



**OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR JUNE 10, 2019**

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Present: Mayor Frank Bubenik; Councilor Nancy Grimes; Councilor Paul Morrison; Councilor Robert Kellogg; Councilor Maria Reyes; Councilor Bridget Brooks

Staff City Manager Sherilyn Lombos; City Attorney Sean Brady; Police Chief Bill Steele;

Present: Assistant City Manager/Finance Director Don Hudson; Planning Manager Aquilla Hurd-Ravich; Deputy City Recorder Nicole Morris; Teen Program Specialist Julie Ludemann; Assistant to the City Manager Tanya Williams; Library Manager Jerianne Thompson; Parks and Recreation Manager Rich Mueller; IS Director Bates Russell; Parks and Recreation Director Ross Hoover; Planning Manager Steve Koper

**A. CALL TO ORDER**

Pledge of Allegiance

Mayor Bubenik called the meeting to order at 7:01 p.m.

**B. ANNOUNCEMENTS**

**1. Science & Technology Scholarship Winners**

Council President Reyes introduced and presented certificates to the winners Eric Watt and Valentina Single.

**2. Proclamation Honoring Tualatin High School Boys Track and Field Championship**

Councilor Morrison read the proclamation honoring the Tualatin High School Boys Track and Field Championship. The Tualatin High School Boys Track and Field Team accepted the proclamation.

**3. Update on the Tualatin Youth Advisory Council's activities for June 2019**

Members of the Youth Advisory Committee (YAC) presents a PowerPoint on their latest activities and upcoming events. Project FRIENDS was held on May 17 and 350 fifth grade students participated this year. Blender Dash was held on June 1 at Tualatin Community Park. Over 900 kids between the ages of 6-15 participated. The committee will be hosting Movies on the Commons this summer and will be selling concessions as a fundraiser for members to attend the NLC Conference.

**4. Ibach Ribbon Cutting**

Parks Development Manager Rich Mueller announced the ribbon cutting for the opening of the Ibach Park playground and the Ibach Street crosswalk to be held on June 22 at 11a.m.

**C. PUBLIC COMMENT**

*This section of the agenda allows anyone to address the Council regarding any issue not on the agenda, or to request to have an item removed from the consent agenda. The duration for each individual speaking is limited to 3 minutes. Matters requiring further investigation or detailed answers will be referred to City staff for follow-up and report at a future meeting.*

Chamber of Commerce Director Linda Moholt stated it is incredibly important to Tualatin's workforce that the light rail line makes it all the way to Bridgeport Village.

**D. CONSENT AGENDA**

*The Consent Agenda will be enacted with one vote. The Mayor will ask Councilors if there is anyone who wishes to remove any item from the Consent Agenda for discussion and consideration. If you wish to request an item to be removed from the consent agenda you should do so during the Citizen Comment section of the agenda. The matters removed from the Consent Agenda will be considered individually at the end of this Agenda under, Items Removed from the Consent Agenda. The entire Consent Agenda, with the exception of items removed from the Consent Agenda to be discussed, is then voted upon by roll call under one motion.*

MOTION by Councilor Nancy Grimes, SECONDED by Councilor Robert Kellogg to adopt the consent agenda.

Aye: Mayor Frank Bubenik, Councilor Nancy Grimes, Councilor Bridget Brooks, Councilor Maria Reyes, Councilor Paul Morrison, Councilor Robert Kellogg

MOTION CARRIED

1. Consideration of Approval of the Minutes for the Work Session and Regular Meeting of May 13, 2019
2. Consideration of **Resolution No. 5441-19** Certifying City of Tualatin Municipal Services
3. Consideration of **Resolution No. 5442-19** Amending Water, Sewer, Surface Water Management, and Road Utility Fee Rates Inside the City of Tualatin and Rescinding Resolutions 5374-18, 5400-18 and 5371-18
4. Consideration of **Resolution No. 5448-19** Endorsing the Annexation into Clean Water Services Service District and any other Special District Necessary for the Provision of Urban Services to the Property Annexed to the City through Ordinance No. 1417-19

**E. SPECIAL REPORTS**

1. Update on Summer Programs and Activities Offered by the City of Tualatin and Partners

Recreation Manager Julie Ludeman and Public Services Supervisor Sarah Jesudason presented the City of Tualatin 2019 Summer Programs. Programs include: the Summer Reading Program, Youth Summer Camps, Concerts and Movies on the Commons, Teen Volunteer Programs, National Night Out, and the Gang Resistance Education and Training (GREAT) Summer Program. Manager Ludemann stated there will also be many ongoing activities at the Juanita Pohl Center. Manager Ludeman thanked all the summer recreation partners including the Tualatin Crawfish Festival, Tualatin Heritage Center, Browns Ferry Park rentals, Willowbrook Arts Camp, Tigard-Tualatin Summer Lunch program, the YMCA, Skyhawks, and the Code to the Future Camps.

Councilor Morrison asked about extended hours at the Tualatin Library for weather advisories. Supervisor Jesusdason spoke to the Library serving as a cooling shelter.

**F. PUBLIC HEARINGS – Legislative or Other**

1. Consideration of **Resolution No. 5443-19** Declaring the City's Election to Receive State Revenue Sharing Funds During Fiscal Year 2019-20

Finance Director Hudson stated the intent for the public hearing is to receive state shared revenues. He gave a brief report on the state shared revenues the City receives. He noted the City is estimated to receive \$380,040 in the FY 19/20 budget. The revenue is not restricted and is used for general city operations. Cigarette, gas, marijuana, and remaining liquor taxes are not covered in the public hearing.

**PUBLIC COMMENT**

None.

**MOTION** by Councilor Robert Kellogg, **SECONDED** by Councilor Nancy Grimes Resolution No. 5443-19 declaring the city's election to receive state revenue sharing funds during fiscal year 2019-20.

Aye: Mayor Frank Bubenik, Councilor Nancy Grimes, Councilor Bridget Brooks, Councilor Maria Reyes, Councilor Paul Morrison, Councilor Robert Kellogg

**MOTION CARRIED**

**G. PUBLIC HEARINGS – Quasi-Judicial**

1. Consideration of **Ordinance No. 1421-19** Annexing Territory Located at 10325 SW Jurgens Lane and 10511 SW Hazelbrook Road into the City of Tualatin and Withdrawing the Territory from the Washington County Enhanced Sheriff Patrol District and the County Urban Road Maintenance District (Tax Map: 2S114BC Lots: 1900, 1901 and Tax Lot: 2S115DA00100) (File No. ANN-19-0001)

Mayor Bubenik opened the hearing for consideration of annexing territory at 10325 SW Jurgens Lane into the City of Tualatin. He read the rules of the hearing in accordance with ORS 197.763(5) and (6) and ORS 197.796(3)(b).

Planning Manager Steve Koper and Assistant Planner Tabitha Boschetti presented the Jurgens Parkland annexation. Planner Boschetti stated the application is to annex three tax lots owned by the city that were purchased for park land. She noted the area is designate Low-Density Residential (RL) and is inside the Urban Growth Boundary. Planner Boschetti stated the proposed annexation complies with applicable Oregon Revised Statues, Metro Code, and the Tualatin Development Code.

#### COUNCIL QUESTIONS

None.

#### PUBLIC COMMENT

None.

#### COUNCIL DISCUSSION

Councilor Morrison stated there has been conversations to use part of the area as a potential dog run.

MOTION by Councilor Robert Kellogg, SECONDED by Councilor Nancy Grimes for first reading by title only.

Aye: Mayor Frank Bubenik, Councilor Nancy Grimes, Councilor Bridget Brooks, Councilor Maria Reyes, Councilor Paul Morrison, Councilor Robert Kellogg

MOTION CARRIED

MOTION by Councilor Robert Kellogg, SECONDED by Councilor Nancy Grimes for second reading by title only.

Aye: Mayor Frank Bubenik, Councilor Nancy Grimes, Councilor Bridget Brooks, Councilor Maria Reyes, Councilor Paul Morrison, Councilor Robert Kellogg

MOTION CARRIED

MOTION by Councilor Robert Kellogg, SECONDED by Councilor Nancy Grimes to adopt Ordinance No. 1421-19 annexing territory located at 10325 SW Jurgens Lane and 10511 SW Hazelbrook Road into the City of Tualatin and withdrawing the territory from the Washington County Enhanced Sheriff Patrol District and the County Urban Road Maintenance District (Tax Map: 2S114BC Lots: 1900, 1901 and Tax Lot: 2S115DA00100) (File No. ANN-19-0001).

Aye: Mayor Frank Bubenik, Councilor Nancy Grimes, Councilor Bridget Brooks, Councilor Maria Reyes, Councilor Paul Morrison, Councilor Robert Kellogg

MOTION CARRIED

2. Consideration of the Tualatin Service Center Plan Text Amendment (PTA 19-0002) and Plan Map Amendment (PMA 19-0002)

Mayor Bubenik opened the hearing for consideration of Tualatin Service Center Plan Text Amendment (PTA 19-0002) and Plan Map Amendment (PMA 19-0002). He read the rules of the hearing in accordance with ORS 197.763(5) and (6) and ORS 197.796(3)(b).

Planning Manager Steve Koper requested the Council continue the hearing to the meeting of July 8, 2019.

Councilor Morrison asked why staff is requesting the continuance. Manager Koper stated staff is working on refining the ordinance and needs additional time for review.

MOTION by Councilor Nancy Grimes, SECONDED by Councilor Bridget Brooks to continue the hearing until July 8, 2019.

Aye: Mayor Frank Bubenik, Councilor Nancy Grimes, Councilor Bridget Brooks, Councilor Maria Reyes, Councilor Paul Morrison, Councilor Robert Kellogg

MOTION CARRIED

#### H. GENERAL BUSINESS

*If you wish to speak on a general business item please fill out a Speaker Request Form and you will be called forward during the appropriate item. The duration for each individual speaking is limited to 3 minutes. Matters requiring further investigation or detailed answers will be referred to City staff for follow-up and report at a future meeting.*

1. Consideration of **Ordinance No. 1423-19** Establishing an Annual Core Area Parking District (CAPD) Tax Rate of \$170.88 for Fiscal Year 2019-20

Maintenance Services Manager Clay Reynolds stated the Core Area Parking District Board and staff are recommending the tax rate remain the same at \$170.88 for the upcoming Fiscal Year 2019/20.

Councilor Kellogg stated the CAPD is well ran and has a great ADA plan in place.

#### PUBLIC COMMENT

None.

MOTION by Councilor Robert Kellogg, SECONDED by Councilor Nancy Grimes for first reading by title only.

Aye: Mayor Frank Bubenik, Councilor Nancy Grimes, Councilor Bridget Brooks, Councilor Maria Reyes, Councilor Paul Morrison, Councilor Robert Kellogg

MOTION CARRIED

MOTION by Councilor Robert Kellogg, SECONDED by Councilor Nancy Grimes for second reading by title only.

Aye: Mayor Frank Bubenik, Councilor Nancy Grimes, Councilor Bridget Brooks, Councilor Maria Reyes, Councilor Paul Morrison, Councilor Robert Kellogg

## MOTION CARRIED

MOTION by Councilor Robert Kellogg, SECONDED by Councilor Nancy Grimes to adopt Ordinance No. 1423-19 establishing an Annual Core Area Parking District (CAPD) tax rate of \$170.88 for fiscal year 2019-20.

Aye: Mayor Frank Bubenik, Councilor Nancy Grimes, Councilor Bridget Brooks, Councilor Maria Reyes, Councilor Paul Morrison, Councilor Robert Kellogg

MOTION CARRIED

## 2. Consideration of **Resolution No. 5449-19, or 5450-19, or 5451-19** Establishing the Parks System Development Charges for the City Of Tualatin

Parks and Recreation Director Ross Hoover and Parks Development Manager Rich Mueller presented on Parks System Development Charges (SDC). Director Hoover addressed why you put SDC in place. He stated they are revenue to fund public parks and recreation facilities, ensure growth pays a portion of costs, and facilities keep up with the demands caused by growth. Director Hoover explained a SDC is a onetime charge for new development only and funds the capital cost of facilities. He noted the fee is assessed upon a development application and issued with the building permit. Director Hoover state ORS Chapter 223 allows the city to charge a proportionate share for transportation, water, sewer, stormwater, and parks growth but not deficiencies that are proportionate to the impact. Uses are restricted for capital projects to support new or increased use. Manager Mueller recapped the extensive community outreach and engagement conducted during this process.

Director Hoover presented rates as discussed at the last meeting. He shared maximum allowable rates at 30%, 40%, and 50% levels in comparison to surrounding cities for office buildings, retail buildings, warehouses, single-family housing, and multi-family housing. Project revenue totals for 50% of the maximum allowable for residential and 30%, 40%, and 50% of the maximum allowable for nonresidential rates was shared. Director Hoover stated SDC revenue would be the primary funding source for 53 projects that are outlined in the master plan.

Director Hoover stated the SDC fee provides many benefits to the business community as outlined in goal six that helps promote Tualatin's unique identity, economic vitality, and tourism through parks, natural resources, historic preservation, events, programs, and placemaking. He highlighted projects in the master plan that could be funded including Basalt Creek Park, new greenways and multi-use paths, and a central sports park.

## COUNCIL QUESTIONS

Councilor Morrison stated the City is already successfully managing parks without having to fund them by using SDCs. He stated he wants to keep housing affordable in Tualatin so the 40% of the maximum allowable rate would allow that to continue to happen. Councilor Morrison stated if he were to ever be in favor of a nonresidential SDC rate he would need to see a project list that would show the value to do that.

Councilor Kellogg clarified 50% of the residential rate as proposed is 4% less than

the current multifamily rate.

#### PUBLIC COMMENT

Valerie Pratt stated the current funding for parks is needed to continue to maintain the parks system. She stated the SDC would help to develop new spaces.

Brett Hamilton advocated for funding for arts in the city. He stated SDCs are one mechanism to fund new art programs. He encouraged the Council to adopt both rates at 50% of the maximum allowable.

Susan Novack spoke in opposition of not setting an SDC rate. She stated she feels the city is operating efficiently as it stands. Ms. Novack added if the Council must set a rate to start small at 30%.

Ezra Hammer, Home Builders Association, stated they ideologically understand the need for SDCs. He stated they would like to see a phased approach with a more robust vesting of the rates. In addition, they would like to see the fee collected later in the process.

Chamber of Commerce Director Linda Moholt submitted a letter for the record. She stated she wants to keep Tualatin competitive with rates and would like the Council to look at the entire region and not just neighboring cities.

Kevin Johnson reminded the Council of the vision for the downtown core. He encouraged the Council to continue to dream big and follow through with the vision.

Kate Johnson noted 15 businesses in the community signed onto the Chamber of Commerce letter.

#### COUNCIL DISCUSSION

Councilor Morrison stated he would like to explore what art programs could be funded using SDC fees.

Councilor Brooks stated at 60% of the maximum allowable rate the city would still be competitive for commercial facilities. She stated the city currently has the lowest rates in comparison to surrounding cities. She would like to see a 50% maximum allowable rate for both residential and nonresidential rates.

Councilor Reyes agreed the City needs to be competitive with its rates. She wants to set a standard and stick to the rate for a long period of time.

Councilor Kellogg stated all businesses benefit from the city having parks so not setting a rate is off the table for him. He suggested a three year phased approach to the rate setting starting at 30%. Councilor Kellogg stated this approach allows for price certainty in the business community. He noted the difference that would be collected over the three years is \$208,000.

Council President Grimes asked when the new fee would go into place. City Manager Lombos stated the new methodology goes into effect on July 1, 2019.

Council President Grimes asked if existing projects would be grandfathered into the

old rates. City Attorney Brady stated it is hard to determine as fees are not collected until projects are connected to the system or at the time building permits are issued.

Council President Grimes stated she wants to incentives growth. She asked if the Council has the ability to adjust fees via rebates. City Manager Lombos stated the appropriate place to have that conversations would be during the Tualatin 2040 project discussions. Those discussions will address housing in Tualatin and how to incentives different uses.

Councilor Brooks wanted to make it clear the rate is a 50% discount from the maximum and not a 50% increase in rates. She stated 50% off the maximum rate is both customary and reasonable.

Councilor Reyes asked if the rate increase would affect projects already underway. City Manager Lombos stated projects would have to pull permits by July 1, 2019 before the new rates would take effect.

Mayor Bubenik asked people to imagine what our parks could look like if we would have collected fees over the last 30 years. He doesn't think the argument that we haven't in the past is a good reason to not. Mayor Bubenik wants to see these fees be used to build parks in commercial areas. He stated amenities like these are attractive to employees. Mayor Bubenik would like to have the discussion on the residential rate on how to incentive housing developments after the housing analysis comes back from the Tualatin 2040 project.

MOTION by Councilor Bridget Brooks, SECONDED by Councilor Maria Reyes to adopt Resolution 5449-19 establishing the Parks System Development Charges (SDC); repealing and replace the existing Park SDC charge schedule.

Aye: Mayor Frank Bubenik, Councilor Bridget Brooks, Councilor Maria Reyes  
Nay: Council President Nancy Grimes, Councilor Paul Morrison, Councilor Robert Kellogg

MOTION FAILED

MOTION by Council President Nancy Grimes, SECONDED by Councilor Robert Kellogg to adopt Resolution 5451-19 establishing the Parks System Development Charges (SDC); repealing and replace the existing Park SDC charge schedule.

MOTION TO AMEND by Councilor Robert Kellogg, SECONDED by Council President Nancy Grimes, to set the Parks SDC nonresidential rate at 30% of the maximum allowable rate in Fiscal Year 2019-2020, 40% of the maximum allowable rate in Fiscal Year 2020-2021, and 50% of the maximum allowable rate in Fiscal Year 2021-2022 and 50% residential rate across all three years.

#### DISCUSSION ON THE MOTION

Councilor Kellogg stated the purpose of his amendment is set fee certainty.

AYE: Council President Grimes, Councilor Robert Kellogg

NAY: Mayor Frank Bubenik, Councilor Bridget Brooks, Councilor Maria Reyes, Councilor Paul Morrison



MOTION FAILED

COUNCIL DISCUSSION

Councilor Morrison is in support of a 40% residential rate and a 0% rate for nonresidential. He would like to see a plan in place before he begins charging businesses a rate.

Mayor Bubenik asked if there was interest in starting the nonresidential rate at 40% this fiscal year and then 50% the following year.

Councilor Brooks stated that would be a compromise. She stated at the 30% rate the City is a complete outlier and that is hard for her to grapple with.

Council President Grimes stated she is open to compromise at a reasonable rate. She is not interested in any scenario with a 0% rate. She is amenable at starting at 40% and going to 50% the next fiscal year.

Councilor Reyes agreed.

MOTION by Council President Nancy Grimes, SECONDED by Councilor Bridget Brooks, to adopt Resolution 5450-19 establishing the Parks System Development Charges (SDC); repealing and replace the existing Park SDC charge schedule.

MOTION TO AMEND (1) by Councilor Bridget Brooks, SECONDED by Council President Nancy Grimes, to raise the nonresidential portion of Resolution 5450-19 to 50% of the maximum allowable rate effective July 1, 2020.

AYE: Councilor Bridget Brooks, Councilor Robert Kellogg, Councilor Maria Reyes, Council President Nancy Grimes, Mayor Frank Bubenik

NAY: Council Paul Morrison

MOTION CARRIED

DISCUSSION ON MOTION

Councilor Kellogg stated he doesn't feel one year is sufficient time for projects that are shovel ready.

MOTION TO AMEND (2) AMMENDMENT (1) by Councilor Kellogg, SECONDED by Councilor Reyes, to set the Parks SDC nonresidential rate at 40% the maximum allowable rate in Fiscal Year 2019-2020 and 2020-2021, and 50% in Fiscal Year 2021-2022.

AYE: Council President Nancy Grimes, Councilor Bridget Brooks, Councilor Maria Reyes, Councilor Robert Kellogg

NAY: Councilor Paul Morrison, Councilor Bridget Brooks, Mayor Frank Bubenik,

MOTION TO AMEND (2) FAILED

**I. COMMUNICATIONS FROM COUNCILORS**

Councilor Brooks will be attending the Ibach Park opening and the Basalt Creek Open House.

Councilor Kellogg reminded everyone of the upcoming Chamber of Commerce Key Leaders Breakfast where they will be discussing PERS.

Councilor Reyes stated she met with Tualatin High School Students to discuss gun violence.

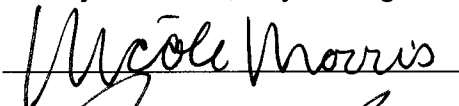
Council President Grimes attended the Tualatin High School graduation ceremony.

Mayor Bubenik encouraged everyone to attend the upcoming Coffee with the Mayor on Saturday, June 15, 7:30 a.m., at New Seasons.

**J. ADJOURNMENT**

Mayor Bubenik adjourned the meeting at 10:01 p.m.

Sherilyn Lombos, City Manager

 / Nicole Morris, Recording Secretary

 / Frank Bubenik, Mayor