



TUALATIN CITY COUNCIL MEETING

MONDAY, APRIL 13, 2020

JUANITA POHL CENTER
8513 SW TUALATIN ROAD
TUALATIN, OR 97062

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

Special Announcement Regarding April 13, 2020 City Council Meeting

The Tualatin City Council meeting scheduled for Monday, April 13 will proceed at this time with several modifications:

- The agenda has been shortened; and
- The City Council will participate in the meeting remotely.

To the extent possible, the public is encouraged to watch the meeting live on local cable channel 28, or on the [City's website](#).

For those wishing to provide comment during the meeting, there is one opportunity on the agenda: Public Comment. Written statements may be sent in advance of the meeting to [Deputy City Recorder Nicole Morris](#) up until 4:30 pm on Monday, April 13. These statements will be included in the official meeting record, but not read during the meeting.

For those who would prefer to make verbal comment, there are two ways to do so. As always, public comment is limited to three minutes per person.

1. Zoom Teleconference. You will be muted and your video will be disabled upon entering the call. Further instructions on how to provide comment will be provided during the meeting itself.

Phone: +1 669 900 6833

Meeting ID: 702 420 226

Link: <https://zoom.us/j/702420226>

2. Attend in person at the Juanita Pohl Center. Instead of speaking at the Council Dias, you will be able to address the Council in real-time through a microphone that will be cleaned between each speaker. Social distancing measures will be implemented to maintain distance between those attending in person. City staff will be available on-site to answer any questions.

Questions? Please contact [Assistant to the City Manager Megan George](#).

7:00 P.M. CITY COUNCIL MEETING

Call to Order

Pledge of Allegiance

Announcements

1. Proclamation Declaring the Week of April 19 – April 25, 2020 as Volunteer Appreciation Week in the City of Tualatin

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.

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.

1. Consideration of Approval of the Regular Meeting Minutes of April 13, 2020
2. Consideration of Approval of a New Liquor License Application for Claim Jumper Restaurant
3. Consideration of Approval of a New Liquor License Application for El Juan Colorado
4. Consideration of Approval of a New Liquor License Application for Bridge City Spirits

Special Reports

1. Economic Stabilization Program Report

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. 1433-20** Relating to Public Meetings; and Amending Tualatin Municipal Code Chapter 1-04
2. Consideration of **Resolution No. 5486-20** Amending Rule 2 of the Council Rules
3. Consideration of **Ordinance No. 1434-20** Relating to Mobile Food Units and Amending Tualatin Municipal Code Chapter 9-10 to allow Mobile Food Units to Operate in the General Commercial Zones Abutting 99W

4. Consideration of **Ordinance No. 1435-20** Relating to the Public Works Construction Code; Amending Tualatin Municipal Code Chapter 2-03: and Creating New Provisions
5. Consideration of **Ordinance No. 1436-20** Amending Tualatin Municipal Code, Chapter 1-06 Relating to New Provisions of the Personnel Rules
6. Consideration of **Resolution No. 5489-20** Ratifying the Mayor's Order Declaring a Moratorium on Residential and Commercial Evictions within the City of Tualatin During the COVID- 19 State of Emergency

Items Removed from Consent Agenda

Items removed from the Consent Agenda will be discussed individually at this time. The Mayor may impose a time limit on speakers addressing these issues.

Council Communications

Adjournment

Meeting materials, including agendas, packets, public hearing and public comment guidelines, and Mayor and Councilor bios are available at www.tualatinoregon.gov/council.

Tualatin City Council meets are broadcast live, and recorded, by Tualatin Valley Community Television (TVCTV) Government Access Programming. For more information, contact TVCTV at 503.629.8534 or visit www.tvctv.org/tualatin.

In compliance with the Americans with Disabilities Act, this meeting location is accessible to persons with disabilities. To request accommodations, please contact the City Manager's Office at 503.691.3011 36 hours in advance of the meeting.



City of Tualatin

CITY OF TUALATIN
Staff Report

TO: Honorable Mayor and Members of the City Council
THROUGH: Sherilyn Lombos, City Manager
FROM: Stacy Ruthrauff, Human Resources Director
DATE: April 13, 2020

SUBJECT:
Proclamation Declaring the Week of April 19 – April 25, 2020 as Volunteer Appreciation Week in the City of Tualatin

EXECUTIVE SUMMARY:
in 2019 over 2,400 volunteers contributed approximately 26,000 hours of their time, an equivalent of about 12 full time employees, to the betterment of our community. The City's volunteers give freely of their time, talents, and energy, and ask only for a thank you for their countless hours of service. There is a long standing tradition in the City of Tualatin for individuals, families, and local businesses to volunteer to make a difference in our community and it is fitting to recognize our volunteers for their dedicated service by way of this proclamation.

FINANCIAL IMPLICATIONS:
n/a

ATTACHMENTS:

-Proclamation Declaring the Week of April 19 – April 25, 2020 as Volunteer Appreciation Week in the City of Tualatin

Proclamation

*Declaring the Week of April 19 - April 25, 2020 as
Volunteer Appreciation Week
in the City of Tualatin*

WHEREAS, the entire community can inspire, equip and mobilize people to take action that changes the world; and

WHEREAS, in 2019 over 2,400 volunteers contributed approximately 26,000 hours of their time, an equivalent of about 12 full time employees, to the betterment of our community; and

WHEREAS, volunteers give freely of their time, talents, and energy, and ask only for a thank you for their countless hours of service; and

WHEREAS, it has been a long standing tradition in our community for individuals, families, and local businesses to volunteer to make a difference in our community; and

WHEREAS, it is fitting to recognize our volunteers for their dedicated service;

NOW, THEREFORE, BE IT PROCLAIMED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, Oregon that:

Section 1. The week of April 19 – April 25, 2020, be proclaimed “Volunteer Appreciation Week” in the City of Tualatin.

Section 2. The City of Tualatin takes great pleasure in honoring the volunteers of our community and conveying our sincere gratitude and appreciation for their committed, selfless, and compassionate efforts; our volunteers truly make a World of Difference.

INTRODUCED AND ADOPTED this 13th day of April, 2020.

CITY OF TUALATIN, OREGON

BY _____
Mayor

ATTEST:

BY _____
City Recorder



City of Tualatin

CITY OF TUALATIN
Staff Report

TO: Honorable Mayor and Members of the City Council
THROUGH: Sherilyn Lombos, City Manager
FROM: Nicole Morris, Deputy City Recorder
DATE: April 13, 2020

SUBJECT:
Consideration of Approval of the Regular Meeting Minutes of April 13, 2020

RECOMMENDATION:
Staff respectfully recommends the Council adopt the attached minutes.

ATTACHMENTS:
-City Council Regular Meeting Minutes of April 13, 2020



OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR MARCH 23, 2020

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

7:00 P.M. CITY COUNCIL MEETING

Call to Order

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

Announcements

1. Arbor Week Proclamation

Councilor Pratt read the proclamation declaring the week of April 5-11, 2020 as Arbor Week in the City of Tualatin.

2. Community Development Week Proclamation

Councilor Brooks read the proclamation declaring April 13-17, 2020 as Community Development Week in the City of Tualatin.

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 Kellogg, Councilor Morrison, Councilor Reyes, Councilor Pratt

MOTION PASSED

1. Consideration of Approval of the Regular Meeting Minutes of March 9, 2020
2. Consideration of Approval of Late Liquor License Renewals for 2020
3. Consideration of **Resolution No. 5484-20** Authorizing the City Manager to Execute an Intergovernmental Agreement with Clean Water Services for Construction of the Nyberg Sanitary Sewer Trunk Line Rehabilitation
4. Annual Report of the Tualatin Library Advisory Committee

Public Hearings - *Quasi-Judicial*

1. Consideration of **Ordinance No. 1430-20** An Ordinance Annexing Territory Located at 23620, 23740 SW Boones Ferry Road And 9185, 9335, 9415 SW Greenhill Lane (Tax Map: 2s135d Lots: 400, 401, 500, 501, 600, 800, And 900) Into the City of Tualatin; Annexing Portions of SW Lower Boones-Ferry Road; Withdrawing the Territory from the Washington County Enhanced Sheriff Patrol District; and Annexing Territory Into the Boundary Of Clean Water Services (Ann-19-0002).

Mayor Bubenik opened the hearing for consideration of annexing territory located at 23620, 23740 SW Boones Ferry Road and 9185, 9335, 9415 SW Greenhill Lane (Tax Map: 2s135d Lots: 400, 401, 500, 501, 600, 800, And 900) 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).

Mayor Bubenik announced on March 14 he had a discussion with Grace Lucini regarding her property. He does not feel this biases him in anyway.

Councilor Morrison stated he has exchanged emails with Ms. Lucini in regards to a visit to her property. He has not visited the property at this time.

Councilor Pratt stated she visited Ms. Lucini's property and doesn't feel this presents a bias.

Assistant Planner Erin Engman presented ANN 19-002 for Autumn Sunrise annexation. She acknowledged public comment that has been received by Grace Lucini and the applicant. She stated the hearing is to review a request for annexation of 38 acres of land in the Basalt Creek area into the City of Tualatin. She stated the subject property is contiguous with the Tualatin city limits and is within unincorporated Washington County. The property is located in the Basalt Creek area, south of Horizon High School and west of I-5. The applicant has requested approval to annex seven tax lots comprising approximately 36.62 acres of private property and approximately 1.38 acres of adjacent Boones Ferry Road right-of-way. If approved the properties would be designated a combination of Medium Low Density Residential (RML) and Neighborhood Commercial (CN) planning districts, as shown on the Community Plan Map, included as Exhibit B. She noted there is no development proposed at this time. Planner Engman stated the annexation meets all applicable criteria and staff recommends approval.

COUNCIL QUESTIONS

Council President Grimes asked if there would be additional ingress and egress added to the development. Planner Engman said those decisions would be made through a separate process on the subdivision application.

APPLICANT

Levi Levasa, Project Manager for the Applicant, presented a PowerPoint that was submitted for the record.

Gordon Root, with Stafford Development and Autumn Sunrise, stated he looks forward to this annexation so he can provide diversity of housing in the city.

PUBLIC COMMENT

It was noted that Grace Lucini had submitted a letter for the record.

COUNCIL DISCUSSION

Councilor Brooks asked about the citizen concern regarding the city's CCI Committee. Director Hurd-Ravich state the city's official CCI is the Planning Commission. She noted the CCI is a method for citizen engagement. Councilor Brooks stated she wants to ensure property owners who are affected by the annexation feedback is heard. Director Hurd-Ravich noted the annexation required certain rules for noticing and engagement that were met.

Councilor Brooks asked how the wetlands for the area will be handled. City Engineer Kim McMillan stated the designated wetland area will be addressed when they apply for land use. She added a service provider letter from Clean Water Services will be provided at that time to mitigate any wetlands.

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

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

MOTION PASSED

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

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

MOTION PASSED

Motion to adopt Ordinance No. 1430-20 annexing territory located at 23620, 23740 SW Boones Ferry Road And 9185, 9335, 9415 SW Greenhill Lane (Tax Map: 2s135d Lots: 400, 401, 500, 501, 600, 800, And 900) into the City of Tualatin; annexing portions of SW Lower Boones-Ferry Road; withdrawing the territory from the Washington County Enhanced Sheriff Patrol District; and annexing territory into the boundary of Clean Water Services (Ann-19-0002) made by Councilor Kellogg, Seconded by Council President Grimes.

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

MOTION PASSED

General Business

1. Consideration of **Ordinance No. 1433-20** An Ordinance Relating to Public Meetings; and Amending Tualatin Municipal Code Chapter 1-04

City Attorney Brady presented the ordinance relating to public meetings. He stated the proposed changes to the code is in relation to the special meeting noticing timeframes. The proposed ordinance would delete the 48 hour notice and reduce it to the 24 hour notice which is in line with the state's requirements.

Councilor Kellogg stated the 48 hours was originally tied to the public meetings law and then it changed to the 24 hour notice. He would like to see language that states it will reflect what the public meeting law is so it doesn't have to be changed each time the law changes. Attorney Brady stated this proposal strikes the specificity and adds language that states the city will follow the Oregon public meetings law.

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

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

MOTION PASSED

Councilor Morrison stated he would like more information and background before moving forward with this.

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

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

MOTION PASSED

Motion to adopt Ordinance No. 1433-20 relating to public meetings; and amending Tualatin Municipal Code Chapter 1-04 made by Council President Grimes, Seconded by Councilor Reyes.

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

Voting Nay: Councilor Morrison

MOTION FAILED

2. Consideration of **Resolution No. 5486-20** Amending Rule 2 of the Council Rules

Forwarded to April 13, 2020 meeting with Ordinance No. 1433-20.

3. Consideration of **Resolution No. 5487-20** Delegating Authority to the Tualatin Development Commission to Establish an Economic Stabilization Program For Businesses Impacted By COVID-19

Economic Development Manager Jonathan Taylor presented a resolution delegating authority to the TDC to authorize grant funding in the form of an Economic Stabilization Grant. He stated the grants would be up to \$10,000 for qualified businesses. Manager Taylor stated nearly 20% of Tualatin's current workforce is employed in the retail and hospitality sector which accounts for a total annual payroll of \$145 million dollars. He stated 145 businesses (as of 3/20/2020) have reduced, altered or ceased operations and 2,807 employees have had their hours altered, reduced or were laid-off or furloughed. Manager Taylor stated the TDC will be able to commit \$250,000 in non-tax increment funding. Businesses can use this grant for any operating expenses to sustain the current workforce or business in Tualatin. He stated business must meet all of the following to be eligible:

- Designated business categories under a mandatory service change.
- Businesses with 55 or less FTE (full time equivalent employees).
- The business must have a physical store-front establishment in Tualatin.
- The business must have experienced loss of income due to COVID-19.
- The business must have been in operations for two years or more.

Manager Taylor stated the program will be operated through an online application and notice of award will be made through email within two weeks. He noted grants will be on a first come first serve basis. Manager Taylor added reimbursement materials will be required before funds are disbursed.

Councilor Morrison asked if franchisees with multiple locations would qualify for their locations in Tualatin. Manager Taylor stated they would not qualify because bigger businesses like that have better access to capital with lending institutions.

Councilor Reyes asked if the program has a deadline. Manager Taylor stated the only hard stop for the program is when funds are gone.

Councilor Morrison asked how the program would be publicized. Manager Taylor stated the program would be released tomorrow through the city's press release process.

Councilor Pratt asked where the requirement for less than 55 employees came from. Manager Taylor stated he evaluated impacted businesses.

Councilor Pratt asked for clarification on what "sustaining the work force" meant. Manager Taylor stated it is to help businesses to continue to pay employees through this time.

Councilor Pratt asked how many businesses would be eligible for this grant. Manager Taylor stated 84 businesses would be eligible.

Councilor Pratt asked where the funds for this program are coming from. Manager Taylor stated the funds are coming from urban renewal dollars.

Councilor Brooks asked if duplication of funding with other government funds would be allowed, if social good would be recognized, and if it will be needs based. Manager Taylor stated receiving multiple grants is not a factor at this time. He added social good from businesses would have a higher ranking because they are meeting the immediate need of the community.

Councilor Reyes asked if the grants are specifically used for payroll or can be used for other expenses. Manager Taylor stated the grant can be used to maintain general business operations.

Councilor Grimes asked how grant recipients will be determined. Manager Taylor stated the first line of determination is the criteria listed in the application, once they meet the criteria staff will have to drill down on the ranking criteria further. Manager Hurd-Ravich stated staff will work through ranking once the review committee is put in place.

Councilor Kellogg stated the grant states it will be on a first come first come serve basis and he would like to see another mechanism used so each application can be analyzed and prioritized on an equal basis.

Councilor Reyes agreed with Councilor Kellogg that it may take longer for those who have a need to submit an application. She would like to see the first come first serve language changed as well.

City Manager Lombos stated they could move to an application period or reduce the funding amount.

Councilor Pratt would also like to see the first come first serve language removed and have a short application period so funds can be distributed in a reasonable timeframe.

Mayor Bubenik asked about the requirement of being in business longer than two years. Manager Taylor stated at the two year mark businesses have a better ability to utilize these funds. Mayor Bubenik would like to see that criteria removed from the eligibility guidelines and added to the scoring criteria instead.

Councilor Kellogg would like to see grants hold off until April 2 when Federal Regulations have been put in place.

Councilor Brooks agreed with Mayor Bubenik on the two year eligibility criteria.

Council consensus was reached to remove the first come first serve language and implement a 10-14 day application period, remove the two year minimum requirement, and staff will come up with a scoring criteria.

City Manager Lombos asked for clarification on where the Council wants to go with franchises.

Councilor Kellogg stated as long as they are a local business owner with one location in town it should be allowed. Councilor Morrison and Councilor Pratt concurred with the single location owners.

Councilor Pratt asked if this program is to help businesses in need or help businesses survive this period. Manager Taylor stated this was modeled after the City of Beaverton and Seattle. He stated Seattle's program is used to help retain the workforce and Beaverton is to only help storefront operations. Manager Taylor stated the city is looking to what would have the most immediate impact right now.

Motion to adopt Resolution No. 5487-20 delegating authority to the Tualatin Development Commission to establish an Economic Stabilization Program for businesses impacted by COVID-19 made by Councilor Morrison, Seconded by Councilor Pratt.

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

MOTION PASSED

4. Consideration of **Resolution No. 5488-20** Declaring a Local State of Emergency as a Result of the COVID-19 Pandemic

City Manager Lombos stated the proposed resolution would help with procurement decisions and would allow the Council to have authority and power to take action outside of the Governor's order.

Councilor Pratt stated all the surrounding cities have made an emergency declaration.

Councilor Kellogg asked about section two which delegates authority to the City Manager to spend funds. He would like council to have a policy role to approve or deny requests at a specific threshold. City Manager Lombos stated she currently has the authority to spend up to \$150,000 through appropriate procurement requirements.

Attorney Brady stated this helps to waive some of the procurement requirements to quickly acquire items.

Councilor Brooks asked if this would cover our current contracts. Attorney Brady stated it would cover our current contractors.

Councilor Pratt stated authority is only given to the City Manager for a short period of time during this emergency.

Councilor Kellogg stated he would like a cap on purchasing authority so the Council can maintain financial oversight.

Councilor Morrison suggested to amend section two to read expend city funds within her authority.

Councilor Brooks stated she is in favor of the ordinance as presented.

City Manager Lombos stated she feels the necessary part of the order is section one, she is okay if section two is removed.

Councilor Reyes stated she is favor of the ordinance as presented.

Motion to adopt Resolution No. 5488-20 declaring a local state of emergency as a result of the COVID-19 pandemic made by Councilor Brooks, Seconded by Councilor Reyes.

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

Voting Nay: Councilor Kellogg

MOTION PASSED

Motion to amend section two to authorized the City Manager to spend less than \$150,000 made by Councilor Kellogg second by Council Paul Morrison

Voting Yea: Council President Grimes, Councilor Kellogg, Councilor Morrison

Voting Nay: Mayor Bubenik, Councilor Brooks, Councilor Reyes, Councilor Pratt

AMENDMENT FAILED

Mayor Bubenik recessed the meeting at 9:38 p.m. Mayor Bubenik called the meeting back to order at 10:17 p.m.

Council Communications

Councilor Brooks stated the Council is prioritizing the pandemic and not leaving anyone behind in the community. She encourage citizens to adhere to social distancing guidelines.

Councilor Pratt stated the Tualatin School House Panty is seeking donations and volunteers to help with distribution of food. She also encouraged citizens to give blood with the Red Cross.

Councilor Morrison thanked staff for all their proactive work during this time.

Councilor Kellogg stated he is proud of what the city has done to date.

Councilor Reyes thanked staff for their communication during this time.

Council President Grimes would like to look at additional funding sources to help incentivize businesses.

Mayor Bubenik implored folks to abide by the Governor's order that goes in affect tonight at midnight. He stated social distancing must be taken seriously.

Adjournment

Mayor Bubenik adjourned the meeting at 10:30 p.m.

Sherilyn Lombos, City Manager

_____ / Nicole Morris, Recording Secretary

_____ / Frank Bubenik, Mayor



City of Tualatin

CITY OF TUALATIN Staff Report

TO: Honorable Mayor and Members of the City Council
THROUGH: Sherilyn Lombos, City Manager
FROM: Nicole Morris, Deputy City Recorder
DATE: 4/13/2020

SUBJECT:

Consideration of Approval of a New Liquor License Application for Claim Jumper Restaurant

RECOMMENDATION:

Staff respectfully recommends the Council approve endorsement of the liquor license application for Claim Jumper Restaurant.

EXECUTIVE SUMMARY:

Claim Jumper Restaurant has submitted a change in application under the liquor license category of full on-premises. This would permit them to sell and serve distilled spirits, malt beverages, wine, and cider for consumption at their location. They would also be permitted to sell malt beverages for off-site consumption in securely covered containers provided by the customer. The business is located 18000 SW Lower Boones Ferry Road. The application is in accordance with provisions of Ordinance No. 680-85 which establishes procedures for liquor license applicants. Applicants are required to fill out a City application form, from which a review by the Police Department is conducted, according to standards and criteria established in Section 6 of the ordinance. The Police Department has reviewed the new liquor license application and recommended approval. According to the provisions of Section 5 of Ordinance No. 680-85 a member of the Council or the public may request a public hearing on any of the liquor license requests. If such a public hearing request is made, a hearing will be scheduled and held on the license. It is important that any request for such a hearing include reasons for said hearing.

FINANCIAL IMPLICATIONS:

A fee has been paid by the applicant.

ATTACHMENTS:

- Application
- Vicinity Map



CITY OF TUALATIN
LIQUOR LICENSE APPLICATION

Return Completed form to:
City of Tualatin
Attn: Deputy City Recorder
18880 SW Martinazzi Ave
Tualatin, OR 97062

Date 2/27/2020

IMPORTANT: This is a three-page form. You are required to complete all sections of the form.
If a question does not apply, please indicate N/A. Please include full names (last, first middle) and full
dates of birth (month/day/year). Incomplete forms shall receive an unfavorable recommendation.
Thank you for your assistance and cooperation.

SECTION 1: TYPE OF APPLICATION

- [X] Original (New) Application - \$100.00 Application Fee.
[] Change in Previous Application - \$75.00 Application Fee.
[] Renewal of Previous License - \$35.00 Application Fee. Applicant must possess current business
license. License #
[] Temporary License - \$35.00 Application Fee.

SECTION 2: DESCRIPTION OF BUSINESS

Name of business (dba): CLAIM JUMPER RESTAURANT

Business address 18000 SW LOWER BOONES FERRY ROAD City TUALATIN State OR Zip Code 97224

Mailing address PO BOX 75008 City WICHITA State KS Zip Code 67275

Telephone # (412) 646-5385 Fax #

Email linda@krqops.com

Name(s) of business manager(s) First JENNIFER Middle s Last PRATER

Date of birth Social Security # ODL#

Home City State Zip Code
(attach additional pages if necessary)

Type of business FULL SERVICE RESTAURANT

Type of food served AMERICAN, ITALIAN, STEAK, RIBS, SALADS, SANDWICHES

Type of entertainment (dancing, live music, exotic dancers, etc.) NONE

Days and hours of operation S-R 11AM - 9:30PM, FRI-SAT 11AM - 10:30PM

Food service hours: Breakfast N/A Lunch OPEN - 4PM Dinner ALL DAY

Restaurant seating capacity APX 500 Outside or patio seating capacity APX 48

How late will you have outside seating? SAME AS OPERATING HOURS How late will you sell alcohol? SAME AS OPERATING HOURS

How many full-time employees do you have? 14 Part-time employees? 47

SECTION 3: DESCRIPTION OF LIQUOR LICENSE

Name of Individual, Partnership, Corporation, LLC, or Other applicants MICHAEL R. KELLY

Type of liquor license (refer to OLCC form) FULL ON-PREMISES SALES

Form of entity holding license (check one and answer all related applicable questions):

INDIVIDUAL: If this box is checked, provide full name, date of birth, and residence address.

Full name _____ Date of birth _____

Residence address _____

PARTNERSHIP: If this box is checked, provide full name, date of birth and residence address for each partner. If more than two partners exist, use additional pages. If partners are not individuals, also provide for each partner a description of the partner's legal form and the information required by the section corresponding to the partner's form.

Full name _____ Date of birth _____

Residence address _____

Full name _____ Date of birth _____

Residence address _____

CORPORATION: If this box is checked, complete (a) through (c).

(a) Name and business address of registered agent.

Full name _____

Business address _____

(b) Does any shareholder own more than 50% of the outstanding shares of the corporation? If yes, provide the shareholder's full name, date of birth, and residence address.

Full name _____ Date of birth _____

Residence address _____

(c) Are there more than 35 shareholders of this corporation? Yes No. If 35 or fewer shareholders, identify the corporation's president, treasurer, and secretary by full name, date of birth, and residence address.

Full name of president: _____ Date of birth: _____

Residence address: _____

Full name of treasurer: _____ Date of birth: _____

Residence address: _____

Full name of secretary: _____ Date of birth: _____

Residence address: _____

LIMITED LIABILITY COMPANY: If this box is checked, provide full name, date of birth, and residence address of each member. If there are more than two members, use additional pages to complete this question. If members are not individuals, also provide for each member a description of the member's legal form and the information required by the section corresponding to the member's form.

Full name: MICHAEL R. KELLY Date of birth:

Residence address: DRIVE

Full name: _____ Date of birth: _____

Residence address: _____

OTHER: If this box is checked, use a separate page to describe the entity, and identify with reasonable particularity every entity with an interest in the liquor license.

SECTION 4: APPLICANT SIGNATURE

A false answer or omission of any requested information on any page of this form shall result in an unfavorable recommendation.

Signature  MICHAEL R. KELLY, MANAGER Date 2.26.2020

For City Use Only

Sources Checked:

DMV by B LEDS by B TuPD Records by B
 Public Records by B

Number of alcohol-related incidents during past year for location.

Number of Tualatin arrest/suspect contacts for _____

It is recommended that this application be:

Granted

Denied

Cause of unfavorable recommendation: _____


Signature

3-13-2020
Date

Bill Steele
Chief of Police
Tualatin Police Department





City of Tualatin

CITY OF TUALATIN Staff Report

TO: Honorable Mayor and Members of the City Council
THROUGH: Sherilyn Lombos, City Manager
FROM: Nicole Morris, Deputy City Recorder
DATE: 4/13/2020

SUBJECT:

Consideration of Approval of a New Liquor License Application for El Juan Colorado

RECOMMENDATION:

Staff respectfully recommends the Council approve endorsement of the liquor license application for El Juan Colorado.

EXECUTIVE SUMMARY:

El Juan Colorado has submitted a change in application under the liquor license category of full on-premises. This would permit them to sell and serve distilled spirits, malt beverages, wine, and cider for consumption at their location. They would also be permitted to sell malt beverages for off-site consumption in securely covered containers provided by the customer. The business is located 8292 SW Nyberg Street. The application is in accordance with provisions of Ordinance No. 680-85 which establishes procedures for liquor license applicants. Applicants are required to fill out a City application form, from which a review by the Police Department is conducted, according to standards and criteria established in Section 6 of the ordinance. The Police Department has reviewed the new liquor license application and recommended approval. According to the provisions of Section 5 of Ordinance No. 680-85 a member of the Council or the public may request a public hearing on any of the liquor license requests. If such a public hearing request is made, a hearing will be scheduled and held on the license. It is important that any request for such a hearing include reasons for said hearing.

FINANCIAL IMPLICATIONS:

A fee has been paid by the applicant.

ATTACHMENTS:

- Application
- Vicinity Map



CITY OF TUALATIN

LIQUOR LICENSE APPLICATION

Return Completed form to:
City of Tualatin
Attn: Deputy City Recorder
18880 SW Martinazzi Ave
Tualatin, OR 97062

Date 03/10/2020

IMPORTANT: This is a three-page form. You are required to complete all sections of the form.
If a question does not apply, please indicate N/A. Please include full names (last, first middle) and full dates of birth (month/day/year). Incomplete forms shall receive an unfavorable recommendation.
Thank you for your assistance and cooperation.

SECTION 1: TYPE OF APPLICATION

- Original (New) Application - \$100.00 Application Fee.
- Change in Previous Application - \$75.00 Application Fee.
- Renewal of Previous License - \$35.00 Application Fee. Applicant must possess current business license. License # _____
- Temporary License - \$35.00 Application Fee.

SECTION 2: DESCRIPTION OF BUSINESS

Name of business (dba): El Juan Colorado

Business address 8292 SW Nyberg St City Tualatin State OR Zip Code 97062

Mailing address same City _____ State _____ Zip Code _____

Telephone # (503) 482-5283 Fax # _____

Email cardielje@hotmail.com

Name(s) of business manager(s) First Jesus Middle _____ Last Amehs-Gardiel

Date of birth _____

Home address _____
(attach additional pages if necessary)

Type of business Mexican Restaurant

Type of food served Mexican Food

Type of entertainment (dancing, live music, exotic dancers, etc.) None

Days and hours of operation Monday to Sunday 10:30am to 10:00 pm

Food service hours: Breakfast _____ Lunch Dinner

Restaurant seating capacity 40 Outside or patio seating capacity 5 Tables

How late will you have outside seating? 9:00 pm How late will you sell alcohol? 10:00 pm

How many full-time employees do you have? 4 Part-time employees? 2

SECTION 3: DESCRIPTION OF LIQUOR LICENSE

Name of Individual, Partnership, Corporation, LLC, or Other applicants Cardiel's Corp

Type of liquor license (refer to OLCC form) Full Commercial

Form of entity holding license (check one and answer all related applicable questions):

INDIVIDUAL: If this box is checked, provide full name, date of birth, and residence address.
Full name Jesus Ornelas Cardiel Date of birth [REDACTED]
Residence address _____

PARTNERSHIP: If this box is checked, provide full name, date of birth and residence address for each partner. If more than two partners exist, use additional pages. If partners are not individuals, also provide for each partner a description of the partner's legal form and the information required by the section corresponding to the partner's form.
Full name _____ Date of birth _____
Residence address _____
Full name _____ Date of birth _____
Residence address _____

CORPORATION: If this box is checked, complete (a) through (c).
(a) Name and business address of registered agent.
Full name Cardiel's Corp
Business address [REDACTED]

(b) Does any shareholder own more than 50% of the outstanding shares of the corporation? If yes, provide the shareholder's full name, date of birth, and residence address.
Full name None Date of birth _____
Residence address _____

(c) Are there more than 35 shareholders of this corporation? Yes _____ No _____. If 35 or fewer shareholders, identify the corporation's president, treasurer, and secretary by full name, date of birth, and residence address.
Full name of president: _____ Date of birth: _____
Residence address: _____
Full name of treasurer: _____ Date of birth: _____
Residence address: _____
Full name of secretary: _____ Date of birth: _____
Residence address: _____

LIMITED LIABILITY COMPANY: If this box is checked, provide full name, date of birth, and residence address of each member. If there are more than two members, use additional pages to complete this question. If members are not individuals, also provide for each member a description of the member's legal form and the information required by the section corresponding to the member's form.
Full name: _____ Date of birth: _____
Residence address: _____

Full name: _____ Date of birth: _____
Residence address: _____

OTHER: If this box is checked, use a separate page to describe the entity, and identify with reasonable particularity every entity with an interest in the liquor license.

SECTION 4: APPLICANT SIGNATURE

A false answer or omission of any requested information on any page of this form shall result in an unfavorable [REDACTED] recommendation [REDACTED]

Signature of [REDACTED] _____ Date 03/10/2020

For City Use Only

Sources Checked:

- DMV by [Signature]
- LEDS by [Signature]
- TuPD Records by [Signature]
- Public Records by [Signature]

Number of alcohol-related incidents during past year for location.

Number of Tualatin arrest/suspect contacts for _____

It is recommended that this application be:

Granted

Denied

Cause of unfavorable recommendation: _____

[Signature]
Signature

3-13-2020
Date

Bill Steele
Chief of Police
Tualatin Police Department





City of Tualatin

CITY OF TUALATIN Staff Report

TO: Honorable Mayor and Members of the City Council
THROUGH: Sherilyn Lombos, City Manager
FROM: Nicole Morris, Deputy City Recorder
DATE: 4/13/2020

SUBJECT:

Consideration of Approval of a New Liquor License Application for Bridge City Spirits

RECOMMENDATION:

Staff respectfully recommends the Council approve endorsement of the liquor license application for Bridge City Spirits.

EXECUTIVE SUMMARY:

Bridge City Spirits has submitted a change in application under the liquor license category of distillery. This would permit them to make distilled spirits in Oregon and import and export distilled spirits into and out of Oregon. The business is located at 12705 SW Herman Rd. The application is in accordance with provisions of Ordinance No. 680-85 which establishes procedures for liquor license applicants. Applicants are required to fill out a City application form, from which a review by the Police Department is conducted, according to standards and criteria established in Section 6 of the ordinance. The Police Department has reviewed the new liquor license application and recommended approval. According to the provisions of Section 5 of Ordinance No. 680-85 a member of the Council or the public may request a public hearing on any of the liquor license requests. If such a public hearing request is made, a hearing will be scheduled and held on the license. It is important that any request for such a hearing include reasons for said hearing.

FINANCIAL IMPLICATIONS:

A fee has been paid by the applicant.

ATTACHMENTS:

- Application
- Vicinity Map



CITY OF TUALATIN
LIQUOR LICENSE APPLICATION

Return Completed form to:
City of Tualatin
Attn: Deputy City Recorder
18880 SW Martinazzi Ave
Tualatin, OR 97062

Date 3/18/2020

IMPORTANT: *This is a three-page form. You are required to complete all sections of the form.*
If a question does not apply, please indicate N/A. Please include full names (last, first middle) and full dates of birth (month/day/year). Incomplete forms shall receive an unfavorable recommendation.
Thank you for your assistance and cooperation.

SECTION 1: TYPE OF APPLICATION

- Original (New) Application - \$100.00 Application Fee.*
- Change in Previous Application - \$75.00 Application Fee.*
- Renewal of Previous License - \$35.00 Application Fee. Applicant must possess current business license. License # _____*
- Temporary License - \$35.00 Application Fee.*

SECTION 2: DESCRIPTION OF BUSINESS

Name of business (dba): BRIDGE CITY SPIRITS

Business address 12705 SW HERMAN RD., SUITE D City TUALATIN State OR Zip Code 97062

Mailing address _____ City _____ State _____ Zip Code _____

Telephone # 503-313-8082 Fax # _____

Email A.MICHAUD13@GMAIL.COM

Name(s) of business manager(s) First ANDREW Middle WILLIAM Last MICHAUD

Type of business DISTILLERY

Type of food served N/A

Type of entertainment (dancing, live music, exotic dancers, etc.) N/A

Days and hours of operation VARIES- PRODUCTION ONLY

Food service hours: Breakfast N/A Lunch N/A Dinner N/A

Restaurant seating capacity N/A Outside or patio seating capacity N/A

How late will you have outside seating? N/A How late will you sell alcohol? N/A

How many full-time employees do you have? 0 Part-time employees? 1

SECTION 3: DESCRIPTION OF LIQUOR LICENSE

Name of Individual, Partnership, Corporation, LLC, or Other applicants LAMIC INC

Type of liquor license (refer to OLCC form) DISTILLERY

Form of entity holding license (check one and answer all related applicable questions):

INDIVIDUAL: If this box is checked, provide full name, date of birth, and residence address.
Full name _____ Date of birth _____
Residence address _____

PARTNERSHIP: If this box is checked, provide full name, date of birth and residence address for each partner. If more than two partners exist, use additional pages. If partners are not individuals, also provide for each partner a description of the partner's legal form and the information required by the section corresponding to the partner's form.
Full name _____ Date of birth _____
Residence address _____
Full name _____ Date of birth _____
Residence address _____

CORPORATION: If this box is checked, complete (a) through (c).
(a) Name and business address of registered agent.
Full name LAMIC INC
Business address 10875 AVOCET CT, BUNNION, OR 97027

(b) Does any shareholder own more than 50% of the outstanding shares of the corporation? If yes, provide the shareholder's full name, date of birth, and residence address. NA
Full name _____ Date of birth _____
Residence address _____

(c) Are there more than 35 shareholders of this corporation? Yes No If 35 or fewer shareholders, identify the corporation's president, treasurer, and secretary by full name, date of birth, and residence address.
Full name of president: _____ Date of birth: _____
Residence address: _____
Full name of treasurer: _____ Date of birth: _____
Residence address: _____
Full name of secretary: _____ Date of birth: _____
Residence address: _____

LIMITED LIABILITY COMPANY: If this box is checked, provide full name, date of birth, and residence address of each member. If there are more than two members, use additional pages to complete this question. If members are not individuals, also provide for each member a description of the member's legal form and the information required by the section corresponding to the member's form.
Full name: _____ Date of birth: _____
Residence address: _____

Full name: _____ Date of birth: _____
Residence address: _____

OTHER: If this box is checked, use a separate page to describe the entity, and identify with reasonable particularity every entity with an interest in the liquor license.

SECTION 4: APPLICANT SIGNATURE

A false answer or omission of any requested information on any page of this form shall result in an unfavorable recommendation.

 _____ 3/19/2020
Signature of Applicant Date

For City Use Only


Sources Checked:

DMV by _____ LEADS by _____ TuPD Records by _____
 Public Records by _____

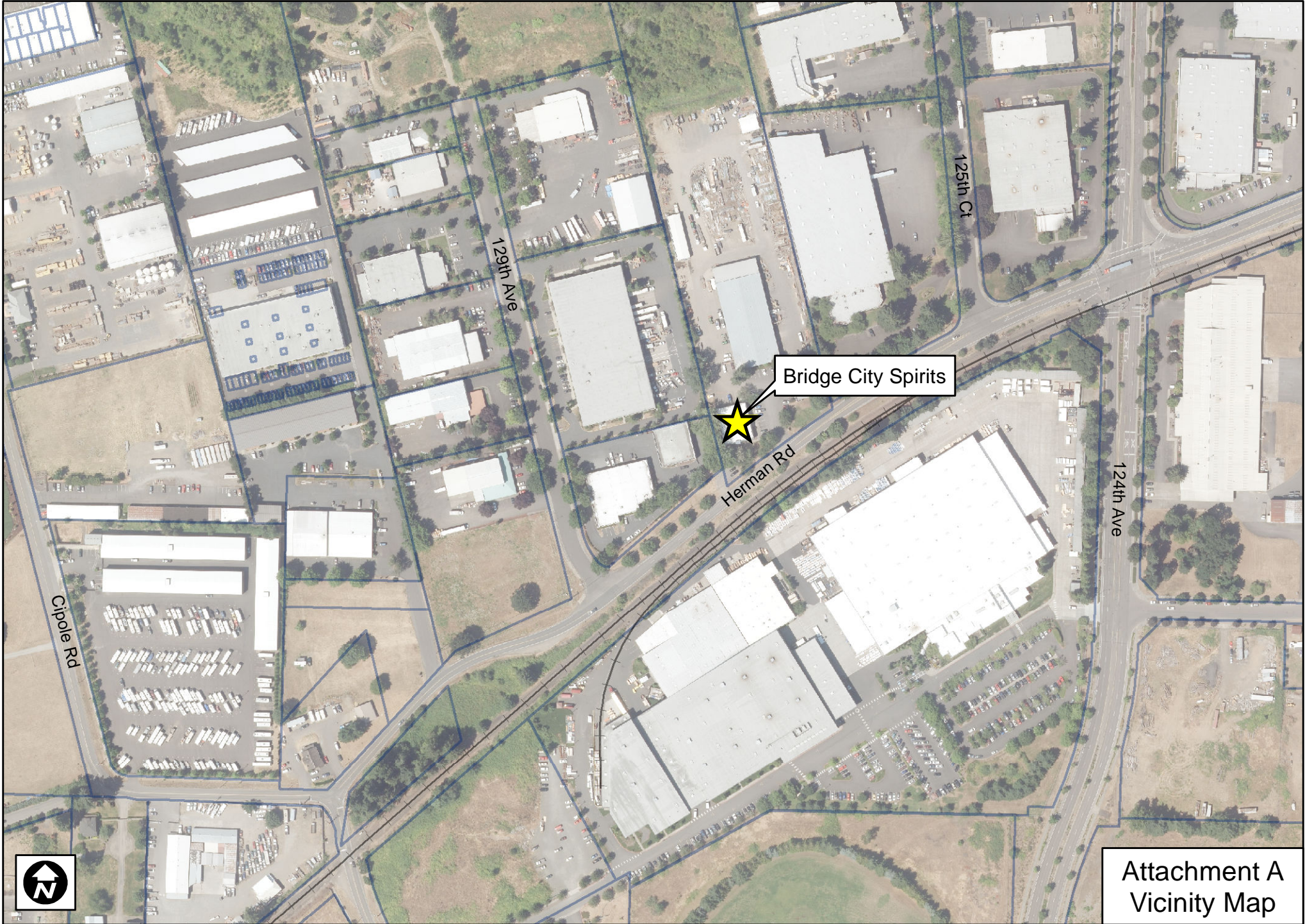
Number of alcohol-related incidents during past year for location.
 Number of Tualatin arrest/suspect contacts for _____

It is recommended that this application be:

Granted
 Denied
Cause of unfavorable recommendation: _____

 _____ 3-19-2020
Signature Date

Bill Steele
Chief of Police
Tualatin Police Department



Bridge City Spirits

Attachment A
Vicinity Map



City of Tualatin

CITY OF TUALATIN Staff Report

TO: Honorable Mayor and Members of the City Council
THROUGH: Sherilyn Lombos, City Manager
FROM: Sean Brady, City Attorney
DATE: April 13, 2020

SUBJECT:

Consideration of Ordinance No. 1433-20, an Ordinance Relating to Public Meetings; and Amending Tualatin Municipal Code Chapter 1-04.

RECOMMENDATION:

Staff recommends Council adopt Ordinance No. 1433-20.

EXECUTIVE SUMMARY:

Ordinance No. 1433-20 relating to Public Meetings is before the Council for third reading and consideration for final adoption.

Under Charter Section 35, before an ordinance can be enacted, it must be read at two separate Council meetings. However, an ordinance can be enacted at a single Council meeting if the vote to adopt the ordinance receives the unanimous vote of all Council members present.

On March 23, 2020, the Council conducted first and second reading of Ordinance No. 1433-20. The vote to adopt the Ordinance received a majority of six in favor and one against, but was not unanimous. As a result, the Ordinance must return for a third reading, and consideration for final adoption.

Ordinance No. 1433-20 proposes to delete the Special Meetings section in TMC 1-4, as well as the definitions section, to harmonize TMC 1-4 with Oregon's Public Meetings law. Adopting the Ordinance would result in Tualatin being able to call any Special Meeting with a minimum of 24 hours advance notice, as well as to hold Special Emergency Meetings with less than 24 hours advance notice if an actual emergency is present.

The Ordinance also contains an emergency clause making the Ordinance effective immediately upon adoption. Under Council Rule 5(E)(4), the Ordinance must receive the unanimous vote of all Councilors present to be effective immediately. If the Ordinance does not receive unanimous approval, then the Ordinance will not go into effect immediately and will be effective 30 days from the date of adoption.

A corresponding resolution, Resolution No. 5486-20, is also being proposed to amend Council Rule 2(B)(3) and 2(C)(3) to delete the term "48 hours" and replace with the term "24 hours."

OUTCOMES OF DECISION:

Passing the Ordinance harmonizes the City's code with Oregon's Public Meetings law.

Not passing the Ordinance maintains the current 48 hour advance notice requirement for Special Public Meetings, including Emergency Meetings.

ALTERNATIVES TO RECOMMENDATION:

FINANCIAL IMPLICATIONS:

None.

ATTACHMENTS:

Ordinance No. 1433-20

ORDINANCE NO. 1433-20

AN ORDINANCE RELATING TO PUBLIC MEETINGS; AND AMENDING TUALATIN MUNICIPAL CODE CHAPTER 1-04.

WHEREAS, in 1973, the State of Oregon enacted the Oregon Public Meetings Act;

WHEREAS, in 1973, the City of Tualatin enacted a code provision related to Special Meetings;

WHEREAS, the City's code is not in harmony with the current provisions in Oregon's Public Meetings Law (ORS 192.660 et seq.), including provisions related to emergency meetings; and

WHEREAS, the Council finds it necessary to amend the City's code to harmonize the City's code with the Oregon Public Meetings laws.

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. TMC Chapter 1-4 (Public Meetings Notice) is amended to read as follows:

TMC 1-4-010 - ~~Definitions.~~ **Oregon Public Meetings Law**

~~As used in this chapter:~~

~~Decision means any determination, action, vote or final disposition upon a motion, proposal, resolution, order, ordinance or measure on which a vote of the City Council or Architectural Review Board is required at any meeting at which a quorum is present.~~

~~Meeting means the convening of the City Council or Architectural Review Board for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter. "Meeting" does not include an on-site inspection of a project or program.~~

All public meetings of the City of Tualatin must comply with the Oregon Public Meetings laws.

TMC 1-4-020 - Regular Meetings.

Regular Meetings of the City Council will be held at 7:00 p.m. on the second and fourth Monday of each and every month, excluding the fourth Monday of December and provided; however, when a second or fourth Monday falls on a City-recognized holiday, the City Council will meet on the following business day. Notwithstanding the foregoing, the City Council may call special meetings, or cancel or reschedule any meeting, as determined and with appropriate notice. A work session of the City Council will be held from 5:00 p.m. to 7:00 p.m., as needed, before each regular meeting.

~~TMC 1-4-030 - Special Meetings.~~

Ordinance No. 1433-20

~~No special meeting of the Council or Architectural Review Board shall be called without first posting notice of the special meeting in four public and conspicuous places within the City not less than 48 hours prior to said meeting, which notice shall state the time, place, date and purpose or purposes of the meeting. No matters other than those stated in the notice shall be acted upon or decided by the Council or Architectural Review Board, and in addition to posting said notice, each member of the Council or Board shall be personally served with a copy of said notice or, in the alternative, shall be notified personally by telephone by the City Recorder not less than 48 hours prior to said meeting.~~

Section 2. Emergency Clause. This ordinance is necessary of the immediate protection of the public peace, health, safety and welfare and takes effect immediately upon adoption.

ADOPTED by the City Council this 13th day of April, 2020.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder

RESOLUTION NO. 5486-20

A RESOLUTION AMENDING RULE 2 OF THE COUNCIL RULES

WHEREAS, the City Charter authorizes the Council to adopt Council Rules;

WHEREAS, Council adopted Council rules by Resolution No. 5355-18;

WHEREAS, under Rule 11 of the Council Rules, the Council may amend any rule; and

WHEREAS, the Council adopted Ordinance No. 1433-20 to harmonize the City's code with the Oregon Public Meetings laws and amendment of the Council Rules is necessary to be consistent with the ordinance.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

Section 1. Council Rule 2(B)(3) and 2(C)(3) are amended to delete the term "48 hours" and replace with the term "24 hours."

Section 2. Except to the extent modified herein, the Council Rules remain in full force and effect.

Section 3. This resolution is effective upon adoption.

Adopted by the City Council this 13th day of April, 2020.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder



City of Tualatin

CITY OF TUALATIN Staff Report

TO: Honorable Mayor and Members of the City Council
THROUGH: Sherilyn Lombos, City Manager
FROM: Aquilla Hurd-Ravich, Community Development Director
DATE: April 13, 2020

SUBJECT:

Council consideration of an Ordinance Relating to Mobile Food Units and Amending Tualatin Municipal Code Chapter 9-10 to allow Mobile Food Units to Operate in the General Commercial Zones Abutting 99W. (ORD1434-20)

RECOMMENDATION:

Staff recommends Council adopt Ordinance 1434-20, amending the Tualatin Municipal Code to allow Mobile Units in the General Commercial Zone when property abuts 99W.

EXECUTIVE SUMMARY:

The City Council discussed the possibility of adding another zone where food carts can operate at their meetings of January 27 and February 24 2020. Council agreed on direction to staff to bring back an amendment to the Municipal Code. The current ordinance allowing food carts went into effect in 2019 after several years of Council deliberations and public engagement. As a result of those efforts, food carts or mobile food units are currently allowed in the following zones:

- Commercial Office (CO)-except within 200 feet of the Central Commercial (CC) zone.
- Recreational Commercial (CR)
- Medical Center (MC)
- Light Manufacturing (ML)
- General Manufacturing (MG)
- Manufacturing Park (MP)
- Manufacturing Business Park (MBP)
- Institutional (IN)

Attachments A and B indicate the zones and locations where food carts are currently allowed and where they will be allowed if this ordinance is approved. This change will provide additional food retail options in the western part of Tualatin.

OUTCOMES OF DECISION:

If approved, Mobile Food Units including Food Carts will be allowed in General Commercial (CG) when property abuts 99W.

If the ordinance is not approved, Mobile Food Units will not be allowed in General Commercial (CG).

ALTERNATIVES TO RECOMMENDATION:

Council could consider amending the proposed language or continuing the decision in favor of more discussion.

FINANCIAL IMPLICATIONS:

There are no financial implications with this proposed change.

ATTACHMENTS:

- A- Current allowed locations of Food Carts
- B- Proposed location of General Commercial on 99W
- C- Ordinance 1434-20

ORDINANCE NO. 1434-20

AN ORDINANCE RELATING TO MOBILE FOOD UNITS; AND AMENDING TUALATIN MUNICIPAL CODE CHAPTER 9-10 TO ALLOW MOBILE FOOD UNITS TO OPERATE IN GENERAL COMMERCIAL ZONES ABUTTING HIGHWAY 99W.

WHEREAS, the City allows Mobile Food Units to operate in the City, as provided in Tualatin Municipal Code Chapter 9-10 (Mobile Food Units);

WHEREAS, Mobile Food Units allow individual entrepreneurship at a small scale and provide unique eating establishments within the City; and

WHEREAS, the City finds it is in the public interest to amend TMC Chapter 9-10 to expand the areas Mobile Food Units may operate.

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. Tualatin Municipal Code Chapter 9-10-050 (Location Standards) is amended to read as follows:

TMC 9-10-050 - Location Standards.

(1) Mobile food units are allowed to operate in the following planning districts:

(a) CO – Commercial Office – except a mobile food unit cannot operate in the CO planning district if the location of the mobile food unit is within 200 feet of the Central Commercial (CC) planning district;

(b) CR – Recreational Commercial;

(c) CG – General Commercial – that portion of the General Commercial zone that abuts Highway 99W (Pacific Highway);

~~(c)~~ (d) MC – Medical Center;

~~(d)~~ (e) ML – Light Manufacturing;

~~(e)~~ (f) MG – General Manufacturing;

~~(f)~~ (g) MP – Manufacturing Park;

~~(g)~~ (h) MBP – Manufacturing Business Park; and

~~(h)~~ (i) IN – Institutional.

(2) Mobile food units are prohibited to operate within 100 feet of a gas station.

Section 2. Severability. Each section of this ordinance, and any part thereof, is severable. If any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

Section 3. Effective Date. This ordinance is effective 30 days from the date of adoption.

ADOPTED by the City Council this 13th day of April, 2020.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

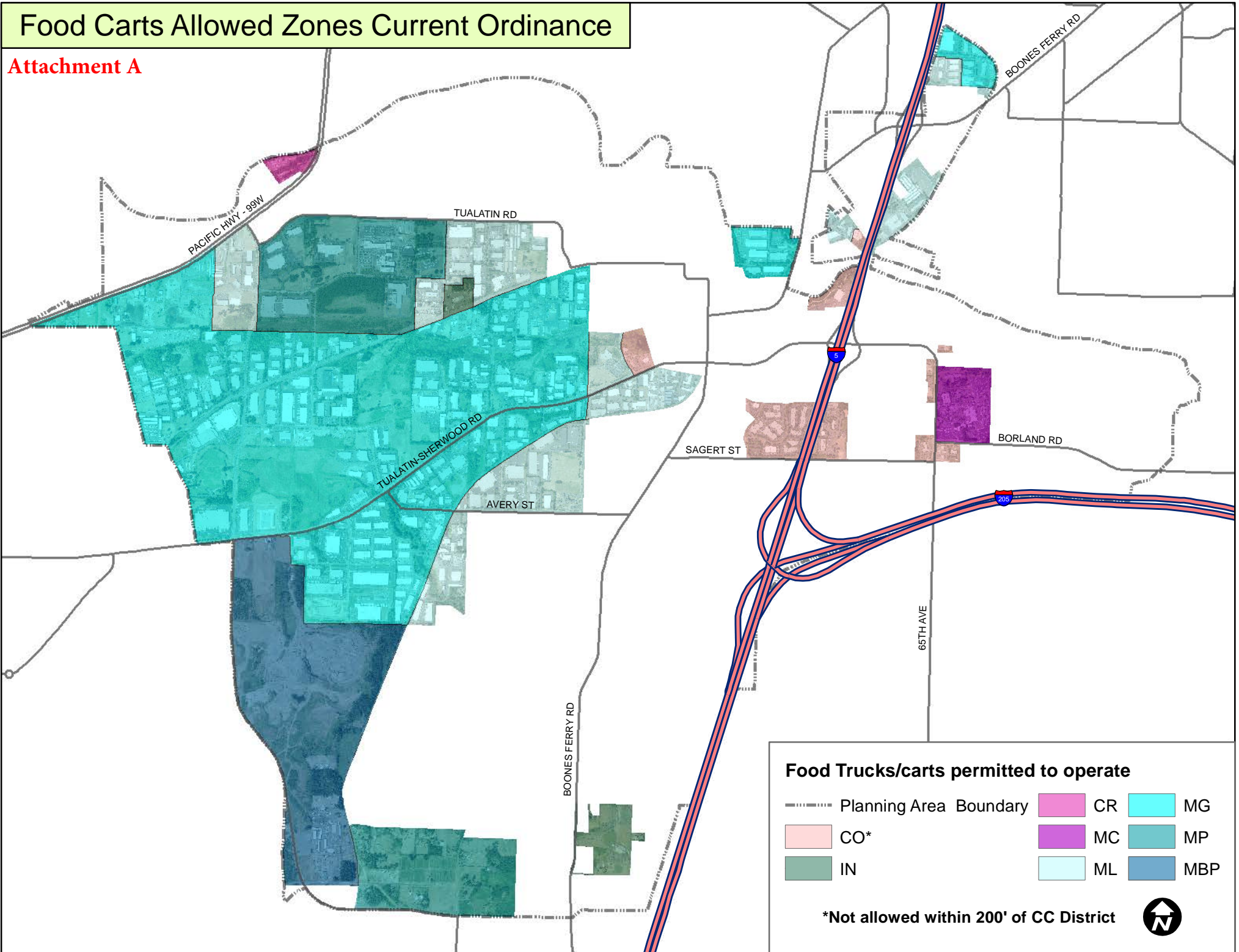
ATTEST:

BY _____
City Attorney

BY _____
City Recorder

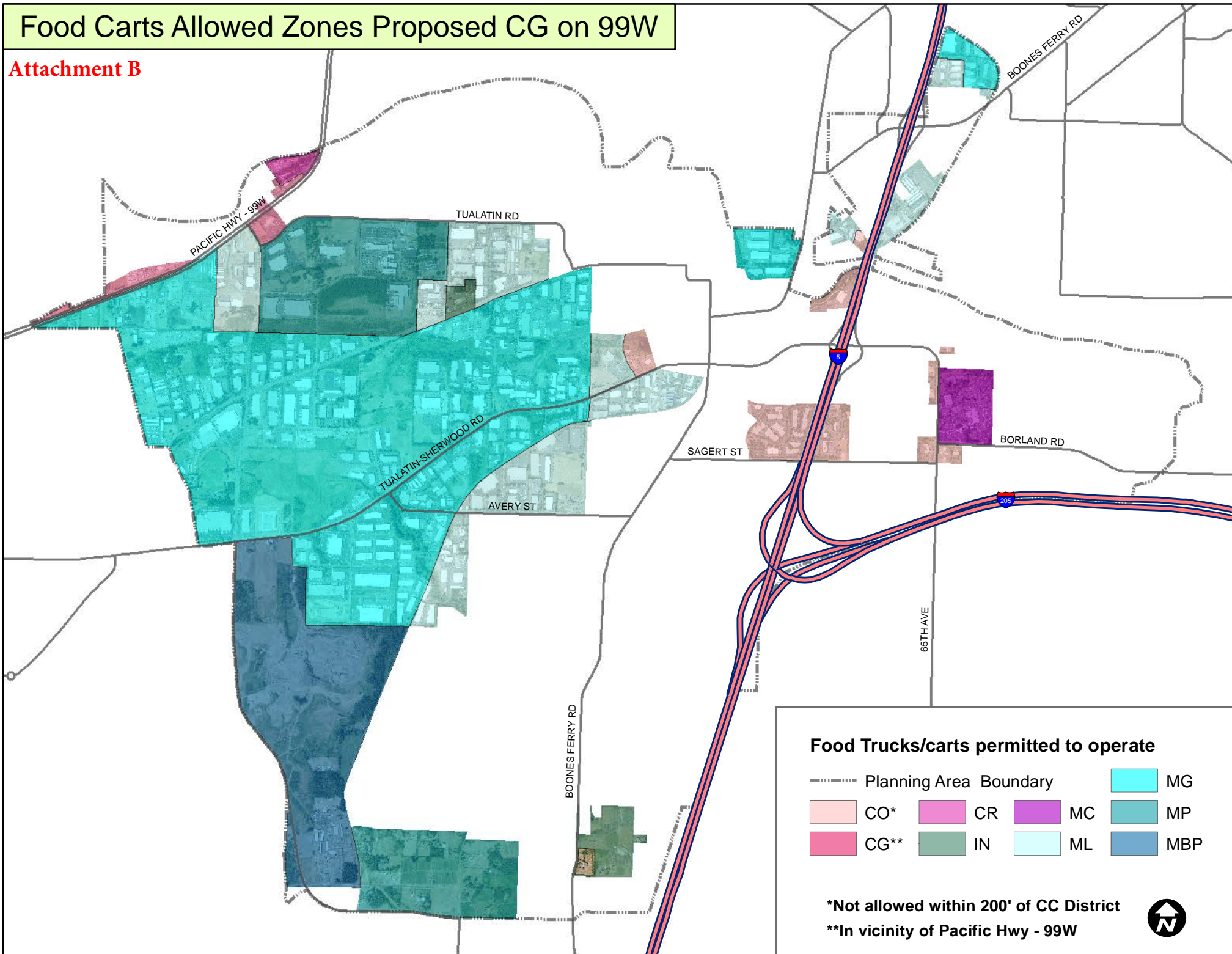
Food Carts Allowed Zones Current Ordinance

Attachment A



Food Carts Allowed Zones Proposed CG on 99W

Attachment B





City of Tualatin

CITY OF TUALATIN Staff Report

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Kim McMillan, City Engineer
Sean Brady, City Attorney

DATE: April 13, 2020

SUBJECT:

Consideration of **Ordinance No. 1435-20** Relating to the Public Works Construction Code; Amending Tualatin Municipal Code Chapter 2-03: and creating new provisions.

RECOMMENDATION:

Staff recommends Council adopt the ordinance.

EXECUTIVE SUMMARY:

The Tualatin Municipal Code establishes the Public Works Construction Code, which applies to public works and private development projects within the public right-of-way. The proposed ordinance would modify the Public Works Construction Code to allow for an administrative rule process instead of the current Council resolution process. Currently, all revisions of the Public Works Construction Code require a Council resolution.

The Public Works Construction Code is an operative document, not a policy document. Updates often include engineering or technical revisions, such as a type of valve or quantity of materials. Other revisions include the color of a fire hydrant or size of pipe. As such, an administrative rules process allows for more focused public outreach and a more expeditions update process.

Under the administrative rules process proposed by the Ordinance, City staff would draft revisions and publicly notice the proposed administrative rule. Staff would also send the updates to stakeholder groups and users, e.g., engineer and design firms, and construction companies that construct public improvements and would be most impacted by the changes. Both the public and stakeholders will have an opportunity to comment on the proposed rules. Staff will then review the public comments received and either adopt the administrative rule as proposed or amend the rule in response to comments.

Approving the Ordinance would allow for a more efficient and timely update process for the Public Works Construction Code and allow the City to adapt quicker to best industry practices.

OUTCOMES OF DECISION:

Provides an administrative rule process for efficient and timely updates to the Public Works Construction Code.

ALTERNATIVES TO RECOMMENDATION:

Council could decide not to authorize this ordinance and the updates will continue to be updated by resolution before council.

FINANCIAL IMPLICATIONS:

There are no financial implications.

ATTACHMENTS:

Ordinance No. 1435-20 Relating to the Public Works Construction Code

ORDINANCE NO. 1435-20

AN ORDINANCE RELATING TO THE PUBLIC WORKS CONSTRUCTION CODE; AMENDING TUALATIN MUNICIPAL CODE CHAPTER 2-03; AND CREATING NEW PROVISIONS.

WHEREAS, Tualatin Municipal Code Chapter 2-03 established the Public Works Construction Code to govern the design, materials, and workmanship of public improvements, public utilities, water quality facilities, and erosion and sediment control within the City of Tualatin;

WHEREAS, the Public Works Construction Code applies to all City owned public works facilities and construction projects in public right-of-way; and

WHEREAS, the Council wishes to amend the Tualatin Municipal Code to create an administrative rules process to adopt, amend, and repeal provisions of the Public Works Construction Code.

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. Tualatin Municipal Code Chapter 2-3 (Public Works Construction Code) is amended to read as follows:

TMC 2-3-010 – Purpose of the Public Works Standards Construction Code.

~~The Tualatin Public Works Construction Code as promulgated by the City Engineer shall be~~ The Purpose of this Chapter is to establish the Public Works Construction Code as the standards, specifications, and procedures to be used for all Public Works Construction within the City, and establish the process by which the Public Works Construction Code is to be adopted and changed.

TMC 2-3-020 - Delegation of Administrative Rulemaking Authority to City Manager.

~~The authority for maintaining and updating the Code is delegated to the City Engineer.~~

(1) The City Manager is authorized to establish, maintain, and update the Public Works Construction Code, in accordance with the process established by this Chapter. The Public Works Construction Code may be adopted, amended, or changed in parts at any time consistent with the provisions of this Chapter. Proposed changes in the Code shall not be effective unless first approved by motion of the Council.

(2) For purposes of this Chapter, the term “City Manager” means City Manager or the City Manager’s designee.

TMC 2-3-030 - Notice of Administrative Rulemaking.

(1) Prior to the adoption, amendment, or repeal of a provision of the Public Works Construction Code, the City Manager must:

(a) Give public notice of the proposed rule by posting copies of the proposed rule in a conspicuous location on the City's website; and

(b) Provide copies of the proposed rule to interested persons.

(2) In addition to the draft language of the rule considered to be adopted, amended, or repealed, the notice must also:

(a) Generally state the subject matter and purpose of the rule;

(b) State the time, place, and manner for persons to submit data or written comments about the proposed rule; and

(c) The date upon which the rule will be adopted and effective.

(3) Any person may be added to the City's interested persons list, for purposes of receiving notice of the adoption, amendment, or repeal of a provision in the Public Works Construction Code, by providing the City with an address or email address for the person wishing to receiving notice.

TMC 2-3-040 - Opportunity for Comment; Consideration of Comments.

(1) The City must provide persons with not less than 15 calendar days to submit data or written comments in response to the proposed adoption, amendment, or repeal of a provision in the Public Works Construction Code.

(2) The City Manager must consider all data and comments received from persons during the 15-day comment period prior to adopting, amending, or repealing a provision in the Public Works Construction Code.

TMC 2-3-050 - Final Adoption; Filing with City Recorder; Available to Public.

(1) Unless the City Manager specifies another date in the adoption order, all Public Works Construct Code rules are effective upon adoption.

(2) Unless otherwise required by law, the adoption, amendment, or repeal of a provision in the Public Works Construction Code need not be based upon, or supported by, an evidentiary record.

(3) The adopted Public Works Construct Code rule must be filed with the City Recorder. The City Recorder must compile and publish all adopted rules, including any temporary or emergency rules. Copies of current administrative rules must be made available to the public on the City's website and upon request.

TMC 2-3-060 - Temporary and Emergency Rules; Effective Period.

(1) **Temporary Rules.** Temporary rules may be adopted without notice or opportunity to comment, if needed to implement the provisions of any new or amended ordinance upon the ordinance's effective date.

(2) **Emergency Rules.** Emergency rules may be adopted, amended, or suspended without prior notice or opportunity to comment, or upon abbreviated notice and opportunity to comment, if the City Manager adopts written findings that an emergency exists, and the failure to act promptly will result in prejudice to the public interest.

(3) **Effective Period.** Any temporary or emergency rule adopted, amended, or suspended

is effective for a period of not more than 180 calendar days.

(4) **No Preclusion of Permanent Rule.** The adoption of a temporary or emergency rule does not preclude the subsequent adoption of an identical permanent rule.

TMC 2-3-070 - Council Review of Administrative Rules.

(1) The Council, upon its own motion, may review a proposed or adopted administrative rule at any time.

(2) After review of a proposed or adopted administrative rule, the Council may take no action, amend, or repeal an administrative rule. If the Council chooses to amend or repeal an administrative rule, the amendment or repeal must be by resolution of the Council.

TMC 2-3-030 2-3-080 - Penalty Violations; Penalties.

(1) In addition to other remedies provided in the Code, any person, firm, or corporation performing public works construction in violation who violates any provision of the Public Works Construction Code commits a civil infraction and is subject to a fine of up to \$1,000.00 shall be punished by a fine not to exceed \$500.00. Each violation, and each day that a violation continues, is a separate civil infraction.

(2) The civil infraction procedures in Tualatin Municipal Code Chapter 7-01 apply to the prosecution of any violation of the Public Works Construction Code.

Section 2. Severability. Each section of this ordinance, and any part thereof, is severable. If any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

Section 3. Effective Date. This ordinance is effective 30 days from the date of adoption.

ADOPTED by the City Council this 13th day of April, 2020.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder



City of Tualatin

CITY OF TUALATIN Staff Report

TO: Honorable Mayor and Members of the City Council
THROUGH: Sherilyn Lombos, City Manager
FROM: Stacy Ruthrauff, Human Resources Director
DATE: April 13, 2020

SUBJECT:

Ordinance amending Tualatin Municipal Code, Chapter 1-06 relating to new provisions of the Personnel Rules

RECOMMENDATION:

Accept the changes as presented to amend Tualatin Municipal Code, Chapter 1-06 to allow for City Manager Authorization to amend personnel rules.

OUTCOMES OF DECISION:

Successful amendment to the Code will lead to faster administration and improved implementation of personnel rules, which will foster improved ability of the City and Human Resources to monitor, amend and improve Citywide rule, especially as necessary in times of change.

FINANCIAL IMPLICATIONS:

none

ATTACHMENTS:

- ORDINANCE NO. 1436-20

ORDINANCE NO. 1436-20

AN ORDINANCE RELATING TO THE PERSONNEL RULES; AMENDING TUALATIN MUNICIPAL CODE CHAPTER 1-06; AND CREATING NEW PROVISIONS.

WHEREAS, Tualatin Municipal Code Chapter 1-06 established the City's Personnel Rules; and

WHEREAS, the Council wishes to amend the Tualatin Municipal Code Chapter 1-06 to update the process by which Personnel Rules are to be updated.

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. Tualatin Municipal Code Chapter 1-6 (Personnel Rules) is amended to read as follows:

~~TMC 1-6-010 - Title.~~

~~The title of this chapter is "The Personnel Ordinance of the City of Tualatin."~~

~~TMC 1-6-020~~ 1-6-010 - Purpose.

~~This chapter is adopted~~ The purpose of this Chapter is to establish an equitable and uniform procedure for dealing with personnel matters; to attract to municipal service and to retain the best and most competent persons available; to assure that appointments and promotions of employees will be based on merit and fitness; and to provide a reasonable degree of job security for qualified employees.

TMC 1-6-020 - Delegation of Authority to City Manager.

(1) The City Manager is authorized to establish, maintain, and update the City's employment policies, rules, and procedures in accordance with the process established by this Chapter.

(2) The City Manager must administer this Chapter and the employment policies, rules, and procedures, consistent with the federal and state law.

(3) For purposes of this Chapter, the term "City Manager" means City Manager or the City Manager's designee.

~~TMC 1-6-030 - Adoption and Amendment of Employment Rules; Nondiscrimination.~~

~~(1) Personnel rules shall be adopted and amended by resolution of the City Council. The City Manager must establish employment policies, rules, and procedures to~~ The rules shall provide the means to recruit, select, develop, and maintain an effective and responsive work force, and shall The employment policies, rules, and procedures must include provisions for employee hiring and advancement, training and career development, job classification, salary administration, retirement, fringe benefits, discipline, discharge and other related activities.

~~(2) All appointments and promotions shall must be made in accordance with the personnel rules without regard to race, color, national origin, disability, religion, age, gender, sexual orientation, gender identity and expression, marital status, veteran status, source of income, political affiliation, or any other basis prohibited by federal, state, or local law. sex, race, color, age, religion or political affiliation. All appointments and promotions ; and shall must be based on merit and fitness demonstrated education, training, experience, performance, knowledge, skills, licenses, certifications, and abilities to perform the essential functions and meet the qualifications of a position.~~

TMC 1-6-040 - Administration of the Rules. Compilation and Available to the Public.

~~The City Manager shall be responsible for:~~

~~(1) Administering this chapter and the personnel rules not specifically reserved to the City Council.~~

~~(2) Preparing or causing to be prepared and recommending to the City Council personnel rules and revisions and amendments to such rules.~~

All adopted employment policies, rules, and procedures must be compiled and made available to employees and the public on the City's website and upon request.

TMC 1-6-070 - Council Action on Rules.

No Council action is necessary to ratify an employment policy, rule, or procedures adopted by the City Manager. However, upon the Council's own motion, the Council may review and modify an existing employment policy, rule, or procedure, or adopt a new employment policy, rule, or procedure at any time. If the Council chooses to adopt, amend, or repeal an employment policy, rule, or procedure, it must do so by resolution of the Council.

~~TMC 1-6-050 - Severability Clause.~~

TMC 1-6-060 - Purpose. 1-6-100 – Police Background Check Authorization; Procedure.

~~The purpose of this chapter (1-6-060 through 1-6-080) is to authorize the~~

~~(1) The Tualatin Police Department is authorized to access Oregon State Police (OSP) criminal offender information through the Law Enforcement Data System (LEDS) for applicants seeking employment or volunteer work, and independent contractors operating within the City of Tualatin, in accordance with OAR 257-10-025(1)(a).~~

~~TMC 1-6-070 - Procedure.~~

~~(2) All criminal background check proceedings under this chapter shall must be conducted in accordance with ORS ~~481.555~~ 181A.230 and OAR 257-10-025, which establish procedures for access to criminal record information possessed by the Oregon State Police (OSP) through the Law Enforcement Data System (LEDS), and as ~~supplemented below~~ provided as follows:-~~

{1} (a) All parties subject to a background check under this Chapter will be required to authorize the City of Tualatin to conduct a criminal offender information check through the OSP LEDS system.

{2} (b) ~~The Human Resources Department~~ City Manager shall maintain the criminal history authorization forms for those doing work on behalf of the City and request that a criminal history check be made if the ~~Human Resources Manager~~ City Manager determines that it will be in the best interest of the City in filling the position.

{3} (c) The Tualatin Police Department shall conduct the check on the prospective employee, volunteer, or independent contractor doing business with the City and report to the ~~Human Resources Department~~ City Manager that the person's record indicates "no criminal and/or traffic infraction record meets standards set for the position" or "criminal and/or traffic record does not meet standards set for ~~that~~ the position."

{4} (d) If the person's record is reported as "criminal record and/or traffic record does not meet standards set for that position," the ~~Human Resources Manager or designee~~ City Manager may request a written criminal history report from the OSP Identification Services Section in accordance with OAR 257-10-025(1)(c) and pay the applicable fee for this service. The ~~Human Resources Director or designee~~ City Manager may make a written criminal and/or driving history record available to the selecting official for his/her consideration in making the hiring decision.

{5} (e) The written criminal history record on persons that are not hired or appointed as a volunteer will be retained ~~in accordance with OAR 166-040-060 for three years~~ for the minimum required period as provided in the Secretary of State's records retentions schedule, and then appropriately destroyed by shredding at the end of the three-year period in accordance with law.

{6} (f) The criminal history record of applicants and volunteers with a criminal history that are hired or appointed will become a part of the confidential personnel file of that employee or volunteer. Only persons authorized by law or regulations may access confidential personnel files.

{7} (g) Applicants for employment, ~~or~~ appointment as a volunteer, or selection as an independent contractor who have a felony criminal history or a history of conviction of a misdemeanor will be closely examined to determine if the person possesses the trustworthiness needed to meet the required degree of public trust and confidence. Each selection shall be made on an individual, case by case basis, taking into account the person's qualifications, the requirements of the particular job or volunteer post applied for, and the results of the criminal history check. Factors, such as the age of the offender at the time of the offense, the type of offense and subsequent rehabilitation, and the public sensitivity of the position under consideration shall be taken into account in evaluating a criminal history report.

{8} (h) Hiring an applicant or appointing a volunteer or independent contractor with a criminal history record will require the approval of the ~~Human Resources Manager~~ City Manager, after full disclosure and consideration of the criminal history of the applicant and discussions with the Police department official conducting the background investigation.

Section 2. Severability. Each section of this ordinance, and any part thereof, is severable. If any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

Section 3. Effective Date. This ordinance is effective 30 days from the date of adoption.

ADOPTED by the City Council this 13th day of April, 2020.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder



City of Tualatin

CITY OF TUALATIN Staff Report

TO: Honorable Mayor and Members of the City Council
THROUGH: Sherilyn Lombos, City Manager
FROM: Sean Brady, City Attorney
DATE: April 13, 2020

SUBJECT:

Consideration of Resolution No. 5489-20 Ratifying the Mayor's Order Declaring a Moratorium on Residential and Commercial Evictions within the City of Tualatin During the COVID- 19 State of Emergency.

RECOMMENDATION:

Staff recommends Council consider Resolution No. 5489-20.

EXECUTIVE SUMMARY:

Resolution No. 5489-20 ratifies the Mayor's April 2, 2020 Order declaring a moratorium on residential and commercial evictions within the City of Tualatin during the COVID- 19 State of Emergency.

Under ORS 401.309 and TMC 1-07, the City Council declared a state of emergency related to COVID-19 by Resolution No. 5488-20 on March 23, 2020. Section 1 of Resolution No. 5488-20 authorizes the Mayor to issue additional public safety and health orders related to the COVID-19 emergency. On April 2, 2020, by Emergency Order 2020-01, the Mayor issued a moratorium on residential and commercial evictions within the City of Tualatin. Resolution No 5489-20 ratifies the Mayor's Order.

OUTCOMES OF DECISION:

ALTERNATIVES TO RECOMMENDATION:

FINANCIAL IMPLICATIONS:

ATTACHMENTS:

RESOLUTION NO. 5489-20

A RESOLUTION RATIFYING THE MAYOR'S ORDER DECLARING A MORATORIUM ON RESIDENTIAL AND COMMERCIAL EVICTIONS WITHIN THE CITY OF TUALATIN DURING THE COVID- 19 STATE OF EMERGENCY

WHEREAS, under ORS 401.309 and TMC 1-07, the City Council declared an emergency related to CVOID-19 on March 23, 2020 by Resolution No. 5488-20;

WHEREAS, Section 1 of Resolution No. 5488-20 authorizes the Mayor to issue additional public safety and health orders related to the COVID-19 emergency; and

WHEREAS, the Mayor issued a moratorium on residential and commercial evictions within the City of Tualatin on April 2, 2020.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

Section 1. The City Council adopts the Mayor's findings and ratifies the Mayor's order, dated April 2, 2020, declaring a moratorium on residential and commercial evictions within the City of Tualatin.

Section 2. This resolution is effective upon adoption.

Adopted by the City Council this 13th day of April, 2020.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder