



## OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR AUGUST 28, 2023

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

### Pledge of Allegiance

### Announcements

#### 1. New Employee Introduction – Jamie Zamrin, Management Intern

Deputy City Manager Megan George introduced Management Intern Jamie Zamrin. The Council welcomed her.

#### 2. Tualatin Library Foundation Vine2Wine

Library Foundation Member Michelle Shebelle announced the Tualatin Library Foundation Fundraiser event, Vine2Wine, to be held on October 14th at the Tualatin Public Library. She shared foundation sponsored events this past year including the Oregon Battle of the Books and Makers in Residence programs.

### Public Comment

Sandy and Steve Hamm presented a petition from residents along SW Vermillion Drive north of Norwood to add speed bumps to the area to help slow traffic.

### 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

#### 1. Consideration of Approval of the Work Session and Regular Meeting Minutes of August 14, 2023

#### 2. Consideration of **Resolution No. 5720-23** Authorizing the City Manager to Sign an Intergovernmental Agreement between the Tigard-Tualatin School District and the City of Tualatin Setting Forth Requirements for Participation in the School Resource Officer Program

3. Consideration of **Resolution No. 5722-23** Awarding a Contract for Construction of the 2022 Neighborhood Traffic Safety Projects, Phase 2
4. Consideration of **Resolution No. 5724-23** Authorizing Increasing Tualatin Community Park Sports Field Lighting Purchase and Replacement Change Order Authorization Amount

### **Special Reports**

1. Update from State Representative Jules Walters

State Representative Jules Walters provided an overview of the legislative session, highlighting key accomplishments in areas such as housing, behavioral health, and education. She mentioned her successful sponsorship of bills, including those related to the tolling moratorium (HB 3614), recovery high schools (HB 2767), the Willamette Falls Locks 150th Commemoration (HCR 20), and legislation addressing sexual assault by fraudulent representation (SB 974). She also announced upcoming town halls in both Washington and Clackamas County.

Councilor Hillier inquired about plans and discussions regarding gun noise in Tualatin. Representative Walters mentioned ongoing dialogues with the gun club to find solutions and the need for a sound mitigation study to identify potential remedies. The availability of funds for this study was discussed, with Representative Walters emphasizing their commitment to securing necessary resources.

Councilor Brooks expressed gratitude to Representative Walters for her efforts regarding tolling and behavioral health issues.

Councilor Gonzalez raised concerns about Tualatin's school enrollment and funding challenges, particularly due to un-enrollment, and requested support for schools, along with advocacy for the H2B worker program.

Council President Pratt requested state assistance in subsidizing a program aimed at helping first-time homebuyers.

Mayor Bubenik asked Representative Walters about the possibility of a short legislative session and urged her to review the Climate Friendly Equitable Communities plan for potential updates, to which Representative Walters committed to looking into.

### **Public Hearings - Legislative or Other**

1. Consideration of **Ordinance No. 1480-23** Amending the Tualatin Comprehensive Plan; Amending the Tualatin Municipal Code; and Amending and Creating New Provisions in the Tualatin Development Code to Create the Basalt Creek Employment Zoning District

Assistant Community Development Director Steve Koper and Senior Planner Erin Engman presented the Basalt Creek Employment (BCE) zone code project. Planner Engman provided background information, explaining that the BCE zone is a newly proposed industrial zoning code for the Basalt Creek Area designed to align with current market trends. She emphasized this zone aims to act as a catalyst for development, contributing to tax base growth in Basalt Creek to meet urban renewal objectives. The BCE zone project involved extensive research into economic and market trends and incorporated input from the Council, the public, and stakeholders.

Director Koper addressed the inadequacies of the existing Manufacturing Park (MP) zone, which was created in the late 1980s to support the Leveton urban renewal area but has seen limited development in recent years due to changing market dynamics. He explained market demand no longer aligns with the permitted uses within the MP zone, necessitating a modernization effort. Director Koper stated council had directed staff to update the zone to reduce warehouse uses, encourage flexible space, introduce commercial uses, and maintain a landscaped character.

Planner Engman presented findings from an economic opportunities analysis, indicating that Tualatin is expected to experience growth of approximately 5,800 new industrial employees from 2020 to 2040, with 1,897 new jobs projected for the Basalt Creek area alone.

Director Koper outlined the urban renewal goals for the project, including fostering development, generating employment opportunities, expanding the tax base, and funding necessary infrastructure improvements for transportation and public utilities. He noted the proposed BCE zone is expected to generate significantly more revenue for urban renewal compared to the current zone, thanks to its potential to spur more immediate development.

Planner Engman reviewed the economic analysis, which showed that limited land supply has led to increased activity on challenging parcels and in secondary markets. Demand for industrial-commercial "flex" space that can accommodate multiple tenants was identified as a market trend. She detailed the extensive public outreach efforts undertaken during the past year, including open houses, stakeholder discussions, planning commission meetings, and architectural review board interactions. Feedback from residents, industrial developers, and brokers helped shape the BCE zone's guiding principles.

Planner Engman summarized the proposed amendments, which included Plan Text Amendment PTA 22-0001 and Plan Map Amendment PMA 22-0001. She discussed the BCE purpose statement, highlighted various proposed uses and limitations, commercial uses, considerations related to psilocybin uses, landscape buffers, and building design standards. Planner Engman confirmed that the proposed amendments align with state rules and regulations.

Planning Commission Chair Bill Beers stated the current draft code received unanimous recommendation in support from the commission.

## PUBLIC COMMENT

Mimi Doukas presented feedback from the stakeholder group, emphasizing the need for flexible industrial space and highlighting the current draft of the BCE zone strikes a good balance. She mentioned several key points in favor of the BCE zone, including its flexibility, support for manufacturing, alignment with market trends, capacity to accommodate the growth of existing employers, increased funding potential for the Urban Renewal Area, and traffic reduction. Mrs. Doukas noted overall stakeholders recommended the approval of the zone.

Peter Watts expressed his support for the proposal, urging its adoption as a means to kick start the urban renewal area.

Steve Parr recommended the adoption of the proposal, citing its potential to reintroduce character to the area.

Anneleah Jaxen, CEO of the Tualatin Chamber, spoke in favor of adoption, stating local businesses in the area support the proposed zone.

Stew Peterson voiced his support for the amendment, emphasizing the need for this type of zoning in the current real estate market.

Grace Lucini raised several concerns, including issues related to receiving proper written notice for the hearing, the integration of the district into the community, criteria for evaluating the proposal not considering multi-modal transportation, the removal of roadway connections, inadequate land use planning regarding the Willamette River watershed, and the absence of a stormwater management plan. She submitted written communications elaborating on her concerns.

City Attorney Kevin McConnell addressed Mrs. Lucini's concerns regarding the noticing of the hearing, explaining that staff have followed the proper noticing requirements outlined in the TDC rules.

## COUNCIL QUESTIONS

Councilor Gonzalez inquired about the possibility of changing the zoning for the Leveton Campus. Director Koper confirmed the zoning for the Leveton Campus could be changed.

Council President Pratt asked about revenue assumptions between the current and proposed zones. Director Koper explained the assumptions are based on the fact that there is limited development currently in the area.

Council President Pratt expressed concerns about a majority of the properties being developed as primary warehouses and suggested making warehouse development a conditional use permit. Director Koper explained a conditional use permit wouldn't achieve the desired change in the actual use of the zone.

Council President Pratt mentioned concerns about landscaping, suggesting the use of living grass may not align with the city's environmental goals, and she would like more flexibility in ground cover options. Planner Engman explained that adopting something like xero-scaping would have citywide implications.

Councilor Brooks asked about building height limits. Planner Engman stated the maximum structure height is 45 feet or around 4 stories.

Councilor Brooks asked about concerns related to watersheds raised by Ms. Lucini. Director Koper noted that while her concerns are important, they are not directly related to the criteria for the zoning change.

Councilor Brooks expressed a desire for more environmental awareness in development and asked if there are any incentives for green building practices that could be offered. Planner Engman stated there are currently no policies or programs in place, but noted that the Climate Action Plan is identifying such practices for future consideration.

Council President Pratt inquired about building design and whether more character could be added to buildings through murals. Planner Engman explained that there is some discretion for murals in the architectural review process.

Mayor Bubenik asked about building height restrictions near residential areas and the mitigation measures for neighboring homes. Director Koper stated there are limits for building heights in the BCE zone related to adjacent residential zones.

Mayor Bubenik expressed concerns about the lack of site design for the area and wanted to know when road infrastructure improvements would be addressed. Director Koper explained the Transportation System Plan includes a roadway network for the Basalt Creek area, and minor changes are being made to provide better buffers between residential areas in the zoning change.

Mayor Bubenik asked stakeholders about the traffic impacts at Commerce Circle and the direction of traffic flow. Kristine Connolly, Kittleson and Associates, stated they evaluated the peak hours both am/pm and what the overall trip generation would be, she noted the new zone has less trip generation.

Mayor Bubenik asked what transportation improvements would be needed in the area and how would they be financed. Ms. Dukas stated any new development would need to do a transportation study and mitigate any issues that would degrade the roadway system. She stated there will be tax increment financing available in the area that the city can use to make any capital improvements.

Councilor Hillier asked for clarification on the baseline traffic and whether it was considered. Ms. Connolly stated the analysis focused on what could be developed in the area, and each development would conduct its own traffic analysis and mitigation as needed.

Director Koper provided further clarification about the traffic analysis and explained that each developer must mitigate the impacts of their development as per legal restrictions and conditions.

## COUNCIL DELIBERATIONS

Councilor Brooks expressed her concerns regarding the relationship between renting and owning and the impact of wages on trip generation. She acknowledged the need for flexibility in space and use.

Council President Pratt mentioned her reservations related to traffic but recognized the current MP zone no longer suits the area's needs. She stated the proposed zone is the best option at this time.

Councilor Hillier stated she couldn't vote for a zone that allows for marijuana facilities, citing her stance during her election campaign.

Councilor Gonzalez expressed his support for flexible use and stated this is a good plan with a good balance.

Motion for first reading by title only made by Councilor Brooks, Seconded by Councilor Sacco. Voting Yea: Mayor Bubenik, Council President Pratt, Councilor Brooks, Councilor Reyes, Councilor Hillier, Councilor Sacco, Councilor Gonzalez

## MOTION PASSED

Motion for second reading by title only made by Councilor Brooks, Seconded by Councilor Sacco.

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

## MOTION PASSED

Motion to adopt Ordinance No. 1480-23 amending the Tualatin Comprehensive Plan; amending the Tualatin Municipal Code; and amending and creating new provisions in the Tualatin Development Code to create the Basalt Creek Employment Zoning District made by Councilor Brooks, Seconded by Councilor Sacco.

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

## MOTION PASSED

### General Business

1. Consideration of **Ordinance No. 1479-23** Amending Tualatin Municipal Code to Extend the Hours of Prohibited Parking and Adding SW Blackfoot Drive and Osage Street

Motion for third reading by title only made by Councilor Brooks, Seconded by Council President Pratt.

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

## MOTION PASSED

Motion to adopt Ordinance No. 1479-23 amending Tualatin Municipal Code to extend the hours of prohibited parking and adding SW Blackfoot Drive and Osage Street made by Councilor Brooks, Seconded by Council President Pratt.

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

Voting Nay: Councilor Sacco

## MOTION PASSED

2. Recommendation of Applicants for the Tualatin Inclusion, Diversity, Equity, and Access (I.D.E.A.) Advisory Committee

Councilor Reyes and Sacco shared information and sentiments from the committee interviews. Councilor Pratt read the list of recommended applicants.

Motion 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

### Council Communications

Councilor Sacco requested t the Council consider a proclamation for Banned Book Week, which has been brought forward by the Tualatin Library Advisory Committee.

Councilor Gonzalez spoke in opposition to the proclamation, expressing concerns about the books on the list and the perceived overreach from schools.

Councilor Brooks clarified this is about the library and not the schools. She emphasized the importance of access to diverse opinions and views.

Council President Pratt stated the proclamation is about the library, and noted she has read books on the list. She highlighted the fundamental value of freedom, including the freedom to choose what to read.

Councilor Reyes emphasized that everyone has the choice to read the banned books or not.

Council consensus was reached to add a proclamation for Banned Book Week to the Council agenda.

Council President Pratt reminded everyone that school starts next week and urged caution on the road.

Mayor Bubenik reminded everyone about the upcoming annual event hosted by the Historical Society, with tickets available on the Heritage Center's website.

Councilor Brooks reminded everyone about Labor Day and encouraged them to read up on the holiday's history.

### **Adjournment**

Mayor Bubenik adjourned the meeting at 9:52 p.m.

Sherilyn Lombos, City Manager

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

\_\_\_\_\_ / Frank Bubenik, Mayor