



TUALATIN CITY COUNCIL

Monday, MARCH 11, 2019

JUANITA POHL CENTER

8513 SW Tualatin Road

Tualatin, OR 97062

WORK SESSION begins at 6:15 p.m.
BUSINESS MEETING begins at 7:00 p.m.

Mayor Frank Bubenik

Council President Joelle Davis

Councilor Robert Kellogg
Councilor Paul Morrison

Councilor Nancy Grimes
Councilor Bridget Brooks

Councilor Maria Reyes

Welcome! By your presence in the City Council Chambers, you are participating in the process of representative government. To encourage that participation, the City Council has specified a time for your comments on its agenda, following Announcements, at which time citizens may address the Council concerning any item not on the agenda or to request to have an item removed from the consent agenda. If you wish to speak on a item already on the agenda, comment will be taken during that item. Please fill out a Speaker Request Form and submit it to the Recording Secretary. You will be called forward during the appropriate time; each speaker will be limited to three minutes, unless the time limit is extended by the Mayor with the consent of the Council.

Copies of staff reports or other written documentation relating to each item of business referred to on this agenda are available for review on the City website at www.tualatinoregon.gov/meetings and on file in the Office of the City Manager for public inspection. Any person with a question concerning any agenda item may call Administration at 503.691.3011 to make an inquiry concerning the nature of the item described on the agenda.

In compliance with the Americans With Disabilities Act, if you need special assistance to participate in this meeting, you should contact Administration at 503.691.3011. Notification thirty-six (36) hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.

Council meetings are televised *live* the day of the meeting through Washington County Cable Access Channel 28. The replay schedule for Council meetings can be found at www.tvctv.org. Council meetings can also be viewed by live *streaming video* on the day of the meeting at www.tualatinoregon.gov/meetings.

Your City government welcomes your interest and hopes you will attend the City of Tualatin Council meetings often.

PROCESS FOR LEGISLATIVE PUBLIC HEARINGS

A **legislative** public hearing is typically held on matters which affect the general welfare of the entire City rather than a specific piece of property.

1. Mayor opens the public hearing and identifies the subject.
2. A staff member presents the staff report.
3. Public testimony is taken.
4. Council then asks questions of staff, the applicant, or any member of the public who testified.
5. When the Council has finished questions, the Mayor closes the public hearing.
6. When the public hearing is closed, Council will then deliberate to a decision and a motion will be made to either *approve*, *deny*, or *continue* the public hearing.

PROCESS FOR QUASI-JUDICIAL PUBLIC HEARINGS

A **quasi-judicial** public hearing is typically held for annexations, planning district changes, conditional use permits, comprehensive plan changes, and appeals from subdivisions, partitions and architectural review.

1. Mayor opens the public hearing and identifies the case to be considered.
2. A staff member presents the staff report.
3. Public testimony is taken:
 - a) In support of the application
 - b) In opposition or neutral
4. Council then asks questions of staff, the applicant, or any member of the public who testified.
5. When Council has finished its questions, the Mayor closes the public hearing.
6. When the public hearing is closed, Council will then deliberate to a decision and a motion will be made to either *approve*, *approve with conditions*, or *deny the application*, or *continue* the public hearing.

TIME LIMITS FOR PUBLIC HEARINGS

The purpose of time limits on public hearing testimony is to provide all interested persons with an adequate opportunity to present and respond to testimony. All persons providing testimony **shall be limited to 3 minutes**, subject to the right of the Mayor to amend or waive the time limits.

EXECUTIVE SESSION INFORMATION

An Executive Session is a meeting of the City Council that is closed to the public to allow the City Council to discuss certain confidential matters. An Executive Session may be conducted as a separate meeting or as a portion of the regular Council meeting. No final decisions or actions may be made in Executive Session. In many, but not all, circumstances, members of the news media may attend an Executive Session.

The City Council may go into Executive Session for certain reasons specified by Oregon law. These reasons include, but are not limited to: ORS 192.660(2)(a) employment of personnel; ORS 192.660(2)(b) dismissal or discipline of personnel; ORS 192.660(2)(d) labor relations; ORS 192.660(2)(e) real property transactions; ORS 192.660(2)(f) information or records exempt by law from public inspection; ORS 192.660(2)(h) current litigation or litigation likely to be filed; and ORS 192.660(2)(i) employee performance of chief executive officer.



OFFICIAL AGENDA OF THE TUALATIN CITY COUNCIL MEETING FOR MARCH 11, 2019

A. CALL TO ORDER
Pledge of Allegiance

B. ANNOUNCEMENTS

1. Tualatin Library Foundation Vine2Wine 2019

C. PUBLIC COMMENT

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

D. CONSENT AGENDA

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

1. Consideration of Approval of the Minutes for the Work Session of February 11, 2019 and Work Session and Regular Meeting of February 25, 2019
2. Consideration of Approval of Late Liquor License Renewals for 2019
3. Consideration of Approval of a New Liquor License Application for Taqueria Mariachi Loco, LLC
4. Consideration of **Resolution No. 5428-19** to Authorize the City Manager to Enter Into an Agreement with Voya for Third-Party Administration and Accounting Recordkeeping Services For All City Of Tualatin 401(a) Defined Contribution And 457(b) Deferred Compensation Plans

E. 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 **Resolution No. 5427-19** Authorizing the City of Tualatin to Apply for and Accept a Local Government Grant from the Oregon Parks and Recreation Department for the Rehabilitation of the Tualatin Commons Splash Pad

2. Consideration of **Resolution No. 5426-19** Authorizing an Intergovernmental Agreement with Clackamas County to Transfer Ownership of a Portion of Borland Road to the City of Tualatin

F. 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.

G. COMMUNICATIONS FROM COUNCILORS

H. ADJOURNMENT

City Council Meeting

Meeting Date: 03/11/2019

ANNOUNCEMENTS: Tualatin Library Foundation Vine2Wine 2019

ANNOUNCEMENTS

Tualatin Library Foundation Vine2Wine 2019

SUMMARY

Tualatin Library Foundation will share information on the 2019 Vine2Wine and recent Foundation activities.

LibraryFoundation



Vine 2 Wine

April 13, 2019



Tualatin Library
FOUNDATION



Tualatin Library Foundation activities:

- Sponsored 4th Grade field trips & 1000 Books Before Kindergarten
- Distributed more than 1000 free books through Library
- Donated 500 books to Tualatin's elementary and middle schools



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Nicole Morris, Deputy City Recorder

DATE: 03/11/2019

SUBJECT: Consideration of Approval of the Minutes for the Work Session of February 11, 2019 and Work Session and Regular Meeting of February 25, 2019

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve the minutes for the Work Session of February 11, 2019 and Work Session and Regular Meeting of February 25, 2019.

RECOMMENDATION:

Staff respectfully recommends that the Council adopt the attached minutes.

Attachments: [City Council Work Session Minutes of February 11, 2019](#)
[City Council Work Session Minutes of February 25, 2019](#)
[City Council Regular Meeting Minutes of February 25, 2019](#)



Present: Mayor Frank Bubenik; Council President Joelle Davis; Councilor Paul Morrison; Councilor Robert Kellogg; Councilor Maria Reyes; Councilor Bridget Brooks

Absent: Councilor Nancy Grimes

Staff Present: City Manager Sherilyn Lombos; City Attorney Sean Brady; Police Chief Bill Steele; Planning Manager Aquilla Hurd-Ravich; Deputy City Recorder Nicole Morris; Assistant to the City Manager Tanya Williams; City Engineer Jeff Fuchs; IS Director Bates Russell; Management Analyst II Gareth Prior

CALL TO ORDER

Mayor Bubenik called the meeting to order at 5:04 p.m.

1. ***Southwest Corridor Plan Update & Discussion.***

Management Analyst Gareth Prior, Metro Staff Malu Wilkinson, and Tri-Met Staff Dave Unsworth presented an update on the SW Corridor Light Rail Project. Mrs. Wilkinson stated in 2009 the region identified the SW Corridor as a transit need. The effort started with land use to connect to places and define a Shared Investment Strategy to support development. Over 60 High Capacity Transit (HCT) routes and two modes (light rail transit and bus rapid transit) were considered. The options were narrowed and are currently going through the federal Draft Environmental Impact Study (DEIS) process. Mrs. Wilkinson stated to date there has been significant public involvement that has led to a locally preferred alternative (LPA) that extends the current green line from Portland State University to Bridgeport Village. The LPA was endorsed by all the partners and adopted by Metro on November 15, 2018. The LPA will offer a 30 minute congestion-proof commute and is projected to be a high ridership line. She stated because this project is a large public investment there will be impacts to local communities so Metro has created the SW Equitable Development Strategy (SWEDS). This will help to ensure opportunities for all current and future SW Corridor residents in housing, workforce development, and business stabilization. Mr. Unsworth shared the timeline for the project noting they will be ready to go to voters for funding in 2020.

Mr. Unsworth spoke to near-term design topics which include decisions at routes including Crossroads, Bonita to Bridgeport, the Marquam Hill Connector, Park and Rides, and Station areas. He spoke directly to Crossroads, noting the five options have now been narrowed to two. Staff will continue to conduct community engagement on the route alternatives.

Councilor Kellogg asked how considering alternatives outside of the DEIS process would impact the study. Mr. Unsworth stated a supplemental environmental study

could be added to the draft or simply added to the final environmental study. He noted he doesn't have any concerns with studying those alternatives and will continue to work closely with federal partners.

Mr. Unsworth spoke to the Bonita to Bridgeport route and the impacts to the Village Inn. Three options have been produced for consideration regarding the displacement of the Village Inn. Mr. Unsworth spoke to the design exploration with options including an elevated route, a route along 74th Ave, and moving the Bridgeport station east of 72nd Ave. He stated there will be several upcoming meetings to discuss design options in February.

Councilor Kellogg stated there is a desire to connect the MAX to the WES system. He believes the benefit of doing this is improved ridership and will relieve pressure off the Bridgeport station.

Councilor Morrison asked if the park and ride along Lower Boones Ferry Road would be moved. Mr. Unsworth stated the Line 96 will not be replaced and will continue until the LRT station is complete. Councilor Morrison asked if the lot would be shared with ODOT. Mr. Unsworth stated ODOT owns the right-of-way.

Council President Davis stated the proposed station location is unique because of its proximity to Bridgeport Village. She would like to see TriMet partner with CenterCal and work towards building a parking garage that could mutually benefit both parties.

Council President Davis stated a pedestrian crossing at 72nd Ave poses many traffic and safety issues and she would like to see an elevated crosswalk used at that location. Her preference for all locations is to have a dedicate right-of-way or elevated path so all modes of travel are not impeded. She also encouraged Tri-Met to work with the SMART Bus out of Wilsonville to increase the frequency of the route to Bridgeport Village.

Council President Davis stated she would like to see the WES hours expanded to allow citizens the opportunity to join up with the MAX to make connections.

Councilor Reyes agreed with Council President Davis on increasing the frequency of the WES Hours. Mr. Unsworth highlighted service on Line 76 as it offers a high frequency of service to the area.

Councilor Brooks expressed concerns with what goes underneath elevated lines and potential impacts they have. Mr. Unsworth stated design will happen more in depth further in the process but there are lots of ways to mitigate issues. Analyst Prior stated the conceptual design report will be coming out towards the middle of the year and he will be back to Council to discuss options.

Councilor Morrison asked what the timeframe is for an expansion of WES. Mrs. Wilkinson state it is on a list of regional priorities but no timeframe has been assigned.

Council President Davis asked if the new station could be designed in a way that requires a paid ticket before entering the train. Mr. Unsworth stated people have to buy a ticket to enter the train currently and TriMet is working on enforcement.

Council President Davis would like to see safety and security increased as a priority.

Mayor Bubenik asked what the potential hours of service to the Bridgeport Station would be. Mr. Unsworth stated 5am-1am.

Mayor Bubenik wants to ensure there is funding to the Bridgeport Station and that it is equally as valued as the Marquam Station.

Mayor Bubenik asked if there has been a traffic study done for the buses at the Lower Boones Ferry area. Mr. Unsworth stated there has been some traffic analysis done and they are exploring the area further.

Mayor Bubenik stated if LRT comes to the area citizens don't want Line 96 rerouted as it is a popular route.

Council President Davis thanked Metro and TriMet for hearing all the concerns in relation to the Village Inn and thanked them for their further evaluations.

Mayor Bubenik reminded citizens to attend the February 21st Open House to express any concerns they may have.

2. *City Council Budget Discussion.*

Assistant to the City Manager Tanya Williams presented budget information for the Council to consider in relation to current funding levels and training. She presented upcoming training opportunities.

Council President Davis asked if there is a list of trainings available. Manager Williams stated there is a list available on the League of Oregon Cities website.

Mayor Bubenik stated he will be attending the National League of Cities conference this year.

City Manager Lombos stated she would like the council to provide staff with a general idea of trainings they wish to receive so staff can budget appropriately.

Councilor Brooks stated she is open to attending all opportunities.

Councilor Kellogg asked if there is money in the budget for a Councilor to go and represent the city to lobby for transportation funding in Washington DC with JPACT. City Manager Lombos stated there are funds available.

3. *Proclamation Request.*

Mayor Bubenik presented the request. He noted the proclamation would not be dedicated until September. Council consensus was reached to approve the request.

4. *Council Meeting Agenda Review, Communications & Roundtable.*

Councilor Kellogg announced there will be an open house on the SW Corridor project to be held on March 11. They will be making a decision on the Bonita portion at that time. He stated he will work with the group to push the decision further down the road so that all variables can be considered.

Councilor Morrison attended the Clackamas County Coordinating Committee where they discussed letters of support for funding of the I-205 project. He encouraged all the Councilors to touch base with our representatives and let them know how important funding for the project is.

Councilor Brooks stated she attended the Tualatin Neighborhood Ready meeting, Council Committee on Advisory Appointments meeting, and the Regional Water Providers Consortium. She stated she would like the Council to work on marketing for emergency preparedness.

Council President Davis attended the Washington County Coordinating Committee where they discussed the MSTIP opportunity funds, other grant funding opportunities, the Cornelius Pass shutdown, and the TriMet Redline extension. She stated she will be attending the JPAC trip April 29-May 2 to lobby for transportation funding.

Mayor Bubenik stated he attended the City of Hillsboro State of the City event, the Tualatin Police Department banquet, the Metro's Mayors press conference in Salem, the Policy Advisory Board where the Community Development Block Grant award were approved, and the Tualatin Aging Task Force meeting.

ADJOURNMENT

The work session adjourned at 6:48 p.m.

Sherilyn Lombos, City Manager

_____ / Nicole Morris, Recording Secretary

_____ / Frank Bubenik, Mayor



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

Staff Present: City Manager Sherilyn Lombos; City Attorney Sean Brady; Police Chief Bill Steele; Planning Manager Aquilla Hurd-Ravich; Deputy City Recorder Nicole Morris; Maintenance Services Division Manager Clayton Reynolds; Assistant to the City Manager Tanya Williams; Economic Development Manager Jonathan Taylor; City Engineer Jeff Fuchs; Planning Manager Steve Koper

CALL TO ORDER

Mayor Bubenik called the meeting to order at 5:03 p.m.

1. *Tualatin Moving Forward Update.*

Public Works Director Jeff Fuchs and Assistant to the City Manager Tanya Williams presented the quarterly report for the Tualatin Moving Forward transportation bond program. Director Fuchs recapped what was promised as part of the program including congestion relief, neighborhood safety, access to schools, defined projects, completed projects in 3-5 years, and geographic distribution. The initial fast track projects for the program were briefly reviewed and included: 115 Ave from Tualatin Road to Hazelbrook Road, Avery Street from Boones Ferry Road to Martinazzi Ave, Ibach Street at Ibach Park, Sagert Street at Atfalati Park, and Boones Ferry Road at Siletz Drive. He stated all the projects will be finished by early 2019. Manager Williams presented the scorecard staff is using to track all of the projects. She spoke to project specific outreach and completion celebrations. Manager Williams shared the project suggestion card (available in English and Spanish) that is available on the city's website and at the city offices.

Director Fuchs stated staff has brought on board Murray Smith and Associates as the Program Delivery Manager. He stated their primary role is to deliver projects from beginning to end. Director Fuchs stated some projects moving forward include the Garden Corner Curves, Hwy 99W from Pony Ridge to 124th Ave, Boones Ferry Road at Alabama Street, Martinazzi Ave and Sagert Street, and Tualatin-Sherwood Road from Martinazzi Ave to I-5. He spoke to the current status of each of the projects.

Director Fuchs spoke to the next steps for the program. He shared the current project prioritization. Director Fuchs stated there are funds in the bond program for pedestrian crossings and driver feedback signs. He stated projects for those dollars will be identified based on community input. The remaining funding in the program totals \$8.7 million. He shared the original universal projects list and stated the Program Delivery Manager will be back in April to review the prioritization process

for the remaining bond dollars.

Councilor Grimes asked for more details on the planned improvements at the Martinazzi Ave and Sagert Street signal and why the cost is so high. Director Fuchs stated the cost estimate is from the Transportation System Plan and includes updating the traffic signal, updating the crossings to be ADA compliant, moving the bust stop, and changing the land configuration. He stated more information on the projects will be available at the next update.

Councilor Reyes asked how long it will take to complete the project. Director Fuchs estimated the end of summer 2021.

Councilor Morrison stated he would like to have the area by the north parking lot of the High School evaluated due to traffic and safety concerns.

Councilor Morrison stated he wants to make sure the remaining projects are selected are from the universal project list as it is what was presented to citizens when they voted for the bond. He added he would like staff to research whether any of the projects would qualify for the Safe Routes to School grant funding.

Councilor Kellogg stated they explored the Safe Routes to School funding for the Garden Corner Curves project and noted no applicants in Washington County received funding this year.

Councilor Kellogg asked when updated cost estimates would be available. Director Fuchs stated they will be available in May.

Councilor Kellogg asked if the suggestions cards could be made available to the CIOs for their upcoming annual meetings. Manager Williams stated she will make them available at the meetings.

Council President Davis concurred with Councilor Morrison's concern with the crossing near the High School and she would like to see improvements made through the Safe Routes to School program.

Council President Davis asked if a roundabout could potentially be placed at Tualatin and Teton to help with safety and traffic calming in the area. Director Fuchs stated DKS will be looking at all intersections in the city to make sure they are functioning the best they can.

Mayor Bubenik asked who the permitting authority is for the Garden Corner Curves project. Director Fuchs stated they will be working with the US Army of Engineers and Clean Water Services for permitting due to the wetlands in the area.

Councilor Brooks asked who is responsible for the sidewalks along 99W. Director Fuchs stated it is a ODOT facility.

Councilor Brooks asked if there has been any conversations about controlling truck traffic along Tualatin-Sherwood Road. Police Chief Steel stated he is not aware of any conversations.

Mayor Bubenik asked who will control the signal at Martinazzi Ave and Sagert

Street. Director Fuchs stated it will be operated by the County.

2. *Tualatin Service Center Update.*

Maintenance Services Manager Clay Reynolds presented an update on the Tualatin Services Center. He stated the concept is an expansion of the Public Works Operations Complex which is slated to be completed as the next phase of the Operations Master Plan. The center would co-locate like departments including Public Works, Maintenance, Development Services, and the permitting counters. He stated the benefits to co-locating would allow for a one-stop-shop for permitting, increase in staff efficiency, relocate the Finance and Administration departments back to city owned buildings to eliminate rented office space. The project budget totals \$8 million and will be funded through existing funds and financing. Manager Reynolds stated the preliminary scoping for the project has been completed and includes the conceptual design and site plans, traffic analysis, preliminary storm drainage report, and site work requirements.

Manager Reynolds stated staff has identified the need to bring on a Owners Representative due to limited staff capacity to take on a large scale project of this extent. An RFP was issued to provide project management services including a project plan, budgeting, communication, design and construction management, and permitting and land use processes. He stated five firms applied, three were interviewed, and Plan B Consultancy was selected. Manager Reynolds stated next steps include completing land use and plan text amendments, completing an updated schedule, completing an RFP for Architect Services, and identifying an Employee Advisory Group.

Councilor Kellogg asked if the current building would be demolished. Manager Reynolds stated that decision will be made in the design phase.

Councilor Kellogg asked if the Emergency Operations Center would remain located there. Manager Reynolds stated it would be as it is were all the appropriate services are located.

Councilor Kellogg asked how the project would be funded. Finance Director Don Hudson stated a loan would be taken and paid back through the utility funds. City Manager Lombos added the City has been saving for this project through the Operations Master Plan for ten years. She added some additional cost savings would be seen from not having to rent offices in the Seneca Street Building.

Councilor Morrison asked what plan text amendment would be needed for this project. Manager Reynolds stated one would be needed to locate government offices on the site.

Councilor Morrison asked if expanding the footprint of the building would create issues for vehicles in the yard. Manager Reynolds stated as long as the building is toward the front of the site there will still be space to move vehicles and equipment.

3. *2018 Economic Development Annual Report.*

Economic Development Manager Jonathan Taylor presented the 2018 Economic Development Annual Report. He stated his position is guided by the Economic Development Strategy that was established in 2014 to promote development opportunities in the city. Manager Taylor shared a community snapshot noting there has been a 4% increase in population since 2010. One of the building blocks for the plan was the Tualatin Tomorrow committee which helped to facilitate economic opportunity through identifying business development with targeted industry clusters and economic development through community events. Manager Taylor stated the goal of the strategic plan is to focus on growing family wage jobs in targeted business clusters while encouraging high standards and excellence in urban design.

Manager Taylor spoke to Industry Clusters in Tualatin including advanced manufacturing, distribution and e-commerce, information technology, corporation and business services, food and beverage production, and health services. Total cluster employment is 13,561 jobs which is 44% of Tualatin's total workforce. Manager Taylor spoke to key assumptions from the plan in infrastructure and quality of life. He stated the Economic Development Plan has two strategies. The first strategy is business retention, expansion, and recruitment which has four key sub components consisting of assisting with site readiness, filling existing buildings, targeting key industries, and marketing Tualatin's assets. Highlights for the past year include eight site visits, implementation of CoStar, one ground breaking, new industry cluster update, four requests for information, and an opportunity zone designation. New investments from this strategy resulted in \$99.5 million in new investments, 566 permits were issued, 153 new business licenses, and added 1,330 jobs. Manager Taylor spoke to strategy two which looks at business climate and competitive position and has three subcomponents including identifying code and process changes, collaborating regionally, and assisting business start-ups. Highlights for the past year include work on the code modernization project, participation in the Greater Portland Tech Challenge, becoming a Greater Portland Inc. Certified Ambassador, conducting two occupational analysis for two businesses, and numerous business interactions. Partners on this strategy include Greater Portland Inc. and Business Oregon. He stated Greater Portland Inc. considered 41 projects this year with 26 actively considering Tualatin. Three companies have been recruited to the area with the help of Greater Portland Inc. between 2014 and 2017 which has created between 50-75 jobs. Manager Taylor stated Business Oregon has conducted one business visit to the area and awarded \$45,830 in state trade and export grant programs and \$25,000 in their capital access program.

Councilor Kellogg asked which commercial vacancies in the city are long-term vacancies. Manager Taylor stated he would have to work with a local broker to make that determination. Councilor Kellogg stated he had heard suggestions about making mixed used appropriations by looking at causes of why they are vacant and make land use changes to improve the prospects for tenants.

Councilor Reyes stated she has heard from frustrated tenants due to increased rents and asked if there is anything the city can do to help these businesses. Manager Taylor stated it would be a policy consideration the Council would have to make.

Councilor Morrison stated a 12.9% vacancy rate seems high and asked what the city could do to facilitate reducing the number. Mayor Bubenik stated the

vacancy rates are high due to high rents. He noted the challenge is because they are owned by a handful of landlords who will wait for the rent prices they want. He stated it might be helpful for the Council to have those conversations with the landlords.

4. *I-205 Funding | Request for Letters of Support.*

Mayor Bubenik stated he received the letters attached to the staff report requesting his signature supporting the funding of the I-205 project.

Councilor Morrison commented several commenters at the JPAC meeting presented concerns with the carbon footprint of the project. He noted he would like to see people recognizing the widening project as solving safety issues.

Council consensus was reached to sign and forward the letters.

5. *Council Meeting Agenda Review, Communications & Roundtable.*

Councilor Morrison stated he attended the Clackamas County Coordinating Committee where they discussed their support of HB 2020. He stated the bill gives Metro the funds to implement their Climate Smart Strategy.

Councilor Brooks stated she attended the Tualatin Arts Advisory Committee. She stated the committee is working on revamping their strategic plan, planning new projects and preparing for Viva Tualatin. She noted they are looking to fill a vacancy on the committee. Councilor Brooks also attended a Strangulation Response Initiative meeting due to the new laws that have been put in place. She also attended the State of the Willamette River event where they took a look at the dams on the river.

Councilor Kellogg stated he attended the SW Corridor community meeting where they announced they are pushing back making any route decision until May so they can continue to consider community feedback.

Council President Davis stated DEQ will be holding a meeting regarding Grimm's Fuel on February 26, 6pm, at the Juanita Pohl Center. They will be accepting comments at that time.

Council President Davis announced the Police Department is looking for someone who can volunteer their time to do finger printing.

Mayor Bubenik attended the CIO Presidents meeting where they are working on marketing and preparing for their annual meetings. He also met with Congresswoman Bonamici where they discussed several topics including transit and housing. In addition he met with Metro Councilor Dirksen and Washington County Commissioner Pam Treace to discuss the SW Corridor. Other activities for the Mayor included the Metro Mayors Consortium, the Tualatin Historical Society Meeting, the State of the City for Cornelius and Forest Grove, the SW Corridor Community Open House, and the Washington County PAB meeting where they discussed the grant awards.

ADJOURNMENT

The work session adjourned at 6:45 p.m.

Sherilyn Lombos, City Manager

_____ / Nicole Morris, Recording Secretary

_____ / Frank Bubenik, Mayor



OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR FEBRUARY 25, 2019

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

Staff Present: City Manager Sherilyn Lombos; City Attorney Sean Brady; Police Chief Bill Steele; Finance Director Don Hudson; Planning Manager Aquilla Hurd-Ravich; Deputy City Recorder Nicole Morris; Maintenance Services Division Manager Clayton Reynolds; Library Manager Jerianne Thompson; City Engineer Jeff Fuchs; Assistant Finance Director Matthew Warner; Planning Manager Steve Koper

A. CALL TO ORDER

Pledge of Allegiance

Mayor Bubenik called the meeting to order at 7:03 p.m.

B. ANNOUNCEMENTS

1. Announcing the Library's Annual Food for Fines Event

Library Director Jerianne Thompson announced the Library will be hosting Food for Fines March 9-15. The campaign allows for Tualatin patrons to pay fines by donating food. All food donations will be donated to the Tualatin School House Pantry.

2. New Employee Introduction- Police Officer Jessica Lemieux

Police Chief Bill Steele introduced Police Officer Jessica Lemieux. The Council welcomed her.

C. PUBLIC COMMENT

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None.

D. CONSENT AGENDA

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

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

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

MOTION CARRIED

1. Consideration of Approval of the Minutes for the Regular Meeting of February 11, 2019
2. Consideration of Approval of Liquor License Renewals for 2019
3. Consideration of Approval of a New Liquor License Application for VinoRai, LLC
4. Consideration of **Resolution No. 5425-19** Awarding the Contract for Project Manager Owners Representative for the Tualatin Service Center Project to PLANB Consultancy

E. SPECIAL REPORTS

1. 2018 Audit Report

Finance Director Don Hudson, Assistant Finance Director Matt Warner, and Tanya Moffitt, Partner at Merina+Co, presented the 2018 Audit Report for fiscal year ending June 30, 2018. Ms. Moffitt presented the Comprehensive Annual Financial Report (CAFR) stating the report gives a clean and unmodified opinion. She noted there are no findings and the city has met all the minimum standards provided by the State.

F. PUBLIC HEARINGS – Legislative or Other

1. Consideration of **Resolution No. 5424-19** Adopting Findings in Support of Special Procurement and Authorizing the City Manager to Enter into a Direct Negotiation Contract with Alta Planning + Design for Services for the Tualatin Moving Forward Bond Program

Public Works Director Jeff Fuchs presented an agreement that extends the contract with Alta Planning + Design Services for the Tualatin Moving Forward Bond Program. He stated the agreement extends the contract price to \$376,000. Director Fuchs stated Alta has designed, managed, and conducted public outreach on the first five construction projects in the program.

PUBLIC COMMENT

None.

COUNCIL QUESTIONS

Councilor Kellogg asked if the new contract amount includes the original \$150,000 that has already been spent and paid through the bond program. Director Fuchs stated the new amount includes the original \$150,000 and has all been funded through the program.

COUNCIL DELIBERATION

Councilor Kellogg stated he is impressed with Alta's work to date and is in support of the extended contract.

MOTION by Council President Joelle Davis, **SECONDED** by Councilor Robert Kellogg to adopt Resolution No. 5424-19 adopting findings in support of special procurement and authorizing the City Manager to enter into a direct negotiation contract with Alta Planning + Design for services for the Tualatin Moving Forward Bond Program.

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

MOTION CARRIED

G. 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 Recommendations from the Council Committee on Advisory Appointments

MOTION by Councilor Nancy Grimes, **SECONDED** by Councilor Bridget Brooks to approve the recommendations for appointment.

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

MOTION CARRIED

2. Consideration of **Resolution No. 5423-19** Authorizing the City Manager to Execute a Revised Urban Planning Area Agreement Between the City of Tualatin and Washington County

Planning Manager Steve Koper presented a resolution to execute a revised Urban Planning Area Agreement between the City and Washington County. He stated the agreement sets out responsibilities for each party within the agreement for the unincorporated areas of the County that is next to the city limit and within the Urban Growth Boundary (UGB). He added the agreement is based on the idea that future urban development of properties located within the Urban Planning Area should occur within a City by property-owners petitioning for annexation. Manager Koper stated the existing agreement was last updated in 2009. An updated agreement will allow property owners in the Basalt Creek area to petition to annex into Tualatin and allow the City to consider planning in future urban areas of Washington County.

PUBLIC COMMENT

None.

COUNCIL QUESTIONS

Councilor Kellogg asked if the Norwood area is included in this agreement. Manager Koper stated it is an unidentified planning area.

Councilor Morrison asked if the city was ready to bring one of these areas in and begin a concept plan what would be the process. Manager Koper stated the first step would be that there would have to be a UGB expansion.

Councilor Kellogg stated the areas can't be planned until they are in the UGB. Manager Koper confirmed the statement.

Mayor Bubenik asked if this is so we can begin pre-concept planning for a future UGB expansion. Manager Koper stated it is a very early step in the process for planning.

MOTION by Councilor Paul Morrison, SECONDED by Council President Joelle Davis to adopt Resolution No. 5423-19 authorizing the City Manager to execute a revised Urban Planning Area Agreement between the City of Tualatin and Washington County.

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

MOTION CARRIED

H. COMMUNICATIONS FROM COUNCILORS

Councilor Kellogg stated he attended the Tualatin CERT Team meeting where a consultant presented on emergency planning for water in the event of an earthquake.

Councilor Brooks invited citizens to apply to serve on the Tualatin Arts Advisory Committee.

Council Present Davis reminded everyone of the upcoming meeting DEQ will be holding in regards to Grimm's Fuel. The meeting will be on February 26 at 6pm, she added comments can be submitted in writing until March 4.

Mayor Bubenik encouraged citizens to attend the DEQ meeting and provide comments on the license renewal.

I. ADJOURNMENT

Mayor Bubenik adjourned the meeting at 7:48 p.m.

Sherilyn Lombos, City Manager

_____ / Nicole Morris, Recording Secretary

_____ / Frank Bubenik, Mayor



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Nicole Morris, Deputy City Recorder

DATE: 03/11/2019

SUBJECT: Consideration of Approval of Late Liquor License Renewals for 2019

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve late liquor license renewal applications for 2019. Copies have not been included with this staff report but are available at the City Offices for review.

RECOMMENDATION:

Staff respectfully recommends the Council approve endorsement of the liquor license renewals for 2019 as listed:

- Celia's Mexican Restuarant
- La Isla Bonita
- Izumi Japense Steakhouse
- Marinopolis Sushi Land
- Millers Homestead
- Native Foods Cafe
- Non La
- Sharky's Woodfired Mexican Grill

EXECUTIVE SUMMARY:

Annually, the Oregon Liquor Control Commission (OLCC) requires that all liquor licenses are renewed. According to the provisions of City Ordinance No. 680-85, establishing 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 the Ordinance. The liquor license renewal applications are in accordance with all ordinances and the Police Department has conducted reviews of the applications.

According to the provisions of Section 5 of Ordinance No. 680-85 a member of Council or the Public may request a public hearing on any of the liquor license renewal 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 renewal fee of \$35 has been paid by each applicant.

Attachments:



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Nicole Morris, Deputy City Recorder

DATE: 03/11/2019

SUBJECT: Consideration of Approval of a New Liquor License Application for Taqueria Mariachi Loco, LLC

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve a new liquor license application for Taqueria Mariachi Loco, LLC.

RECOMMENDATION:

Staff respectfully recommends that the Council approve endorsement of the liquor license application for Taqueria Mariachi Loco, LLC.

EXECUTIVE SUMMARY:

Taqueria Mariachi Loco, LLC has submitted a new liquor license application under the 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 St. 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: [Attachment A - Vicinity Map](#)
[Attachment B- License Types](#)

Attachment C-Application



Taqueria Mariachi Loco, LLC

Attachment A
Vicinity Map

OREGON LIQUOR CONTROL COMMISSION

LICENSE TYPES

FULL ON-PREMISES SALES

- **Commercial Establishment**
Sell and serve distilled spirits, malt beverages, wine, and cider for consumption at that location (*this is the license that most “full-service” restaurants obtain*). Sell malt beverages for off-site consumption in securely covered containers provided by the customer. Food service required. Must purchase distilled liquor **only** from an Oregon liquor store, or from another Full On- Premises Sales licensee who has purchased the distilled liquor from an Oregon liquor store.
- **Caterer**
Allows the sale of distilled spirits, malt beverages, wine, and cider by the drink to individuals at off-site catered events. Food service required.
- **Passenger Carrier**
An airline, railroad, or tour boat may sell and serve distilled spirits, malt beverages, wine, and cider for consumption on the licensed premises. Food service required.
- **Other Public Location**
Sell and serve distilled spirits, malt beverages, wine, and cider for consumption at that location, where the predominant activity is not eating or drinking (for example an auditorium; music, dance, or performing arts facility; banquet or special event facility; lodging fairground; sports stadium; art gallery; or a convention, exhibition, or community center). Food service required.
- **Private Club**
Sell and serve distilled spirits, malt beverages, wine, and cider for consumption at that location, but only for members and guests. Food service required.

LIMITED ON-PREMISES SALES

Sell and serve malt beverages, wine, and cider for onsite consumption. Allows the sale of malt beverages in containers (kegs) for off-site consumption. Sell malt beverages for off-site consumption in securely covered containers provided by the customer.

OFF-PREMISES SALES

Sell factory-sealed containers of malt beverages, wine, and cider at retail to individuals in Oregon for consumption off the licensed premises. Eligible to provide sample tastings of malt beverages, wine, and cider for consumption on the premises. Eligible to ship manufacturer-sealed containers of malt beverages, wine, or cider directly to an Oregon resident.

BREWERY PUBLIC HOUSE

Make and sell malt beverages. Import malt beverages into and export from Oregon. Distribute malt beverages directly to retail and wholesale licensees in Oregon. Sell malt beverages made at the business to individuals for consumption on or off-site.

WINERY

Must principally produce wine or cider in Oregon. Manufacture, store, and export wine and cider. Import wine or cider *If bottled, the brand of wine or cider must be owned by the licensee*. Sell wine and cider to wholesale and retail licensees in Oregon. Sell malt beverages, wine, and cider to individuals in Oregon for consumption on or off-site.



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 2/13/19

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): Tagueria Mariachi Loco, LLC

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

Mailing address 4576 SE Hair St City Hillsboro State OR Zip Code 97123

Telephone # (503) 443-5692 Fax # _____

Email tagueriamariachi loco@gmail.com

Name(s) of business manager(s) First Elia Middle I Last Duran

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 10:30 AM - 9:00pm

Food service hours: Breakfast — Lunch 11:00 - 2:00 Dinner 4:00 - ON

Restaurant seating capacity 49 Outside or patio seating capacity 15

How late will you have outside seating? 8:00pm on Summer How late will you sell alcohol? 9:00pm

How many full-time employees do you have? 4 Part-time employees? None

SECTION 3: DESCRIPTION OF LIQUOR LICENSE

Name of Individual, Partnership, Corporation, LLC, or Other applicants _____

Martin Perez, Juan Perez, Jennifer Rocha, Elicia Duran
Type of liquor license (refer to OLCC form) Full on-premises, 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 _____ 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: _____ 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.

 _____ Date 2/13/19

For City Use Only

Sources Checked:

- DMV by  LEDS 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: _____

 _____ Date 2-19-19

Bill Steele
Chief of Police
Tualatin Police Department



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Sean Brady, City Attorney
Stacy Ruthrauff, Human Resources Director; Don Hudson, Finance Director;
Matt Warner, Assistant Finance Director

DATE: 03/11/2019

SUBJECT: Consideration of **Resolution No. 5428-19** to Authorize the City Manager to Enter Into an Agreement with Voya for Third-Party Administration and Accounting Recordkeeping Services For All City Of Tualatin 401(a) Defined Contribution And 457(b) Deferred Compensation Plans

ISSUE BEFORE THE COUNCIL:

Consideration of Resolution No. 5428-19 to Authorize the City Manager to Enter Into an Agreement with Voya for Third-Party Administration and Accounting Recordkeeping Services For All City Of Tualatin 401(a) Defined Contribution And 457(b) Deferred Compensation Plans.

RECOMMENDATION:

Staff recommends Council adopt Resolution No. 5428-19.

EXECUTIVE SUMMARY:

The City currently sponsors six different retirement plans: three 401(a) retirement plans; and three 457 plans retirement plans. The City utilizes three different providers to service these plans. The total assets in the plans are over \$7.5 million.

The City is currently self-administering these retirement plans utilizing the three different providers. The requirement to coordinate with three different providers over six plans creates undue complexity, as well as increased costs and risk.

As a result, the City engaged the services of NFP to explore a better way to manage its retirement plans and to consider consolidating management into one entity to reduce costs and receive better rates for City employees and retirees. With the assistance of NFP, the City issued a Request for Proposal (RFP) for Third-Party Administration and Record-Keeping Services to consolidate the plans with one manager and reduce plan costs. The City received five proposals from the following entities: (1) Empower; (2) ICMA-RC; (3) Lincoln; (4) Mass Mutual; and (5) Voya. City staff from Human Resources, Finance, and Legal evaluated the proposals along with NFP. Finalists were selected for in-person interviews, and upon conclusion of that

process Voya was selected as the successful proposer.

The selection of Voya has benefits to the City, and its employees and retirees. The City will now have a single provider to manage the City's retirement plan offerings. Voya will serve as both the administrator of the plan, and the third-party record keeper. Voya will assist the City in meeting its financial, legal, and fiduciary obligations. This reduces cost, complexity, and risk to the City. Importantly, City employees and retirees will see a significant reduction in fees charged. This fee reduction allows City employees to save more for retirement and enhances the retirement benefits the City is currently providing.

Other entities that utilize Voya include the City of Gresham, City of Salem, City of Portland, Multnomah County, and the State's Oregon Savings Growth Plan.

Attachments: [Reso 5428-19- Retirement Provider](#)

RESOLUTION NO. 5428-19

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH VOYA FOR THIRD-PARTY ADMINISTRATION AND ACCOUNTING RECORDKEEPING SERVICES FOR ALL CITY OF TUALATIN 401(a) DEFINED CONTRIBUTION AND 457(b) DEFERRED COMPENSATION PLANS

WHEREAS, the City of Tualatin established 401(a) and 457(b) retirement plans for its employees;

WHEREAS, the City currently has multiple providers administering these plans;

WHEREAS, the City conducted a Request for Proposal process to select a single-provider and reduce the fees charged to City employees; and

WHEREAS, the City received multiple proposals, reviewed and evaluated the proposals, and conducted interviews of proposers in accordance with TMC 1-21 and Oregon State purchasing requirements;

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

Section 1. The City of Tualatin hereby selects Voya to provide third-party administration and accounting recordkeeping services for all City 401(a) defined contribution and 457(b) deferred compensation retirement plans.

Section 2. The City Manager is authorized to enter into a contract with Voya for Voya to provide third-party administration and accounting recordkeeping services for all City 401(a) defined contribution and 457(b) deferred compensation retirement plans.

Section 3. The City Manager is authorized to execute any and all documents, including with the City’s other current providers, to transfer assets and terminate contracts in order to establish Voya as the City’s third-party administration and accounting recordkeeping services provider for all City 401(a) defined contribution and 457(b) deferred compensation retirement plans.

Section 4. This resolution is effective upon adoption.

INTRODUCED AND ADOPTED by the City Council this 11th day of March, 2019.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Richard Mueller, Parks and Recreation Manager
Ross Hoover, Parks and Recreation Director

DATE: 03/11/2019

SUBJECT: Consideration of **Resolution No. 5427-19** Authorizing the City of Tualatin to Apply for and Accept a Local Government Grant from the Oregon Parks and Recreation Department for the Rehabilitation of the Tualatin Commons Splash Pad

ISSUE BEFORE THE COUNCIL:

City Council is requested to consider a resolution to submit an application and, if awarded, accept a State of Oregon Parks and Recreation Department Local Government grant to be used as a match for the funding to renovate Tualatin Commons Splash Pad. The remainder of the funds have been budgeted in the City Capital Improvement Plan.

RECOMMENDATION:

Staff recommends adoption of the attached resolution authorizing application and acceptance of a State of Oregon Parks and Recreation Department Local Government grant.

EXECUTIVE SUMMARY:

The State of Oregon Parks and Recreation Department is accepting applications for the Local Government Grant Program 2019 funding cycle. A Council resolution authorizing staff to apply for and accept the grant, if awarded, is required to submit a grant application.

The City is seeking grant funds for the Tualatin Commons Splash Pad Renovation. The proposed project will take place in the public community plaza within the central core area of the City. The project will include replacing the surface, make plumbing and operating system improvements for the existing interactive zero depth aquatic play area that provides healthy activity and interaction for all ages and abilities. The project scope will be dependent on the level of potential grant funding. The specific water play features, layout, colors, and patterns will be determined through a public engagement process.

The existing splash pad water facility is over 25 years old and in need of renovation to continue to serve the community. The surface has safety and accessibility concerns, and the system lacks energy and resource efficiency. The operational system is not functioning to current standards or practices, and is not sustainable in the current

condition. The identified alternatives are to close the water feature or phase this project over several years, but plumbing and system compatibility may be an issue.

In the Capital Improvement Plan for the 2019/2020 fiscal year, the splash pad renovation has been identified by the City as a valued and necessary project to meet the needs of the community. With this grant, the City will be able to leverage funding for the splash pad renovation as a match to the OPRD Local Government Grant. Without these additional funds, it will be difficult to complete the resurfacing, and improvements to the plumbing and operating system.

The tentative schedule established by the Oregon Parks and Recreation Department for the Local Government Grant application process is as follows:

April 1, 2019 - Grant Application Due
June 2019 - Agency Presentations
October 2019 - Grants Awarded
November 2019 - Projects Funded
December 2021 - Projects Completed

FINANCIAL IMPLICATIONS:

Water feature consultants have developed cost estimates and scope of work for a potential solution, which includes replacing the surface, make plumbing and system improvements. The City will be able to leverage funds in the Capital Improvement Plan as a project match for the grant. Additionally, the City is expected to provide on-going operations and future maintenance of the splash pad, if awarded.

Attachments: Resolution No. 5427-19

RESOLUTION NO. 5427-19

A RESOLUTION AUTHORIZING THE CITY OF TUALATIN TO APPLY FOR AND ACCEPT A LOCAL GOVERNMENT GRANT FROM THE OREGON PARKS AND RECREATION DEPARTMENT FOR THE REHABILITATION OF THE TUALATIN COMMONS SPLASH PAD

WHEREAS, the Oregon Parks and Recreation Department is accepting applications for the Local Government Grant Program;

WHEREAS, the City of Tualatin desires to participate in this grant program to the greatest extent possible as a means of providing needed park and recreation acquisitions, improvements, and enhancements;

WHEREAS, the City Council has identified improvements at Tualatin Commons Splash Pad as a high priority need in the City of Tualatin;

WHEREAS, this project will replace the surface, make plumbing and operating system improvements for the existing interactive zero depth aquatic play area that provides healthy activity and interaction for all ages and abilities;

WHEREAS, the City of Tualatin has available local matching funds to fulfill its share of obligation related to this grant application should the grant funds be awarded; and

WHEREAS, the City of Tualatin will provide adequate funding for on-going operations and maintenance of this park and recreation facility should the grant funds be awarded.

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

Section 1. The City Manager is authorized to apply for, and if awarded, accept a Local Government Grant from the Oregon State Parks and Recreation Department for the Tualatin Commons Splash Pad.

Section 2. The City Manager is authorized to execute any and all documents related to the grant application and to effectuate the award.

Section 3. This resolution is effective upon adoption.

INTRODUCED AND ADOPTED by the City Council this 11th day of March, 2019.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Nic Westendorf, Management Analyst II
Jeff Fuchs, Public Works Director

DATE: 03/11/2019

SUBJECT: Consideration of **Resolution No. 5426-19** Authorizing an Intergovernmental Agreement with Clackamas County to Transfer Ownership of a Portion of Borland Road to the City of Tualatin

ISSUE BEFORE THE COUNCIL:

Consideration of a Resolution authorizing an Intergovernmental Agreement (IGA) for the transfer of a portion of SW Borland Road within the City from Clackamas County to the City of Tualatin.

RECOMMENDATION:

Staff recommends approval of the agreement with Clackamas County.

EXECUTIVE SUMMARY:

Clackamas County and City staff drafted an agreement to transfer ownership to the City for a 0.78-mile long section of SW Borland Road between SW 65th Avenue and a location approximately 650 feet southeast of SW Wilke Road (near address 4980 SW Borland Road). See in Exhibit B in the attached agreement.

With this transfer, Clackamas County will pay the City \$366,500 to complete a number of maintenance activities to the roadway. The payment is based on an engineer's estimate to overlay sections of Borland Road, reconstruct 19 accessible curb ramps, and upgrade the pedestrian signal at SW 56th Avenue and SW Borland Road to be ADA compliant. The agreement requires the City to complete these improvements before the end of 2021. Performing these maintenance activities will bring Borland Road up to Tualatin's pavement standards.

FINANCIAL IMPLICATIONS:

With this transfer, the City will receive \$366,500 from Clackamas County to upgrade Borland Road to City pavement maintenance standards. Staff believes this amount is sufficient to cover the cost of the improvements needed to bring the roadway up to City standards.

The City will be responsible for future maintenance on SW Borland Road. Based on the cost estimate prepared for pavement maintenance associated with this transfer, the City can expect to pay approximately \$102,000 for pavement overlay every fifteen to twenty years. The overlay interval could be vary depending on future traffic and weather conditions and other early pavement maintenance activities such as crack sealing and slurry sealing.

Attachments: Reso 5426-19 IGA Borland Transfer
INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF
TUALATIN AND CLACKAMAS COUNTY RELATED TO THE TRANSFER OF
A PORTION OF SOUTHWEST BORLAND ROAD
PowerPoint

RESOLUTION NO. 5426-19

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT WITH CLACKAMAS COUNTY FOR THE JURISDICTIONAL TRANSFER OF THE PORTION OF SW BORLAND ROAD WITHIN THE BOUNDARIES OF THE CITY OF TUALATIN

WHEREAS, Oregon Revised Statutes (ORS) 190.010 et seq., allows the City to enter into intergovernmental agreements (IGAs) with other governmental entities;

WHEREAS, SW Borland Road is under the jurisdiction of Clackamas County;

WHEREAS, a portion of SW Borland Road is located entirely within the boundaries of the City of Tualatin;

WHEREAS, the City and Clackamas County desire to transfer jurisdiction of the portion of SW Borland Road within the boundaries of the City of Tualatin from Clackamas County to the City; and

WHEREAS, to effectuate the jurisdictional transfer, the City and Clackamas County wish to enter into this IGA.

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 an Intergovernmental Agreement with Clackamas County for the jurisdictional transfer of the portion of SW Borland Road within the boundaries of the City of Tualatin. The City Manager is also authorized to execute any and all other documents necessary to effectuate the jurisdictional transfer.

Section 2. The resolution is effective upon adoption.

INTRODUCED AND ADOPTED by the City Council this 11th day of March, 2019.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder

**INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF TUALATIN AND
CLACKAMAS COUNTY RELATED TO THE TRANSFER OF A PORTION OF
SOUTHWEST BORLAND ROAD**

This agreement (the “Agreement”) is made on the date all required signatures have been obtained, between the City of Tualatin (“CITY”), a municipal corporation of the State of Oregon, and Clackamas County (“COUNTY”), a political subdivision of the State of Oregon, pursuant to ORS Chapter 190 (Intergovernmental Cooperation), collectively referred to as the “PARTIES” and each a “PARTY.”

RECITALS

WHEREAS, ORS Chapter 190 authorizes local governments to enter into intergovernmental agreements for the performance of any or all functions and activities that a local government, its officers or agencies, have the authority to perform;

WHEREAS, the portion of SW Borland Rd. subject to this Agreement is located entirely within the boundaries of the City and is a County Road, as defined in ORS 368.001 (“Borland Rd.”);

WHEREAS, Borland Rd. is depicted in Exhibit “B” and more particularly described in Exhibit “A,” all of which are attached hereto and incorporated herein;

WHEREAS, the Parties agree that the City is best suited to assume primary responsibility for maintenance and permitting of Borland Rd.;

WHEREAS, ORS 373.270 provides a procedure whereby a county may transfer jurisdiction over any county roads within a city to the City, and the Parties desire to pursue a transfer of jurisdiction of Borland Rd. pursuant to the terms of this Agreement; and

WHEREAS, the Parties agree that Borland Rd. should be improved, or the City should be compensated, consistent with the terms of this Agreement at, or prior to, the completion of the full transfer pursuant to ORS 373.270.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual promises set forth below and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

1. **Term.** This Agreement shall be effective upon execution, and shall expire automatically at the time the City assumes jurisdiction of Borland Rd. pursuant to ORS 373.270, and the County has paid the amount of money set forth herein.
2. **County Responsibilities.**

- A. The County shall give notice and shall carry out those procedures set forth in ORS 373.270 to determine whether it is necessary, expedient or for the best interests of the County to surrender jurisdiction over Borland Rd.
- B. The County shall provide to the City the sum of \$366,500, which is equivalent to the cost of the following improvements: a 2-inch asphalt overlay on the portions of Borland Rd. identified in the exhibits attached to this Agreement, rebuilding or installing nineteen (19) curb ramps to meet ADA requirements, and upgrades to an ADA signal at SW 56th Avenue. The sum of \$366,500 identified in this paragraph shall be payable to the City within 30 days of the date that full and absolute jurisdiction over Borland Rd. is surrendered by the County and accepted by the City as described below.

3. City Responsibilities.

- A. After the County has initiated the process to transfer jurisdiction of Borland Rd., the City shall carry out those procedures set forth in ORS 373.270 for purposes of finalizing the transfer. The City shall not unreasonably delay or withhold its consent to the transfer of Borland Rd., and shall complete the process to finalize the transfer within 90 days from the date that the County concludes its hearing and decision on the matter. This obligation shall terminate in the event the governing body of the County fails to find that it is necessary, expedient or for the best interests of the County to surrender jurisdiction over Borland Rd.
- B. The City agrees to assume full and absolute jurisdiction over the portion of Borland Rd. identified in the exhibits attached to this Agreement, as the governing body of the City and the governing body of the County both determined that it is necessary, expedient or for the best interests of their respective jurisdictions to complete the transfers described herein.
- C. The City agrees to complete the rebuilding or installation of nineteen (19) curb ramps along the section of Borland Road described within this document to meet ADA requirements, and the upgrade to the ADA signal at SW 56th Avenue by December 31, 2021.

4. Termination.

- A. The County and the City, by mutual written agreement, may terminate this Agreement at any time.
- B. Either the County or the City may terminate this Agreement in the event of a breach of the Agreement by the other. Prior to such termination however, the Party seeking the termination shall give the other Party written notice of the breach and of the Party's intent to terminate. If the breaching Party has not entirely cured the breach within fifteen (15) days of deemed or actual receipt of the notice, then the Party giving notice may terminate the Agreement at any time thereafter by giving written notice of termination stating the effective date of the termination. If the default is of such a nature that it cannot be completely remedied within such fifteen (15) day period, this provision shall be complied with if the breaching Party begins correction of the default within the fifteen (15) day period and thereafter proceeds with reasonable diligence and in good faith to effect the remedy as soon as practicable. The Party giving notice shall not be required to give more than one (1) notice for a similar default in any twelve (12) month period.

- C. The County or the City shall not be deemed to have waived any breach of this Agreement by the other Party except by an express waiver in writing. An express written waiver as to one breach shall not be deemed a waiver of any other breach not expressly identified, even though the other breach is of the same nature as that waived.
- D. Nothing herein shall prevent the Parties from meeting to mutually discuss the Project. Each Party shall use best efforts to coordinate with the other to minimize conflicts.
- E. Any termination of this Agreement shall not prejudice any rights or obligations accrued to the Parties prior to termination.

5. **Indemnification.**

- A. Subject to the limits of the Oregon Constitution and the Oregon Tort Claims Act or successor statute, the County agrees to indemnify, save harmless and defend the City, its officers, elected officials, agents and employees from and against all costs, losses, damages, claims or actions and all expenses incidental to the investigation and defense thereof (including legal and other professional fees) arising out of or based upon damages or injuries to persons or property caused by the negligent or willful acts of the County or its officers, elected officials, owners, employees, agents, or its subcontractors or anyone over which the County has a right to control.
- B. Subject to the limits of the Oregon Constitution and the Oregon Tort Claims Act or successor statute, the City agrees to indemnify, save harmless and defend the County, its officers, elected officials, agents and employees from and against all costs, losses, damages, claims or actions and all expenses incidental to the investigation and defense thereof (including legal and other professional fees) arising out of or based upon damages or injuries to persons or property caused by the negligent or willful acts of the City or its officers, elected officials, owners, employees, agents, or its subcontractors or anyone over which the City has a right to control.

6. **General Provisions**

- A. **Oregon Law and Forum.** This Agreement shall be construed according to the laws of the State of Oregon, without giving effect to the conflict of law provisions thereof.
- B. **Applicable Law.** The Parties hereto agree to comply in all ways with applicable local, state and federal ordinances, statutes, laws and regulations.
- C. **Non-Exclusive Rights and Remedies.** Except as otherwise expressly provided herein, the rights and remedies expressly afforded under the provisions of this Agreement shall not be deemed exclusive, and shall be in addition to and cumulative with any and all rights and remedies otherwise available at law or in equity. The exercise by either Party of any one or more of such remedies shall not preclude the exercise by it, at the same or different times, of any other remedies for the same default or breach, or for any other default or breach, by the other Party.

- D. **Access to Records.** The Parties acknowledge and agree that each Party, the federal government, and their duly authorized representatives shall have access to each Party's books, documents, papers, and records which are directly pertinent to this Agreement for the purpose of making audit, examination, excerpts, and transcripts for a period of three years after final payment. Copies of applicable records shall be made available upon request. The cost of such inspection shall be borne by the inspecting Party.
- E. **Debt Limitation.** This Agreement is expressly subject to the debt limitation of Oregon counties set forth in Article XI, Section 10, of the Oregon Constitution, and is contingent upon funds being appropriated therefore. Any provisions herein which would conflict with law are deemed inoperative to that extent.
- F. **Severability.** If any provision of this Agreement is found to be unconstitutional, illegal or unenforceable, this Agreement nevertheless shall remain in full force and effect and the offending provision shall be stricken. The Court or other authorized body finding such provision unconstitutional, illegal or unenforceable shall construe this Agreement without such provision to give effect to the maximum extent possible the intentions of the Parties.
- G. **Integration, Amendment and Waiver.** Except as otherwise set forth herein, this Agreement constitutes the entire agreement between the Parties on the matter of the Project. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification or change of terms of this Agreement shall bind either Party unless in writing and signed by both Parties and all necessary approvals have been obtained. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of either Party to enforce any provision of this Agreement shall not constitute a waiver by such Party of that or any other provision.
- H. **Interpretation.** The titles of the sections of this Agreement are inserted for convenience of reference only and shall be disregarded in construing or interpreting any of its provisions.
- I. **Independent Contractor.** Each of the Parties hereto shall be deemed an independent contractor for purposes of this Agreement. No representative, agent, employee or contractor of one Party shall be deemed to be a representative, agent, employee or contractor of the other Party for any purpose, except to the extent specifically provided herein. Nothing herein is intended, nor shall it be construed, to create between the Parties any relationship of principal and agent, partnership, joint venture or any similar relationship, and each Party hereby specifically disclaims any such relationship.
- J. **No Third-Party Beneficiary.** Neither Party intends that this Agreement benefit, or create any right or cause of action in, or on behalf of, any person or entity other than the County or the City.

- K. **No Assignment.** No Party shall have the right to assign its interest in this Agreement (or any portion thereof) without the prior written consent of the other Party, which consent may be withheld for any reason. The benefits conferred by this Agreement, and the obligations assumed hereunder, shall inure to the benefit of and bind the successors of the Parties.

- L. **Counterparts.** This Agreement may be executed in any number of counterparts (electronic, facsimile or otherwise) all of which when taken together shall constitute one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart. Each copy of this Agreement so executed shall constitute an original.

- M. **Authority.** Each Party represents that it has the authority to enter into this Agreement on its behalf and the individual signatory for a Party represents that it has been authorized by that Party to execute and deliver this Agreement.

- N. **Necessary Acts.** Each Party shall execute and deliver to the others all such further instruments and documents as may be reasonably necessary to carry out this Agreement.

CLACKAMAS COUNTY

CITY OF TUALATIN

Chair

Mayor

Date

Date

Recording Secretary

Recording Secretary

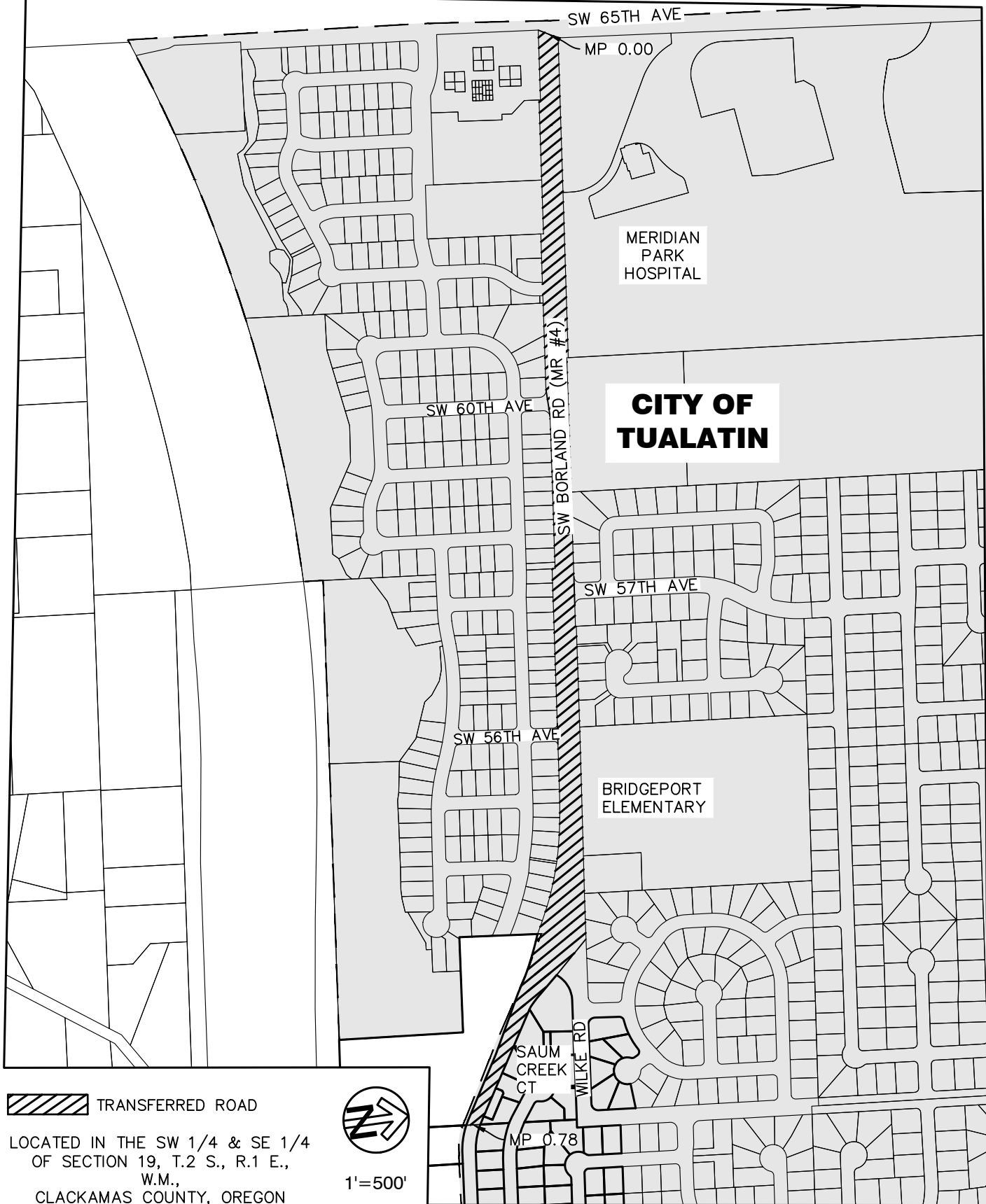
Exhibit A

Southwest Borland Road Description

All that portion of SW Borland Road, Market Road No. 4, Department of Transportation and Development maintenance No. 21547; Situated in the southwest 1/4 and southeast 1/4 of Section 19, T. 2S., R. 1E., W.M. as depicted on Exhibit B, attached hereto, lying East of and between SW 65th Avenue (mile point 0.00) and the extension of the easterly boundary of the plat of "Saum Creek Court", Plat No. 3316 (mile point 0.78), being a total of approximately 4,120 feet long, varying in width.

Containing 340,000 square feet, more or less.

EXHIBIT "B"



TRANSFERRED ROAD

LOCATED IN THE SW 1/4 & SE 1/4
OF SECTION 19, T.2 S., R.1 E.,
W.M.,
CLACKAMAS COUNTY, OREGON



1"=500'

DEPARTMENT OF TRANSPORTATION
AND DEVELOPMENT
150 BEAVERCREEK ROAD
OREGON CITY, OR 97045



BY: M.BAYS DATE: 12/17/2018
JURISDICTIONAL TRANSFER
BORLAND ROAD
MARKET ROAD #4

SHEET
1 OF 1



City of Tualatin

Transfer Ownership of a Portion of Borland Road to the City of Tualatin

City Council

March 11, 2019



CITY OF

TUALATIN OREGON

Section of Borland Road Being Transferred



Agreement Between Clackamas County and Tualatin

Clackamas County will provide \$366,500 for improvements

- Section of new overlay

- 19 accessible curb ramps

- Upgrade pedestrian signal at 56th Ave. and Borland Rd. to ADA standards

- Will be complete by 2021

Ongoing maintenance

- Borland Road will be added to our Pavement Maintenance Program

Outcomes

- Local control of Borland Road

- Improved roadway and pedestrian facilities

- Increased maintenance schedule