



OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL WORK SESSION MEETING FOR FEBRUARY 08, 2021

Present: Mayor Frank Bubenik, Council President Nancy Grimes, Councilor Bridget Brooks, Councilor Maria Reyes, Councilor Valerie Pratt, Councilor Cyndy Hillier, Councilor Christen Sacco

Work Session

Mayor Bubenik called the work session to order at 5:00 p.m.

1. Land Use 101.

Assistant Planning Manager Steve Koper, Planning Assistant Erin Engman, and City Attorney Sean Brady presented an informational briefing on the land use process. Manager Koper presented on topics covering zoning, the Oregon Land Use Act, the Urban Growth Management Function Plan from Metro, the Comprehensive Plan, and the Development Code.

Mayor Bubenik asked how you design a comprehensive plan that allows the development code to remain flexible. Manager Koper stated subarea design or a corridor plan are options to include in the comprehensive plan to help guide areas and keep flexibility.

Planner Engman presented on when land use is required and the process for each type.

Councilor Pratt asked how a private homeowner would know if they needed a permit. Planner Engman stated the process for residential properties is smaller in scope and would most likely fall under general building permits for minor projects.

City Attorney Brady presented information on types of land use hearings including legislative and quasi-judicial, appeals, ex parte contacts, bias, and conflicts of interest.

Council Hillier asked for an example of when the council would not meet a decision within the 120 days. Attorney Brady stated it typically happens when you have to meet with both the Planning Commission and the Council and the timing of the meeting schedules.

Councilor Brooks asked if having index funds is a conflict of interest. Attorney Brady stated his advice on the topic isn't binding but he would think it is not.

Council President Grimes asked about campaign contributions as potential conflicts. Attorney Brady stated there is an exemption for those in state law making them not a conflict.

2. Labor Relations 101.

Human Resource Director Stacy Ruthrauff presented an information briefing on labor relations. Topics covered included collective bargaining, bargaining in good faith, the bargaining process, and the Council's role in bargaining.

Council Reyes asked why a union may reach out to a Councilor. Director Ruthrauff stated to discuss bargaining issues directly.

Council President Grimes asked for clarification about what items should remain in executive session and what can be discussed at a regular meeting. Director Ruthrauff stated all financial implications should be discussed in executive session.

3. Council Meeting Agenda Review, Communications & Roundtable.

Councilor Hillier stated she attended the TTSD State of the District meeting.

Councilor Sacco stated she attended the Regional Water Consortium meeting.

Councilor Pratt stated she attended the C4 meeting. She mentioned the letter that was submitted from Beth Dittman and TPARK regarding acknowledging native lands and people who live here. She asked to have it placed on a Council agenda. Council consensus was reached to discuss at a future work session.

Councilor Brooks spoke to the National League of Cities Real Equity Resolution and requested Council consider adoption at the next Council meeting. Council consensus was reached to modify the resolution and place it on the next meeting agenda.

Councilor Brooks stated she attended the Regional Water Consortium meeting, the Policy Advisory Board meeting, and the Tualatin River Keepers annual meeting.

Council President Grimes shared information regarding scheduling of COVID vaccinations for those who are eligible.

Mayor Bubenik shared information on vaccine distribution from the Governor's Office. He stated he attended the Westside Economic Alliance meeting, the Greater Portland Inc. meeting, the League of Oregon Cities Capital Day virtual event, and the Tualatin Chamber of Commerce Board planning session.

Adjournment

Mayor Bubenik adjourned the meeting at 6:50 p.m.

Sherilyn Lombos, City Manager

Nicole Morris / Nicole Morris, Recording Secretary

Frank Bubenik / Frank Bubenik, Mayor

Signature: 

Email: fbubenik@tualatin.gov

Signature: 

Email: nmorris@tualatin.gov









CC WS Minutes 2-8-21

Final Audit Report

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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.

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

Announcements

1. Employee of the Year

City Manager Lombos announced Information & Maintenance Services Director Bates Russell as Tualatin's 2020 Employee of the Year. The Council congratulated him.

Councilor Pratt read the proclamation declaring Bates Russell as Tualatin's 2020 Employee of the Year.

Public Comment

None.

Consent Agenda

Motion to adopt the consent agenda made by Council President Grimes, Seconded by Councilor Brooks.

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 City Council Work Session and Regular Meeting Minutes of January 25, 2021
2. Consideration of **Resolution No. 5340-21** Authorizing the City Manager to Sign Amendments to Intergovernmental Agreements for Library Services between the City of Tualatin and Washington County

Public Hearings

1. Consideration of **Ordinance No. 1453-21** Related to Plan Text Amendment 21-0001, Adopting an Updated Stormwater Master Plan (2019) for the City of Tualatin and Updating Comprehensive Plan policies and Relevant Development Code References to Reflect the Updated Plan

Mayor Bubenik opened the hearing.

Community Development Director Kim McMillian and Associate Planner Tabitha Boschetti presented Stormwater Master Plan updates. A video on the cities Stormwater Master Plan was shared. Director McMillian stated the last update to the plan was made in 1972. She stated the plan addresses aging infrastructure, capacity issues, erosion of streambanks, water quality facilities, and growth. It was noted the plan does not recommend specific regulations just references the appropriate regulations and standards. Director McMillian stated the plan recommends 21 projects totaling roughly \$12 million over 10 years. She stated the plan doesn't look at future development areas as plans are tailored to specific development projects that pay for the necessary improvements.

Councilor Brooks asked how the new regulations are stricter, how Washington County is taking measurements from the air around water and streams applies to the city, and how impervious surfaces are measured and how they can be implemented in uses such as rain gardens. Director McMillian explained the hydro modification standards are more stringent in detention standards. She stated the County and Clean Water Services are using drones for topography mapping, she noted she is unsure what specific project they may be doing that for. Director McMillian stated the city currently uses rain gardens in low impact developments such as single family lots and larger ponds as they function better in subdivisions. Director McMillian explained the model for measuring impervious surfaces is complex and was developed by Clean Water Services and is ran by staff on a case by case basis.

Councilor Pratt asked for more information regarding the Basalt Creek area and how stormwater will be managed. She specifically asked if the area is looked at as a whole or on a lot by lot basis. Director McMillian stated each subdivision will address its own stormwater issues. She noted one of the developments in the Basalt Creek area is currently looking at the more stringent guidelines and planning accordingly. Councilor Pratt asked when the area will be added to the Master plan. Director McMillian stated incorporation will be driven by the developments timing.

Councilor Sacco asked if this is a living document that changes with standards. Director McMillian stated this type of plan is typically updated every ten years but can be looked at any time.

Assistant Planner Tabitha Boschetti spoke to the public outreach around the plan. She presented information on the Plan Text Amendment (PTA) noting it will update Comprehensive Plan chapter 9, the capital project map in the Comprehensive Plan, and references and clarifying language in the Comprehensive Plan and the Development Code. Planner Boschetti stated the Tualatin Planning Commission has forwarded a recommendation to approve the PTA.

Councilor Brooks asked if the plan includes information about how trees provide filtration and cooling for streams. Director McMillian stated stream health is addressed in the plan and speaks to tree growth. Councilor Brooks would like to see tree preservation included in the plan for all of its positive benefits for stormwater. City Manager Lombos stated tree preservation is addressed in the Urban Forestry Plan and in the Clean Water Services Tree For All plan. Councilor Brooks asked about the coordination of the plans so that tree preservation is maintained. Director McMillian stated Clean Water Services has to approve these types of items when a new development plan is submitted and they look at all of these types of issues at that time.

PUBLIC COMMENT

Grace and John Lucini presented concerns with the lack of a stormwater master plan for the Basalt Creek area. They submitted a letter that is included in the packet with five specific questions and requested a formal response.

Councilor Pratt asked if the Lucini's five specific questions will be addressed. Manager Koper stated the Council could direct staff to respond.

Councilor Brooks asked why Basalt Creek is not part of the plan when they are part of the city. City Manager Lombos stated the plan is from 2019 and the area was annexed in 2020 after the work was complete. Councilor Brooks expressed concerns with not including the Basalt Creek area as the master plans are only updated every 10 years. Director McMillian stated all the regulations are in place which wouldn't preclude new development from following them.

Mayor Bubenik closed the hearing.

Motion for first reading by title only made by Council President Grimes, Seconded by Councilor Pratt.

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

MOTION PASSED

Motion for second reading by title only made by Council President Grimes, Seconded by Councilor Hillier.

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

Motion to adopt Ordinance 1453-21 related to Plan Text Amendment 21-0001, adopting an updated Stormwater Master Plan (2019) for the City of Tualatin and updating Comprehensive Plan policies and relevant Development Code references to reflect the updated plan made by Council President Grimes, Seconded by Councilor Pratt.

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

DISCUSSION

Councilor Brooks asked if language around Basalt Creek can be included in the motion. Councilor Sacco stated an appendix can be added at a later date.

MOTION PASSED

Motion to direct staff to answer the Lucini's questions that were submitted and bring back a proposed addendum approach for the Basalt Creek area made by Councilor Brooks, Seconded by Councilor Sacco.

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

MOTION PASSED

General Business

1. Consideration of **Resolution No. 5341-21** Declaring Certain Private Property Necessary to Acquire in Order to Construct the Martinazzi Avenue And Sagert Street Intersection Improvement Project

Public Works Director Jeff Fuchs presented a resolution to declare certain private property necessary to acquire in order to complete construction on the Martinazzi Ave and Sagert Street intersection. He stated the project improves the worst intersection in Tualatin. Director Fuchs stated construction is slated for this summer. He stated right-of-way will need to be acquired to allow for road widening, bike lanes, sidewalks, and a traffic signal pole. The temporary construction easement will be needed during construction to allow work to occur and minor grading to be done to match existing ground. Director Fuchs spoke to the city process to date including identifying property needs, preparation of an appraisal for the property, negotiating with property owners, and delivery of the final proposal agreement in an attempt to purchase before condemnation. City Attorney Brady spoke to the resolution being of necessity which authorizes the city to continue to negotiate and seek agreement with the property owner. He stated if an agreement cannot be reached it authorizes the city to proceed in acquiring the property through condemnation.

Councilor Pratt asked about the timing of the process. Attorney Brady stated the city would issue the 40 day offer letter and then enter into the condemnation process if an agreement cannot be reached.

Councilor Pratt asked if the homerun rule applies. Attorney Brady stated the homerun rule is the legal basis for this action.

Council President Grimes asked for clarification about the temporary construction easement and the condition in which it is returned. Director Fuchs stated the site would be returned to its similar state when returned.

Motion to adopt Resolution No. 5341-21 declaring certain private property necessary to acquire in order to construct the Martinazzi Avenue and Sagert Street Intersection Improvement Project made by Councilor Sacco, Seconded by Council President Grimes.

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 8:52 p.m.

Sherilyn Lombos, City Manager

Nicole Morris / Nicole Morris, Recording Secretary

Frank Bubenik / Frank Bubenik, Mayor

Signature: 
Email: fbubenik@tualatin.gov

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