



TUALATIN CITY COUNCIL

Monday, JUNE 13, 2016

JUANITA POHL CENTER

8513 SW Tualatin Road

Tualatin, OR 97062

WORK SESSION begins at 5:00 p.m.
BUSINESS MEETING begins at 7:00 p.m.

Mayor Lou Ogden

Council President Monique Beikman

Councilor Wade Brooksby Councilor Frank Bubenik
Councilor Joelle Davis Councilor Nancy Grimes
Councilor Ed Truax

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, the Library located at 18878 SW Martinazzi Avenue, 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 provided 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 JUNE 13, 2016

A. **CALL TO ORDER** Pledge of Allegiance

B. **ANNOUNCEMENTS**

1. Announcing the 2016 Tualatin Science and Technology Scholarship Winner
2. Tualatin Youth Advisory Council Annual Report
3. Proclamation Declaring July 2016 as National Park and Recreation Month
4. New Employee Introduction – Sara Shepherd, Program Specialist
5. Recognition of Service- Police Chief Kent Barker

C. **CITIZEN COMMENTS**

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 Regular Meeting of May 23, 2016
2. Consideration of **Resolution No. 5277-16** Certifying City of Tualatin Municipal Services
3. Consideration of Approval of a New Liquor License Application for Pieology Pizzeria
4. Consideration of Approval of a New Liquor License Application for Vinorai, LLC
5. Consideration of Approval of a New Liquor License for Tualatin Liquor

E. **SPECIAL REPORTS**

1. Update on Summer Programs and Activities Offered by the City of Tualatin and Partners

F. PUBLIC HEARINGS – Legislative or Other

1. Consideration of **Resolution No. 5278-16** Declaring the City's Election to Receive State Revenue Sharing Funds During Fiscal Year 2016-17

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 **Ordinance No. 1392-16** Annexing Territory Located at 18600 SW Pacific Highway into the City of Tualatin and Withdrawing the Territory from the Washington County Enhanced Sheriff Patrol District and the County Urban Road Maintenance District (Tax Map 2S121A, Tax Lot 001100) (ANN–15–0002)
2. Consideration of **Ordinance No. 1393-16** Temporarily Allowing Mobile Food Units to Operate in the City of Tualatin

H. 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.

I. COMMUNICATIONS FROM COUNCILORS

J. ADJOURNMENT

City Council Meeting

Meeting Date: 06/13/2016

ANNOUNCEMENTS: Announcing the 2016 Tualatin
Science and Technology
Scholarship Winner

ANNOUNCEMENTS

Announcing the 2016 Tualatin Science and Technology Scholarship Winner

SUMMARY

This year Sabina Wahed was selected to receive the Tualatin Science and Technology Scholarship, in the amount of \$400. Ms. Wahed will attend the University of Portland to study biology and neuroscience this fall, with plans to attend medical school.

In 1990, the City of Tualatin and Oki Semiconductor, a local manufacturing company, established a science and technology scholarship trust fund. Since then scholarships have been awarded annually to high school seniors who are residents of Tualatin, planning to attend an Oregon four-year college or university, and planning to pursue a career in a science or technology field.

The scholarship represents the commitment of Tualatin businesses to the young people in the community. It also represents the belief that technological and scientific knowledge and skills can improve the quality of life as well as the environmental, social, and economic health of our community.

After the Oki Semiconductor plant closed, the scholarship program was renamed Tualatin Science and Technology Scholarship and the trust fund continued under the guidance of the City of Tualatin, the Tualatin Chamber of Commerce, and the Tigard-Tualatin School District.

SciTech Scholarship

Tualatin Science and Technology Scholarship



City of Tualatin

2016 Winner
Sabina Wahed

Scholarship Committee

City Council representative: Monique Beikman

School Board representative: Dr. Barry Albertson

Chamber of Commerce representative: Denise Macriganis

City Council Meeting

Meeting Date: 06/13/2016

ANNOUNCEMENTS: Tualatin Youth Advisory Council
Annual Report

ANNOUNCEMENTS

Tualatin Youth Advisory Council Annual Report

SUMMARY

A. YAC Annual Report

Tualatin Youth Advisory Council

2015/2016 Annual Report

YAC Seniors



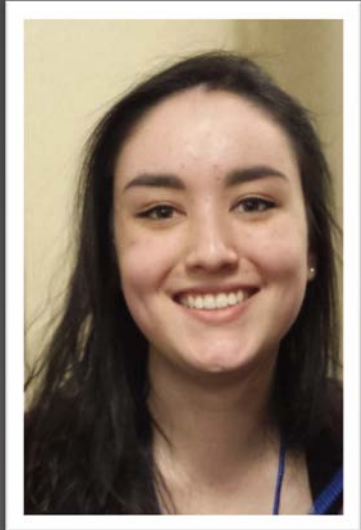
Oscar Zamora



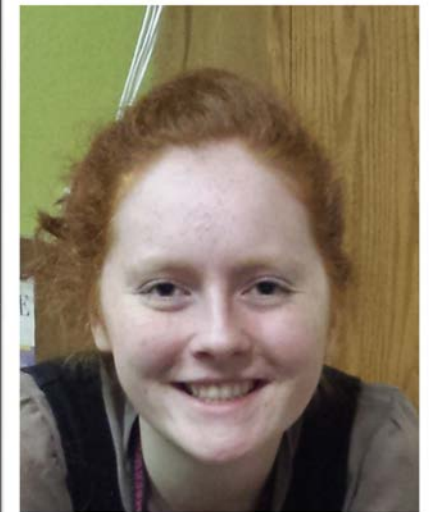
Ellie Parker



Malachi Seib



Keely Grealish



Emma Patton

YAC Goals:

- ◉ Advise the Tualatin City Council on issues that affect youth.
- ◉ Serve as a communication link for youth to government, business, and the community.
- ◉ Identify and advocate for the needs of youth in our community.
- ◉ Identify and carry out events and activities for the community, which are important to youth.

We strive to meet these goals in three main ways.....

How we meet our goals:

- Advocacy
- Activities
- Education



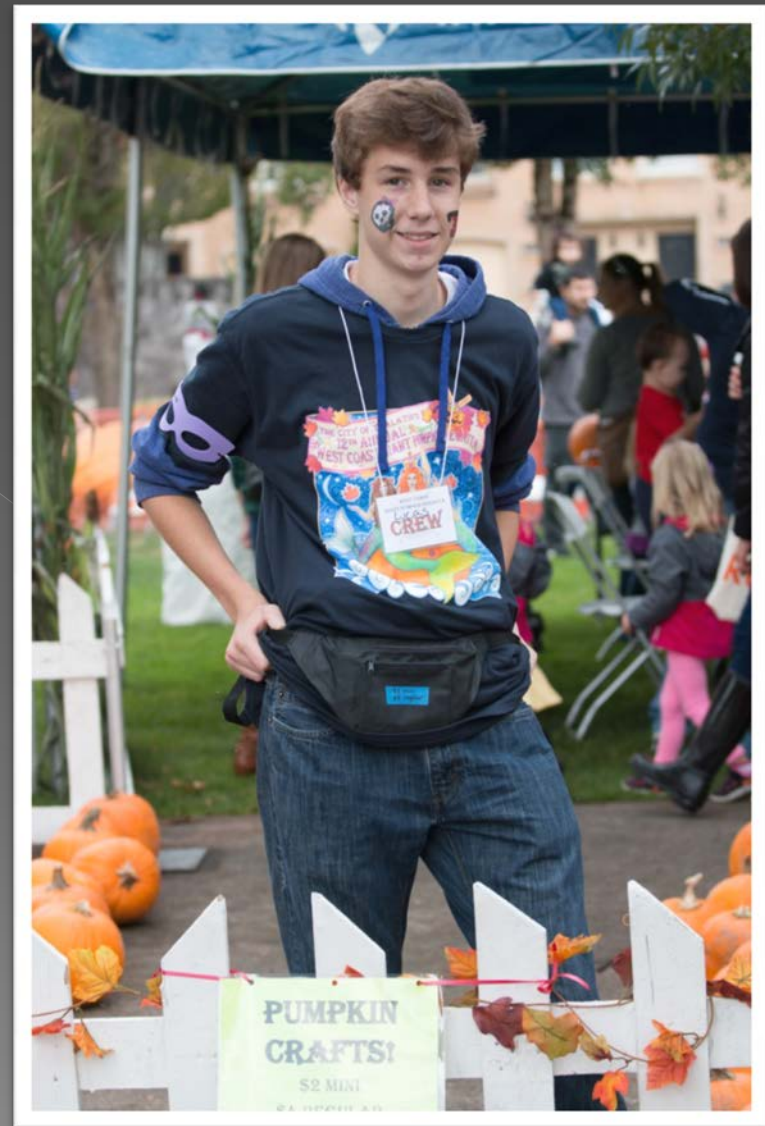
Meeting our goals through advocacy.....

- Monthly council updates
- Youth Summit
- Provided input for Civic Center proposal
- Provided input for ABC's Mobile Maker Space proposal



Meeting our goals through activities....

- Volunteer at many city events, including:
 - › Movies on the Commons
 - › West Coast Giant Pumpkin Regatta
 - › Starry Nights and Holiday Lights
 - › Tualatin Blender Dash



Meeting our goals through activities....

- Host activities for teens including:
 - Haunted House
 - Teen Kaleidoscope Run
 - Youth Summit
 - Coffeehouse Movie Night



Meeting our goals through education.....

- Project FRIENDS
- National League of Cities Congressional City Conference



Project F.R.I.E.N.D.S



National League of Cities 2016 Washington, DC



- Keely Grealish, Ellie Parker, Emma Patton, Malachi Seib, and Oscar Zamora attended conference workshops and youth-oriented events.

Thank You!



- Contributed 1,400 hours of service this year!
- Participating in YAC provides opportunities for leadership development, civic engagement, and community service.
- We're looking forward to the challenges and rewards of next year!

City Council Meeting

Meeting Date: 06/13/2016

ANNOUNCEMENTS: Proclamation Declaring July 2016
as National Park and Recreation
Month

ANNOUNCEMENTS

Proclamation Declaring July 2016 as National Park and Recreation Month

SUMMARY

Park and Recreation Month Proclamation

Park and Recreation Month Proclamation

Proclamation

Proclamation Declaring the Month of July 2016 as "National Park and Recreation Month" in the City of Tualatin

WHEREAS, parks and recreation programs are an integral part of communities throughout this country, including Tualatin; and

WHEREAS, our parks and recreation are vitally important to establishing and maintaining the quality of life in our communities, ensuring the health of all citizens, and contributing to the economic and environmental well-being of a community and region; and

WHEREAS, parks and recreation programs build healthy, active communities that aid in the prevention of chronic disease, provide therapeutic recreation services for those who are mentally or physically disabled, and also improve the mental and emotional health of all citizens; and

WHEREAS parks, trails and recreation programs increase a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and

WHEREAS parks and recreation areas are fundamental to the environmental well-being of our community by improving water quality, protect groundwater, prevent flooding, improve the quality of the air we breathe, provide vegetative buffers to development, and produce habitat for wildlife; and

WHEREAS our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and

WHEREAS Tualatin recognizes the benefits derived from parks and recreation resources and are dedicated and enthusiastic parks and recreation program users.

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

All citizens are urged to celebrate and use community parks and recreation facilities and programs to increase joy and happiness, health and fitness and social connections.

The City of Tualatin celebrates the fourteenth year of Park and Recreation Month and supports the enduring importance of parks and recreation by proclaiming the month of July as Parks and Recreation Month in Tualatin.

INTRODUCED AND ADOPTED this 13th day of June, 2016.

CITY OF TUALATIN, OREGON

BY _____
Mayor

ATTEST:

BY _____
City Recorder



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

FROM: Tanya Williams, Assistant to the City Manager

DATE: 06/13/2016

SUBJECT: Recognition of Service- Police Chief Kent Barker

ISSUE BEFORE THE COUNCIL:

RECOMMENDATION:

Attachments: Proclamation

Proclamation

Declaring June 24, 2016 as "Kent Barker Day" in the City of Tualatin and Congratulating Him on the Occasion of His Retirement

WHEREAS, Kent Barker was hired as Tualatin's Chief of Police on October 1, 2013 and has served the City of Tualatin with true professionalism, leadership, passion and humility; and

WHEREAS, as Tualatin's Chief of Police, Kent Barker's accomplishments are many including serving on the Board of Directors and Executive Committee for the International Association of Chiefs of Police, serving as President of the Oregon Association of Chiefs of Police, and graduating from the FBI National Academy; and

WHEREAS, Chief Barker has been actively involved in the Tualatin community, serving as President and Board Member of the Tualatin Rotary Club, volunteering for Meals on Wheels, road side cleanups, adopt-a-family programs, Toys for Tots, and the Oregon Special Olympics; and

WHEREAS, under Chief Barker's leadership the Tualatin Police Department became accredited by the Oregon Accreditation Alliance; he oversaw the growth of community outreach and engagement, growing the National Night Out effort from 1 neighborhood event to as high as 20 neighborhoods; he spearheaded the creation of a Citizen's Police Academy and launched a Mobile App in an effort to stay better connected to community members; and

WHEREAS Chief Barker has been a mentor and role-model for multitudes of people in the country, the state, the county, the community and the organization; he continually lives out Tualatin's core values of TEAMWORK, RESPECT, ONE CITY, EMPOWERMENT, PROBLEM SOLVING, CUSTOMER SERVICE and being NON-BUREAUCATIC every day; and

WHEREAS Chief Barker announced his retirement in January 2016 and has worked diligently to help prepare the department for the transition in leadership; Chief Barker's last day of employment is June 24, 2016.

NOW, THEREFORE, BE IT PROCLAIMED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, Oregon that: June 24, 2016 is officially declared **Kent Barker Day** in the City of Tualatin and the City Council congratulates Chief Barker on the occasion of his retirement and wishes him all the best in his future endeavors.

INTRODUCED AND ADOPTED this 13th day of June, 2016.

CITY OF TUALATIN, OREGON

BY _____
Mayor

ATTEST:

BY _____
City Recorder



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: 06/13/2016

SUBJECT: Consideration of Approval of the Minutes for the Regular Meeting of May 23, 2016

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve the minutes for the Regular Meeting of May 23, 2016.

RECOMMENDATION:

Staff respectfully recommends that the Council adopt the attached minutes.

Attachments: City Council Regular Meeting Minutes of May 23, 2016



OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR MAY 23, 2016

Present: Council President Monique Beikman; Councilor Wade Brooksby; Councilor Frank Bubenik; Councilor Joelle Davis; Councilor Nancy Grimes; Councilor Ed Truax

Absent: Mayor Lou Ogden

Staff Present: City Manager Sherilyn Lombos; City Attorney Sean Brady; Police Chief Kent Barker; Community Services Director Paul Hennon; Finance Director Don Hudson; Planning Manager Aquilla Hurd-Ravich; Assistant to the City Manager Tanya Williams; Assistant City Manager Alice Cannon; Library Manager Jerianne Thompson; Human Resources Director Janet Newport; Office Coordinator Merab Smith

A. CALL TO ORDER

Pledge of Allegiance

Council President Monique Beikman called the meeting to order at 7:03 p.m.

B. ANNOUNCEMENTS

1. Proclamation Designating the Week of May 15-21, 2016 as Emergency Medical Services Week in the City of Tualatin

Council President Beikman announced May 15-21, 2016 as Emergency Medical Services Week. Metro West EMT Operations Supervisor Daniel Robles stated they are honored to provide our community with emergency services since 1953.

Councilor Truax read the proclamation declaring May 15-21, 2016 as Emergency Medical Services Week. He thanked all the emergency services personnel for their dedication and hard work.

2. Tualatin Chamber of Commerce Trail Trekker 5K Check Presentation

Tualatin Chamber of Commerce Director Linda Moholt thanked the community and City for their participation and cooperation in the first Trail Trekker 5K Run. The event took place on April 9, 2016 and there were 130 participants. As promised the Chamber of Commerce contributed 25% of the profits to help offset costs for trail maintenance. The Chamber of Commerce thanked the City for allowing them to partner and invest in the community. Ms. Moholt presented Council President Beikman with a check in the amount of \$1,455. Council President Beikman thanked the Chamber of Commerce for all the work they do.

3. New Employee Introduction- Chris Ragland, Building Official

Assistant City Manager Alice Cannon introduced Building Official Chris Ragland. The Council welcomed him

4. New Employee- Sara Harris, Office Assistant II

Human Resources Director Janet Newport introduced Office Assistant II Sara Harris. The Council welcomed her.

C. CITIZEN COMMENTS

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.

Leonard Schaber presented recommendations for the Stafford Hamlet Compromise. The compromise represents a solution for Stafford Hamlet residents and the recent Oregon Court of Appeals remand of Metro's Urban Reserve. The recommendation included designating Borland as urban reserve to be utilized for employment development. It also recommended removal of the urban reserve from the north area of the Tualatin River and Halcyon neighborhood to be reclassified as RRFF-5 or FF-10 zoning to protect the open space, rural character and allow for an additional 200 new homes. The Stafford Hamlet community asked for the support of City Council on these recommendations.

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 Ed Truax, SECONDED by Councilor Nancy Grimes to adopt the consent agenda.

Aye: Council President Monique Beikman, Councilor Wade Brooksby, Councilor Frank Bubenik, Councilor Joelle Davis, Councilor Nancy Grimes, Councilor Ed Truax

Other: Mayor Lou Ogden (Absent)

MOTION CARRIED

1. Consideration of Approval of the Minutes for the Regular Meeting of May 9, 2016

2. Consideration of **Resolution No. 5276-16** Authorizing the City Manager to Execute Intergovernmental Agreements with Washington County for Library Services.

E. PUBLIC HEARINGS – Quasi-Judicial

1. **Continued from March 14, 2016:** Consideration of a Petition Requesting Annexation of Property at 18600 SW Pacific Highway (Tax Map 2S1 21A, Tax Lot 1100) (ANN-15-0002)

Planning Manager Aquilla Hurd-Ravich presented a review of the annexation application for the property at 18600 SW Pacific Highway. She entered the staff report and attachments into the record. She stated the application was reviewed and the property meets all required criteria and is consistent with the Urban Service Agreement. The annexation agreement included restrictive covenants stating the property will not be used as an automotive service station or card lock automobile service station.

The applicant Mike Connors of Stein Woodburn LLC stated the primary concern of the residents was a gas station. Stein Woodburn LLC has removed any issues of controversy by included the restrictive covenant.

PUBLIC COMMENT
None.

COUNCIL QUESTIONS/DELIBERATIONS
The Council commended the applicant and neighborhood for working together.

Councilor Davis gave her appreciation for the cooperation of the two parties. She would like staff to look into future developments of gas stations in the city and regulations that could affect homeowners with FHA financing.

MOTION by Councilor Ed Truax, SECONDED by Councilor Joelle Davis to prepare an ordinance to grant resolution of the annexation of property at 18600 SW Pacific Highway.

Aye: Council President Monique Beikman, Councilor Wade Brooksby, Councilor Frank Bubenik, Councilor Joelle Davis, Councilor Nancy Grimes, Councilor Ed Truax

Other: Mayor Lou Ogden (Absent)

MOTION CARRIED

F. 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. 5275-16** Authorizing the City Manager to Execute an Annexation Agreement and Restrictive Covenant with Stein Woodburn LLC for Property Located at 18600 SW Pacific Highway (TAX MAP 2S121A, TAX LOT 001100).

Planning Manager Aquilla Hurd-Ravich presented an annexation agreement to consider a resolution to authorize the city to enter into an agreement with property owners at 18600 SW Pacific Highway. A public hearing was held on March 14, 2016 to present the proposal. The applicant agreed to not use the property as a gas station or card lock facility. Staff and the applicant drafted an annexation agreement and restrictive covenants. The property is vacant, undeveloped and utilities are available. The restrictions will be in place in perpetuity unless the Council authorizes removal of the restriction.

PUBLIC COMMENT

Linda Moholt complimented the wiliness of the applicant to listen and work with the community.

COUNCIL QUESTIONS/DELIBERATIONS

None.

MOTION by Councilor Ed Truax, SECONDED by Councilor Frank Bubenik to adopt Resolution No. 5275-16 approving recommendation of the annexation agreement and restrictive covenant with Stein Woodburn LLC for property located at 18600 SW Pacific Highway.

Aye: Council President Monique Beikman, Councilor Wade Brooksby, Councilor Frank Bubenik, Councilor Joelle Davis, Councilor Nancy Grimes, Councilor Ed Truax

Other: Mayor Lou Ogden (Absent)

MOTION CARRIED

G. 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.

H. COMMUNICATIONS FROM COUNCILORS

Councilor Davis recommended looking at a ordinance to protect homeowners with FHA financing from future development of gas stations. Council consensus was reached to further explore this matter.

Councilor Davis would like to see a temporary approval process in place for mobile food vendors before the summer, as staff has not had time to bring the full ordinance back for review. City Manager Lombos agreed to bring a staff report back to the next council meeting for further discussion.

Councilor Bubenik thanked Neighbors Nourishing Communities (NNC) for their successful handout at Mitch Charter School. The students raised 600 plants for their volunteer gardener/donors. Their mission is to grow produce in the community with 20% of production donated to the Tualatin Food Pantry.

I. ADJOURNMENT

Councilor Truax adjourned the meeting at 7:47 p.m.

Sherilyn Lombos, City Manager

_____ / Merab Walker, Recording Secretary

_____ / Lou Ogden, Mayor



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Don Hudson, Finance Director

DATE: 06/13/2016

SUBJECT: Consideration of **Resolution No. 5277-16** Certifying City of Tualatin Municipal Services

ISSUE BEFORE THE COUNCIL:

To be eligible to receive state shared revenues (cigarette, liquor and highway taxes), the City must certify it provides four or more of certain municipal services.

RECOMMENDATION:

Staff recommends that the Council adopt the attached Resolution certifying City of Tualatin municipal services.

EXECUTIVE SUMMARY:

The State of Oregon requires that cities located in a county having more than 100,000 inhabitants according to the most recent decennial census, must provide four or more of certain municipal services in order to receive state shared revenues. Those services are: Police Protection; Fire Protection; Street Construction, Maintenance and Lighting; Sanitary Sewers; Storm Sewers; Planning, Zoning and Subdivision Control; and Water Utility Services. The City provides six of the seven listed municipal services (Fire Protection is provided by Tualatin Valley Fire & Rescue).

OUTCOMES OF DECISION:

If the Council approves the Resolution, the City will be eligible to receive state shared revenues. If the Council does not approve the Resolution, the City will not receive state shared revenues and we will need to reduce expenditures or contingencies.

FINANCIAL IMPLICATIONS:

It is estimated, and budgeted, that the City will receive \$31,650 in Cigarette Taxes and \$433,760 in Liquor Taxes in the General Fund and \$1,528,130 in State Gas Taxes in the Road Operating Fund.

Attachments: Reso 5277-16 - Certify Muni Serv

RESOLUTION NO. 5277-16

A RESOLUTION CERTIFYING CITY OF TUALATIN MUNICIPAL SERVICES

WHEREAS, ORS 221.760 provides that the officer responsible for disbursing funds to cities under ORS 323.455, 366.785 to 366.820 and 471.805 shall, in the case of a city located within a county having more than 100,000 inhabitants, disburse such funds only if the city provides four or more of the following services:

1. Police Protection
2. Fire Protection
3. Street Construction, Maintenance, and Lighting
4. Sanitary Sewers
5. Storm Sewers
6. Planning, Zoning, and Subdivision Control
7. Water Utility Services; and

WHEREAS, the Council desires to comply with ORS 221.760 by certifying the provision of municipal services.

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

Section 1. The City of Tualatin certifies that it provides the following four or more municipal services, as provided in ORS 221.760:

1. Police Protection
2. Street Construction, Maintenance, and Lighting
3. Sanitary Sewers
4. Storm Sewers
5. Planning, Zoning, and Subdivision Control
6. Water Utility Services

Section 2. This resolution is effective upon adoption.

Adopted by the City Council this 13th day of June, 2016.

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

FROM: Nicole Morris, Deputy City Recorder

DATE: 06/13/2016

SUBJECT: Consideration of Approval of a New Liquor License Application for Pieology Pizzeria

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve a new liquor license application for Pieology Pizzeria.

RECOMMENDATION:

Staff respectfully recommends that the Council approve endorsement of the liquor license application for Pieology Pizzeria.

EXECUTIVE SUMMARY:

Pieology Pizzeria has submitted a new liquor license application under the category of limited on-premises sales. This would permit them to sell factory-sealed containers of malt beverages, wine, and cider for on-site consumption. The business is located at 7695 SW Nyberg Street. The application is in accordance with provisions of Ordinance No.680-85 which established a procedure for review of liquor licenses by the Council. 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](#)



SW Boones Ferry Rd

SW Martinazzi Ave

SW Senaca St

Pieology Pizzeria

SW Nyberg St

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 May 27, 2016

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.

*paid \$100⁰⁰ cash
Rcpt. # 929902*

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): Picology Pizzeria
Business address 7695 SW Nyberg City Tualatin State Or Zip Code 97062
Mailing address Same City _____ State _____ Zip Code _____
Telephone # 503-692-3773 Fax # _____
Name(s) of business manager(s) First Jack Middle _____ Last Candle
Date of birth _____ Social Security # _____ ODL# _____ ☒ X ☐ F _____
Home address _____ City _____ State _____ Zip Code _____
(attach additional pages if necessary)
Type of business Pizza
Type of food served Pizza
Type of entertainment (dancing, live music, exotic dancers, etc.) none
Days and hours of operation 11-9 Sun -Th 11-10 Fri, Sat
Food service hours: Breakfast / Lunch Same Dinner _____
Restaurant seating capacity 73 Outside or patio seating capacity 12
How late will you have outside seating? till Close How late will you sell alcohol? till Close

How many full-time employees do you have? 1 Part-time employees? 20

SECTION 3: DESCRIPTION OF LIQUOR LICENSE

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

Type of liquor license (refer to OLCC form) _____

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: _____

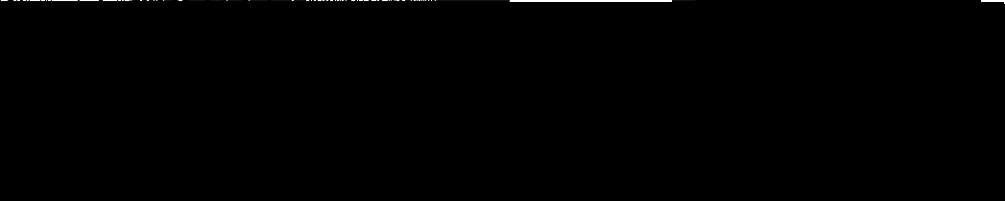
Residence address: _____

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: Bence Brown Date of birth: 

Residence address: 

Full name: Michael Shaker

Date of birth: [REDACTED]

Residence address: [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]

May 27, 2016
Date

For City Use Only

Sources Checked:

☒ DMV by MS ☒ LEDS by MS ☒ TuPD Records by MS
☒ Public Records by MS

☐ 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: _____

[REDACTED]

Signature

6/1/16
Date

Kent W. Barker
Chief of Police
Tualatin Police Department



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Nicole Morris, Deputy City Recorder

DATE: 06/13/2016

SUBJECT: Consideration of Approval of a New Liquor License Application for Vinorai, LLC

ISSUE BEFORE THE COUNCIL:

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

RECOMMENDATION:

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

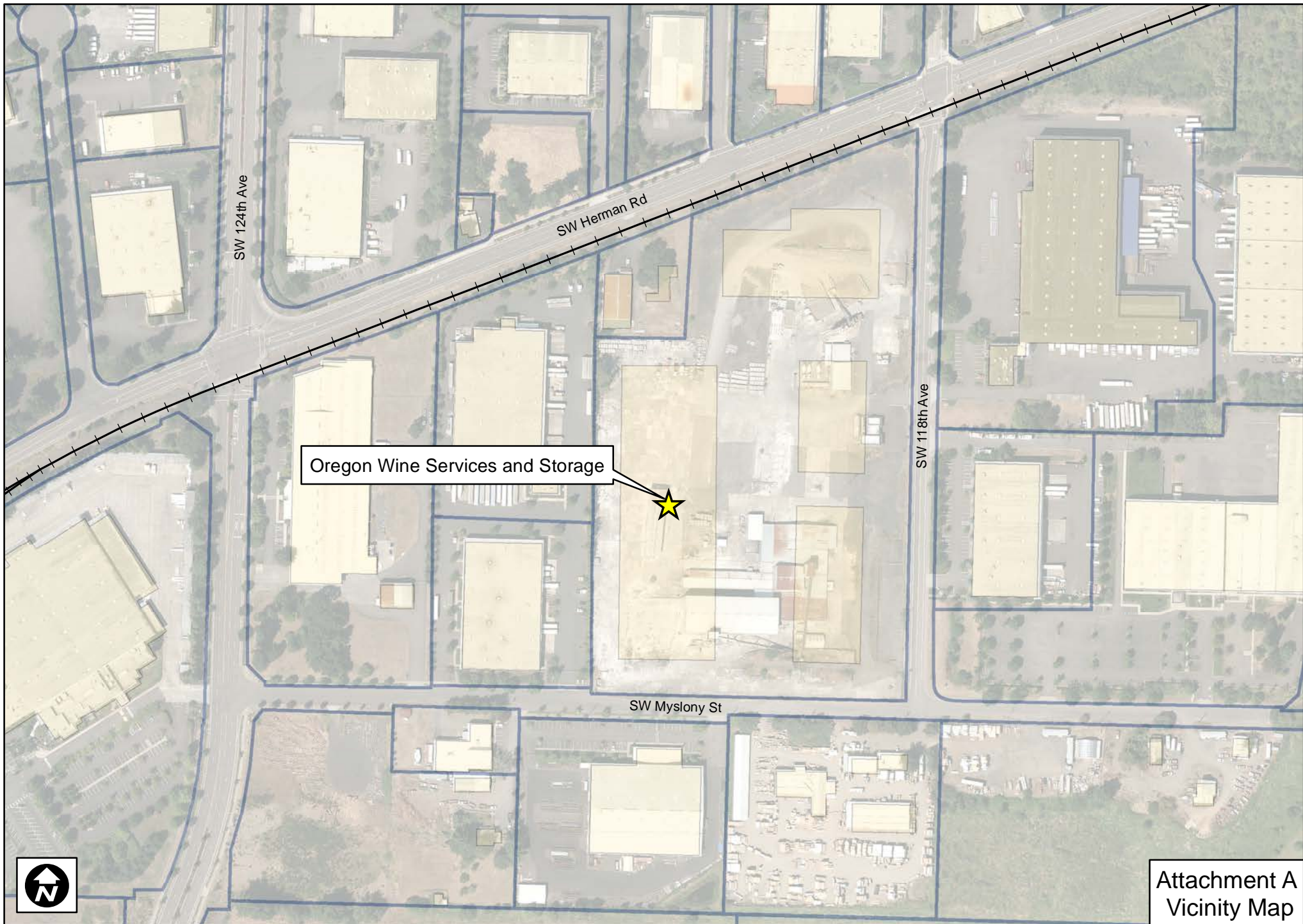
EXECUTIVE SUMMARY:

Vinorai, LLC has submitted a new liquor license application under the category of warehouse. This would permit them to store, import, export, and produce malt beverages, wine, and cider. The business is located at 12085 SW Myslony Street. The application is in accordance with provisions of Ordinance No.680-85 which established a procedure for review of liquor licenses by the Council. 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](#)



ANNUAL AND MULTI-YEAR LICENSE TYPES

License Type	License Code	License Fee	A Summary of Primary License Privileges and Requirements
<u>Brewery</u>	BRW & BRWNC	\$500 (annually) And \$2.60 (annually) Alcohol Server Education fee if a BRW	<ul style="list-style-type: none"> • For the applicant who will make malt beverages and then primarily sell it at wholesale, but may also sell it at retail • Sell and distribute malt beverages to wholesale and retail licensees of the OLCC • Import malt beverages into Oregon • Export malt beverages out of Oregon (Oregon has no requirements if you wish to ship or deliver malt beverages to a business or individual outside of Oregon; however, the state or country in which the business or individual is located may have requirements) • Sell malt beverages made on the premises to individuals (non-licensees of the OLCC) for consumption on the licensed premises and/or in quantities of not less than four gallons for consumption off the licensed premises • Not eligible to ship or deliver malt beverages directly to individuals (non-licensees of the OLCC) in Oregon (the individuals must take delivery of the malt beverage at the Brewery licensed premises) • May not sell wine or cider • Must obtain a privilege tax bond • Not eligible to obtain any special event license • BRW designates a license that allows tastings or other on-premises consumption of alcohol by patrons • BRWNC designates a licensee that does not allow tastings or other on-premises consumption of alcohol by patrons
<u>Brewery-Public House</u>	BP	\$250 (annually) And \$2.60 (annually) Alcohol Server Education fee	<ul style="list-style-type: none"> • For the applicant who will make malt beverages and then primarily sell it at retail, but may also sell it at wholesale • Distribute malt beverages to wholesalers in Oregon • Can't import malt beverages into Oregon • Export malt beverages out of Oregon (Oregon has no requirements if you wish to ship or deliver malt beverages to a business or individual outside of Oregon; however, the state or country in which the business or individual is located may have requirements) • If make 5,000 barrels or less of malt beverages in a year can sell and distribute those malt beverages directly to retail licensees in Oregon • Sell malt beverages, wine, and cider to individuals in Oregon for consumption on or off the licensed business • Eligible to ship or deliver malt beverages directly to an Oregon resident • Eligible to apply for a "special event" license: SEBPH • Must obtain a privilege tax bond

License Type	License Code	License Fee	A Summary of Primary License Privileges and Requirements
Certificate of Approval (for beer, wine, and cider)	CERA	\$175 (for 5 years)	<ul style="list-style-type: none"> Allows a person in a US state other than Oregon to send malt beverages, wine, or cider to an Oregon wholesaler (the Oregon wholesaler can receive the alcohol only if the person sending the alcohol has a CERA) Allows a wholesaler in Oregon to receive malt beverages, wine, and cider directly from a person outside of the US (the Oregon wholesaler must get the CERA)
Certificate of Approval (for distilled spirits)	CER-D	No fees	<ul style="list-style-type: none"> Required for manufacturers, importers, and others who import distilled spirits into Oregon for sale in the state. No need to apply for this certificate; it is automatically issued by the OLCC
Direct Shipper Permit	DS	\$50 (annually)	<ul style="list-style-type: none"> Allows certain businesses in a US state other than Oregon to send wine and cider directly from that state to a resident of Oregon Must obtain privilege tax bond
Distillery	DIST	\$100 (annually)	<ul style="list-style-type: none"> Make and import distilled spirits into Oregon Export distilled spirits out of Oregon Sell distilled spirits to the OLCC (for sale in a liquor store) Provide tastings of distilled spirits on the premises Eligible to apply for a “special event” license: SED Does not obtain privilege tax bond
Full On-Premises Sales, Commercial	F-COM	\$400 (annually) And \$2.60 (annually) Alcohol Server Education fee	<ul style="list-style-type: none"> Sell and serve distilled spirits, malt beverages, wine, and cider for consumption on the licensed premises (this is the license most “full-service” restaurant obtain) Eligible to apply to get pre-approved to cater some events off of the licensed premises (events that are small, usually closed to the general public, and where food service is the primary activity) Eligible to apply for a “special event” license: TUAL
Full On-Premises Sales, Caterer	F-CAT	\$400 (annually) And \$2.60 (annually) Alcohol Server Education	<ul style="list-style-type: none"> Sell and serve distilled spirits, malt beverages, wine, and cider via pre-approved catering <u>for events off of the annually licensed premises</u> (these are events that are small, usually closed to the general public, and where food service is the primary activity) Eligible to apply for a “special event” license: TUAL

License Type	License Code	License Fee	A Summary of Primary License Privileges and Requirements
<u>Full On-Premises Sales, For-Profit Private Club</u>	F-FPC	\$400 (annually) And \$2.60 (annually) Alcohol Server Education	<ul style="list-style-type: none"> • Sell and serve distilled spirits, malt beverages, wine, and cider for consumption on the licensed premises, but only for members and guests • Must have a minimum of 100 members • Eligible to apply to get pre-approved to cater some events off of the licensed premises (events at which only members and guests may attend and where food service is the primary activity) • Eligible to apply for a “special event” license for a temporarily licensed event at which only members and guests may attend: TUAL
<u>Full On-Premises Sales, Nonprofit Private Club</u>	F-CLU	\$200 (annually) And \$2.60 (annually) Alcohol Server Education	<ul style="list-style-type: none"> • Sell and serve distilled spirits, malt beverages, wine, and cider for consumption on the licensed premises, but only for members and guests • Must have a minimum of 100 members • Must be a nonprofit corporation registered as such with Oregon’s Office of the Secretary of State for a minimum of one year immediately prior to the date of the application • Eligible to apply to get pre-approved to cater some events off of the licensed premises (events at which only members and guests may attend and where food service is the primary activity) • Eligible to apply for a “special event” license for a temporarily licensed event at which only members and guests may attend: TUAL
<u>Full On-Premises Sales, Other Public Location</u>	F-PL	\$400 (annually) And \$2.60 (annually) Alcohol Server Education fee	<ul style="list-style-type: none"> • Sell and serve distilled spirits, malt beverages, wine, and cider for consumption on the licensed premises • Eligible to apply to get pre-approved to cater some events off of the licensed premises (events that are small, usually closed to the general public, and where food service is the primary activity) • Eligible to apply for a “special event” license: TUAL
<u>Full On-Premises Sales, Public Passenger Carrier</u>	F-PC	\$400 (annually) And \$2.60 (annually) Alcohol Server Education	<ul style="list-style-type: none"> • Allows an airline, railroad, or tour boat to sell and serve distilled spirits, malt beverages, wine, and cider for consumption on the licensed premises • Eligible to apply for a “special event” license: TUAL

License Type	License Code	License Fee	A Summary of Primary License Privileges and Requirements
<u>Grower Sales Privilege</u>	GSP & GSPNC	\$250 (annually) And \$2.60 (annually) Alcohol Server Education fee if a GSP	<ul style="list-style-type: none"> • Import, store, and export wine and cider made from fruit or grapes grown in Oregon under the control of the licensee (note this license doesn't allow the manufacture of wine or cider) • Sell such wine or cider to wholesalers in Oregon • Export such wine or cider out of Oregon • Sell and distribute such wine or cider directly to retail licensees in Oregon • Sell such wine or cider to individuals in Oregon for consumption on or off the licensed business • Eligible to ship such wine and cider directly to an Oregon resident • Eligible to apply for a "special event" license: SEG • Must obtain privilege tax bond • GSP designates a license that allows tastings or other on-premises consumption of alcohol by patrons • GSPNC designates a licensee that does not allow tastings or other on-premises consumption of alcohol by patrons
<u>Limited On-Premises Sales</u>	L	\$200 (annually) And \$2.60 (annually) Alcohol Server Education	<ul style="list-style-type: none"> • Sell and serve malt beverages, wine, and cider for consumption on the licensed premises • Sell malt beverages in a container holding seven or more gallons for consumption off the licensed premises • Eligible to apply to get pre-approved to cater some events off of the licensed premises (events that are small, usually closed to the general public, and where food service is the primary activity) • Eligible to apply for a "special event" license: TUAL
<u>Off-Premises Sales</u>	O	\$100 (annually)	<ul style="list-style-type: none"> • Sell factory-sealed containers of malt beverages, wine, and cider at retail to individuals in Oregon for consumption off the licensed premises • Eligible to apply to get pre-approval 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
<u>Warehouse</u>	WH	\$100 (annually)	<ul style="list-style-type: none"> • Store, import, export, and produce malt beverages, wine, and cider • In Oregon, primarily sell or ship to other Oregon wholesalers; however, some exceptions may apply • Must obtain privilege tax bond
<u>Wholesale Malt Beverage and Wine</u>	WMBW	\$275 (annually)	<ul style="list-style-type: none"> • Store, import, export, and sell malt beverages, wine, and cider at wholesale to Oregon retail licensees • Make limited retail sales of malt beverages, wine, and cider to the public • Not eligible to ship or deliver malt beverages, wine, or cider directly to individuals (non-licensees of the OLCC) in Oregon (the individuals must take delivery of the malt beverage, wine, or cider at the WMBW licensed premises) • Must obtain privilege tax bond

License Type	License Code	License Fee	A Summary of Primary License Privileges and Requirements
Wine Self-Distribution Permit	WSD	\$100 (annually)	<ul style="list-style-type: none"> Allows a manufacturer of wine and cider in a US state other than Oregon to sell and ship such wine and cider directly to an Oregon retail licensee <u>but only if the Oregon retailer holds a valid endorsement issued by the OLCC authorizing the receipt of wine or cider from the holder of a Wine Self-Distribution Permit</u> Must obtain privilege tax bond
Winery	WY and WYNC	\$250 (annually) And \$2.60 (annually) Alcohol Server Education fee if a WY	<ul style="list-style-type: none"> Manufacture, store, and export wine and cider 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 the licensed business Eligible to ship wine and cider directly to an Oregon resident Eligible to apply for a “special event” license: SEW Must obtain privilege tax bond WY designates a license that allows tastings or other on-premises consumption of alcohol by patrons WYNC designates a licensee that does not allow tastings or other on-premises consumption of alcohol by patrons

SPECIAL EVENT LICENSE TYPES

License Type	License Code	License Fee	A Summary of Primary License Privileges and Requirements
Temporary Sales License	TSL	\$50 (per license day)	<ul style="list-style-type: none"> Sell and serve distilled spirits, malt beverages, wine, and cider for consumption on the special event licensed premises Sell factory-sealed containers of beer, wine, or cider at retail to individuals in Oregon for consumption off of the special event licensed premises Can't allow patrons to take <u>any</u> distilled spirits off of the special event licensed premises (whether in an open or sealed container) A person or organization making alcoholic beverages within Oregon or importing or causing to be imported into Oregon an alcoholic beverage for sale or distribution in Oregon is NOT eligible for this license. This includes the following OLCC licensees: Brewery; CERA; CERD; Distillery; Grower Sales Privilege; Warehouse; Wholesale Malt Beverage and Wine; and Winery. This also includes wineries, breweries, distilleries, and wholesalers in other states.

License Type	License Code	License Fee	A Summary of Primary License Privileges and Requirements
Temporary Use of an Annual License	TUAL	No license fee	<ul style="list-style-type: none"> Any type of Full-On Premises Sales licensee and any Limited On-Premises Sales licensee may apply for this license Allows a Full On-Premises Sales licensee to sell and serve distilled spirits, malt beverages, wine, and cider for consumption on the special event licensed premises Allows a Limited On-Premises Sales licensee to sell and serve malt beverages, wine, and cider for consumption on the special event licensed premises
Special Event Winery	SEW	\$10 (per license day)	<ul style="list-style-type: none"> Allows an Oregon Winery licensee to sell malt beverages, wine, and cider for consumption on the special event licensed premises or in manufacturer-sealed containers for consumption off of the special event licensed premises
Special Event Grower	SEG	\$10 (per license day)	<ul style="list-style-type: none"> Allows an Oregon Grower Sales Privilege licensee to sell wine and cider allowed to be sold under the annual Grower Sales Privilege license for consumption on the special event licensed premises or in manufacturer-sealed containers for consumption off of the special event licensed premise
Special Event Brewery Public House	SEBPH	\$10 (per license day)	<ul style="list-style-type: none"> Allows an Oregon Brewery-Public House licensee to sell malt beverages, wine, and cider for consumption on the special event licensed premises or in manufacturer-sealed containers for consumption off of the special event licensed premises
Special Event Distillery	SED	\$10 (per license day)	<ul style="list-style-type: none"> Allows an Oregon Distillery licensee to provide tastings and sell drinks of distilled liquor manufactured by the Oregon Distillery licensee on the special event licensed premises when the distilled liquor is approved for sale in Oregon If the licensee is a distillery retail outlet agent, may sell factory-sealed containers of distilled liquor manufactured by the licensee for consumption off the licensed premises of the event



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 5/18/2016

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.

REC'D
CITY OF TUALATIN

MAY 23 2016

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.

MAYOR _____ COUNCIL _____ POLICE _____ ADM _____
FINANCE _____ COMM DEV _____ LEGAL _____ OPER _____
COMM SVCS _____ ENG & BLDG _____ LIBRARY _____

SECTION 2: DESCRIPTION OF BUSINESS

Name of business (dba): VINORAI, LLC

Business address 12085 SW Myslony St City Tualatin State OR Zip Code 97062

Mailing address BOX 95235 City Seattle State WA Zip Code 98145

Telephone # 206.604.2183 Fax # _____

Name(s) of business manager(s) First Olga Middle Vitalyevna Last Rai

Date of birth _____ Social Security # _____ ODL# _____ F X

Home address _____ City _____ State _____ Zip Code _____

(attach additional pages if necessary)

Type of business Out of State wine importer applying for warehouse license to store wine in Tualatin

Type of food served n/a - seeking warehouse license

Type of entertainment (dancing, live music, exotic dancers, etc.) _____

Days and hours of operation Mon-Fri 9 AM - 5 PM

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

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

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

Full name: _____ Date of birth: _____

Residence address: _____

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

SECTION 4: APPLICANT SIGNATURE

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

Signature of Applicant

5/18/2016

Date

For City Use Only

Sources Checked:

☒ DMV by Barker ☐ LEDS by Barker ☒ TuPD Records by Barker

☒ Public Records by Barker

☒ 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: _____

5/26/16

Date

Kent W. Barker
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: Nicole Morris, Deputy City Recorder

DATE: 06/13/2016

SUBJECT: Consideration of Approval of a New Liquor License for Tualatin Liquor

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve a new liquor license application for Tualatin Liquor.

RECOMMENDATION:

Staff respectfully recommends that the Council approve endorsement of the liquor license application for Tualatin Liquor.

EXECUTIVE SUMMARY:

Tualatin Liquor has submitted a new liquor license application under the category of off-premises sales. This would permit them to sell factory-sealed containers of malt beverages, wine, and cider at retail to individuals in Oregon for consumption off the licensed premises. In addition this category allows for providing sample tastings of malt beverages, wine, and cider for consumption on the premises. The business is located at 19265 SW Martinazzi Ave. The application is in accordance with provisions of Ordinance No.680-85 which established a procedure for review of liquor licenses by the Council. 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- Application
Attachment B - Vicinity Map

Attachment C- License Types



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 4/19/16

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.

*Rec'd. 5-16-16
580*

*Recpt # 9299 01
\$ 100.00*

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): Tualatin Liquor

Business address 19265 SW Martinazzi City Tualatin State OR Zip Code 97062

Mailing address 18965 SW Parrett Mtn Rd City Sherwood State OR Zip Code 97140

Telephone # 503 612 9833 Fax # 503 612 9834

Name(s) of business manager(s) First John Middle Douglas Last Popp

Date of birth [REDACTED] Social Security # [REDACTED] ODL# [REDACTED] M ☒ F ☐

Home address [REDACTED] City [REDACTED] State [REDACTED] Zip Code [REDACTED]

(attach additional pages if necessary)

Type of business Retail Liquor Store

Type of food served NONE

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

Days and hours of operation M-S 10AM-8pm Sun 12noon to 5pm

Food service hours: Breakfast — Lunch — Dinner —

Restaurant seating capacity — Outside or patio seating capacity —

How late will you have outside seating? — How late will you sell alcohol? —

How many full-time employees do you have? 2 Part-time employees? 6

SECTION 3: DESCRIPTION OF LIQUOR LICENSE

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

Type of liquor license (refer to OLCC form) off premise sales

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

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

Full name _____ Date of birth _____

Residence address _____

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

Full name _____ Date of birth _____

Residence address _____

Full name _____ Date of birth _____

Residence address _____

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

(a) Name and business address of registered agent.

Full name Vance Burghard Inc

Business address 18965 SW Parrett Mtn Rd, Sherwood, OR 97140

(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 VANCE Burghard Date of birth [REDACTED]

Residence address [REDACTED]

(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: Vance Burghard Date of birth: [REDACTED]

Residence address: [REDACTED]

Full name of treasurer: _____ Date of birth: _____

Residence address: _____

Full name of secretary: Wendy Burghard Date of birth: [REDACTED]

Residence address: [REDACTED]

☐ **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 4-19-16

Signature of Applicant

For City Use Only

Sources Checked:

☒ DMV by [Signature] ☒ LEDS by [Signature] ☒ TuPD Records by [Signature]

☒ Public Records by [Signature]

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

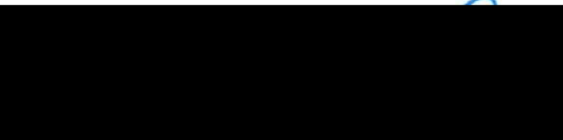
☒ Number of Tualatin arrest/suspect contacts for _____

It is recommended that this application be:

☒ Granted

☐ Denied

Cause of unfavorable recommendation: _____

 _____ Date 5/10/16

Signature

Kent W. Barker
Chief of Police
Tualatin Police Department



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 Council Meeting**Meeting Date:** 06/13/2016**SPECIAL** Summer Programs Preview
REPORTS:

SPECIAL REPORTSUpdate on Summer Programs and Activities Offered by the City of Tualatin and Partners

A. Summer Programs Preview

Summer 2016



City of Tualatin

Summer Reading at the Library

Community Goal: 50,000 hours of reading

Programs for all ages

Free books and great prizes



Music every
Sunday
from June 12-
July 31!



Summer Reading on the Commons

Library Programs every Tuesday
June 21 - August 16





Concerts on the Commons



CONCERTS ON THE
COMMONS

Friday evenings
in July and August





Tualatin Goes Hollywood

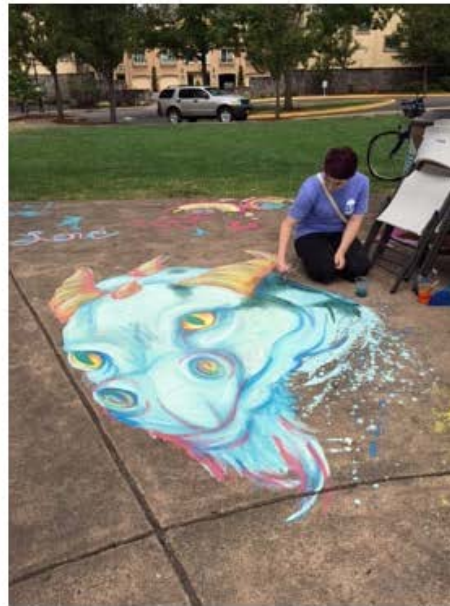
Saturday evenings in July and August



Make a Splash with Art



Art Show and Sale



- July 22-24
- 50 artists
- Live music all weekend
- Kids' art activities



- Fitness programs
- Lifelong learning
- Social activities
- Brain Health workshops



Summer is for Camps!



- 48 different camp sessions
- ages 4 - high school
- 89% full!
- camps keep kids healthy, active, and engaged

Volunteers Put Down Roots in Tualatin



Volunteers provide plant care for 9,000 native trees & shrubs.
Trail maintenance and invasive species removal.

TEAM Tualatin Volunteers



Park maintenance, service learning and environmental education

Teens learn life skills for a GREAT summer



Gang Resistance Education and Training
For rising 6th - through 9th graders
Four sessions, 200 kids
Learning conflict resolution, goal setting
and healthy relationship skills

Community Partners in Summer Fun

Summer Camps



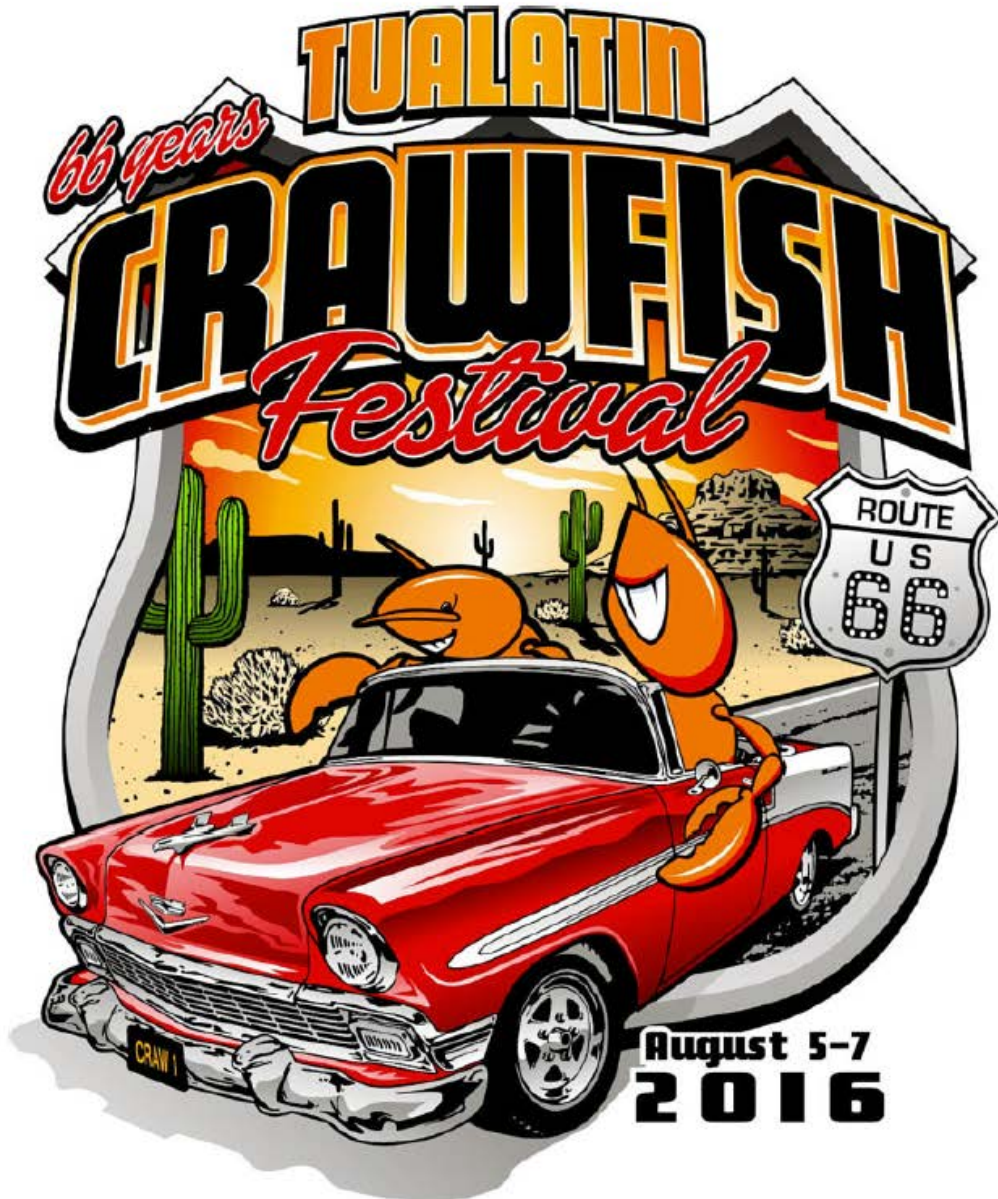
Alder Creek Kayak & Canoe

- Willowbrook Arts Camp
- Tualatin Riverkeepers
- YMCA Camps
- Challenger Sports British Soccer
- Skyhawks Sports Camps
- Code to the Future Camps



Tualatin Heritage Center

Did someone say... Crawfish?



August 5-7





STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Don Hudson, Finance Director

DATE: 06/13/2016

SUBJECT: Consideration of **Resolution No. 5278-16** Declaring the City's Election to Receive State Revenue Sharing Funds During Fiscal Year 2016-17

ISSUE BEFORE THE COUNCIL:

Whether or not to receive State Revenue Sharing Funds.

RECOMMENDATION:

Staff recommends adopting the attached Resolution after conducting the required public hearing.

EXECUTIVE SUMMARY:

In order for the City to receive state shared revenues, the City must have levied property taxes in the prior fiscal year, pass a resolution approving participation in the program and hold two public hearings on the use of state revenue sharing funds. The first public hearing, before the budget committee, is to discuss possible uses of the funds. That public hearing was held on May 31, 2016. The second public hearing, before the City Council this evening, is to discuss the proposed uses of the funds.

The City is set to receive \$339,000 in State Revenue Sharing Funds in 2016-17. This amount is a portion of the Liquor Tax and is apportioned to cities based upon a calculation defined in Oregon Revised Statutes (ORS) 221.770 using factors such as adjusted population and state per capita income.

The City also receives allocations for another portion of Liquor Tax funds, as well as Cigarette and Gas Taxes, based upon a per capita distribution. These funds are governed under ORS 221.760. The law provides that cities located within a county having more than 100,000 inhabitants, must provide four or more municipal services (out of a list of seven types of services) to be eligible to receive these revenues. Council must pass a resolution stating that these services are provided (on this evening's Council Agenda), and are therefore not part of tonight's public hearing.

These revenues are not restricted by the State and are therefore used as a General Fund revenue source.

OUTCOMES OF DECISION:

If the Council approves the Resolution, the City will be eligible to receive state shared revenues. If the Council does not approve the Resolution, the City will not receive state shared revenues and will need to reduce its expenditures or contingencies.

FINANCIAL IMPLICATIONS:

The City has budgeted \$339,000 of state shared revenues in the General Fund for general city operations in Fiscal Year 2016-2017.

Attachments: Reso 5278-16 - Elect State Shared Revenue

RESOLUTION NO. 5278-16

A RESOLUTION ELECTING TO RECEIVE STATE REVENUE SHARING FUNDS FOR THE 2016-17 FISCAL YEAR

WHEREAS, ORS 221.770 requires the City Council adopt a resolution declaring the City's election to receive State Revenue Sharing Funds; and

WHEREAS, the 2016-17 budget for the City of Tualatin contains State Revenue Sharing Funds as a resource in the budget year beginning July 1, 2016; and

WHEREAS, the Budget Advisory Committee held a public hearing to discuss the possible uses of State Revenue Sharing Funds on May 31, 2016 and the City Council held a public hearing on June 13, 2016 to discuss the proposed use of the funds for Fiscal Year 2016-17, giving citizens an opportunity to comment on use of State Revenue Sharing, and

WHEREAS, the City levied a property tax for the preceding fiscal year, beginning July 1, 2015.

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

Section 1. Pursuant to ORS 221.770, the City of Tualatin elects to receive State Revenue Sharing Funds for Fiscal Year 2016-17.

Section 2. This resolution is effective upon adoption.

Adopted by the City Council this 13th day of June, 2016.

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: Sean Brady, City Attorney

DATE: 06/13/2016

SUBJECT: Consideration of **Ordinance No. 1392-16** Annexing Territory Located at 18600 SW Pacific Highway into the City of Tualatin and Withdrawing the Territory from the Washington County Enhanced Sheriff Patrol District and the County Urban Road Maintenance District (Tax Map 2S121A, Tax Lot 001100) (ANN-15-0002)

ISSUE BEFORE THE COUNCIL:

Consideration of Ordinance No. 1392-16 Annexing Territory Located at 18600 SW Pacific Highway into the City of Tualatin and Withdrawing the Territory from the Washington County Enhanced Sheriff Patrol District and the County Urban Road Maintenance District (Tax Map 2S121A, Tax Lot 001100) (ANN-15-0002).

RECOMMENDATION:

Staff recommends Council consider Ordinance No. 1392-16.

EXECUTIVE SUMMARY:

Stein Woodburn LLC submitted an application for an expedited annexation process to annex property located at 18600 SW Pacific Highway into the City of Tualatin. As a result, a public hearing was held before Council on March 14, 2016. During the public hearing, concerns were raised about the property being used as a gas station. As a result, the hearing was continued to May 23, 2016 to allow Stein Woodburn LLC and the City to negotiate an *Annexation Agreement and Restrictive Covenant* to prohibit use of the property as a gas station. Stein Woodburn LLC and the City were successful in their negotiations and agreed upon the terms of an *Annexation Agreement and Restrictive Covenant*.

At the conclusion of the public hearing on May 23, 2016, Council entered deliberations and determined the annexation petition was consistent with all applicable legal requirements of state law, Metro code, and City ordinances related to annexing property, Council voted to approve the petition for annexation and withdraw the property from the Washington County Enhanced Sheriff Patrol District and the County Urban Road Maintenance District. Council directed staff to return with an ordinance to approve the annexation consistent with its decision.

This ordinance approves the annexation and withdraws the property from the Washington

County Enhanced Sheriff Patrol District and the County Urban Road Maintenance District. The ordinance also conditions the effective date of the annexation on Stein Woodburn LLC recording the previously agreed upon *Annexation Agreement and Restrictive Covenant*.

Attachments: Ord No. 1392-16 - Stein Woodburn Annexation
 Ex A - Legal Description Stein Annexation
 Ex B - Stein Annex Map
 Ex C - Analysis and Findings Stein Annex

ORDINANCE NO. 1392-16

AN ORDINANCE ANNEXING TERRITORY LOCATED AT 18600 SW PACIFIC HIGHWAY INTO THE CITY OF TUALATIN AND WITHDRAWING THE TERRITORY FROM THE WASHINGTON COUNTY ENHANCED SHERIFF PATROL DISTRICT AND THE COUNTY URBAN ROAD MAINTENANCE DISTRICT (TAX MAP 2S121A, TAX LOT 001100) (ANN-15-0002)

WHEREAS, Stein Woodburn LLC submitted a petition for an expedited annexation of property located at 18600 SW Pacific Highway (Tax Map 2S121A, Tax Lot 001100), hereafter called the "Property," into the City of Tualatin; and

WHEREAS, the City of Tualatin is authorized to annex territory under ORS Chapter 222 and through the expedited annexation process under Metro Code Chapter 3.09.045; and

WHEREAS, the annexation of the Property has been requested by 100 percent of the property owners, 100 percent of the electors, and qualifies for annexation under ORS 222.125; and

WHEREAS, Washington County has not opposed the annexation in accordance with the Urban Growth Management Agreement between the County and the City of Tualatin; and

WHEREAS, Metro does not oppose the annexation; and

WHEREAS, the Property is in the Washington County Enhanced Sheriff Patrol District and the County Urban Road Maintenance District; and

WHEREAS, ORS 222.520(1) authorizes cities to withdraw territory from districts concurrent with the annexation decision; and

WHEREAS, Stein Woodburn LLC and the City entered into an *Annexation Agreement and Restrictive Covenant* to prevent gas station uses on the Property; and

WHEREAS, notice of public hearing on the annexation petition was given as required by Tualatin Development Code 31.077; and

WHEREAS, the Council conducted a public hearing on March 14, 2016, which was continued to May 23, 2016, where Council heard and considered the testimony and evidence presented by the City staff, the applicant, and those appearing at the public hearing; and

WHEREAS, after the conclusion of the public hearing Council determined the annexation is consistent with all applicable legal requirements of state law, Metro code, and City ordinances related to annexing property and voted to approve the application by unanimous vote;

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. The Property identified in the legal description attached as Exhibit A, and as depicted on the map in Exhibit B, which are both incorporated by reference, is annexed to and made a part of the City of Tualatin provided Stein Woodburn LLC first records the *Annexation Agreement and Restrictive Covenant*.

Section 2. The analysis and findings in Exhibit C, which is incorporated by reference, are hereby adopted.

Section 3. After Stein Woodburn LLC records the *Annexation Agreement and Restrictive Covenant*, the City Recorder is directed to forward copies of this Ordinance to the Oregon Department of Revenue.

Section 4. Within five days of receipt of the required information from the Oregon State Department of Revenue, the City Recorder is directed to send copies of this Ordinance and the approval from the Oregon Department of Revenue to Metro for filing with the Oregon Secretary of State.

Section 5. The annexation of the Property is effective from the date the annexation is filed with the Oregon Secretary of State, as provided in ORS 222.180.

Section 6. On the effective date of the annexation, the Property is withdrawn from the Washington County Enhanced Sheriff Patrol District and the County Urban Road Maintenance District.

Section 7. The City Recorder is directed to forward copies of this ordinance and all other required materials to all public utilities and telecommunications utilities operating within the City in accordance with ORS 222.005.

Section 8. The City of Tualatin endorses the annexation of the Property into the Clean Water Services District.

Adopted by the City Council this 13th day of June, 2016.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder

Exhibit A

Ordinance No. 1392-16

Legal Description for annexation to the City of Tualatin

A parcel of land located in in the Northeast quarter of Section 21, Township 2 South, Range 1 West, Willamette Meridian described as follows:

Beginning at the Northwest corner of that land described in Washington County document 2011-81668, Thence North $60^{\circ} 11'$ East 368.7' m/l to the Northeast corner of said document, thence South $11^{\circ} 35'$ East 255.4' m/l to the North Right of way line of SW Pacific Highway, thence along the North line of SW Pacific Highway and its extension South $67^{\circ} 30'$ West 368.6' m/l to a point on the southerly extension of the east line of SW Cipole Road, thence along said east line North $8^{\circ} 31'$ West 208.1' m/l to the point of beginning.

ANNEXATION CERTIFIED

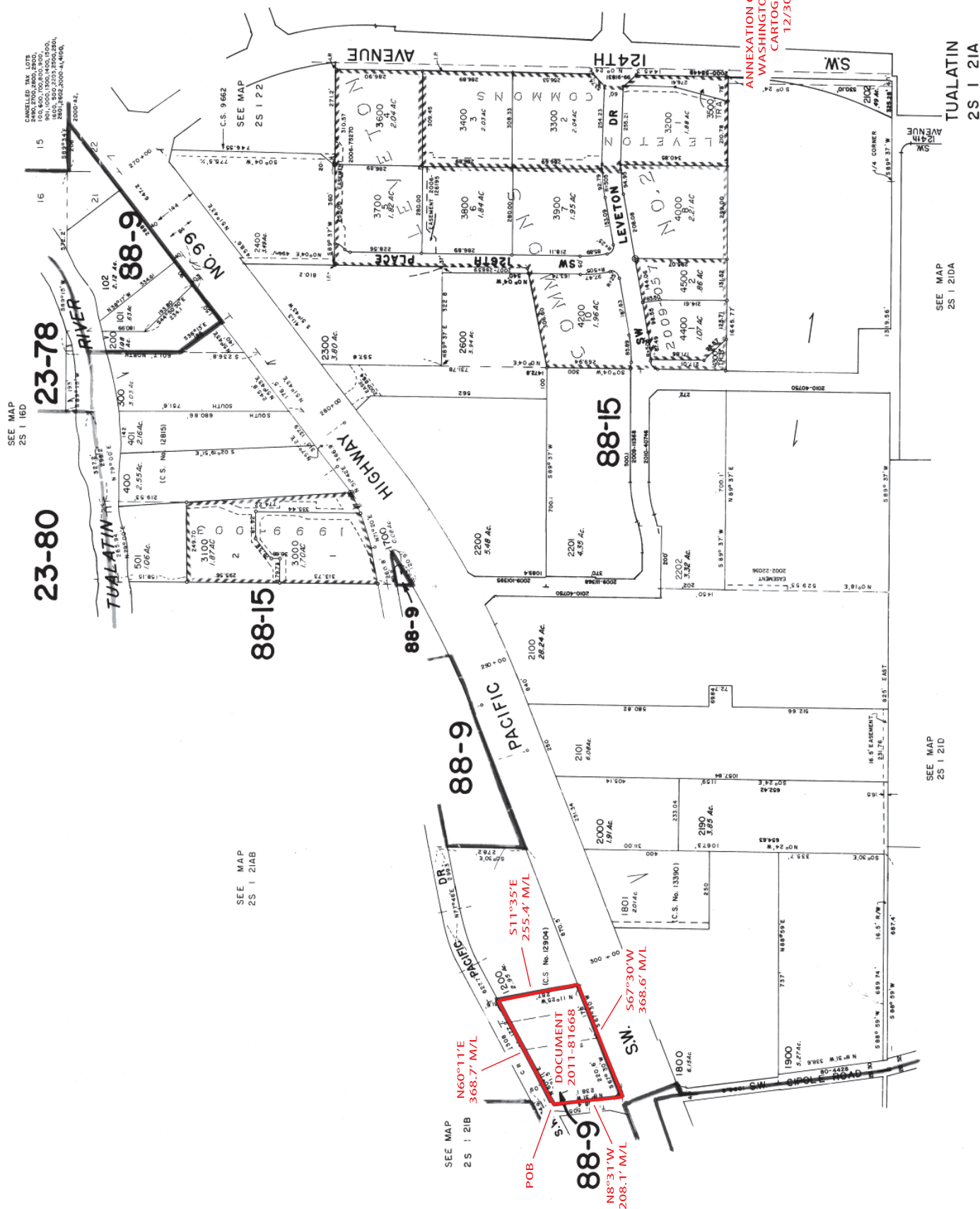
BY VF

DEC 30 2015

**WASHINGTON COUNTY A & T
CARTOGRAPHY**

FOR ASSESSMENT PURPOSES ONLY
DO NOT RELY ON FOR ANY OTHER U

SCALE 1" = 200'



ANNEXATION CERTIFIED BY
WASHINGTON COUNTY
CARTOGRAPHY
12/30/15

EXHIBIT C

ORDINANCE NO. 1392-16 (ANN-15-0002)

ANALYSIS AND FINDINGS

The subject is a petition for annexation of a property known as the Stein Oil Company property and as Tax Lot 1100 on Washington County Assessor's Map 2S1 21A located at 18600 SW Pacific Highway and withdrawing the territory from the Washington County Enhanced Sheriff Patrol District and the County Urban Road Maintenance District. The applicant is Dave Kimmel, President, PDG Planning Design Group, representing Stein Woodburn LLC, owners of the 2.05-acre Tax Lot 1100.

The City Council must find that the annexation conforms to Tualatin Development Code (TDC) Objectives 4.050(20) and (21), and the applicable criteria in Metro Code 3.09 and Oregon Revised Statutes (ORS; TDC 31.067[6]). The applicant submitted application materials that address the annexation requirements (Attachment 103), and staff reviewed the application materials and the applicant's response below.

A. Metro Code, 3.09.050(d) states that an approving entity's final decision on a boundary change shall include findings and conclusions addressing the following criteria:

1) Consistency with directly applicable provisions in an urban service provider agreement or annexation plan adopted pursuant to ORS 195.065.

Applicant Response: At this time there are no agreements, pursuant to ORS 195.065, in place between Tualatin and any service provider. This provision is not applicable.

Staff Response: There is no urban service provider agreement pursuant to ORS 195.065 that applies to the subject property. Therefore, there are no applicable provisions of an urban service agreement or annexation plan with which the proposed annexation can be reviewed for consistency.

This site is currently located within the Clean Water Services (CWS) boundary and will remain in the CWS boundary after annexation. The property will now conform to the 2005 Intergovernmental Agreement (IGA) and a 2015 Amendment between CWS and the City as per the agreement. Currently the site is vacant and does not have any utility improvements. The property would be served by City water and sewer. The site is not currently in a parks district, but would be served by the City Community Services Department upon annexation. The property will be removed from the Washington County Sheriff's Department patrols and will have City police service following annexation. The site is currently served by Tualatin Valley Fire and Rescue (TVF&R), and fire protection service would continue upon annexation. Sherwood School District 88J will continue to serve this property after annexation.

The criterion is not applicable.

2) Consistency with directly applicable provisions of urban planning or other agreements, other than agreements adopted pursuant to ORS 195.065, between the affected entity and a necessary party.

Applicant Response: The subject property is within the portion of Washington County that is inside the acknowledged Tualatin Urban Boundary. Annexations within the established Urban Boundary are consistent with Tualatin's Urban Planning Area Agreement with Washington County.

Staff Response: The subject property is within the portion of Washington County that is inside the acknowledged Tualatin Planning Boundary reflected by TDC [Map 9-1](#).

As required by the [Urban Planning Area Agreement \(UPAA\)](#) between the City of Tualatin and Washington County, staff notified the County of this proceeding via first class mail. Annexations within the established Planning Boundary are consistent with the UPAA. In accordance with TDC 1.030(6) and UPAA Section III(H), the subject property will automatically assume the General Commercial (CG) Planning District designation on the effective date of the annexation. Per UPAA Section III(G), the County does not oppose this annexation.

The criterion is met.

3) Consistency with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facility plans.

Applicant Response: Because the area to be annexed is within the City's Planning Area Boundary and the Metro Urban Growth Boundary, services can be provided at the property owner's expense. This is consistent with Tualatin's Community Plan (Comprehensive Plan).

Staff Response: The applicable standards or criteria in the TDC for boundary changes are 4.050(20) and (21). TDC 4.060(1) is also relevant to boundary changes.

4.050(20) Initiate annexation of property within the Urban Growth Boundary planned for residential development only when petitioned to do so by owners of the affected property, including cases involving unincorporated "islands" of property surrounded by land annexed previously.

The subject property is within the Urban Growth Boundary (UGB) and will be within the General Commercial (CG) Planning District upon annexation. It is not planned for residential development. The criterion is not applicable.

4.050(21) Territories to be annexed shall be in the Metro Urban Growth Boundary.

The subject property is currently within the existing Metro UGB. The requirement is met.

4.060(1) A long-range growth boundary is necessary to predict the amount and location of urban land needed in the future. The establishment of this boundary provides a framework for the orderly conversion of rural land to urban uses. The growth boundary establishes the City's intent to annex and provide urban services to specific properties over a specific period of time. Thus, the growth boundary establishes the basis of a City annexation policy and provides landowners with some assurance as to the City's intent for the future use of their land.

4.060(1) is not a directly applicable standard or criteria for boundary changes, but is relevant. Because the annexation territory falls within the Urban Planning Area that accounts for future growth, the boundary is a long-range growth one, and the annexation is in support of the statement contained in TDC 4.060(1).

4) Consistency with specific directly applicable standards or criteria for boundary changes contained in the Regional Framework Plan or any functional plan.

Applicant Response: The Regional Framework Plan and Functional Plan have no provisions directly related to annexation. Because services and transportation facilities are available in the area and all property within the Urban Growth Boundary and Urban Planning Area Boundary were included in calculations for facility capacity, housing and employment, annexation is consistent with the Framework and Functional Plans.

Staff concurs with the applicant's response. The criterion is met.

5) Whether the proposed change will promote or not interfere with the timely, orderly, and economic provisions of public facilities and services.

Applicant Response: All needed urban services are available as a result of previous development surrounding the subject property.

Staff Response: Potable water, sanitary sewer, and stormwater public lines are available from SW Pacific Drive and SW Cipole Road.

Pedestrian, cyclist, and vehicular access to the subject property is available via SW Pacific Drive, SW Cipole Road and SW Pacific Highway.

Following annexation and upon development, a developer will be required to construct stormwater management improvements for adequate treatment, detention and conveyance to serve the subject property. Staff informed the applicant about the availability of public facilities at the annexation pre-application meeting.

Future street rights-of-way (ROWs), including their functional classifications and prospective alignments, were established as part of the Tualatin Transportation System Plan (TSP), which is incorporated into TDC [Chapter 11](#). State of Oregon planning rules stipulate that the TSP must be based on the current comprehensive plan land use map and provide a transportation system that accommodates the expected 20-year growth in population and employment that will result from implementation of the land use plan. (The Tualatin Community Plan, which is Chapters 1-30 of the TDC, is the Tualatin comprehensive plan, and TDC Map 9-1 Community Plan Map is the comprehensive plan land use map.) Although actual alignment of roadways may be negotiated during development review, the general capacity needs and the associated alignments of the Tualatin transportation system have been established and planned for via the TDC. (Any existing and future local streets, collector or arterial roads, or highways or expressways that are in the general vicinity of the subject property have been established as part of the TSP.)

The general alignment and potential functional classification of such streets and roads can be found in TDC [Figure 11-1](#) Functional Classification and Traffic Signal Plan and [11-3](#) Local Street Plan. Though the annexation itself affects no public street needs, the City determines that because the street and road network and vehicular capacity planning has already been established as part of the TSP, future development will not interfere with the provision of this type of service in the area. The ability of the transportation to serve development on the subject property and the need for street improvements to serve this property would be determined in a land use process upon proposal of development.

The annexation process addresses the orderly provision of services and the adequacy and suitability of existing improvements on the subject property for existing and future development, as well as conformance with the Tualatin Development Code (TDC) and Tualatin Municipal Code (TMC).

Staff finds that because the subject property can be served by these public facilities, the annexation will not interfere with the timely, orderly and economic provision of public facilities and services.

The criterion is met.

6) If the proposed boundary change is for annexation of territory to Metro, a determination by the Metro Council that the territory should be included in the Urban Growth Boundary shall be the primary criterion for approval.

Applicant Response: Not applicable because the subject property is already within the Metro jurisdictional boundary.

Staff Response: Because the subject site is already within both the Metro Service District Boundary and UGB, the criterion is not applicable.

7) Consistency with other applicable criteria for the boundary change in question under state and local law.

A traffic impact analysis addressed the Transportation Planning Rule Oregon Administrative Rule 660-012-0060.

Applicant Response: A Transportation Planning Rule (TPR) is required for the proposed development, since annexation of the subject property into the City of Tualatin will result in a change of zoning. The TPR is intended to ensure that the transportation system is capable of supporting possible increases in traffic intensity that could result from changes to adopted plans and land use regulations. The applicable portions of the TPR are quoted in *italics* below, with responses directly following.

660-012-0060

Plan and Land Use Regulation Amendments

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9), or (10) of this rule.

...

(9) Notwithstanding section (1) of this rule, a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if all of the following requirements are met:

- (a) The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the comprehensive plan map;*
- (b) The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP; and*
- (c) The area subject to the zoning map amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660-024-0020(1)(d), or the area was exempted from this rule but the local government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area.*

The proposed zoning is consistent with the existing comprehensive plan map designation and will not change the comprehensive plan map. The City of Tualatin's zoning map indicated that the subject property is outside the city, but is included in the planning area and is designated as having future CG zoning. Tony Doran and the City of Tualatin have confirmed that the proposed zoning is consistent with the acknowledged TSP. The annexed property was not exempted from this rule upon amending the urban growth boundary.

Based on the analysis, the proposed zone change is in conformance with the City of Tualatin's Comprehensive Plan, and the levels of development allowable under the proposed CG zoning were already included in the City's planning model and the Transportation System Plan. Accordingly, the City of Tualatin may find that the proposed zone change does not significantly affect an existing or planned transportation facility, and the Transportation Planning Rule is satisfied.

Conclusions

Based on the operational analysis, the study area intersections are projected to operate within ODOT, Washington County, and City of Tualatin performance standards through year 2017 with or without full build-out of the proposed development. At the year 2035 planning horizon, the unsignalized intersections are projected to continue to operate acceptably either with or without the addition of site trips from the proposed zone change. The signalized intersection of SW Pacific Highway at SW Cipole Road is projected to operate with volumes exceeding capacity during the peak hours.

Based on the queuing analysis, the projected 95th percentile queues at the study area intersections are provided adequate vehicle storage space and queues are not projected to back up to adjacent intersections. Therefore, no queuing-related mitigations are recommended.

Left-turn lane warrants are not projected to be met for any of the study area intersections along SW Pacific Drive under any of the year 2017 analysis scenarios.

Right turn lane warrants are projected to be met for the proposed right-in site access along SW Pacific Highway under 2017 build-out conditions.

Due to insufficient main and side-street traffic volumes, traffic signal warrants will not be met for any of the unsignalized study area intersections under any of the year 2017 analysis scenarios.

Based on detailed analysis, adequate sight distance is projected to be available for the proposed site access along SW Pacific Drive. No sight distance mitigations are necessary or recommended.

Based on the most recent five years of crash data at the study area intersections crash rates are relatively low, crash severity was relatively low, and no significant crash patterns are evident. The crash data does not appear to be indicative of any significant safety hazards. Accordingly, no safety mitigations are recommended.

Based on the analysis, the proposed zone change is in conformance with the City of Tualatin's Comprehensive Plan, and the levels of development allowable under the proposed CG zoning were already included in the City's planning model and the Transportation System Plan. Accordingly, the City of Tualatin may find that the proposed zone change does not significantly affect an existing or planning transportation facility, and the Transportation Planning Rule is satisfied.

Staff Response: The discussion and findings provided by the applicant are generally with consistent with staff's review. The General Commercial (CG) planning district and the potential uses were already included in the City's planning model and the Transportation System Plan. Staff finds that the proposed zone does not significantly affect an existing or planned transportation facility, and the Transportation Planning Rule is satisfied. The area in which staff has a different view is the assertion of a zone change. The Oregon Department of Transportation views this property as changing from its current status under County zoning as FD-10 (Future Development 10-acre District) to a proposed zone of General Commercial upon successful annexation. Neither the City nor the applicant is proposing a Plan Map Amendment as part of this application. If the annexation is successful then the property will assume a predetermined Planning District of General Commercial.

The Transportation Planning Rule is satisfied.

Applicant Response: No other criteria have been determined to be applicable.

Staff Response: Two other items in Oregon Revised Statutes Chapter 222 *City Boundary Changes; Mergers; Consolidations and Withdrawals* apply to annexations.

ORS 222.111(1) states, "When a proposal containing the terms of annexation is approved in the manner provided by the charter of the annexing city or by ORS 222.111 to 222.180 or 222.840 to 222.915, the boundaries of any city may be extended by the annexation of territory that is not within a city and that is contiguous to the city or separated from it only by a public right of way or a stream, bay, lake or other body of water. Such territory may lie either wholly or partially within or without the same county in which the city lies."

The subject property is not currently within a city and is contiguous to Tualatin city limits on all sides.

This requirement is met.

ORS 222.520(1) states, “Whenever a part less than the entire area of a district named in ORS 222.510 becomes incorporated as or annexed to a city in accordance with law, the city may cause that part to be withdrawn from the district in the manner set forth in ORS 222.120 or at any time after such incorporation or annexation in the manner set forth in ORS 222.524. Until so withdrawn, the part of such a district incorporated or annexed into a city shall continue to be a part of the district.”

The subject territory is in the Washington County Enhanced Sheriff Patrol District and the Washington County Urban Road Maintenance District. As part of this annexation, the subject territory will be withdrawn from the Enhanced Sheriff Patrol District and the Urban Road Maintenance District. The City of Tualatin will provide police services. Because the proposed boundary change is consistent with state and local law, the requirement is met.

The criterion is met.

B. Metro 3.09.050(g) states that, “Only territory already within the defined Metro Urban Growth Boundary at the time a petition is complete may be annexed to the city or included in territory proposed for incorporation into a new city.”

The subject property is currently within the Metro UGB and was so at the time the petition for annexation was filed on September 21, 2015.

The requirement is met.

C. Conclusion

Based on the application and the above analysis and findings, the approval criteria of Metro Code 3.09.050(d), the Tualatin Development Code, and Oregon Revised Statutes are met.



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Sean Brady, City Attorney

DATE: 06/13/2016

SUBJECT: Consideration of **Ordinance No. 1393-16** Temporarily Allowing Mobile Food Units to Operate in the City of Tualatin

ISSUE BEFORE THE COUNCIL:

Consideration of Ordinance No. 1393-16 Temporarily Allowing Mobile Food Units to Operate in the City of Tualatin.

RECOMMENDATION:

Staff recommends Council consider Ordinance No. 1393-16.

EXECUTIVE SUMMARY:

At the May 27, 2016 Council Meeting, Council directed staff to return with an ordinance to implement temporary regulations allowing Mobile Food Units to operate in Tualatin while Council considers permanent regulations.

City staff is currently working on new code language to allow Mobile Food Units to operate in Tualatin under certain regulations. Planning staff presented information during the Council Work Session this same day, June 13, 2016, regarding the process and considerations to implement the code regulations. City staff anticipates that process to end and code regulations to be considered for adoption in fall 2016.

This ordinance adopts temporary regulations allowing Mobile Food Units to operate in Commercial and Industrial locations in Tualatin. The ordinance defines Mobile Food Units, consistent with the definition of state law in Oregon Administrative Rule 333-150-0000, as any vehicle that is self-propelled or that can be pulled or pushed down a sidewalk, street, highway or waterway, on which food is prepared, processed or converted or which is used in selling and dispensing food to the ultimate consumer. Under the ordinance, operators will be required to obtain a City of Tualatin business license, as provided in Tualatin Municipal Code 9-1. The ordinance contains an emergency clause and will go into effective immediately upon adoption. The ordinance will automatically expire on December 31, 2016, unless Council sooner repeals or extends the ordinance.

Attachments: Ordinance No. 1393-16 - Temp Allow Mobile Food Units

ORDINANCE NO. 1393-16

AN ORDINANCE TEMPORARILY ALLOWING MOBILE FOOD UNITS TO
OPERATE IN THE CITY OF TUALATIN

WHEREAS, Mobile Food Units, defined in OAR 333-150-0000, can allow individual entrepreneurship at a small scale and provide unique eating establishments for the public; and

WHEREAS, Council is currently reviewing and considering new code provisions to allow Mobile Food Units to operate in Tualatin; and

WHEREAS, Council wants to temporarily allow Mobile Food Units to operate in Tualatin until such time as Council can approve permanent regulations.

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. Purpose. The purpose of this Ordinance is to temporarily allow Mobile Food Units to operate in the City until such time as the Council can consider and establish permanent regulations.

Section 2. Mobile Food Units Allowed.

- A. Mobile Food Units mean any vehicle that is self-propelled or that can be pulled or pushed down a sidewalk, street, highway or waterway, on which food is prepared, processed or converted or which is used in selling and dispensing food to the ultimate consumer.
- B. Mobile Food Units are allowed to operate on private property in all Commercial and Industrial planning areas within the City.
- C. Mobile Food Units must obtain a business license under Tualatin Municipal Code 9-01.
- D. Operation of Mobile Food Units on City property and rights-of-way is subject to the permitting requirements of the City, as provided in the relevant sections of the Tualatin Municipal Code and Tualatin Development Code.

Section. 3. Ordinance Not Codified. This ordinance will be known as Tualatin's Temporary Mobile Food Unit Regulations and it being temporary, will not be codified in the Tualatin Municipal Code.

Section 4. Severability. Each section of this ordinance, and any part thereof, is severable. If any part of this ordinance is held invalid by a court of competent jurisdiction,

the remainder of this ordinance shall remain in full force and effect.

Section 5. Emergency. This ordinance is necessary for the immediate protection of the public peace, health, safety and welfare and takes effect immediately upon adoption.

Section 6. Ordinance Expiration. This ordinance automatically expires and is to be deemed repealed on December 31, 2016, unless sooner repealed or extended by Council ordinance.

Adopted by the City Council this ____ Day of _____, 2016.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder