



OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR JUNE 28, 2021

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

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

Announcements

1. 4th of July Reminders

Chief Bill Steele spoke to firework safety. He encouraged the community to not use fireworks this year due to hazardous conditions.

Councilor Pratt expressed concerns with expected temperatures being high. She requested a emergency ban be discussed during general business.

Public Comment

Patricia Parsons stated she was encouraged to hear the Mayor and staff met with the gun club. She stated she will be sending a letter to the press that address her noise concerns with the gun club.

Tyler Eaton spoke to the unpaved street on Sagert Street and the hazardous conditions it has created. He would like the City to help find a resolution.

Consent Agenda

Motion to adopt the consent agenda made by Councilor Brooks, 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 June 14, 2021
2. Consideration of Approval of a New Liquor License Application for Bottles and Press, LLC DBA Straightaway
3. Consideration of Approval of a Change in Liquor License Application for Three Mermaids Public House

4. Consideration of **Resolution No. 5552-21** Authorizing the City Manager to Execute an Agreement for a Metro Area Communications Commission Grant; and Appropriating Special Purpose Revenues in the City's General Fund During the Fiscal Year 2020-21 Budget
5. Consideration of **Resolution No. 5554-21** Amending the City of Tualatin Fee Schedule and Rescinding Resolution No. 5504-20
6. Consideration of **Resolution No. 5555-21** Approving and Authorizing Provision of Workers Compensation Insurance Coverage to Volunteers of the City of Tualatin
7. Consideration of **Resolution No. 5556-21** Authorizing Personnel Services Updates for Non-Represented Employees for FY 2021-2022
8. Consideration of **Resolution No. 5557-21** Amending Water, Sewer, Stormwater, and Road Utility Fee Rates Inside the City of Tualatin and Rescinding Resolutions 5505-20 and 5512-20
9. Consideration of **Resolution No. 5558-21** Authorizing Changes to the FY 2020-2021 Adopted Budget
10. Consideration of **Resolution No. 5560-21** Awarding the Contract for Construction of the Tualatin Road (Sweek Drive to Community Park) Phase 1 Project, Part of the Tualatin Moving Forward Bond Program

Special Reports

1. Annual Report of the Tualatin Historical Society

Tualatin Historical Society Executive Director Ross Baker presented their annual report. He stated the year started rocky because of the pandemic but many oral histories were captured once they were able to get traction. The quarterly newsletter has gone out, he stated you can receive it by joining the society. Director Baker stated they released two books this year: "When the River Ran Backwards" and "Tualatin from the Beginning" the third edition. He stated they issued two scholarships this year. Director Baker stated they have redone their website this year and it now includes an interactive walking tour of Tualatin's historic sites. He stated membership is up and they remain financially healthy.

Mayor Bubenik and Councilor Pratt thanked the Historical Society for all they do.

Public Hearings - Legislative or Other

1. Consideration of **Resolution No. 5559-21** Adopting the City of Tualatin Budget for the Fiscal Year Commencing July 1, 2021, Making Appropriations, Levying Ad-Valorem Taxes, and Categorizing the Levies

Finance Director Don Hudson presented the Fiscal Year 2021-22 budget. He stated the Tualatin Budget Committee approved the budget on May 25, 2021. Director Hudson stated this year's total budget is \$135,185,200 as approved by the committee. He stated the City's tax rate is \$2.2665 per \$1,000 of taxable assessed value. In addition he requested \$3,096,850 be levied for bonded debt. Director Hudson stated city staff take pride in providing quality services to the community in a fiscally prudent manner. Director Hudson stated since the committee approved the budget in May staff is proposing a few amendments. He stated amendments include a \$10,000 carryover in the administration department for legal fees related to bargaining, \$7,650 in

the Police Department for ammunition and a radio system amplifier, and \$2,800 to be carried over to complete the Library Makerspace. Director Hudson stated with these amendments the proposed FY 21-22 budget is \$135,205,650.

PUBLIC COMMENT

None.

Motion to adopt Resolution No. 5559-21 adopting the City of Tualatin budget for the fiscal year commencing July 1, 2021, making appropriations, levying ad-valorem taxes, and categorizing the levies made by Councilor Pratt, Seconded by Council President Grimes.

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

MOTION PASSED

General Business

1. Consideration of Recommendations from the Council Committee on Advisory Appointments

Mayor Bubenik read the names for consideration of re-appointment.

Councilor Pratt stated all the volunteers were very impressive in their interviews.

Motion to approve the recommendation made by Council President Grimes, Seconded by Councilor Reyes.

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

MOTION PASSED

2. Consideration of **Resolution No. 5561-21** Establishing a Policy to Provide Workers Compensation Coverage to Future Members of the Council, as Volunteers of the City

Councilor Cyndy Hillier, Councilor Valerie Pratt, and Councilor Christen Sacco declared an actual conflict of interest as it would provide a workers compensation benefit and they will refrain from voting and discussion.

Councilor Maria Reyes, Councilor Bridget Brooks, Council President Nancy Grimes, and Mayor Frank Bubenik declared a potential conflict of interest as it would qualify them to be eligible in the future.

City Attorney Sean Brady stated this resolution establishes a policy that on January 1, 2023 Councilors at that time will be eligible to be covered by the city's worker compensation plan. He stated this will reduce the city's risk and provides protections to the city.

Council President Grimes asked if this will affect insurance rates. Attorney Brady stated it is not likely to impact the rates, but they will not know for sure until that time. Human Resource Director Stacy Ruthrauff stated this is a coverage issue and not a monetary issue.

Councilor Brooks asked for clarification on while there will be a gap in coverage. Attorney Brady stated an opinion was issued from the Oregon Government Ethics Commission that Councilors cannot vote to give themselves a benefit. He stated this policy will allow Council to handle providing coverage per the Ethics Commission recommendation moving forward.

Motion to adopt Resolution No. 5561-21 establishing a policy to provide workers compensation coverage to future members of the Council, as volunteers of the City made by Council President Grimes, Seconded by Councilor Brooks.

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

Voting Abstaining: Councilor Pratt, Councilor Hillier, Councilor Sacco

MOTION PASSED

Council Communications

Councilor Pratt spoke to fireworks and the high fire dangers this year due to the extreme temperatures. She would like to see fireworks banned in the city via an emergency resolution.

Councilor Brooks expressed concerns with water shortages and the ability to fight fires in the area. She is concerned with unintentional fire starting from fireworks.

Councilor Sacco expressed the same concerns and asked what the next steps would be.

Mayor Bubenik stated the City could ban the use of fireworks but not the sale of fireworks. He stated Council could direct Attorney Brady to draft a resolution to that affect that can be passed by Council tonight. He stated if the resolution is passed unanimously it would go into effect immediately.

Chief Steele stated that if this is the route Council goes they will kick-off an educational campaign right away.

Councilor Reyes asked if this ban would be permanent or just for this year. Mayor Bubenik stated it would be just for this year.

Council President Grimes expressed concern with the short time frame before the holiday. She stated she is concerned about those who have already purchased fireworks legally not getting the message and then their being repercussions. Mayor Bubenik stated the Police Department has always leaned towards warnings and education before citation.

Councilor Pratt doesn't want there to be an outrageous fine just the reduction of use.

Council President Grimes asked about the vendors who are already selling fireworks if the city is in jeopardy by banning them. Attorney Brady because the ban would be on the use and not on the sale. He stated it is within the city's right as the dangers that are presented due to the heat. Attorney Brady stated it may hurt sales but it is not something a vendor can come after the city for since it is a reasonable action and being done under an emergency.

Councilor Brooks stated her intention with this is to be a leader by saying this is a dangerous time to light off fireworks and would like to see people refrain from it.

Councilor Reyes spoke in agreement to ban fireworks this year.

Councilor Sacco asked what the timeframe is for the ban. Mayor Bubenik stated Bend put theirs in place until July 9.

Councilor Hillier stated she would like this to be in partnership with the parks department and expand the messaging so everyone is pulling together through this fire season.

City Attorney Brady shared a draft resolution for consideration.

Council consensus was reached to propose a resolution going in effect until July 9, 2021.

Mayor Bubenik asked if the Council could give the officers discretion on the fine amount. City Attorney Brady stated the Council could set the fine. He noted the officers can only fine or not fine.

Councilor Brooks spoke in favor of the ban. She requested adding the words “may be” in front of “fined.”

Council President Grimes expressed concerns with the fine and penalizing people who may not get the message due to the short time frame. She would like to see something in place that doesn’t have a fine.

Councilor Pratt stated if there is not a fine there is nothing to stop them from doing it.

Chief Steele stated it is helpful to have the ban in place as it gives Officer’s the pull they need to issue citations if need be. He stated it has always been the department’s stance to educate the community first. Chief Steele stated this ban will help the community to understand the severity of the hazards this year.

Councilor Reyes stated the city will need to communicate quickly so those that have already purchased fireworks are aware of the council’s actions. She stated it will need to be communicated in Spanish as well.

Councilor Hillier stated the city has great community partners they can work with to help communicate the message.

Councilor Brooks stated this is about protecting people and property from hazardous conditions.

Councilor Reyes expressed concerns with the amount of the fine. She wants to make sure families are not financially burdened by it.

Motion made to adopt Resolution No 5562-21 declaring a state of emergency related to extreme heat and the dangers of fireworks; and prohibiting the use of fireworks within the City of Tualatin by Councilor Brooks, Seconded by Councilor Pratt.

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

MOTION PASSED

Adjournment

Mayor Bubenik adjourned the meeting at 8:34 p.m.

Sherilyn Lombos, City Manager

_____ / Nicole Morris, Recording Secretary

_____ / Frank Bubenik, Mayor