



## TUALATIN CITY COUNCIL MEETING

MONDAY, NOVEMBER 22, 2021

JUANITA POHL CENTER  
8513 SW TUALATIN ROAD  
TUALATIN, OR 97062

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

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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, November 22. 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: either by calling in using the number below or entering the meeting using the zoom link and writing your name in chat. As always, public comment is limited to three minutes per person.

Phone: +1 669 900 6833

Meeting ID: 861 2129 3664

Password: 18880

Link: <https://us02web.zoom.us/j/86121293664?pwd=SS9XZUZyT3FnMk5rbDVKN2pWbnZ6UT09>

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### Work Session

1. **6:15 p.m. (15 min) – Record Holiday Greeting**
2. **6:30 p.m. (30 min) – Council Meeting Agenda Review, Communications & Roundtable.** Council will review the agenda for the November 22<sup>nd</sup> City Council meeting and brief the Council on issues of mutual interest.

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### 7:00 P.M. CITY COUNCIL MEETING

Call to Order

Pledge of Allegiance

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

## Announcements

1. Proclamation Declaring November 27, 2021 as Small Business Saturday
2. New Employee Introduction- Public Works Director Rachel Sykes

## 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 Work Session and Regular Meeting Minutes of October 25, 2021 and Work Session and Regular Meeting Minutes of November 8, 2021.
2. Consideration of Approval of a New Liquor License Application for Big Stage Production LLC dba At The Garage Eatery & Taphouse.
3. Consideration of **Resolution No. 5583-21** Authorizing The City Manager To Accept Funds For The 2019 Urban Areas Security Initiative (UASI) Grant To Purchase Training Supplies For The Tualatin Community Response Team (CERT)
4. Consideration of **Resolution No. 5584-21** Authorizing the City Manager to Execute an Amendment to an Intergovernmental Agreement with Metro for the Herman Road Project
5. Consideration of **Resolution No. 5585-21** Authorizing the City Manager to Apply to the Oregon Department of Transportation for an Order to Permit the City to Make Alterations to the Tualatin Road Railroad-Highway Crossing and Accept and Implement All Conditions in the Order

## Public Hearings - Legislative or Other

1. Middle Housing Code Update- this item has been postponed to December 13, 2021

## 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

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Meeting materials, including agendas, packets, public hearing and public comment guidelines, and Mayor and Councilor bios are available at [www.tualatinoregon.gov/council](http://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](http://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:** Jonathan Taylor, Economic Development Manager  
Caitlyn Quwenikov, Interim Director Tualatin Chamber of Commerce

**DATE:** November 22, 2021

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**SUBJECT:**  
Small Business Saturday Proclamation

**RECOMMENDATION:**  
Review and accept proclamation designating November 27, 2021 as Small Business Saturday in the City of Tualatin.

**EXECUTIVE SUMMARY:**  
Proclaiming the Saturday after Thanksgiving as Small Businesses Saturday is an annual tradition in the City of Tualatin that provides a platform to show support for our small business community, the entrepreneurial efforts of our residents, and honor the large workforce they employ. It also further demonstrates to our community that the City of Tualatin strongly supports our small businesses as they continue to navigate the economic challenges of the COVID-19 Pandemic.

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**ATTACHMENTS:**

- Proclamation

# Proclamation

## *Declaring November 27, 2021 as Small Business Saturday*

WHEREAS, the City of Tualatin, Oregon, celebrates our local small businesses and the contributions they make to our local economy and community; according to the United States Small Business Administration, there were 31.7 million small businesses in the United States, representing 99.9 percent of all firms with paid employees, and are responsible for 65.1 percent of net new jobs created from 2000 to 2019; and

WHEREAS, 96% of consumers who shopped on Small Business Saturday® agree that shopping at small, independently-owned businesses supports their commitment to making purchases that have a positive social, economic, and environmental impact and 97% of consumers who shopped on Small Business Saturday agree that small businesses are essential to their community; and

WHEREAS, the City of Tualatin also recognizes the impacts the COVID-19 Pandemic has had on our small businesses and those they employ, and dedicated \$1.2 million to our local economic recovery efforts in 2020 and 2021, and

WHEREAS, consumers have also continued to support locally owned businesses during COVID-19; with 86% of Americans spending almost \$100 a week at local businesses – a 16% increase before the crisis with a record of \$19.8 billion in 2020, and

WHEREAS, Tualatin, Oregon strongly supports our local businesses that create jobs, boost our local economy and preserve our communities; and

WHEREAS, advocacy groups, as well as public and private organizations, across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday.

NOW THEREFORE BE IT RESOLVED, that the City of Tualatin does hereby proclaim November 27, 2021 as Small Business Saturday and urge the residents of our community to support small businesses and merchants on Small Business Saturday and throughout the year.

INTRODUCED AND ADOPTED this 22<sup>nd</sup> day of November, 2021.

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:** November 22, 2021

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**SUBJECT:**

Consideration of Approval of the Work Session and Regular Meeting Minutes of October 25, 2021 and Work Session and Regular Meeting Minutes of November 8, 2021.

**RECOMMENDATION:**

Staff respectfully recommends the Council adopt the attached minutes.

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**ATTACHMENTS:**

- City Council Work Session Meeting Minutes of October 25, 2021
- City Council Regular Meeting Minutes of October 25, 2021
- City Council Work Session Meeting Minutes of November 8, 2021
- City Council Regular Meeting Minutes of November 8, 2021



## OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL WORK SESSION MEETING FOR OCTOBER 25, 2021

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

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Mayor Bubenik called the meeting to order at 5:51 p.m.

### **1. Parks Utility Fee: Projects & Prioritization.**

Parks and Recreation Director Ross Hoover and Parks and Recreation Development Manager Rich Mueller presented the Parks and Recreation Master Plan Implementation. Manager Mueller shared the scoring criteria of the condition of the park system that uses a qualitative approach, system balance, immediacy, ease of implementation, synergism, environmental sustainability, and operational sustainability. Director Hoover presented a prioritized asset condition list that showed near term, mid-term, and long-term conditions of assets and how it is used to determine the priority of projects. Some high priority items include Stoneridge Park renovations and the boat launch and ramp at Tualatin Community Park. Director Hoover stated additional funding is required since the park utility fee will not cover all the needed repair or replacement. He presented the annual process to execute the projects. Director Hoover shared the Browns Ferry boardwalk and bridge are closed and the community has expressed the need to fix them. The work for this project is in progress now so it will be safe, usable, and ADA accessible.

Councilor Brooks inquired about how the city interfaces with school property and lights. Director Hoover answered there is an IGA with Tigard Tualatin School District for when the City has invested money in a site which allows the city to use the site after school. He noted the city will swap the lighting with new energy efficient LED lighting. Councilor Brooks asked why the school project was not included the PGE project. Director Hoover stated sport field lighting is unique and is different from what PGE uses.

Councilor Pratt asked if possible funding for the boat ramp could come from Tualatin Valley Fire and Rescue since they use the ramp. Director Hoover said they would talk to them about it. He noted the Parks Utility Fee will be a source of funding, but we need a bigger funding source to make it a reality.

Mayor Bubenik stated Stoneridge Park is in a census tract, which qualifies for Community Block Grant money with matching funds. He encouraged creativity in looking for grants at every level of government especially for Stoneridge because of years of neglect.

### **2. Ballot Measure Review.**

City Attorney Sean Brady shared the outline of the referral process and ballot title. He stated the proposed measure language provides an exception to the 12 years in a 20-year period that if a person only served two terms as a City Councilor, then they will be eligible to serve another two consecutive terms as Mayor. Attorney Brady presented the proposed ballot title

and question title. He noted the ballot title is limited to ten words and the question limited to 20 words adding there is a 175-word summary and a 500-word explanatory statement that go into more detail. Attorney Brady stated if the Council approves the proposed wording the next step would be for staff to come back with a resolution to officially refer the matter to the voters.

Councilor Brooks asked if the referral is only filed with Washington County or with Clackamas County as well. City Attorney Brady stated it would be filed with Washington County and they work with Clackamas County to publish it in both counties.

Councilor Reyes mentioned concern for signature collection and asked for clarification. City Attorney Brady said the Council has authority to refer anything to the voters. He stated the other process is in an initiative process which an individual voter collects enough signatures to place an item on the ballot. Attorney Brady stated Council can only take action through a referral process.

Council President Grimes expressed concerns with the Council referring this item as she is concerned with the public feeling bypassed in the process.

Mayor Bubenik stated he spoke with the group who requested the item and they verified support of the language.

Council consensus was reached to have staff prepare a resolution for the next meeting.

### **3. *Council Meeting Agenda Review, Communications & Roundtable.***

Councilor Sacco stated she attended the Clackamas County Indigenous People's Day celebration, the Willamette River Water Coalition meeting, and the Northwest Public Employees Diversity Conference.

Councilor Pratt stated she attended the C4 Metro meeting, the Core Area Parking District meeting, the Clackamas County Climate Action Committee meeting, and the Tualatin Climate Action Plan Committee meeting.

Councilor Hillier stated she did not attend any official meetings but was present at the Drug Takeback at the Police Department.

Councilor Brooks attended Tualatin Arts Advisory Committee meeting and the Climate Action Planning Committee meeting.

Mayor Bubenik stated he attended an informal mayors lunch for the Washington County Mayors group, gave a speech at the Regatta Run, attended the MSTIP meeting, County Chair Harrington's meeting with the Mayors, the Greater Portland Economic Development District meeting, the Greater Portland Inc. regular meeting, the Clackamas County meeting with Chair Smith, the Tualatin Chamber Board meeting, and the Metro Mayors Consortium meeting.

### **Adjournment**

Mayor Bubenik adjourned the meeting at 6:41 p.m.

Sherilyn Lombos, City Manager

\_\_\_\_\_ / Teresa Wegscheid, Recording Secretary

\_\_\_\_\_ / Frank Bubenik, Mayor



## OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR OCTOBER 25, 2021

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

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### Call to Order

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

### Pledge of Allegiance

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

### Public Comment

### Consent Agenda

Motion to adopt the consent agenda made by Councilor Brooks, Seconded by Councilor Pratt.  
Voting Yea: Mayor Bubenik, Council President Grimes, Councilor Brooks, Councilor Reyes, Councilor Pratt, Councilor Hillier, Councilor Sacco

MOTION PASSED

1. Consideration of Approval of the Work Session and Regular Meeting Minutes of October 11, 2021
2. Consideration of **Resolution No. 5574-21** Authorizing the City Manager to Execute a Grant Agreement with the Oregon Department of Transportation for the Oregon Community Path Program; and Appropriating Specific Purpose Revenues in the City's General Fund during the FY 2021-2022 Budget
3. Consideration of **Resolution No. 5575-21** Awarding a Contract for Engineering Services for the B-Level Water Main Upsize – Ibach to Norwood Reservoirs Project; and Authorizing an Appropriation Transfer in the Water Development Fund for the FY 2021-2022 Budget
4. Consideration of **Resolution No. 5576-21** to Annually Adopt the City of Tualatin Investment Policy
5. Consideration of **Resolution No. 5577-21** Authorizing the City Manager to Enter into an Agreement With Washington County for a Distribution from the Major Streets Transportation Improvement Program Opportunity Fund; and Appropriating Specific Purpose Revenues in the City's General Fund during the FY 2021-2022 Budget
6. Consideration of **Resolution No. 5578-21** Authorizing the City Manager to Execute a Grant Agreement for Two State Homeland Security Grant Program Grants; and Appropriating Special Purpose Revenues in the City's General Fund During the Fiscal Year 2021-22 Budget

7. Consideration of **Resolution No. 5579-21** Authorizing the City Manager to execute an Intergovernmental Agreement with the Tualatin Development Commission
8. Consideration of **Resolution No. 5580-21** Accepting Department of Justice's Office of Community Oriented Policing Services Grant Funds; and Appropriating Specific Purpose Revenue in the City's General Fund during FY2021-2022 Budget

## **Special Reports**

1. Annual Report of the Juanita Pohl Center Advisory Committee

Juanita Pohl Center (JPC) Supervisor Sara Shepherd introduced the Juanita Pohl Center Advisory Committee Chair Susan Noack to present their annual report. She stated the committee's role is to hear updates from JPC staff with year-to-date figures on attendance and online programming. Chair Noack stated staff was able to increase participation with virtual programming such as exercise programs, aging mastery classes, monthly book clubs, virtual trips through national cities and parks, online socials, and educational webinars. She stated the JPC has received national press for their program offerings which have helped with receiving grants to produce videos for more programming. Chair Noack stated duplicating in-person programming for social engagement and interaction are the keys to overcoming isolation in the aging community. She stated in FY 2020-21 the JPC was open only 9 days but served 3,100 active adults in the virtual fitness programs and 1,400 in virtual enrichment programs. Chair Noack stated the JPC was one of only nine centers in the whole country to receive a grant for \$11,000 from NRPA to offer Active Living Every Day programs. She stated the action plan for FY 2021-22 is to keep supporting and growing active aging programs, grow the virtual programming portfolio, increasing diversity, visibility, and awareness as well as partnerships with national organizations and local community groups.

Councilor Pratt thanked everyone for keeping the creative connection during COVID.

Councilor Brooks asked if we share online classes with other cities who do not have this type of programming. She also asked how old do you have to be to attend the programs. Supervisor Shepherd answered they are partnered with Washington County Disability Aging and Veteran Services to provide outside participation. She added all adult age groups are welcome.

Councilor Reyes asked for an example of increasing diversity, visibility, and awareness. Supervisor Shepherd said they are reaching out to as many diverse groups as possible and tailoring more programs to Spanish speaking populations.

Council President Grimes expressed her appreciation for all of the work the committee has done. She stated the pivot from in-person programming to virtual was well-executed.

Mayor Bubenik thanked the JPC for honoring veterans by placing signs in their front yards for Veterans Day. Supervisor Shepherd stated there are extra signs available at the center.

Mayor Bubenik asked for an update on Meals on Wheels. Chair Noack stated they transitioned from 8,000 meals a day to home deliveries made the transition difficult. She stated they will reconsider in person dining in January. Chair Noack stated they are also

working on a new program for people who can volunteer services to mow grass, change lightbulbs, fix appliances, etc.

## **General Business**

### **1. Tualatin Moving Forward 2022 Neighborhood Traffic Safety Projects Update**

Transportation Engineer Mike McCarthy and Alta Planning and Design Consultant Katie Mangle presented the 2022 Neighborhood Traffic Safety projects. Consultant Mangle stated the public suggests these projects through the website and they are typically smaller projects with fast turnaround. She stated project prioritization criteria include geographic diversity, solution-oriented, and budget-approved. Consultant Mangle stated they received 106 suggestions including 16 carryover projects from last year. She stated five key factors were their focus including speed data, areas of diversity, access to transit, areas where the bond program has not focused investment, and streets with large gaps between crosswalks. Consultant Mangle share a 2020 equity index map and neighborhood projects from the TriMet pedestrian plan that will improve access to transit. Engineer McCarthy discussed five project areas at Avery/Tualatin Sherwood Road, Martinazzi/Mohawk, 67/68<sup>th</sup> Avenues Loop/Stoneridge, Martinazzi/Fred Meyer driveway, and the Sagert Street Bridge walkway.

Council President Grimes asked if there is a plan to add a bike lane at the Sagert Street Bridge. Engineer McCarthy responded there is a bike lane on the bridge, but the sidewalk ends right at the bridge guardrail.

Councilor Reyes asked if there are any plans to add lights on the Sagert Street Bridge. Engineer McCarthy said that could be considered.

Councilor Brooks stated she appreciates the thoughtfulness on bus stops with access issues as well as community contact and getting the needs met for the Stoneridge area. She asked if there is state funding available for the Sagert Street Bridge. Engineer McCarthy stated there is no state funding available for this project.

Councilor Reyes thanked staff for considering the extra parking at the Stoneridge area.

City Manager Lombos stated since there is no state funding available staff will look for alternative grants to supplement funding for projects.

Mayor Bubenik mentioned the Martinazzi/Fred Meyer driveway area has tight space at the bus stop by Shari's as well as the creek area flowing on the sidewalk creating a muddy area. City Manager Lombos mentioned that area is on the storm water master plan.

### **2. Quarterly Financial Report- 1st Quarter of FY 2021/2022**

Finance Director Don Hudson presented the first quarter financial report. He presented the budget actuals for the general fund revenue and expenditures, building revenues, road operating revenues, core area parking fund revenues, and water operating fund revenues and expenditures. He noted in the investment report the City is still receiving a reasonable rate. Director Hudson mentioned potentially investing outside the state pool, which dropped down to .55% this last quarter and is going down again to .45%. He stated the total portfolio yield is .788%. Director Hudson stated property tax came in at 4.74% (above the 3% budgeted). He stated the fiscal health model shows a positive alignment with ongoing with a

projected positive alignment for FY23. Director Hudson noted with conservative projection he is projecting a negative alignment in FY24, noting it is manageable.

Director Hudson announced the City is the recipient of the Government Finance Office Association's Triple Crown Award. He stated the city has received the certificate of achievement for excellence in financial reporting for 29 years; the popular annual financial reporting award for 2 years; and the distinguished budget presentation award for 8 years.

Director Hudson shared the ARPA guiding principles. He stated infrastructure is important to Council and funds could be used to extend a water line needed for affordable housing project and improve outdoor spaces such as Stoneridge Park. Director Hudson stated other investment areas could include assistance to households including programs for utility billing assistance.

Director Hudson discussed delinquent utilities. He stated the city stopped shut-offs in April 2020. He stated the city has sent delinquent notices to keep communication delinquent accounts. Director Hudson stated there are 168 delinquent accounts totaling around \$106,000. He stated other local providers have resumed shut-offs to keep accounts from becoming unmanageable. Director Hudson stated not all accounts are due to COVID and they are trying to narrow down the list to help those who are really impacted. He is proposing to resume shut-offs in February. Director Hudson stated there would be extensive outreach via information on the website, monthly bills, social media, and communicating with customers.

Councilor Brooks asked if there is a way to support people in the application process for programs and if ARPA money could be used to do door hanging. Director Hudson stated Community Action is beneficial because they have the ability to provide assistance with other funding as well and help with the process.

Councilor Pratt stated concerns households who are in arrears and how they will get a handle on it. Director Hudson mentioned they are helping to figure that out. He stated the city has not been assessing late fees. Councilor Pratt stated February is good timing to start shut-offs.

Councilor Reyes asked if businesses are delinquent also. Director Hudson confirmed some businesses are delinquent. Councilor Reyes suggested contacting other cities to see the process they use before doing shut-offs.

Councilor Sacco asked when outreach was going to start before shut-offs in February. Director Hudson answered a time line and plan is in the works, but it should start in the next few weeks.

Mayor Bubenik inquired about why February was determined. Director Hudson responded they did not want to go out too far and December was too soon. February gives time to do outreach. Mayor Bubenik mentioned the concerns with how quickly the programs would be started up and if February was too soon.

Councilor Hillier stated she has the same concern as the Mayor. Director Hudson stated the County has allocated the money to Clean Water Services. He believes the program will be up and running by the first of the year.

Councilor Brooks asked if people needed help to fill out forms. Director Hudson stated staff would point them to Community Action because of the different aspects the can assist with that the city can't.

City Manager Lombos stated there is a communications group put together by the County to communicate different programs and do outreach in a simple and culturally appropriate way.

Council President Grimes asked if commercial and residential dates could be separated. She mentioned concern for inclement weather in February for residential customers. Director Hudson stated they will get a feel for what the needs are and that putting a date out there is just to get the process started.

Councilor Hillier asked about assistance for Clackamas County residents. Director Hudson staed there is no separation between the two in Tualatin, and it would be handled the same as the CARES Act.

Council consensus was reached in support of the plan and would like to have further discussion before it is finalized.

3. Consideration of Recommendations from the Council Committee on Advisory Appointments

Councilor Reyes announced reappointments for the Tualatin Library Advisory Committee.

Motion to approve appointment was by Councilor Hillier and seconded by Councilor Pratt.  
Voting Yea: Mayor Bubenik, Council President Grimes, Councilor Brooks, Councilor Reyes, Councilor Pratt, Councilor Hillier, Councilor Sacco  
MOTION PASSED

**Adjournment**

Mayor Bubenik adjourned the meeting at 9:03 p.m.

Sherilyn Lombos, City Manager

\_\_\_\_\_ / Teresa Wegscheid, Recording Secretary

\_\_\_\_\_ / Frank Bubenik, Mayor



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

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

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

### **1. Acknowledgement of Native Land & People.**

Committee Chair Beth Dittman presented the Acknowledgment of Native Land and People. She recognized all the committee members for their work on the project. Chair Dittman stated the committee was formed by the Council on March 22, 2021 to provide the Council with a written statement, protocol for use, additional feedback and suggestions, and deepen relations with the Confederate Tribes of Grand Ronde. She stated the committee met six times to research and learn, collaborate, and hear community feedback. Chair Dittman spoke to the process and evolution of the work group. She shared key findings from the group that include: the job of the perceived majority to do this work, the statement must be accompanied by concrete actions, and inclusion of native voices that appropriately compensated for. Chair Dittman stated the pillars of their work was founded in the purpose statement, based in history and appropriate research, honest and direct, recognized native people, accompanied a list of actions, and included a mindset of community and gratitude. She shared the purpose statement for the acknowledgment, guidelines for use, and the acknowledgement statement.

Mayor Bubenik thanked the committee for their work and dedication to the assignment from the Council.

Councilor Pratt asked what next steps are. Chair Dittman stated the committee would like to see this be used in the way the guidelines outline.

Councilor Brooks stated she is in support of the city having a land acknowledgment. She stated she would like to see community conversations like this continue to happen in the newly forming Diversity Equity and Inclusion Committee.

Councilor Hillier thanked the committee for providing a clear and honest acknowledgment. She would like to see this move forward.

Councilor Grimes joined the meeting at 5:27 p.m.

Councilor Sacco thanked the committee for the detailed and comprehensive work on the acknowledgment. She stated she is in support of a land acknowledgment.

Mayor Bubenik stated this will be passed onto the new DEI Committee for them to provide recommendations to the Council and roll it out throughout the community.

## **2. Metro Update.**

Metro Councilor Gerritt Rosenthal presented an update from Metro. He presented information on the 2020 Supportive Housing Bill. Councilor Rosenthal stated all three county Local Implementation Plans have been approved and Metro is negotiating with the counties to complete and sign IGA's. He stated dozens of residents have accessed supportive housing services to date. Councilor Rosenthal stated in 2018 the Affordable Housing Bond was passed and the first building in Rockwood Village is now welcoming residents with the Mary Ann Residents coming on line in the fall. Councilor Rosenthal introduced Metro Staff Juan Carols Ocana-Chiu and Antonia Machado to speak to the Parks and Nature Bond. Metro Staff Ocana-Chiu stated the Chehalem Ridge Natural Area and the Newell Creek Canyon will be opening in the first half of 2022. He stated a new template for Local Share IGA's was approved by Metro Council that will make it easier for cities to move forward on priority projects. Metro Staff Ocana-Chiu stated Metro's Parks and Nature Levy has been approved twice since 2013 which enable habitat restoration, park maintenance, public access, nature education, and community grants and partnerships. He stated staff will be working on a levy renewal at the same tax rate that could go to voters in 2022. Councilor Rosenthal spoke to garbage and recycling in the area. He stated a total of five new RID crews are available now to respond to illegal dumping and reduce response times to 12 business days. Councilor Rosenthal spoke to the Construction Careers Pathways program that is working to upgrade Blue Lake Park. He stated the program works with people to offer them new skills that can help them move forward in their careers. Councilor Rosenthal spoke to the current redistricting discussions. He noted public hearings are currently happening now. Councilor Rosenthal stated some of the proposals would affect Tualatin and he would look to the council for guidance and feedback.

Councilor Pratt asked when the IGA will be signed with Clackamas County so the funds can be released for housing. Metro Councilor Rosenthal stated county staff is working on it but he doesn't have an exact time frame.

Councilor Pratt asked how the Supporting Housing Services will support homelessness. Metro Councilor Rosenthal stated the funding that will be available is a substantial amount and the details are still being worked out for each facility.

Councilor Pratt stated she would like to see local share funds used to rebuild the Stone Ridge Park. She would like to know specifically where the city can use bond funds. Metro Staff Ocana-Chiu stated they have spoken with city staff and explained the restraints that are in place that prohibit funding from being used for recreational uses such as those desired for Stone Ridge Park. Parks and Recreation Director Hoover stated the Stone Ridge Community was not interested in a nature area making Metro Local Share funding not an option.

Councilor Reyes stated when Metro does future bonds she wants to see family oriented areas for diverse groups be included for funding.

Councilor Brooks stated she would like to see a bond put in place with the same goals and also includes health and mobility as well.

Councilor Brooks asked what percentage of housing developments will have wrap around services. Metro Councilor Rosenthal stated each facility will be evaluated for wrap around services but noted he is unsure of the percentage.

Councilor Brooks asked about the prioritization of wetlands throughout Metro and what they are doing to protect them. Metro Councilor Rosenthal said they pay close attention to wetlands for new development. He stated in smaller developable areas they have more limited authority. Metro Staff Ocana-Chiu stated protecting and restoring land is the largest program area of the 2019 bond.

Mayor Bubenik stated he would like to not see Tualatin split during rezoning. He stated Rid-Well is operating illegally in all cities, he asked for a status on their Metro application. Metro Councilor Rosenthal stated they are waiting on the status of their DEQ permit.

Mayor Bubenik stated he would like to see more specifics on what the new Parks and Recreation Bond will contain as the current restrictions are a burden for the City. He stated he won't be able to support a bond that has criteria the city is not aware of.

Mayor Bubenik stated he heard Metro received \$12 million for transportation and the cities had no say in how the funds were distributed. Metro Councilor Rosenthal stated he is not aware of that funding but will look into it and follow-up.

Council President Grimes stated she wants Tualatin to remain as one during the redistricting process. She stated she wants to ensure a bond renewal has appropriate language so Tualatin can utilize the funds effectively.

### **3. Council Meeting Agenda Review, Communications & Roundtable.**

Councilor Brooks stated she will forward the Basalt Creek report to all Councilors for review. She stated she attended the Hug-A-Street event with the Tualatin Sustainability Network.

Councilor Pratt stated she attended the Hug-A-Street event. She stated she attended the C4 meeting.

Councilor Reyes stated she would like to see the City pass a proclamation for Hispanic Heritage Month moving forward.

Mayor Bubenik stated he attended the Smart ODOT Bus and Shoulder event, the Westside Economic Alliance, the Chamber of Commerce Key Leaders Breakfast, the Greater Portland Inc. Small Cities Consortium meeting, the Tualatin Together Fun Run, the River Park CIO meeting, the Washington County Coordinating prep meeting, and the Metro Mayors Consortium Retreat.

Mayor Bubenik adjourned the meeting at 6:47 p.m.

Sherilyn Lombos, City Manager

\_\_\_\_\_ / Nicole Morris, Recording Secretary

\_\_\_\_\_ / Frank Bubenik, Mayor



## OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR NOVEMBER 08, 2021

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

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### Call to Order

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

### Pledge of Allegiance

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

### Public Comment

None.

### Consent Agenda

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

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

MOTION PASSED

1. Consideration of **Resolution No. 5581-21** Authorizing the City Manager to Execute an Intergovernmental Agreement with Clackamas County Related to the Coalition of Communities of Color Racial Justice Project

### Special Reports

1. Annual Report of the Tualatin Arts Advisory Committee

Recreation Manager Julie Ludemann and Tualatin Arts Advisory Committee Chair Janet Carr presented their annual report. Chair Carr stated members meet monthly, represent Tualatin Arts to the Council and public, attend activities and events, encourage opportunities for art recognition, and stimulate private and public support for the arts. She stated 2020-21 accomplishments included signal box art wrap installations, a public mural at Community Park, provided financial support to art agencies, and provided support and feedback for the Parks and Recreation Equity Plan. Chair Carr stated 2021-22 goals include expansion of the traffic signal box art program, identifying future art programs and projects, and continued support of local arts programming through grants and awards.

Councilor Brooks thanked the committee members for their leadership in the community.

Councilor Reyes stated she loves the wrap art around the signal boxes in the community.

Councilor Pratt asked how people can make suggestions of where artwork could be located throughout the city. Manager Ludemann stated suggestions can be made directly to her.

Councilor Pratt stated the underpass under I-5 would be a great place for some art along the walking trail.

Mayor Bubenik thanked the committee for all their efforts throughout the year.

## **General Business**

1. Consideration of **Resolution No. 5582-21** Referring to the Electors of the City of Tualatin the Question of Amending the City Charter to Modify Mayoral Term Limits in Certain Circumstances

City Attorney Sean Brady stated at the last work session Council requested staff return with a Resolution for the measure language, ballot title, summary, and explanatory statement. He stated the challenge period will be noticed if passed. Attorney Brady stated this would go on the May 17, 2022 ballot.

### **PUBLIC COMMENT**

None.

### **COUNCIL DISCUSSION**

Councilor Pratt stated she feels there is confusion about how ballot measures work for changing the city charter. She stated citizens can either collect signatures through the initiative process, the council can refer a vote to the ballot, or through citizen request of the council. Councilor Pratt stated the citizens requested this be placed on the ballot through the Council due to the pandemic. She stated all citizens will get to vote on the measure. Councilor Pratt stated the ability for a Mayor to serve an additional term offers many benefits to the city.

Councilor Sacco stated the Mayor has the opportunity to have more extensive reach and create relationships throughout the region and the ability to serve two consecutive terms as a Mayor is of benefit to the city.

Councilor Reyes is in favor of the ability for a Mayor to run an additional term as they are able to build relationships over an extended period of time.

Councilor Brooks stated she is appreciative of the community members who came forward and made this request and she is happy to put this forward with this method due to the pandemic. She stated she is in favor of the resolution as the experience and relationships of a multi-term Mayor are important to help with funding for the city.

Council President Grimes stated changes need to be made to the current term limit measure for the position of Mayor. She stated her concerns and lack of support are about how the measure is going forward. She would like this to be a grassroots effort where signatures need to be gathered.

Councilor Hillier stated she has received feedback from community members who too would like to see the signature gathering process take place. She stated she will be representing those community members tonight.

Mayor Bubenik stated the measure is for the betterment of the city as it would allow for experienced and stable leadership.

Motion to adopt Resolution No. 5582-21 referring to the electors of the City of Tualatin the question of amending the City Charter to modify Mayoral term limits in certain circumstances made by Councilor Pratt, Seconded by Councilor Brooks.

Discussion on the Motion

Councilor Brooks reiterate that the process is in the charter and was requested by the voters.

Voting Yea: Mayor Bubenik, Councilor Reyes, Councilor Pratt, Councilor Sacco  
Voting Nay: Council President Grimes, Councilor Hillier  
MOTION PASSED

### **Council Communications**

Councilor Brooks thanked Veteran's for their service and wished them a Happy Veteran's Day.

Councilor Pratt stated Meals on Wheels is now accepting donations to give meals to seniors for the holidays.

Councilor Reyes wished everyone a Happy Veteran's Day.

Mayor Bubenik wished everyone a Happy Veteran's Day.

Mayor Bubenik stated it is getting dark earlier and reminded citizens to be alert when driving and keep eyes open for pedestrians and bikes.

### **Adjournment**

Mayor Bubenik adjourned the meeting at 7:44 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:** 11/22/2021

---

**SUBJECT:**

Consideration of Approval of a New Liquor License Application for Big Stage Production LLC dba At The Garage Eatery & Taphouse.

**RECOMMENDATION:**

Staff respectfully recommends the Council approve endorsement of the liquor license application for Big Stage Production LLC dba At The Garage Eatery & Taphouse.

**EXECUTIVE SUMMARY:**

Big Stage Production LLC dba At The Garage Eatery & Taphouse has submitted a new 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. The business is located at 17880 SW McEwan 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 Oct. 30, 2021

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): At The Garages Eatery & TAPHOUSE
Business address 17880 SW McEwan Rd City Tualatin State OR Zip Code 97035
Mailing address 4810 SW Western Ave. City Beaverton State OR Zip Code 97005
Telephone # 503-572-9954 Fax #
Email ksdrangsholt@yahoo.com
Name(s) of business manager(s) First KENT Middle STEVEN Last DRANGSHOLT

Type of business Restaurant / Bar
Type of food served BBQ steakhouse
Type of entertainment (dancing, live music, exotic dancers, etc.) live music / dancing
Days and hours of operation M-SUN 9AM - 2AM
Food service hours: Breakfast 9A-11A Lunch 11AM - 3PM Dinner 3PM-1AM
Restaurant seating capacity 225 Outside or patio seating capacity 100
How late will you have outside seating? 12m How late will you sell alcohol? 1AM

How many full-time employees do you have? 6 Part-time employees? 3

**SECTION 3: DESCRIPTION OF LIQUOR LICENSE**

Name of Individual, Partnership, Corporation, LLC, or Other applicants \_\_\_\_\_

BIG STAGE PRODUCTIONS LLC

Type of liquor license (refer to OLCC form) FULL ON PREMISES, OTHER PUBLIC LOCATION

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 N/A 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 KENT STEVEN DRANGSHOLT Date of birth \_\_\_\_\_

Full name JAMI CAROLYN DRANGSHOLT Date of birth \_\_\_\_\_

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

(a) Name and business address of registered agent.

Full name N/A

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: KENT STEVEN DRANGSHOLT Date of birth: \_\_\_\_\_

Full name: JAMI CAROLYN DRANGSHOLT

Date of birth: [REDACTED]

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.

[REDACTED]

Oct 30, 2021

Date

**For City Use Only**

Sources Checked:

- DMV by [Signature]
- LEADS 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

11-8-21

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:** Lindsay Marshall, Management Analyst II  
**DATE:** November 22, 2021

---

### **SUBJECT:**

Consideration of **Resolution No. 5583-21** Authorizing The City Manager To Accept Funds For The 2019 Urban Areas Security Initiative (UASI) Grant To Purchase Training Supplies For The Tualatin Community Response Team (CERT).

### **RECOMMENDATION:**

Staff recommends approval of Resolution 5583-21.

### **EXECUTIVE SUMMARY:**

The Urban Areas Security Initiative (UASI) is a Department of Homeland Security grant program. It is intended to provide financial assistance for unique multi-discipline planning, organization, equipment, training, and exercise needs of high-threat, high-density Urban Areas, and to assist these areas in building and sustaining capabilities to prevent, protect against, mitigate, respond to, and recover from threats or acts of terrorism using the Whole Community approach.

The City of Portland, through the Portland Bureau of Emergency Management (PBEM), is the sub recipient of the 2019 UASI grant. The City of Tualatin will receive the funding through the Regional Disaster Preparedness Organization (RDPO), coordinated via Washington County.

The Tualatin Community Emergency Response Team (CERT) is a local, citizen run program entering its third year. CERT is an organization of volunteer emergency workers who have received specific and standardized training in basic disaster response skills, and who agree to supplement existing emergency responders in the event of a major disaster. The City originally requested \$3,500 from the UASI grant to assist Tualatin CERT in purchasing training materials and supplies. The City was awarded that amount and funds were accepted by City Council in January 2021 (Resolution No. 5332-21). When additional funds became available in July 2021, the City worked with Tualatin CERT to request funding for more materials and training that would be of benefit to both the City and Tualatin CERT.

### **OUTCOMES OF DECISION:**

The City will receive grant funds to assist Tualatin CERT in purchasing training supplies.

### **FINANCIAL IMPLICATIONS:**

The total amount that the City will receive from the 2019 UASI grant will be increased by \$14,700 to a new total amount of \$18,200. Funds will be used to purchase training materials and supplies for the Tualatin Community Response Team (CERT).

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**ATTACHMENTS:**

-Resolution No. 5583-21 Authorizing The City Manager To Accept Funds For The 2019 Urban Areas Security Initiative (UASI) Grant To Purchase Training Supplies For The Tualatin Community Response Team (CERT).

RESOLUTION NO. 5583-21

A RESOLUTION AUTHORIZING THE CITY MANAGER EXECUTE AN AMENDMENT TO THE URBAN AREAS SECURITY INIATIVE (UASI) 2019 GRANT AGREEMENT; AND APPROPRIATING SPECIFIC PURPOSE REVENUES IN THE CITY'S GENERAL FUND DURING THE FY 2021-2022 BUDGET.

WHEREAS, on May 5, 2021, the City of Tualatin and Washington County executed an Intergovernmental Agreement for USASI grant funds;

WHEREAS, Washington County wishes to provide the City with additional funds to increase the total agreement amount from \$3,500 to \$18,200; and

WHEREAS, under ORS 294.338(2), during the year the Council may authorize the acceptance of specific purpose revenues and the associated appropriations through a specific purpose revenue budget adjustment resolution.

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

**Section 1.** The City Manager is authorized to execute the Amendment to the USAI Grant, which is attached as Exhibit 1.

**Section 2.** The City Manager is authorized and instructed to adjust the General Fund's budget to reflect receipt of the specific purpose revenue and the associated appropriation:

General Fund Revenues: \$14,700

General Fund Expenditures, Maintenance Services: \$14,700

**Section 3.** This resolution is effective upon adoption.

Adopted by the City Council this \_\_\_\_ day of \_\_\_\_\_, 2021.

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:** Mike McCarthy, PE, Principal Transportation Engineer  
Kim McMillan, PE, Community Development Director

**DATE:** November 22, 2021

---

### **SUBJECT:**

Consideration of **Resolution No. 5584-21** Authorizing the City Manager to Execute an Amendment to an Intergovernmental Agreement with Metro for the Herman Road Project

### **RECOMMENDATION:**

Staff recommends Council authorize the City Manager to sign the Amendment to the Intergovernmental Agreement.

### **EXECUTIVE SUMMARY:**

- This Amendment revises a 2019 Intergovernmental Agreement between Tualatin and Metro to allow all stages of design of the Herman Road Project to be completed within funding originally allocated for preliminary design.
- In 2016 Tualatin was awarded \$625,000 in federal funds through Metro for a project for preliminary design to reconstruct Herman Road with bike lanes and sidewalk from Tualatin Rd to Teton Ave and restripe Herman Road with buffered bike lanes from Cheyenne Way to 124<sup>th</sup> Ave.
- In September, 2019, the City entered into an Intergovernmental Agreement with Metro to use local Washington County funds (instead of federal funds) for this Herman Road project. It was estimated at the time that this funding would be enough to complete the early stages of design – up to the 60% design level, and that the City would need to find additional funding to complete final design.
- The conceptual and preliminary stages of design have been completed for this project, and have cost considerably less than anticipated.
- It is now anticipated that all phases of design can be completed within the budget originally allocated to complete design through the 60% phase.
- This Amendment adds ‘90% Design’ and ‘Final Design’ tasks to the agreed-upon project work, and extends the agreement through June, 2023 to allow additional time for completion of project work.

### **OUTCOMES OF DECISION:**

Authorizing the City Manager to sign the intergovernmental agreement will allow final design of the Herman Road project to move forward with grant funding.

**ALTERNATIVES TO RECOMMENDATION:**

Council could decide to not authorize signature of this agreement. This would result in final design of the project needing to be completed with city funds, and some grant funding would be returned to Metro.

**FINANCIAL IMPLICATIONS:**

The City's share of the cost of this project is the cost of staff time, budgeted in the funds that currently pay for staff time.

---

**ATTACHMENTS:**

- Authorizing Resolution
- Intergovernmental Agreement Amendment
-

RESOLUTION NO. 5584-21

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO AN INTERGOVERNMENTAL AGREEMENT WITH METRO FOR THE HERMAN ROAD PROJECT.

WHEREAS, Metro is the federally mandated metropolitan planning organization (MPO) designated by the Governor to develop an overall transportation plan for the region;

WHEREAS, Metro awarded the City \$625,000 in 2019-2021 regional flexible funds for the Herman Road Walking and Bicycling Improvement Project;

WHEREAS, Metro and the City entered into an Intergovernmental Agreement on or about September 11, 2019, for the City to complete 60% Design of the Herman Road Project with funds allocated through Metro;

WHEREAS, the conceptual and preliminary stages of design are completed and for less cost than anticipated; and

WHEREAS, the parties wish to amend the Intergovernmental Agreement to allow the funds to be used to complete additional design work.

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

**Section 1.** The City Manager is authored to execute an Amendment to the Intergovernmental Agreement with Metro for the Herman Road Project, which is attached as Attachment A, and incorporated by reference.

**Section 2.** The City Manager is authorized to make administrative modification to the Intergovernmental Agreement to fully implement its intent.

**Section 3.** This resolution is effective upon adoption.

Adopted by the City Council this \_\_\_\_ day of \_\_\_\_\_, 2021.

CITY OF TUALATIN, OREGON

BY \_\_\_\_\_  
Mayor

APPROVED AS TO FORM

ATTEST:

BY \_\_\_\_\_  
City Attorney

BY \_\_\_\_\_  
City Recorder

**ATTACHMENT A  
RESOLUTION NO. 5584-21**

**AMENDMENT NO. 1 METRO INTERGOVERNMENTAL AGREEMENT NO. 936200**

This First Amendment amends the Intergovernmental Agreement (IGA) with Metro and the City of Tualatin.

In exchange for the promises and other considerations set forth in the IGA, Contract Amendment No. 1, the parties agree as follows:

**A. Purpose**

The purpose of Contract Amendment No. 1 is (1) to revise Section 1 (“Term”) to extend the termination date; and (2) to revise the Scope of Work as set forth below.

**B. Provision of the Amendment**

1. Amendment of termination date, Section 1. Term.

Section B of the IGA is amended to extend the IGA termination date from September 30, 2021 to June 30, 2023. The parties acknowledge that per the terms of IGA Contract No. 936200, this will be the first extension. **This Amendment is effective and retroactive to September 30, 2021.**

2. Amendment of Scope of Work.

The Scope of Work is amended as follows (edits in **bold** and ~~strikethrough~~):

<b>Task</b>	<b>Task Description and Deliverables</b>	<b>Month/Year</b>	<b>Estimated Metro Award Amount</b>
<b>1</b>	<b>Project Management and Oversight</b>	August, 2019 to December, 2021	\$0
	Deliverable: Quarterly Progress Report #1	January, 2020	
	Quarterly Progress Report #2	April, 2020	
	Quarterly Progress Report #3	July, 2020	
	Quarterly Progress Report #4	October, 2020	
	Quarterly Progress Report #5	January, 2021	
	Quarterly Progress Report #6	April, 2021	
	Quarterly Progress Report #7	July, 2021	
	<del>Final Project Report</del> <b>Quarterly Progress Report #8</b>	September, 2021	
	<b>Quarterly Progress Report #9</b>	<b>December, 2021</b>	
	<b>Quarterly Progress Report #10</b>	<b>April, 2022</b>	
	<b>Quarterly Progress Report #11</b>	<b>July, 2022</b>	
	<b>Quarterly Progress Report #12</b>	<b>October, 2022</b>	
	<b>Final Project Report</b>	<b>December, 2022</b>	
<b>2</b>	<b>Site Inventory Survey and Mapping</b>	<del>September, 2019 to June, 2020</del> <b>June, 2020 to December, 2020</b>	<del>\$100,000</del> <b>\$55,000</b>

	Deliverable: Survey and Mapping Technical Report, including survey and mapping of anticipated project area, contours, utilities, and nearby adjacent property lines		
<b>3</b>	<b>Preliminary Design</b>	January, 2020 to December, 2020 <b>September, 2020 to September, 2021</b>	\$250,000 <b>\$155,000</b>
	Deliverable: 30% Plans with agency comments incorporated. Plans would show preliminary design of project including travel lanes, bicycle and pedestrian facilities, conceptual storm drainage system and treatment facilities, and anticipated project footprint.		
<b>4</b>	<del>Environmental Permitting Applications</del> <b>60% Design</b>	July, 2020 to April, 2021 <b>August, 2021 to March, 2022</b>	\$125,000 <b>\$150,000</b>
	Deliverable: <del>Written report of project environmental issues, affects, applicable standards, and mitigation (if any). Copies of Permit applications submitted to appropriate agencies and agency acknowledgement</del> <b>60% Plans. Plans would show detailed design of project including travel lane and bicycle and pedestrian facility grades, widths, and thicknesses, preliminary signage and pavement markings, and storm drainage and treatment facility layout and sizing.</b>		
<b>5</b>	<del>Detailed Design</del> <b>90% Design</b>	September, 2020 to August, 2021 <b>January, 2022 to December, 2022</b>	\$150,000 <b>\$150,000</b>
	Deliverable: <del>60% Plans with agency comments incorporated. Plans would show detailed design of project including travel lane and bicycle and pedestrian facility grades, widths, and thicknesses, preliminary signage and pavement markings, and storm drainage and treatment facility layout and sizing.</del> <b>90% Plans and draft specifications, contract documents, and cost estimate.</b>		
<b>6</b>	<b>Final Design</b>	January, 2022 to June, 2023	<b>\$115,000</b>
	<b>Deliverable: Final bid-ready plans, specifications, and contract documents for the project.</b>		

5. The City agrees to submit to Metro regular progress reports as follows:
- a) Quarterly Progress Reports: In addition to the Project Deliverables set forth above, once work has begun, the City must provide to Metro a progress report, documenting the status of the Project. The City must submit the progress report to Metro quarterly ~~and when~~ Project Deliverables are met.

- 8.
- b) All invoice payments are conditional upon Metro's Project Manager's approval of the Progress Reports. The City must present progress reports to Metro's Project Manager on a quarterly basis. ~~and when Project Deliverables are met.~~
  - c) No changes
  - d) No changes
  - e) The City must include in the invoice:
    - Metro Contract No. 936200
    - XXXX name
    - Remittance address
    - Invoice date
    - Invoice number
    - Invoice amount
    - Local Match amount
    - Itemized statement of work performed and expenses incurred during the invoice period
    - ~~Required to be submitted quarterly~~
  - f) No changes
  - g) The City must reference the Metro Contract No. 936200 ~~in the email subject line.~~ **with the submission into Zoom Grants.**

**D. No Other Modifications**

Except as modified herein, all other terms and conditions of the IGA will remain in full force and effect. Any conflict between the provisions of this First Amendment, on the one hand, and the original IGA, on the other hand, will be resolved by reference to and reliance upon this First Amendment.

CITY OF TUALATIN

METRO

\_\_\_\_\_  
By:  
Title:

\_\_\_\_\_  
By:  
Title:

\_\_\_\_\_  
Date:

\_\_\_\_\_  
Date:



*City of Tualatin*

## CITY OF TUALATIN Staff Report

**TO:** Honorable Mayor and Members of the City Council

**THROUGH:** Sherilyn Lombos, City Manager

**FROM:** Mike McCarthy, Principal Transportation Engineer  
Kim McMillan, Community Development Director

**DATE:** November 22, 2021

---

**SUBJECT:**

Consideration of Resolution Number 5585-21 Authorizing The City Manager To Apply For And Agree To Alterations To The Tualatin Road Crossing Of The Portland And Western Railroad.

**RECOMMENDATION:**

Staff recommends Council adopt the attached resolution.

**EXECUTIVE SUMMARY:**

The Tualatin Moving Forward Program Team is designing a project to improve safety and access along Tualatin Road from Sweek Drive to Community Park. Phase 1 of this project is currently under construction along the south side of Tualatin Road in front of the Police Station and at the crosswalk east of the Police Station. The second phase of this project is planned to widen the sidewalk on the north side of Tualatin Road from the crosswalk across the rail crossing to the park.

Any construction affecting the road and/or sidewalk within a couple hundred feet of the railroad requires the approval of the railroad, those using the rails (TriMet WES), and rail regulators. The railroad and regulators have raised safety and operational concerns about the existing crossing and expect this and/or any future project to address those concerns. Staff and the program team have worked with the railroad, regulators, and TriMet to develop the changes presented here as ways to address these concerns while minimizing impacts to City residents and facilities, and allowing the Tualatin Road project to move forward.

The required changes are listed in the attached Notice of Proposed Alteration (NPA) and shown on the attached plan as an amendment to the NPA. The changes include additional signage and pavement markings for improved safety at the crossings. The NPA would also require the City to reimburse the railroad for their cost to install a pedestrian gate arm that would cross the sidewalk on the east side of the tracks, and extend the pedestrian gate arm on the west side of the tracks.

In particular, the railroad and regulators are requiring 'No Left Turn' signage telling eastbound drivers on Tualatin Road that they are not allowed to turn left into the northern park driveway (which goes to the boat ramp, dog park, and other northern areas of Community Park). They raise the safety concern of a vehicle stopped on the tracks (or causing queuing on the tracks) as they wait for a gap in oncoming traffic so they can turn left into the driveway, so they are requiring the 'No Left Turn' signs. When the City team pushed back on this requirement because of its effects on park access, the railroad and regulators replied that this is a safety issue and they have the authority to require left turn prohibition and/or full driveway closure at any time.

Staff believes that the Tualatin Road railroad crossing changes and park access changes in the Notice of Proposed Action (NPA) are the most appropriate way to address the railroad and regulators' safety concerns about the crossing at the lowest feasible level of impact to Tualatin's citizens and parks.

**OUTCOMES OF DECISION:**

Approval of attached Resolution 5585-21 would authorize changes to the Tualatin Road railroad crossing near Community Park, including gate arm changes, markings, and signage including 'No Left Turn' signage for eastbound traffic at the northern park access.

**ALTERNATIVES TO RECOMMENDATION:**

Council could decide not to authorize approval of these crossing changes. If this is the case, the Tualatin Road sidewalk would likely not be able to move forward, and the railroad and regulators may seek to force these changes through legal channels.

**FINANCIAL IMPLICATIONS:**

The costs of the proposed crossing changes are budgeted as part of the Tualatin Road (Sweek Drive to Community Park) project in the Tualatin Moving Forward project fund.

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**ATTACHMENTS:**

- Resolution 5585-21 for Tualatin Road railroad crossing revisions

RESOLUTION NO. 5585-21

A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY TO THE OREGON DEPARTMENT OF TRANSPORTATION FOR AN ORDER TO PERMIT THE CITY TO MAKE ALTERATIONS TO THE TUALATIN ROAD RAILROAD-HIGHWAY CROSSING AND ACCEPT AND IMPLEMENT ALL CONDITIONS IN THE ORDER.

WHEREAS, under TMC 8-3-030, the City Council shall exercise all municipal traffic authority for the City by resolution except those powers specifically and expressly delegated;

WHEREAS, the City wishes to construct a pedestrian and access improvement project along Tualatin Road from Sweek Drive to Community Park, which includes widening the sidewalk on the north side of Tualatin Road from the crosswalk across the rail crossing to the park (Project);

WHEREAS, the Project impacts an at-grade railroad crossing;

WHEREAS, under ORS 824.202, the Oregon Department of Transportation, Commerce and Compliance Division (ODOT) has authority over any construction, alteration, and protection enhancements of railroad-highway crossings in the State of Oregon;

WHEREAS, on October 1, 2021, the City of Tualatin made application under ORS 824.206 seeking approval to alter a railroad-highway grade impacting the Portland & Western Railroad (PNWR) and Tri County Metropolitan Transportation District of Oregon (TriMet);

WHEREAS, the ODOT Order requires the City to install additional signage and pavement markings, as well as to reimburse the railroad costs to install a pedestrian gate arm that would cross the sidewalk on the east side of the tracks, and extend the pedestrian gate arm on the west side of the tracks; and

WHEREAS, the Council wishes to authorize the City Manager to make application for, and accept the conditions imposed by ODOT Order to construct the Project.

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

**Section 1.** The City Manager is delegated and authorized to apply to ODOT for the at grade crossing modification, and accept all conditions imposed by ODOT to construct the crossing alteration.

**Section 2.** The Council approves the conditions imposed by ODOT in Order RX 1954 and authorizes the City Manager to waive appeal of the Order.

**Section 3.** The City Manager is authorized to implement the requirements of the Order.

**Section 4.** This resolution is effective upon adoption.

Adopted by the City Council this \_\_\_\_ day of \_\_\_\_\_, 2021.

CITY OF TUALATIN, OREGON

BY \_\_\_\_\_  
Mayor

APPROVED AS TO FORM

ATTEST:

BY \_\_\_\_\_  
City Attorney

BY \_\_\_\_\_  
City Recorder

**BEFORE THE OREGON DEPARTMENT  
OF TRANSPORTATION**

**RX 1954**

**In the Matter of the Alteration of the Railroad-  
Highway Grade Crossing at SW Tualatin Road  
and PORTLAND & WESTERN RAILROAD (PNWR)  
Inc., TRI COUNTY METROPOLITAN  
TRANSPORTATION DISTRICT OF OREGON  
(TriMet), Oregon Electric District, in Tualatin,  
Washington County, Oregon.**

) **NOTICE OF PROPOSED RAIL  
) CROSSING ALTERATION AND  
) NOTICE OF OPPORTUNITY FOR  
) HEARING  
)  
)**

Pursuant to ORS 824.202, the Oregon Department of Transportation, Commerce and Compliance Division (Department) has authority over the construction, alteration and protection of railroad-highway crossings in the State of Oregon. On October 1<sup>st</sup> 2021, The City of Tualatin made application under ORS 824.206 seeking authority to alter the subject railroad-highway grade crossing (hereafter "crossing"). The affected railroads are the Portland & Western Railroad (PNWR) and Tri County Metropolitan Transportation District of Oregon (TriMet). The affected public authority in interest is the City of Tualatin. Interested Agencies or Persons in this matter include The Oregon Department of Transportation.

The Appendix to this Notice depicts the scope of the proposed crossing project. The average daily traffic (ADT) volume at the crossing is ≈9300 vehicles. The posted speed of vehicles is 35 miles per hour (mph). The roadway intersects the track at an angle of ≈58 degrees. There is a daily average of 32 freight trains and 1 switch train over the crossing. The maximum authorized speed on this track is 50 mph north bound and 40 mph south bound.

Applicant proposes to alter the crossing as depicted in the Appendix to this Notice. Applicant proposes that the crossing be equipped with no left turn signs and slight changes to the lane width and sidewalks. Additionally the bicycle pathway will be stopped prior to the crossing and appropriate signage indicating the termination of the path would be installed. Bicycle advance warning pavement markings will also be installed.

From the foregoing, the Department finds that the requested crossing alterations are required by the public safety, necessity, convenience and general welfare. The Department proposes that the application be granted upon the following terms.

1. Alterations shall be substantially in progress within **two years** from the entered date of the Final Order. No authority to establish a Quiet Zone is granted by the Final Order.
2. Applicant (City) shall:
  - a. Alter and maintain that portion of the crossing lying outside lines drawn perpendicular to the end of ties to accommodate the roadway configuration and sidewalks depicted in the Appendix to this Notice, and bear all the costs. The roadway approaches shall comply with OAR 741-120-0020 (1), (2), (3), and (4), and the sidewalks shall comply with OAR 741-120-0025 (1), (2), and (3).
  - b. Furnish, install, and maintain three bicycle advance warning pavement markings per TM505 and as depicted in the Appendix to this Notice and bear all costs.
  - c. Furnish and install one reduced size grade crossing advance warning (W10-1) sign. Locate the devices as depicted in the Appendix to this Notice, and in accordance with OAR 741-110-0040(4).
  - d. Furnish, install, and maintain one bicycle stop clearance line as depicted in the Appendix to this Notice and bear all costs. Furnish, install and maintain one no trespassing sign as depicted in the Appendix to this Notice and bear all costs.
  - e. Furnish, install and maintain two no left turn (R3-2) signs as depicted in the Appendix to this Notice and bear all costs.
  - f. Furnish, install and maintain two "DO NOT STOP ON TRACKS" (R8-8) signs at the crossing as depicted in the Appendix to this Notice, and bear all the costs.
  - g. Furnish, install, and maintain three tactile warning strips on the sidewalk approaches to the crossing, and bear all the costs. The tactile strips shall have a minimum width of two feet and be placed a minimum of 12 feet 8 inches from the nearest rail per ODOT RD908 and the Appendix to this notice.
  - h. Furnish and install one grade crossing advance warning (W10-1) sign. Locate the devices as depicted in the Appendix to this Notice, and in accordance with OAR 741-110-0040(4).
  - i. Bear all the cost of the work listed in paragraphs 3.b. and 3.c., below.
3. Railroad (PNWR) shall:
  - a. Subject to reimbursement by applicant, construct that portion of the crossing lying between lines drawn perpendicular to the end of ties to accommodate the roadway configuration and sidewalks depicted in the Appendix to this Notice. The roadway shall comply with OAR 741-120-0020 (1), (2), (3), and (4), and the sidewalks shall comply with OAR 741-120-0025 (1), (2), and (3).
  - b. Install new pedestrian gate arm for extended length as depicted in the Appendix to this Notice.

- c. Subject to reimbursement by the Applicant, furnish and replace one existing pedestrian automatic gate at the crossing according to OAR 741-110-0030(3)(a) and OAR 741-110-0030(3)(d), respectively. Locate the devices as depicted in the Appendix to this Notice. Activate the devices in accordance with OAR 741-110-0070.
  - d. Maintain the ordered items in paragraph 3.a. and 3.b., and bear all the costs.
  - e. Notify the Department in writing not less than five working days prior to the date that the ordered automatic signals will be activated and placed in service.
4. Each party shall notify the Department in writing upon completion of its portion of the project.
5. All previous Orders of the Public Utility Commission or the Department relating to the subject crossing, not in conflict with this Notice, remain in full effect.

## NOTICE OF RIGHT TO REQUEST A HEARING

You are entitled to a hearing as provided by the Administrative Procedure Act (ORS chapter 183). If you want a hearing, you must file a written request with ODOT within 30 days from the date of this Notice. You may use the Request Form attached to this Notice. If you would like an opportunity to meet with the Department to discuss the application and proposed terms of approval, check #3 on this form. This will preserve your request for a hearing.

You may mail a request for hearing to: Oregon Department of Transportation, Commerce and Compliance Division, 3930 Fairview Industrial Drive SE Salem OR 97302-1166. Phone 503-378-5849 or fax the request to 503-378-3567. If you are a corporation, partnership, limited liability company, unincorporated association, trust or government body, you must be represented by an attorney licensed to practice law in Oregon pursuant to OAR 137-003-0550. If a person other than an Oregon- licensed attorney signs the hearing request, an Oregon- licensed attorney must ratify the request for hearing in writing within 28 days of the date that the request for hearing was received by the agency. OAR 137-003-0550(4).

If you request a hearing, at the hearing you have the right to respond to, and to present evidence and argument, on all issues. An administrative law judge from the Office of Administrative Hearings will preside at the hearing. ORS 183.635.

IF YOU DO NOT REQUEST A HEARING IN WRITING  
WITHIN 30 DAYS FROM THE DATE OF THIS NOTICE  
ODOT MAY ISSUE A FINAL ORDER

If you do request a hearing, but later withdraw your request for hearing, fail to appear at the hearing, or notify ODOT or the administrative law judge that you do not intend to appear at the hearing, you will have waived your right to a hearing and ODOT may issue a Final Order on default. In that event, the ODOT designates the relevant portions of its file, including all materials that you have submitted, as the record for purpose of proving a prima facie case upon default.

## NOTICE TO ACTIVE DUTY SERVICEMEMBERS

Active duty service members have a right to stay these proceedings under the federal Service members Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 800-452-7500 or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>.

Dated this 25<sup>th</sup> day of OCTOBER, 2021.

Oregon Department of Transportation,  
Commerce and Compliance Division  
Manager, Crossing Safety Unit



Chris Malm



Install reduced size AWS and bike AWPM 140' in advance of SCL per TM504

Clear brush for sight to flashing lights

Existing flashing light signal with automatic gates, to remain. Install new gate arm for extended length

Existing wayside horns to remain

Existing automatic gate to remain

Existing cantilever flashing light signal to remain

Install 2' wide SCL, 1' in advance of gate arm. Install 1' wide bicycle SCL, 1' in advance of gate arm.

Install "no left turn" sign (R3-2)



Install "do not stop on tracks" sign (R8-8)



Existing AWS to remain

Relocate "no trespassing sign 20' south, 12' from track center

MATCH LINE

313' (Stop Bar to Stop Bar)

Install bike AWPM min. 140' in advance of SCL per TM505

Existing AWPM to remain

Existing AWS to remain



SW 86TH AVE

SW TUALATIN ROAD

SW TUALATIN ROAD

MATCH LINE

Existing AWS to be relocated

Install "Do not Block Driveway" sign



Install "bike lane ends" signs

Re-install AWPM in same location

Existing "curve warning" sign to be relocated



Install AWS

Install bike AWPM 140' in advance of SCL per TM505

Speed and curve warning signs (roadway)

Trim vegetation for visibility to flashing lights



Install "no left turn" sign (R3-2)



Install "do not stop on tracks" sign (R8-8)



Existing skewed bike crossing OBWB-19L to remain.

Existing cantilever flashing light signal to remain

Existing automatic gate to remain

PLAN

SCALE: 1" = 20'

90% DESIGN (NOT FOR CONSTRUCTION)

File: \\p01\0219\100485\_Tualatin\_Mex\_Hip\_Forecast\Pho\0219\1012\_Tualatin\_Sweeps\to-Pan\CAD\PLT\EXHIBIT\Railroad-Design\RR-Exhibit.dwg TAB:RR1

REVISION	DATE	DESCRIPTION	BY



JOB NO.:	1800485
DESIGNED BY:	FM/DJA
DRAWN BY:	JRC
CHECKED BY:	DP
PLOT DATE:	8/31/21 5:05pm
PLOTTED BY:	fredm
DWG NAME:	RR-Exh.bds.dwg
TAB NAME:	RR1

18330 SW MARTHAZZI AVENUE TUALATIN OREGON 97062

TUALATIN RD: SWEET DRIVE TO COMMUNITY PARK

RAILROAD EXHIBIT NO. 1

SHEET NO.

RR1

SHEET 6 OF 20

RECORD NO.



**RESPONSE FORM**

**Response required within 30 days of date of Notice**

**Case: RX 1954: In the Matter of the Alteration of the Railroad-Highway Grade Crossing at SW Tualatin Road and PORTLAND & WESTERN RAILROAD (PNWR) Inc., TRI COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TriMet), Oregon Electric District, in Tualatin, Washington County, Oregon.**

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**Notice of Proposed Rail Crossing Alteration**

Please indicate your response below (select one):

- 1.) I/we agree to the proposed rail crossing alteration and waive the right to a hearing and agree to the entry of a Final Order approving the rail crossing alteration.
- 2.) I/we do not approve of the proposed rail crossing alteration and request a hearing.
- 3.) I/we request a hearing in order to reserve the right to a hearing, but would like an opportunity to meet with the Department to discuss the proposed rail crossing alteration and attempt to resolve our concerns with the proposal.

**Note:** *As provided in the Notice of Proposed Rail Crossing Alteration, requests for hearing must be received within 30 days of the date the Notice was mailed.*

\_\_\_\_\_  
Printed name

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Mail, fax, or e-mail response to:

Oregon Department of Transportation  
Commerce & Compliance Division  
3930 Fairview Industrial Drive SE  
Salem, OR 97302-1166

Fax: PM's phone #

E-mail: PM's email