor Reyes expressed a desire to ensure that the statement does not provide false hope to individuals in light of the changing federal immigration climate, emphasizing that immigration issues are managed at the federal level and not locally.

Councilor Gonzalez initially voiced opposition, expressing concern that such a statement could be perceived as fearmongering. However, he later clarified his position, stating that he would support a statement reaffirming the Community Vision, as Tualatin is a strong and welcoming community.

Councilor Hillier emphasized the importance of reaffirming the Vision to the community.

The Council reached a consensus to draft a letter reaffirming the 2030 Vision.

Councilor Hillier stated she attended both the Architectural Review Board training and the Veteran's Breakfast.

Councilor Reyes thanked staff for their swift responses to citizen concerns regarding safety issues.

Council President Pratt stated she attended the Veteran's Breakfast and the Clackamas County Coordinating Committee meeting. She announced that the League of Oregon Cities Conference would be held in Portland and encouraged all Council members to attend.

Mayor Bubenik shared that he met with newly elected Washington County Commissioner Jason Snider, Metro Councilor Lynn Peterson, and attended several events, including the Veteran's Breakfast, the Communities That Care Key Leaders Breakfast, and the MITCH Charter School Jog-a-Thon.

### **Adjournment**

Mayor Bubenik adjourned the meeting at 6:24 p.m.

Sherilyn Lombos, City Manager

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