



OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR FEBRUARY 26, 2024

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

Absent: Councilor Cyndy Hillier

Call to Order

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

Pledge of Allegiance

Public Comment

Ken Allen spoke to strategies for implementing principles for sustainable development in the Basalt Creek Area. He submitted information for the record.

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 Sacco, Councilor Gonzalez

MOTION PASSED

1. Consideration of Approval of the Work Session and Regular Meeting Minutes of February 12, 2024
2. Consideration of Approval of Liquor License Renewals for 2024
3. Consideration of **Resolution No. 5753-24** Increasing the Tualatin River Greenway Trail Extension Project Change Order Authorization Amount
4. Consideration of **Resolution Nos. 5754-24, 5755-24, 5756-24, and 5757-24** Accepting Grant Funds for Traffic Safety Enforcement through Oregon Impact
5. Consideration of **Resolution No. 5758-24** Exempting Specific Affordable Housing Developments From Property Taxes
6. Consideration of **Resolution No. 5759-24** Awarding a Design-Build Contract for Replacement of the Juanita Pohl Center Siding

Special Reports

1. Outside Agency Grant Awardee- Neighbors Nourishing Communities

Outside Agency Grant Awardee Neighbors Nourishing Communities Member Chad Darby presented an update on their organization. He stated they are a gardening organization that's mission is provide fresh, nutritious, locally-grown produce to residents in our community, particularly those that lack access due to their economic circumstances. Member Darby stated they provide plants, seeds, and instructions to home gardeners who then in turn provide 20% or more of their crops to the program. He stated they incentivize participation to make it sustainable and every partner in the program contributes what they can as appropriate. Member Darby stated since 2014 they have donated over 30,000lbs of fresh organic produce.

Member Darby asked the City to partner with their organization on planting a community orchard in any available green space.

Mayor Bubenik thanked Mr. Darby for all his time and energy that he has put into the organization.

Councilor Brooks asked how someone who is interested in a garden can participate. Member Darby stated they can pre-register with a simple application on their website.

2. Presentation of the Tualatin Planning Commission Annual Report for 2023

Assistant Community Development Director Steve Koper and Planning Commission Chair Bill Beers presented the Tualatin Planning Commission (TPC) Annual Report. Director Koper outlined the TPC's role in citizen involvement, advisory functions on land use matters, and quasi-judicial hearings. He highlighted recommendations made by the TPC this year, including the Basalt Creek Employment Zoning District, the Norwood rezone, and the Water Master Plan update. Director Koper stated staff briefed the commission on various topics such as the Climate Friendly and Equitable Communities rules, the Tualatin's Equitable Funding Action Plan, the Metro Regional Transportation Plan, the Climate Action Plan, and informational updates to the Tualatin Housing Needs Analysis.

Councilor Brooks expressed gratitude to the committee for their efforts and inquired about the most compelling topic from the past year. Chair Beers cited the development of the Basalt Creek Area as particularly satisfying.

Council President Pratt appreciated the committee's commitment to considering all perspectives on the issues they tackle.

Mayor Bubenik thanked the committee for their valuable insights across various topics.

General Business

1. Recycling Modernization Act - Informational Overview

Management Analyst Lindsay Marshall and Republic Services Staff Travis Comfort provided an update on Senate Bill 582, known as the Plastic Pollution and Recycling Modernization Act (RMA). Analyst Marshall explained that this legislation will be implemented gradually over the next several years, with no immediate impact on Tualatin. Mr. Comfort elaborated on recycling in Oregon, highlighting its inception in 1983 and the establishment of recycling standards in 1991. He outlined the key provisions of the RMA, including the creation of a statewide collection list, extension of producer responsibility, and development of uniform outreach and education materials.

Mr. Comfort discussed the Producer Responsibility Organizations (PROs), which are mandated for identified companies to join and pay fees to administer the statewide program for covered products. He also introduced the new uniform statewide collection list, emphasizing the importance of ensuring that all materials are clean, empty, and dry to prevent contamination.

Mr. Comfort detailed the Contamination Management Fee, which PROs pay to compensate facilities for the costs of removing and disposing of contaminated covered products, estimated at \$374 per ton for the 2025 and 2026 program years. He also mentioned the Processor Commodity Risk Fee, paid by PROs to processing facilities to share in the costs of fully processing recyclables, estimated at \$201 per ton for the same period.

Mr. Comfort highlighted plans to increase public access to depots and the requirement for them to accept all items. He noted PROs will be assisting in funding depot expansions. Additionally, he discussed the mandatory education and outreach efforts by PROs, including the standardization of outreach materials.

Councilor Gonzalez inquired about why paper shreds are not recyclable. Mr. Comfort explained that while paper shreds can be dropped off at a depot, they pose a challenge when placed in recycling trucks due to the likelihood of the materials flying out.

Councilor Brooks inquired about the locations for the depot expansions. Mr. Comfort clarified that the specific locations have not yet been determined but will be decided in the near future.

Council President Pratt raised a question about the acquisition of land for the depots. Mr. Comfort mentioned that the PROs will cover the costs for securing the sites.

Mayor Bubenik sought clarification on the high cost of the fees. Mr. Comfort indicated that the estimates for the fees are provided by the Department of Environmental Quality (DEQ).

Councilor Gonzalez asked if this initiative will generate revenue. Mr. Comfort clarified that while there will be fees involved, the overall costs will remain the same.

Mayor Bubenik asked about the timeline for the rollout of the program. Mr. Comfort stated that the planned rollout date is July 1, 2025.

Mayor Bubenik inquired about the compliance status of surrounding cities and how it would impact Tualatin if they choose to not comply. Mr. Comfort explained that the PROs are tasked with covering the costs associated with establishing the depots. He noted that surrounding cities to Tualatin have opted in and are making preparations to implement the new depots.

Council President Pratt stated she is concerned about compliance.

2. Update on the Planning Division's development short-term code update bundle.

Assistant Community Development Director Steve Koper and Senior Planner Erin Engman presented a bundle of code updates. Planner Engman outlined the project's purpose, which includes expanding the hours of operation for retail sales of cannabis facilities and medical dispensaries, adding commercial recreation as a limited use in the General Commercial (CG) zone, and including Durable Good sales in the Central Commercial (CC) and Mixed Use Commercial (MUC) zones. She explained that various requests to amend the code were received last year from property and business owners, and based on the direction given during

the January 22nd Council work session, staff proceeded with implementing the bundle of projects.

Planner Engman provided an overview of draft amendments to code chapters, including updates to use categories, the Central Commercial Zone, General Commercial Zone, Mixed Use Commercial Zone, and Cannabis Facilities. She outlined the next steps in the process, which include drafting findings, a public comment period, Planning Commission recommendations, and a Council hearing scheduled for April. Planner Engman stated staff is seeking confirmation on the directed changes.

Councilor Brooks asked about screening and sound buffer requirements for a pickleball facility. Planner Engman explained that fence screening and quiet hours are being recommended to curtail potential nuisances.

Councilor Brooks asked about regulations for green houses, particularly in relation to the failed attempt for a community garden and the school. Planner Engman speculated it could have been related to accessibility issues.

Councilor Brooks asked for the difference between the development code and building code. Planner Engman stated the development code looks at site development related to land use and the building code looks at building development related to fire life safety.

Councilor Brooks stated she is favor of moving the code updates forward.

Councilor Gonzalez stated he is favor of the updates, especially related to the allowing of pickleball courts.

Councilor consensus was reached to move the code updates forward.

3. Stafford Area Update

City Manager Sherilyn Lombos provided an update on the Stafford Area, an approximately 4,500-acre region located in the northwest unincorporated area of Clackamas County. She stated Tualatin's involvement in discussions concerning this area are due to its proximity the city boundary. Manager Lombos stated in 2012, the Stafford Area was designated as an urban reserves area by Metro and affirmed by the State. She stated the surrounding cities appealed this decision due to concerns about the area's ability to meet transportation requirements. As a result, the decision was sent to LCDS, which remanded it back to the counties.

Manager Lombos stated following the LCDC decision a five-party facilitated dialogue involving Metro, Clackamas County, Tualatin, Lake Oswego, and West Linn was initiated. In 2017, the cities signed a five-party agreement, which stipulated that the cities would control the timing of planning and urbanization. This agreement also outlined requirements for concept and public facilities planning and is effective until 2060. Subsequently, in 2019, the three cities entered into an agreement implementing the five-party agreement, which requires coordination of concept planning, identification of "areas of interest" for each city, and a method of dispute resolution.

Manager Lombos stated transportation is the primary concern, particularly regarding the widening of I-205. Planning for the area has been divided into sections north and south of the Tualatin River. Development south of the river is contingent upon the completion of the I-205 project, including preliminary design approval, funding identification, and construction scheduled

within two years. For areas north of the river, development cannot proceed until December 2028, subject to meeting I-205 conditions.

Manager Lombos noted ongoing litigation filed by David Marks in 2020, challenging the validity of the three-party IGA which has been appealed several times and is now back with LCDS for a decision this year. Regardless, concerns persist around the cost of public infrastructure, existing traffic issues, transportation infrastructure needed for growth, and the unfunded status of the I-205 project. Manager Lombos stated that despite questions about the necessity of expansion to meet Tualatin's housing needs, the existing land will accommodate future needs.

Manager Lombos stated potential next steps could include discussions with other cities and the county to review current status, short and long-term plans, ongoing legislative sessions, and boundaries or areas of interest.

Councilor Brooks emphasized the importance of understanding the implications of the Stafford Area and questioned the origin of the current discussion. However, she expressed a lack of interest in engaging in the conversation at this time.

Council President Pratt raised concerns about the timing of the discussion, particularly considering the pending legal decision and transportation challenges in the area.

Councilor Gonzalez suggested that the resurgence of the discussion is linked to ongoing talks about I-205 tolling, which could influence decision-making.

Councilor Sacco echoed the sentiment of waiting for the conclusion of the current litigation before delving into further discussions.

Mayor Bubenik noted the extended period since the three cities last engaged in discussions and emphasized the need for all parties to come together to reassess the situation.

Councilor Reyes expressed support for collaborative communication among the cities to check in on the issue.

Councilor Pratt advocated for waiting for the outcome of the Marks case before proceeding with discussions.

Councilor Brooks expressed reluctance to lead the discussion at this time and suggested utilizing city staff resources for other purposes, indicating that the current timing may not be appropriate.

PUBLIC COMMENT

Ken Allen stated this area is an opportunity for the city to take a leadership role and help shape what the area will look like.

Rick Cook stated there is a community vision plan for the Stafford-Hamlet Area that needs to be considered and embraced when making decisions for the area.

COUNCIL DISCUSSION

Council President Pratt expressed reluctance to allocate funds for further studies that might become obsolete given the dependency on I-205 funding.

Councilor Reyes inquired about the potential need for additional staff to facilitate discussions.

Councilor Gonzalez expressed openness to a check-in with the other cities.

Councilor Sacco advocated for waiting until the litigation concludes before engaging in further discussions.

Both Councilor Brooks and Council President Pratt reiterated their disinterest in having discussions at the present time.

The Council's decision on whether to proceed with another discussion was divided.

City Attorney Kevin McConnell provided insight into the status of the litigation, suggesting that it could extend beyond the current year.

Councilor Reyes suggested that the City Manager and Mayor could communicate with the other cities to gauge their readiness and envision future steps.

Councilor Brooks suggested that if the other cities express interest, they could initiate a meeting, but she believes that currently, there isn't a strong appetite for discussion.

The discussion was tabled until after the legislative session.

Council Communications

Councilor Brooks spoke to concerns presented to her regarding expenses for a traffic circle being put in the stafford area and how much that would cost the city. She stated she would share the information she has with the Council regarding the discussion.

Councilor Sacco stated the second annual Pride Stride has been set for June 22.

Adjournment

Mayor Bubenik adjourned the meeting at 9:00 p.m.

Sherilyn Lombos, City Manager

_____ / Nicole Morris, Recording Secretary

_____ / Frank Bubenik, Mayor