



OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL WORK SESSION FOR DECEMBER 9, 2019

Present: Mayor Frank Bubenik, Council President Nancy Grimes (arrived at 5:59 p.m.), Councilor Bridget Brooks, Councilor Robert Kellogg, Councilor Paul Morrison, Councilor Maria Reyes, Councilor Valerie Pratt

Mayor Bubenik called the meeting to order at 5:31 p.m.

1. Street Lighting Conversion.

Public Works Director Jeff Fuchs and Management Analyst Nic Westendorf presented three approaches to the ongoing ownership and management of the City's street lights. In each approach they worked with PGE to determine upfront and lifetime costs using a Net Present Value analysis. This analysis was precipitated by immediate capital improvement needs in the system. Analyst Westendorf stated High Pressure Sodium Vapor (HPSV) lights are no longer supported and need to be upgraded to Light Emitting Diode (LED) lights at a cost of \$1.6 million. He added the City will also need to replace 630 laminated wood poles at a cost of \$1.2 million. These costs combined total \$2.8 million to maintain the City's current infrastructure.

Analyst Westendorf stated there are three options for the Council to consider:

Option A: PGE owns and maintains poles and lights.

Option B: The City owns and maintains everything. This approach most closely aligns with the City's current ownership model.

Hybrid Option: The City owns poles and PGE owns lights.

Analyst Westendorf stated staff recommends converting to Option A or the Hybrid option.

Councilor Pratt asked how much staff time is involved with the Hybrid Option. Director Fuchs said it is hard to guess hours, but staff time would be spent coordinating with PGE rather than in ongoing maintenance.

Councilor Pratt asked whether circumstances would be changed in 20-years assuming the City selects each option. Director Fuchs stated that under Option B, it would be the City's responsibility to determine what to do. Under the Hybrid Option and Option A, PGE would be deciding.

Councilor Brooks asked if staff time went in to the numbers provided. Analyst Westendorf stated staff time was not included in the costs presented.

Councilor Brooks asked if the timeline for replacement of the wood poles in the Hybrid Option and Option A is the same. Director Fuchs responded it is.

Councilor Brooks asked if there is a replacement in the future for current LED technology. Director Fuchs responded PGE is looking at LED lights today. LED technology will likely change and may be more efficient in the future.

Councilor Morrison asked for clarification on the way payments are made by the City and residents. Finance Director Don Hudson stated billing for street lights is on a monthly basis and the City transfers one-seventh of the road utility fund to the road operating fund to pay for street lights which does not fully cover the cost. Residents pay the remaining through gas tax.

Councilor Morrison asked for clarification on reduced monthly costs. Analyst Westendorf stated the reduction is a result of energy savings from LED lights. In addition, Option B assumes the City will retain ownership over the 630 poles over their lifetime (once replaced). In Option A and the Hybrid Option, those poles will be transferred to PGE immediately (Option A) or once they reach their end-of-life (Hybrid Option).

Councilor Morrison asked what the City would plan to do with the \$1.6 million upfront payment from PGE in Option A. Director Hudson responded it would be reserved to offset future costs.

Councilor Morrison asked whether City staffing would be reduced in Option A or the Hybrid Option. Director Fuchs stated staffing would likely not be reduced because of existing workloads.

Councilor Morrison asked how 5G installation may impact the poles. Director Fuchs stated regardless of ownership (PGE or City), 5G would be required to cover the cost of the pole.

Councilor Kellogg asked how the City would finance the increased lifetime cost in Option A or the Hybrid Option. Director Hudson responded we would likely be able to finance the increase with annual fund balance savings. He noted increases to the road utility fund are reliant on population increases. Councilor Kellogg expressed concerns with the City's ability to sustain increased lifetime costs.

Councilor Kellogg asked if the City's Ordinance allows the pole owner or the owner of the right-of-way to collect the attachment fee when small cell comes in. City Attorney Brady responded whoever utilizes that pole has to get a permit from the City and pay an attachment fee, regardless of pole ownership. Councilor Kellogg asked how the lease fee is collected and if the FCC regulated that. Attorney Brady stated the FCC does not regulate private property. Cities are restricted on what they can and cannot do in this area, but the FCC has not done anything with the utility owners themselves.

Councilor Kellogg asked whether the City's agreement with PGE could include language allowing the City to purchase poles back at any time. Analyst Westendorf stated the agreement could include that language. A representative from PGE indicated the buy-back amount is currently unknown. Councilor Kellogg expressed dissatisfaction with the Hybrid Option not including a payment from PGE.

Mayor Bubenik asked how the Hybrid Option would be financed in year one as it has not been budgeted for. Analyst Westendorf stated the City determines when to start the clock. Waiting presents a liability and inconvenience. There would be some cost savings because the City currently budgets \$100,000 annually for pole replacement which would no longer be needed. Director Hudson added staff would assess the priorities in the budget each year and likely rely on contingency in the first year to make up any difference.

Councilor Brooks asked what type of material would the replacement poles be. Analyst Westendorf responded it would be a fiber material.

Mayor Bubenik asked how long it would take PGE to get out for replacement with Option A or the Hybrid Option. Analyst Westendorf stated it would be about 3 years with each option.

Councilor Morrison, Councilor Pratt, Council President Grimes, and Councilor Brooks all spoke in favor of Option A.

Councilor Kellogg spoke in favor of the Hybrid Option as he feels it gives the city time to work through any budget implications. Mayor Bubenik concurred.

Council consensus was reached to proceed with the hybrid option.

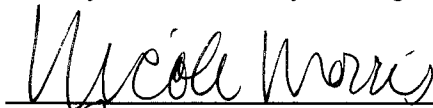
2. Council Meeting Agenda Review, Communications, and Roundtable.

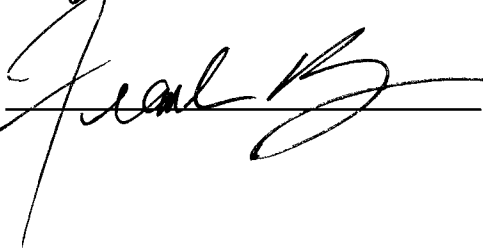
Council Communications were postponed until the Council meeting. Councilor Morrison requested Item 2 be removed from the Consent Agenda.

Adjournment

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

Sherilyn Lombos, City Manager

 / Nicole Morris, Recording Secretary

 / Frank Bubenik, Mayor



OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR DECEMBER 9, 2019

Present: Mayor Frank Bubenik, Council President Nancy Grimes, Councilor Bridget Brooks, Councilor Robert Kellogg, Councilor Paul Morrison, Councilor Valerie Pratt, Councilor Maria Reyes,

Call to Order

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

Pledge of Allegiance

Announcements

1. Tualatin Youth Advisory Council 2019 Year in Review

Members of the Youth Advisory Committee (YAC) presented their year in review and mission statement: The Tualatin Youth Advisory Council works to improve the lives of youth by building relationships, advocating for diverse needs, and providing a link from youth to government. They will work to achieve their mission through advocacy, activities, and education.

2. New Employee Introduction- Hector Aguilar, Police Officer

Police Chief Bill Steele introduced Police Officer Hector Aguilar. The Council welcomed him.

Public Comment

None.

Consent Agenda

Motion to adopt the consent agenda as amended made by Councilor Kellogg, Seconded by Council President Grimes.

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

MOTION PASSED

1. Consideration of the System Development Charge Annual Reports for Fiscal Year 2018-19.
2. Consideration of Approval of a New Liquor License Application for Tualatin Station Bar and Grill

General Business

1. Consideration of **Resolution No. 5479-19** Accepting the Tualatin 2040 Work Including the Policy Priorities, Housing Needs Analysis, Housing Strategy, Economic Opportunities Analysis, and Economic Development Strategy

Community Development Director Aquilla Hurd-Ravich, Planning Manager Steve Koper, and Senior Planner Karen Fox presented the Tualatin 2040 plan. At the November 25 meeting, the Planning Commission recommended the Council accept the Tualatin 2040 work. The Council accepted the recommendation and directed staff to draft a Resolution for their review and approval.

PUBLIC COMMENT

None.

DISCUSSION

Councilor Morrison noted the Clackamas County Coordinating Committee is working on a housing needs assessment, which encompasses a study of 12 cities. He stated only two of those cities have completed their needs assessment thus far.

Motion to adopt Resolution 5479-19 accepting the Tualatin 2040 work including the Policy Priorities, Housing Needs Analysis, Housing Strategy, Economic Opportunities Analysis, and Economic Development Strategy made by Councilor Kellogg, seconded by Council President Grimes.

Roll Call Vote Yea: Mayor Frank Bubenik, Council President Grimes, Councilor Brooks, Councilor Kellogg, Councilor Morrison, Councilor Pratt, Councilor Reyes

MOTION PASSED

2. Consideration of **Ordinance 1429-19** Relating to Building Codes; Amending Tualatin Municipal Code 4-1-010 To Adopt State Building Code Updates; Adding New Provisions; And Declaring An Emergency

Community Development Director Aquilla Hurd-Ravich and Building Official Chris Ragland presented an overview of the ordinance. This ordinance is an amendment to adopt the most recent state building codes into the municipal code, specifically the Oregon structural code, mechanical code, and energy code. This ordinance is considered an emergency as it will become effective on January 1. The State issued a grace period from October 1-January 1 to adopt these changes.

PUBLIC COMMENT

None.

DISCUSSION

Council President Grimes asked if any of the updates are related to seismic retrofitting. Official Ragland stated the State is no longer regulating seismic upgrades and are instead empowering local governments to adopt those locally. He will plan to bring additional updates to the council at an upcoming meeting that will include seismic requirements.

Councilor Brooks asked for clarification on what the code changes included. Official Ragland stated changes would be made to the commercial structural code, commercial mechanical code, and energy code. Councilor Brooks asked what changes are being made to the energy code. Official Ragland stated instead of adopting model code, Oregon adopted a unique zero energy code.

Councilor Morrison asked what would happen if the city did not adopt the ordinance. City Attorney Sean Brady responded the state may choose to take away the authority delegated to the City with respect to enforcing the state building code.

Mayor Bubenik asked if someone is currently working on a project, would that builder be under the old rules and if they took out a new project after January 1, they would be under the new rules. Official Ragland indicated yes.

Mayor Bubenik asked if the building community, such as the Home Buildings Association (HBA), commercial builders and commercial realtors, are aware of these changes. Official Ragland stated many conversations have occurred with the organizations through several state agencies.

Councilor Grimes asked if there is a strategy to help people through the changes. Official Ragland said codes have been online since October. He does not foresee longer plan review times or permit turnaround times. He noted the changes primarily apply to design and enforcement.

Councilor Grimes asked if we could be proactive with the business development community and make more staff available. Director Hurd-Ravich shared the transition should happen naturally as we educate ourselves and our customers.

Motion for first reading by title only of Ordinance 1429-19 relating to building codes; amending Tualatin Municipal Code 4-1-010 to adopt State Building Code updates; adding new provisions; and declaring an emergency made by Councilor Kellogg, Seconded by Council President Grimes. Voting Yea: Mayor Frank Bubenik, Council President Grimes, Councilor Brooks, Councilor Kellogg, Councilor Morrison, Councilor Reyes, Councilor Pratt
MOTION PASSED

Motion for second reading by title only of Ordinance 1429-19 relating to building codes; amending Tualatin Municipal Code 4-1-010 to adopt State Building Code updates; adding new provisions; and declaring an emergency made by Councilor Kellogg, Seconded by Council President Grimes. Voting Yea: Mayor Frank Bubenik, Council President Grimes, Councilor Brooks, Councilor Kellogg, Councilor Morrison, Councilor Reyes, Councilor Pratt
MOTION PASSED

Motion to adopt Ordinance 1429-19 relating to building codes; amending Tualatin Municipal Code 4-1-010 to adopt State Building Code updates; adding new provisions; and declaring an emergency made by Councilor Kellogg, Seconded by Council President Grimes. Voting Yea: Mayor Frank Bubenik, Council President Grimes, Councilor Brooks, Councilor Kellogg, Councilor Morrison, Councilor Pratt, Councilor Reyes
MOTION PASSED

Items Removed from Consent Agenda

1. Consideration of Resolution No. 5478-19 Amending the City of Tualatin Fee Schedule and Rescinding Resolution No. 5471-19

Parks and Recreation Director Ross Hoover and Recreation Manager Julie Ludemann presented. Over the last year, staff has met with all the sports groups in Tualatin about their experience with Tualatin's sports fields including the level of service and reservation system process. Through these conversations, staff learned field users want a higher level of service (i.e., bathroom

cleanliness and field maintenance) and that there is more demand for field space than there is available. The Parks Department wants to be responsive and proactive in these areas. Currently there is no tracking if a group uses a field or not when reserved. The City can better manage field use with a fee as it creates a commitment to use. The additional revenue will also allow the Parks Department to increase the level of service provided. After conversations with sports groups and additional research staff is recommending a flat fee of \$5/hour.

Public Comment

None.

Council Discussion

Council President Grimes asked what the average cost would be for a little league game. Director Hoover answered \$10 to \$15. If there is a rainout, they would not pay. Non-residents and other groups would pay higher rates. He noted youth sport groups would have priority booking.

Councilor Morrison commented because of this proposal the Tualatin Youth Baseball league plans to increase their fee \$50. He added girls' softball also plans to increase fees by \$50-\$75 and Tualatin soccer plans to raise fees by \$12. All expect fewer participants. In his conversations, all acknowledge a need for increased maintenance, but there is confusion about the potential of a levy. Councilor Morrison proposed the council defer action on the sports fees until a decision is made about the operating levy.

Councilor Reyes commented the biggest issues she is aware of is from her work with the Diversity Taskforce and people not knowing how to access the form they need to fill out, cost, and availability of fields. She asked Parks staff to include the Spanish-speaking community in these conversations.

Council President Grimes asked for additional information on how the youth programs calculated their fee increases based on staff's proposed \$5/hour rate. Manager Ludemann stated fields were booked for 1,686 hours with approximately 166 players last year which amounts to \$8,430 based on \$5/hour fees using last year's reservations, which are inflated. The \$5/hour fee is the average of data collected from other communities like Hillsboro, Wilsonville, West Linn, Lake Oswego, Tigard, and Sherwood; the average cost came to \$5.21/hour.

Mayor Bubenik shared he would also like to defer action until the city makes a decision about the levy. He does not want to put a barrier up that we might not have to.

Councilor Pratt ran in to several parents with children in programs. She received positive response about the ability to pay but negative response about the quality of the field.

Councilor Brooks does not want cost to be a barrier but likes the fee-based structures so those who are using the fields are investing in the quality of the fields.

MOTION to adopt Resolution No. 5478-19 Amending the City of Tualatin Fee Schedule and Rescinding Resolution No. 5471-19 made by Councilor Morrison, Seconded by Council President Grimes

Yea: Mayor Bubenik, Council President Grimes, Councilor Kellogg, Councilor Morrison, Councilor Pratt, Councilor Reyes

Voting Nay: Councilor Brooks

MOTION PASSED

Council Communications

Councilor Morrison attended the Transit Town Hall. His sense was that Interstate 205 was well on the way to being funded. He also attended the R1 meeting where ODOT made a presentation on tolling for the future and his impression was they felt they had funding and were planning on starting work in 2022. He stated he attended the C4 meeting on the housing needs assessment.

Councilor Pratt attended Starry Nights and Holiday Lights.

Councilor Brooks attended the Transportation Town Hall and Starry Nights and Holiday Lights.

Councilor Kellogg attended Starry Nights and Holiday Lights. He stated he is looking forward to the SW Corridor meeting on Monday, December 16, at 9:00 a.m. at Tigard City Hall regarding decisions the Steering Committee will be making on the route and preferred terminus. He understands from previous discussions among this group that we are still pushing for an above-grade crossing over Boones Ferry, pedestrian improvements at 72nd, and a larger parking garage.

Councilor Reyes also attended Starry Nights and Holiday Lights.

Mayor Bubenik had lunch with Dr. Su, Superintendent of Tigard-Tualatin School District, where several items were discussed. He also attended the Transportation Town Hall and the Westside Economic Alliance (WEA) meeting, Starry Nights and Holiday Lights, and the AARP Age Friendly Oregon Summit which helps communities become friendlier for all ages.

Adjournment

Mayor Bubenik adjourned the meeting at 8:41 p.m.

Sherilyn Lombos, City Manager

 / Teresa Wegscheid, Recording Secretary

 / Frank Bubenik, Mayor