

COUNCIL MEETING MINUTES

JANUARY 25, 2021

DATE COUNCIL CHAMBERS, CITY HALL, CITY OF WOODBURN, COUNTY OF MARION, STATE OF OREGON, JANUARY 25, 2021

CONVENED The meeting convened at 7:04 p.m. with Mayor Swenson presiding.

ROLL CALL

Mayor Swenson	Present -via video conferencing
Councilor Carney	Present -via video conferencing
Councilor Cornwell	Present -via video conferencing
Councilor Schaub	Present -via video conferencing
Councilor Swanson	Present- via video conferencing 7:07 p.m.
Councilor Puente	Present -via video conferencing
Councilor Cabrales	Present -via video conferencing

Staff Present (via video conferencing): City Administrator Derickson, City Attorney Shields, Assistant City Administrator Row, Economic Development Director Johnk, Police Chief Ferraris, Deputy Police Chief Pilcher, Community Development Director Kerr, Public Works Project and Engineering Director Liljequist, Finance Director Turley, Assistant City Attorney Granum, Human Resources Director Gregg, Parks and Recreation Manager Cuomo, City Recorder Pierson

PRESENTATIONS

COVID-19 Vaccine Status - Parks and Recreation Manager Cuomo provided an update on COVID-19 in Woodburn.

Parr Road Municipal Water Supply Well Project - Public Works Project and Engineering Director Liljequist and Assistant City Administrator Row provided information on the Parr Road Municipal well project.

CONSENT AGENDA

- A. Woodburn City Council minutes of January 11, 2021,
- B. Acceptance of a Statutory Warranty Deed for Right-of-Way Dedication and a Public Utility Easement at 1414 Commerce Way, Woodburn, OR 97071 (Tax Lot 051W08CB05000),
- C. Crime Statistics through December 2020.

Carney/Cabrales.... adopt the Consent Agenda. The motion passed unanimously.

PUBLIC HEARINGS

A Public Hearing to consider input on an annexation of approximately 8.62 acres of territory known as the Ivanov Property at 2145 Molalla Rd NE (ANX 2019-01) and approval of related land use applications for development into the Woodburn Eastside Apartments. Mayor Swenson declared the hearing open at 7:49 p.m. for the purpose of hearing public input on an annexation of approximately 8.62 acres of territory known as the Ivanov Property at 2145 Molalla Rd NE (ANX 2019-01) and approval of related land use applications for development into the Woodburn Eastside Apartments. Mayor Swenson asked if there were any declarations from the Council. Councilor Carney stated that he is familiar with this location. City Recorder Pierson Read the public hearing statement. Senior Planner Cortes provided a staff report. Mark Grenz provided testimony on the application. No members of the public wished to speak in either support or opposition of the annexation of approximately 8.62 acres of territory known as the Ivanov Property at 2145 Molalla Rd NE (ANX 2019-01) and approval of related land use applications for

COUNCIL MEETING MINUTES

JANUARY 25, 2021

development into the Woodburn Eastside Apartments. City Councilors asked questions and provided comments on the application and stated their concerns over the traffic impacts of this application. **Carney/Swanson** ... this hearing be extended to the first meeting in March or thereabouts based upon the conditions that the developer encounters with ODOT and his communication with our community development department. On roll call vote the motion passed 5-1 with Councilor Schaub voting no.

FY 2021/22 FINANCIAL PLAN

City Administrator Derickson provided a staff report. **Carney/Schaub**... approve the 2021/22 Financial Plan as described in the information just presented by the City Administrator. The motion passed unanimously.

OTHER BUSINESS

City Administrator Derickson provided a follow up on the discussion on goals that the City Council had at their last meeting. These goals included COVID-19 recovery, Public Safety and Social Service Program Development, DEI training, Sidewalk and Tree Planting Program and continuing with work sessions.

CITY ADMINISTRATOR'S REPORT

The City Administrator reported the following:

- The \$100 gift cards have gone out and are being distributed through the AWARE food bank.
- Summer events are being looked at and we are brainstorming some alternative events for this year.
- Translation Service went okay but we are still looking to refine it.
- The City has won the GFOA award for the financial documents submitted.
- Providing new Councilors with training and thanked them for attending.

MAYOR AND COUNCIL REPORTS

Councilor Puente stated that he is thankful for the community and everyone working together to move Woodburn forward.

Councilor Schaub thanked Councilor Puente for his suggestion of each Ward meeting with their constituents.

Mayor Swenson stated that he is working with Tommy on the State of the City address.

ADJOURNMENT

Carney/Schaub... meeting be adjourned. The motion passed unanimously.

The meeting adjourned at 10:16 p.m.

APPROVED _____
ERIC SWENSON, MAYOR

ATTEST _____
Heather Pierson, City Recorder

**COUNCIL MEETING MINUTES
JANUARY 25, 2021**

City of Woodburn, Oregon



Agenda Item

February 8, 2021

TO: Honorable Mayor and City Council through City Administrator
THRU: James C. Ferraris, Chief of Police
FROM: Andy Shadrin, Lieutenant
SUBJECT: **2021 OLCC Renewal**

RECOMMENDATION:

Recommend to the OLCC to renew the liquor licenses for the listed businesses for the year of 2021.

BACKGROUND:

Annually the police department reviews activities occurring at or near all licensed liquor establishments in Woodburn. Through the established guidelines and procedures, the City Council ensures equitable and consistent treatment of liquor license applications.

The following liquor license applications were reviewed in accordance with Woodburn Police Department standards and are recommended for approval:

Off Premise Sales:

7-Eleven	New Am/Pm of Woodburn
A & J Market	Red Robin
Bi-Mart #643	Safeway Store #1976
Carniceria El Ranchito	Sunrise Food Mart & Deli
C & M Market	Tienda Mexicano Monte Alban
Crossroads Grocery & Deli	Valley Pacific Floral/Woodburn Florist
Del Sol Market	Walgreens #12095
Denny's Woodburn	Walmart Supercenter #1793
EZ Stop Grocery	Wheeler Dealer
Guacamole's Market	Woodburn Fast Serv
La Azteca	Woodburn Liquor Store

Agenda Item Review: City Administrator ___x___ City Attorney ___x___ Finance ___x___

La Tovar
Mariscos El Sarandead
Metropolis Growlers

Woodburn Market
Woodburn Mega Foods
Woodburn Stop n Go

Full On Premise Sales:

7 Seas Restaurant & Bar
Casa Marquez Mexican Grill
Chipotle Mexican Grill
Denny's Woodburn
Eagles Lodge #3284 Woodburn
Elmer's Breakfast Lunch Dinner
La Parranda Night Club
La Tovar
Los Cabos Mexican Restaurant

Red Robin
Mariscos El Sarandead
OGA Members Course
Rumors Bar and Grill
The End Zone Sports Bar & Grill
The Raven Bar & Grill
Trapala Brewpub & Rotisserie
Trapala Restaurant
Woodburn Bowl

Limited on Premise Sales

Abby's Legendary Pizza
Antojitos Zaragoza
Dede's Deli
El Tule Taqueria
Gina's Restaurant
Pizza Hut

Metropolis Growlers
Pepper's Deli & Pub
Shari's of Woodburn
Sushi Brothers
Woodburn Estates & Golf
Woodburn Mega Foods

DISCUSSION:

The Woodburn Police Department has completed a review, in connection with the OLCC, on the listed businesses above and found nothing that would disqualify or preclude the renewal of the various licenses for the businesses listed on this document.

Licensees of Concern

The End Zone Sports Bar & Grill

La Parranda Night Club

DISCUSSION:

During the 2020 calendar year, the Woodburn Police Department has responded to The End Zone Sports Bar & Grill on one assault call and has conducted three Driving Under the Influence arrests where the arrested subject indicated that they had been drinking at The End Zone Bar & Grill prior to being arrested for DUI.

During the 2020 calendar year, the Woodburn Police responded to La Parranda Night Club on three calls where fights had occurred in the parking lot by the patrons of the business.

FINANCIAL IMPACT:

None

City of Woodburn attn: Sandra Montoya
WOODBURN
270 Montgomery St
Woodburn, OR 97071

RENEWAL NOTIFICATION PROCESS

It's time again for liquor license renewals in your area. Liquor licenses are due to expire **3/31/2021**. Attached is the list of licensees who are required to submit their renewal application to local government for comment. According to our records you charge:

\$35.00 Renewal Fee for ON-PREMISES \$35.00 Renewal Fee for OFF-PREMISES

We told applicants to mail your local government fees to the address on this letter.
PLEASE NOTIFY US IMMEDIATELY IF THE FEE(S) OR ADDRESS ARE INCORRECT

HOW TO MAKE A RECOMMENDATION

You have until **3/10/2021** to make your recommendation. Below are your options for renewals:

RECOMMEND APPROVAL

1. **DO NOTHING.** If you do not submit a recommendation by **3/10/2021**, the OLCC will process the renewal application as a favorable recommendation.

RECOMMEND DENIAL (see additional information on page 2)

1. File an unfavorable recommendation, stating the grounds for the unfavorable (must meet the denial criteria on back of form); **OR**
2. Make a written request for additional time to complete an investigation. The request must state: 1) you are considering making an unfavorable recommendation; 2) the specific grounds being considered. **The grounds must be one referenced in Oregon Administrative Rule 845-005-0308(3).** If your request is granted you will be given a 45-day extension to file your unfavorable recommendation. Unfavorable means recommending denial of a license or requesting restrictions be placed on a license.

If you need assistance or would like to discuss a specific application, please contact your local OLCC office for help. Please send renewal recommendation correspondence to OLCC.Renewals@oregon.gov or OLCC License Renewals, P.O. Box 22297, Portland, OR 97269-2297. If you have questions, contact our license renewal section at 503.872.5138 or toll free at 1.800.452.6522 ext 25138.

REASONS WE MAY DENY OR RESTRICT A LICENSE
ORS 471.313(4)(5), OAR 845-005-0320, 845-005-0321, 845-005-0322
845-005-0325, 845-005-0326(4)(5) or 845-005-0355

The following is a list of problems relating to the **APPLICANT** or **BUSINESS** that OLCC can consider to refuse or restrict a license:

1. Applicant has a habit of using alcohol or drugs to excess
2. Applicant makes a false statement to OLCC (must be related to a refusal basis)
3. Applicant has been convicted of local, state or federal laws that are substantially related to the fitness of holding a liquor license
4. Applicant has demonstrated poor moral character
5. Applicant has a poor record of compliance when previously licensed by OLCC
6. Applicant is not the legitimate owner of the business
7. The business has a history of serious and persistent problems at this location. The problems can include:

obtrusive or excessive noise, music or sound vibrations
public drunkenness
fights or altercations
harassment
unlawful drug sales
alcohol or related litter

OLCC is not able to consider the following issues when deciding to renew a liquor license:

lack of parking
increase in traffic
too many licenses in a specific area (saturation)
entertainment type - nude dancing, gambling, live bands, etc.
increased noise
zoning issues

Visit www.oregon.gov/olcc/ to see the full text of ORS and OAR referenced above. In order for an unfavorable recommendation from a local government to be valid, the grounds must be found in the license refusal bases of ORS 471.313(4), 471.313(5), OAR 845-005-0320, 845-005-0321, 845-005-0322, 845-005-0325 or 845-005-0326(4)(5) or the license restriction bases of OAR 845-005-0355, and must be supported by reliable factual information.

License No./ Premises No.		Tradename/Licensee/License Type	Premises Address & Phone	Premises Mailing Address
Lic.	307396	7 SEAS RESTAURANT & BAR	595 N PACIFIC HWY STE B	PO BOX 264
Prem.	23121	SOTERO ENCISO CHAVEZ F-COM - FULL ON-PREMISES SALES	WOODBURN, OR 97071 503-868-1167	WOODBURN, OR 97071
Lic.	308558	7-ELEVEN STORE #2362-17416C	893 N PACIFIC HWY	PO BOX 219088
Prem.	3101	BZO WOODBURN LLC O - OFF-PREMISES SALES	WOODBURN, OR 97071 503-981-4774	DALLAS, TX 75221
Lic.	308942	A & J MARKET	134 HARRISON ST	
Prem.	40170	THAPAS CORPORATION O - OFF-PREMISES SALES	WOODBURN, OR 97071 503-981-9093	
Lic.	315105	ABBY'S LEGENDARY PIZZA	1215 N PACIFIC HWY	2722 NE STEPHENS ST
Prem.	3092	ABBY'S INC AN ARIZONA CORPORATIC L - LIMITED ON-PREMISES SALES	WOODBURN, OR 97071 503-981-5494	ROSEBURG, OR 97470
Lic.	305993	ANTOJITOS ZARAGOZA	611 N PACIFIC HWY	
Prem.	61005	FLAVIA ZARAGOZA L - LIMITED ON-PREMISES SALES	WOODBURN, OR 97071 503-981-0797	
Lic.	306893	BI-MART #643	1600 MT HOOD AVE	PO BOX 2310
Prem.	19239	BI-MART CORP O - OFF-PREMISES SALES	WOODBURN, OR 97071 503-981-2106	EUGENE, OR 97402
Lic.	308417	C & M MARKET	936 N PACIFIC HWY	
Prem.	44992	PR BROTHERS CORP O - OFF-PREMISES SALES	WOODBURN, OR 97071 503-982-6000	
Lic.	307207	CARNICERIA EL RANCHITO	977 N PACIFIC HWY	
Prem.	49761	CARNICERIA EL RANCHITO LLC O - OFF-PREMISES SALES	WOODBURN, OR 97071 503-981-3060	
Lic.	307402	CASA MARQUEZ MEXICAN GRILL	553 FRONT ST	
Prem.	40496	ENRIMAR GROUP LLC F-COM - FULL ON-PREMISES SALES	WOODBURN, OR 97071 503-981-3962	
Lic.	307160	CHIPOTLE MEXICAN GRILL	3001 NEWBERG HWY	PO BOX 182566
Prem.	56885	CHIPOTLE MEXICAN GRILL INC F-COM - FULL ON-PREMISES SALES	WOODBURN, OR 97071	COLUMBUS, OH 43218
Lic.	308142	CROSSROADS GROCERY & DELI	303 N PACIFIC HWY	495 IRONWOOD TERR
Prem.	12113	SOON I. LEE O - OFF-PREMISES SALES	WOODBURN, OR 97071	WOODBURN, OR 97071
Lic.	309366	DEDE'S DELI	1537 MT HOOD AVE #101	92 CENTENNIAL LOOP
Prem.	43582	CJ EATERIES LLC L - LIMITED ON-PREMISES SALES	WOODBURN, OR 97071 541-520-8383	EUGENE, OR 97401
Lic.	311023	DEL SOL MARKET	397 N FRONT ST	
Prem.	48356	SNY LLC O - OFF-PREMISES SALES	WOODBURN, OR 97071 503-981-1441	
Lic.	310922	DENNY'S WOODBURN	2919 NEWBERG HWY	
Prem.	24782	WOODBURN-DENN LLC F-COM - FULL ON-PREMISES SALES	WOODBURN, OR 97071 503-901-9738	
Lic.	316417	DENNY'S WOODBURN	2919 NEWBERG HWY	
Prem.	24782	WOODBURN-DENN LLC O - OFF-PREMISES SALES	WOODBURN, OR 97071 503-901-9738	

District 2 Renewals

WOODBURN

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License No./ Premises No.		Tradename/Licensee/License Type	Premises Address & Phone	Premises Mailing Address
Lic.	307389	EAGLES LODGE #3284 WOODBURN	371 S PACIFIC HWY	PO BOX 782
Prem.	2233	EAGLES LODGE #3284 WOODBURN F-CLU - FULL ON-PREMISES SALES	WOODBURN, OR 97071 503-981-3011	WOODBURN, OR 97071
Lic.	309161	EL TULE TAQUERIA	450 N FIRST ST	
Prem.	42438	VICENTA ZARAGOZA CABRERA L - LIMITED ON-PREMISES SALES	WOODBURN, OR 97071 503-981-9000	
Lic.	307348	ELMER'S BREAKFAST LUNCH DINNER	255 N ARNEY RD	8338 NE ALDERWOOD RD #17
Prem.	35961	ELMER'S RESTAURANTS INC F-COM - FULL ON-PREMISES SALES	WOODBURN, OR 97071 503-363-3950	PORTLAND, OR 97202
Lic.	306819	EZ STOP GROCERY & DELI	111 N FRONT ST	
Prem.	27173	BAAJ CORPORATION O - OFF-PREMISES SALES	WOODBURN, OR 97071 503-981-9039	
Lic.	307589	GINA'S RESTAURANT	1186 N PACIFIC HWY	
Prem.	57808	CHUN LIU HUANG L - LIMITED ON-PREMISES SALES	WOODBURN, OR 97071 503-981-3868	
Lic.	307530	GUACAMOLE'S MARKET	1335 N PACIFIC HWY	
Prem.	54932	GUACAMOLE'S MARKET INC O - OFF-PREMISES SALES	WOODBURN, OR 97071 503-981-3131	
Lic.	307636	LA AZTECA	153 GRANT ST	
Prem.	40292	LA AZTECA INC O - OFF-PREMISES SALES	WOODBURN, OR 97071 971-207-5810	
Lic.	306429	LA PARRANDA NIGHTCLUB	990 N PACIFIC HWY STE B & C	2244 SHELTON ST SE
Prem.	51477	LA PARRANDA NIGHTCLUB & SPORTS F-COM - FULL ON-PREMISES SALES	WOODBURN, OR 97071 503-984-8596	SALEM, OR 97301
Lic.	307350	LA TOVARA	1032 N PACIFIC HWY	2158 LANCASTER DR NE
Prem.	57547	EL TORITO MEAT MARKET WOODBURN O - OFF-PREMISES SALES	WOODBURN, OR 97071 503-981-7361	SALEM, OR 97305
Lic.	307356	LA TOVARA	1032 N PACIFIC HWY	2158 LANCASTER DR NE
Prem.	57548	EL TORITO MEAT MARKET WOODBURN F-COM - FULL ON-PREMISES SALES	WOODBURN, OR 97071 503-981-7361	SALEM, OR 97305
Lic.	309319	LOS CABOS MEXICAN RESTAURANT	1565 N PACIFIC HWY	
Prem.	35320	LOS CABOS RESTAURANT INC F-COM - FULL ON-PREMISES SALES	WOODBURN, OR 97071 503-982-9600	
Lic.	308872	LOS CUATRO HERMANOS MEXICAN R	152 GARFIELD ST	430 N 1ST ST
Prem.	54010	TRAPALA BREWPUB & ROTISSERIA LLC F-COM - FULL ON-PREMISES SALES	WOODBURN, OR 97071 503-982-4614	WOODBURN, OR 97071
Lic.	307761	MARISCOS EL SARANDEADO	320 N PACIFIC HWY #110	
Prem.	51541	MARISCOS EL SARANDEADO MEXICAN O - OFF-PREMISES SALES	WOODBURN, OR 97071 503-982-1717	
Lic.	307768	MARISCOS EL SARANDEADO	320 N PACIFIC HWY #110	
Prem.	51541	MARISCOS EL SARANDEADO MEXICAN F-COM - FULL ON-PREMISES SALES	WOODBURN, OR 97071 503-982-1717	
Lic.	316051	METROPOLIS GROWLERS	347 N FRONT ST #7	
Prem.	59232	METROPOLIS LLC L - LIMITED ON-PREMISES SALES	WOODBURN, OR 97071 503-989-2318	

License No./ Premises No.		Tradename/Licensee/License Type	Premises Address & Phone	Premises Mailing Address
Lic.	320300	METROPOLIS GROWLERS	347 N FRONT ST #7	
Prem.	59232	METROPOLIS LLC O - OFF-PREMISES SALES	WOODBURN, OR 97071 503-989-2318	
Lic.	308172	NEW AM PM OF WOODBURN	850 LAWSON AVE	
Prem.	40230	LB GROUP LLC O - OFF-PREMISES SALES	WOODBURN, OR 97071 503-982-2131	
Lic.	318924	OGA GOLF COURSE INC	2850 HAZELNUT DR	
Prem.	22946	OGA GOLF COURSE INC F-COM - FULL ON-PREMISES SALES	WOODBURN, OR 97071 503-981-4653	
Lic.	309218	PEPPER'S DELI & PUB	1088 N PACIFIC HWY	1850 HOFFMAN RD NE
Prem.	57730	WEST COAST CAR SALES LLC L - LIMITED ON-PREMISES SALES	WOODBURN, OR 97071 503-304-8255	SALEM, OR 97305
Lic.	308414	PIZZA HUT	1425 MOUNT HOOD	208 S MAIZE RD
Prem.	18679	PIZZA HUT OF SE KANSAS INC L - LIMITED ON-PREMISES SALES	WOODBURN, OR 97071 503-982-3333	WICHITA, KS 67209
Lic.	308470	RED ROBIN GOURMET BURGERS AND	3060 SPRAGUE LANE	6312 S FIDDLER'S GREEN CIF
Prem.	54703	RED ROBIN INTERNATIONAL INC F-COM - FULL ON-PREMISES SALES	WOODBURN, OR 97071 503-980-1598	GREENWOOD VILLAGE, CO 8
Lic.	315895	RED ROBIN GOURMET BURGERS AND	3060 SPRAGUE LANE	6312 S FIDDLER'S GREEN CIF
Prem.	54703	RED ROBIN INTERNATIONAL INC O - OFF-PREMISES SALES	WOODBURN, OR 97071 503-980-1598	GREENWOOD VILLAGE, CO 8
Lic.	308494	RUMOR'S BAR & GRILL	327 N PACIFIC HWY	1250 NEWBERG HWY
Prem.	2288	RUMORS BAR INC F-COM - FULL ON-PREMISES SALES	WOODBURN, OR 97071 503-932-3942	WOODBURN, OR 97071
Lic.	308789	SAFEWAY STORE #1976	1550 N PACIFIC HWY	PO BOX 29096
Prem.	36483	SAFEWAY INC O - OFF-PREMISES SALES	WOODBURN, OR 97071 503-982-2756	PHOENIX, AZ 85038
Lic.	309409	SHARI'S OF WOODBURN	1543 MT HOOD AVE	9400 SW GEMINI DR
Prem.	36779	SHARI'S MANAGEMENT CORP L - LIMITED ON-PREMISES SALES	WOODBURN, OR 97071 503-605-4299	BEAVERTON, OR 97008
Lic.	307934	SUNRISE FOOD MART & DELI	695 N SETTLEMIER AVE	
Prem.	3091	G S MALWA INC O - OFF-PREMISES SALES	WOODBURN, OR 97071 503-981-6378	
Lic.	307704	SUSHI BROTHERS	111 N ARNEY RD STE B	2830 SE 136TH PL
Prem.	59824	MJ BROTHER INC L - LIMITED ON-PREMISES SALES	WOODBURN, OR 97071 503-981-3838	PORTLAND, OR 97236
Lic.	309038	THE END ZONE SPORTS BAR AND GRI	980 N PACIFIC HWY	439 NE 19TH AVE
Prem.	2290	TAYZAC LLC F-COM - FULL ON-PREMISES SALES	WOODBURN, OR 97071 503-981-3663	CANBY, OR 97013
Lic.	308453	THE RAVEN BAR & GRILL	262 N PACIFIC HWY	7976 CLEARLAKE CT N
Prem.	8541	THE RAVEN INN INC F-COM - FULL ON-PREMISES SALES	WOODBURN, OR 97071 503-982-2951	KEIZER, OR 97303
Lic.	308971	TIENDA MEXICANA MONTE ALBAN	425 N 1ST ST	
Prem.	59988	TIENDA MEXICANA MONTE ALBAN LLC O - OFF-PREMISES SALES	WOODBURN, OR 97071 503-970-0714	

License No./ Premises No.		Tradename/Licensee/License Type	Premises Address & Phone	Premises Mailing Address
Lic.	308972	TIENDA MEXICANA MONTE ALBAN	311 N FRONT ST SUITE B	
Prem.	54609	TIENDA MEXICANA MONTE ALBAN LLC O - OFF-PREMISES SALES	WOODBURN, OR 97071 503-972-0714	
Lic.	308870	TRAPALA RESTAURANT	430 N 1ST ST	
Prem.	51907	TRAPALA RESTAURANT LLC F-COM - FULL ON-PREMISES SALES	WOODBURN, OR 97071 503-981-3000	
Lic.	310027	VALLEY PACIFIC FLORAL / WOODBUR	1537 MT HOOD AVE #103	
Prem.	50471	VALLEY PACIFIC FLORAL & INTERIORS O - OFF-PREMISES SALES	WOODBURN, OR 97071 503-981-1702	
Lic.	309186	WALGREENS #12095	1000 N EVERGREEN RD	PO BOX 901
Prem.	48086	WALGREEN CO O - OFF-PREMISES SALES	WOODBURN, OR 97071 503-982-8198	DEERFIELD, IL 60015
Lic.	306943	WALMART #1793	3002 STACY ALLISON WAY	702 SW 8TH ST MS 0500
Prem.	37011	WALMART INC O - OFF-PREMISES SALES	WOODBURN, OR 97071 503-981-9622	BENTONVILLE, AR 72716
Lic.	307995	WHEELER DEALER	1750 MT JEFFERSON AVE	862 CUMMINGS LN N
Prem.	60205	J & B LIQUIDATORS INC O - OFF-PREMISES SALES	WOODBURN, OR 97071 503-982-5553	KEIZER, OR 97303
Lic.	310304	WOODBURN BOWL	435 N PACIFIC HWY	
Prem.	11528	WOODBURN BOWL LLC F-COM - FULL ON-PREMISES SALES	WOODBURN, OR 97071 503-981-1500	
Lic.	307125	WOODBURN ESTATES & GOLF / COUN	1776 COUNTRY CLUB RD	
Prem.	50223	COUNTRY COTTAGE RESTAURANT LLI L - LIMITED ON-PREMISES SALES	WOODBURN, OR 97071 503-982-1776	
Lic.	309104	WOODBURN FAST SERV	993 LAWSON AVE	111 SE 3RD AVE STE F
Prem.	18759	WOODBURN FAST SERV INC O - OFF-PREMISES SALES	WOODBURN, OR 97071 503-981-0991	HILLSBORO, OR 97123
Lic.	308232	WOODBURN LIQUOR STORE	1515 N PACIFIC HWY	
Prem.	57732	OLC SPIRITS & MORE INC O - OFF-PREMISES SALES	WOODBURN, OR 97071 503-981-1227	
Lic.	309129	WOODBURN MARKET	398 N PACIFIC HWY	
Prem.	47904	WOODBURN MARKET INC O - OFF-PREMISES SALES	WOODBURN, OR 97071 503-982-4552	
Lic.	306848	WOODBURN MEGA FOODS	1542 MT HOOD AVE	3695 DEVONSHIRE AVE NE
Prem.	21011	B & E4 LLC O - OFF-PREMISES SALES	WOODBURN, OR 97071 503-981-3735	SALEM, OR 97305
Lic.	318335	WOODBURN MEGA FOODS	1542 MT HOOD AVE	3695 DEVONSHIRE AVE NE
Prem.	21011	B & E4 LLC L - LIMITED ON-PREMISES SALES	WOODBURN, OR 97071 503-981-3735	SALEM, OR 97305
Lic.	308277	WOODBURN STOP N GO	100 ARNEY RD	
Prem.	16952	O'DONNELL ENTERPRISES INC O - OFF-PREMISES SALES	WOODBURN, OR 97071 503-981-5833	

Count for WOODBURN

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Agenda Item

February 8, 2021

TO: Honorable Mayor and City Council through City Administrator
THRU: James C. Ferraris, Chief of Police
FROM: Andy Shadrin, Lieutenant
SUBJECT: **Liquor License Application**

RECOMMENDATION:

Recommend that the OLCC approve the **Liquor License Application** for Tequila's Bistro Bar, LLC.

BACKGROUND:

Applicant: Elizabeth Sonia Garcia
355 Harvard Drive
Woodburn, OR 97071
503-989-6719

Point of
Contact: Elizabeth S. Garcia
355 Harvard Drive
Woodburn, OR 97071
503-989-6719

Business: Tequila's Bistro Bar
347 North Front Street, # 3
Woodburn, OR 97071
503-989-6719

Owner(s): Elizabeth Sonia Garcia

Agenda Item Review: City Administrator ___x___ City Attorney ___x___ Finance ___x___

License Type(s):

Full On-Premises, Commercial - May sell and serve distilled spirits, beer, wine and cider for consumption on the licensed premises. May sell beer, wine, and cider in a secure container, "growler", for consumption off licensed premises

On January 4, 2021, the Woodburn Police Department received an application for Full On-Premises, Commercial sales liquor license for Tequila's Bistro Bar. The business will operate as a restaurant and bar. The business will be located at 347 North Front Street, # 3, in Woodburn, Oregon 97071. The location of the business will be located in the shared indoor business space of The Metropolis Marketplace. The hours of operation are from 7 AM to 12 AM on Sunday through Thursday and 7 AM to 1 AM on Friday and Saturday. The establishment will have live music, recorded music, DJ music and dancing as forms of entertainment. Live and/or DJ music will occur on Friday and Saturday between 5 PM and 12 AM.

The business will have seating for up to 50 persons for its restaurant. The business will have no outside seating but does indicate seating for an additional 300 persons in a banquet room. The Woodburn Police Department has not received any communication from the public or surrounding businesses in support of or against the proposed change.

DISCUSSION:

The Police Department has completed a background investigation on the subject listed on the OLCC application, Elizabeth Sonia Garcia. Elizabeth Sonia Garcia has a valid Oregon driver's license. Elizabeth Sonia Garcia has one arrest in 2008 for Theft III. The theft charge was dismissed and there were no other criminal entries or convictions found in her record. Elizabeth Sonia Garcia was clear in all other police database checks.

Elizabeth Sonia Garcia has previously held two other liquor licenses for the El Agave Restaurant in 2012 and 2013. While Elizabeth Sonia Garcia maintained her liquor licenses at the El Agave Restaurant there were no incidents of note involving liquor license violations or police calls.

FINANCIAL IMPACT:

None

CITY OF WOODBURN

Economic and Development Services Department

MEMORANDUM

270 Montgomery Street

Woodburn, Oregon 97071

(503) 982-5246

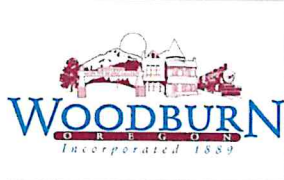
Date: February 1, 2021

To: Chris Kerr, Community Development Director

From: Ted Cuno, Building Division 

Subject: Building Activity for January 2021

	2019		2020		2021	
	No.	Dollar Amount	No.	Dollar Amount	No.	Dollar Amount
Single-Family Residential	1	\$196,472	3	\$782,044	15	\$3,908,937
Multi-Family Residential	0	\$0	0	\$0	1	\$2,558,803
Assisted Living Facilities	0	\$0	0	\$0	0	\$0
Residential Adds & Alts	2	\$13,500	1	\$19,712	2	\$12,509
Industrial	0	\$0	0	\$0	0	\$0
Commercial	5	\$1,904,593	6	\$9,625,740	1	\$100,000
Signs and Fences	0	\$0	0	\$0	0	\$0
Manufactured Homes	0	\$0	0	\$0	0	\$0
TOTALS	8	\$2,114,565	10	\$10,427,496	19	\$6,580,249
Fiscal Year to Date (July 1 – June 30)		\$26,116,685		\$14,555,077		\$23,797,416



Permits Issued

WOODBURN BUILDING DEPARTMENT
270 Montgomery Street
Woodburn, OR 97071
503-982-5246
FAX: 503-980-2496

1/1/2021 through 1/31/2021

www.ci.woodburn.or.us

Includes all valuations

building.dept@ci.woodburn.or.us

Record Types Selected: -All-

Commercial Alarm or Suppression Systems

971-21-000025-FIRE		Issued: 1/25/21	Fees: \$362.32	Valuation: \$4,381.00
Address: 1001 ARNEY RD NE, WOODBURN, OR 97071		Parcel: 052W12B 00200		
Owner: WOODBURN PREMIUM OUTLETS LLC PROPERTY TAX C/O SIMON PROPERTY GROUP				
Licensed Prof:				
Category of Construction:	Commercial	Type of Work:	Tenant Improvement	
Work Description:	Add heads for TI			
971-21-000037-FIRE		Issued: 1/28/21	Fees: \$485.30	Valuation: \$8,182.00
Address: 1630 PARK AVE, WOODBURN, OR 97071		Parcel: 051W08CA03100		
Owner: STATE OF OREGON WOODBURN ARMORY				
Licensed Prof:				
Category of Construction:	Commercial	Type of Work:	Replacement	
Work Description:	Replace discontinued failing FCI-7100 fire alarm panel with direct replacement FCI-S3 fire panel.			
Commercial Alarm or Suppression Systems		2 permits issued	\$847.62	\$12,563.00

Permits Issued:

Commercial Mechanical

971-21-000013-MECH		Issued: 1/8/21	Fees: \$277.30	Valuation: \$4,500.00
Address:	1537 MT HOOD AVE, WOODBURN, OR 97071		Parcel: 051W08A 03801	
Owner:	BLAISDELL INC C/O CRITERIA PROPERTIES			
Licensed Prof:				
Category of Construction:	Commercial	Type of Work:	Alteration	
Work Description:	Relocate existing grilles, add two new duct runs and add one dryer booster fan and ductwork			
971-21-000015-MECH		Issued: 1/12/21	Fees: \$787.37	Valuation: \$26,800.00
Address:	1001 ARNEY RD NE, WOODBURN, OR 97071		Parcel: 052W12B 00200	
Owner:	WOODBURN PREMIUM OUTLETS LLC PROPERTY TAX C/O SIMON PROPERTY GROUP			
Licensed Prof:				
Category of Construction:	Commercial	Type of Work:	Alteration	
Work Description:	Interior Remodel- plans provided			

Commercial Mechanical	2 permits issued	\$1,064.67	\$31,300.00
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Commercial Structural

971-19-000463-STR		Issued: 1/29/21		Fees: \$1,973,653.68		Valuation: \$2,558,803.00	
Address: 1310 N PACIFIC HWY, WOODBURN, OR 97071		Parcel: 051W08DB02800					
Owner: PACIFIC VALLEY APARTMENTS LLC							
Licensed Prof:							
Category of Construction: Multi-family		Type of Work: New					
Work Description: Clubhouse							
971-20-000572-STR		Issued: 1/29/21		Fees: \$2,026.84		Valuation: \$100,000.00	
Address: 1414 COMMERCE WAY, WOODBURN, OR 97071		Parcel: 051W08CB05000					
Owner: DON BURLINGHAM FAMILY CORP C/O ROERIG							
Licensed Prof: MASTEC NETWORK SOLUTIONS LLC							
Category of Construction: Accessory Structure		Type of Work: New					
Work Description: 100' monopole and equipment							

Commercial Structural	2 permits issued	\$1,975,680.52	\$2,658,803.00
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Permits Issued:

Residential 1 & 2 Fam Dwelling (New Only) Limited

971-20-000546-DWL		Issued: 1/15/21	Fees: \$19,738.66	Valuation: \$234,796.38
Address: 2222 Ben Brown DR, Woodburn, OR 97071				
Owner: SMITH CREEK LLC				
Parcel: 052W130000108				
Licensed Prof:				
Category of Construction:	Single Family Dwelling	Type of Work:	New	
Work Description: Smith Creek Lot 38				
971-20-000576-DWL		Issued: 1/7/21	Fees: \$19,465.14	Valuation: \$220,489.50
Address: 2609 Ben Brown DR, Woodburn, OR 97071				
Owner: SMITH CREEK LLC				
Parcel: 052W130000108				
Licensed Prof:				
Category of Construction:	Single Family Dwelling	Type of Work:	New	
Work Description: Smith Creek Lot 7				
971-20-000577-DWL		Issued: 1/15/21	Fees: \$19,738.66	Valuation: \$234,409.98
Address: 2244 Ben Brown DR, Woodburn, OR 97071				
Owner: SMITH CREEK LLC				
Parcel: 052W130000108				
Licensed Prof:				
Category of Construction:	Single Family Dwelling	Type of Work:	New	
Work Description: Smith Creek Lot 35				
971-20-000578-DWL		Issued: 1/15/21	Fees: \$19,738.66	Valuation: \$234,240.93
Address: 2240 Ben Brown DR, Woodburn, OR 97071				
Owner: SMITH CREEK LLC				
Parcel: 052W130000108				
Licensed Prof:				
Category of Construction:	Single Family Dwelling	Type of Work:	New	
Work Description: Smith Creek Lot 36				
971-20-000579-DWL		Issued: 1/15/21	Fees: \$19,570.63	Valuation: \$226,945.26
Address: 2230 Ben Brown DR, Woodburn, OR 97071				
Owner: SMITH CREEK LLC				
Parcel: 052W130000108				
Licensed Prof:				
Category of Construction:	Single Family Dwelling	Type of Work:	New	
Work Description: Smith Creek Lot 37				
971-20-000580-DWL		Issued: 1/15/21	Fees: \$20,408.04	Valuation: \$267,184.59
Address: 1903 Killian Spring DR, Woodburn, OR 97071				
Owner: SMITH CREEK LLC				
Parcel: 052W130000108				
Licensed Prof:				
Category of Construction:	Single Family Dwelling	Type of Work:	New	
Work Description: Smith Creek Lot 44				

Permits Issued:

Residential 1 & 2 Fam Dwelling (New Only) Limited

971-20-000581-DWL		Issued: 1/15/21	Fees: \$21,622.33	Valuation: \$327,452.94
Address: 1859 Killian Spring DR, Woodburn, OR 97071		Parcel: 052W130000108		
Owner: SMITH CREEK LLC				
Licensed Prof:				
Category of Construction:	Single Family Dwelling	Type of Work:	New	
Work Description: Smith Creek Lot 45				
971-20-000582-DWL		Issued: 1/15/21	Fees: \$21,214.82	Valuation: \$307,196.10
Address: 1841 Killian Spring DR, Woodburn, OR 97071		Parcel: 052W130000108		
Owner: SMITH CREEK LLC				
Licensed Prof:				
Category of Construction:	Single Family Dwelling	Type of Work:	New	
Work Description: Smith Creek Lot 46				
971-20-000583-DWL		Issued: 1/7/21	Fees: \$20,408.04	Valuation: \$267,184.59
Address: 1836 Killian Spring DR, Woodburn, OR 97071		Parcel: 052W130000108		
Owner: SMITH CREEK LLC				
Licensed Prof:				
Category of Construction:	Single Family Dwelling	Type of Work:	New	
Work Description: Smith Creek Lot 49				
971-20-000584-DWL		Issued: 1/7/21	Fees: \$21,214.82	Valuation: \$307,196.10
Address: 1848 Killian Spring DR, Woodburn, OR 97071		Parcel: 052W130000108		
Owner: SMITH CREEK LLC				
Licensed Prof:				
Category of Construction:	Single Family Dwelling	Type of Work:	New	
Work Description: Smith Creek Lot 50				
971-20-000589-DWL		Issued: 1/19/21	Fees: \$19,465.14	Valuation: \$220,489.50
Address: 2551 Ben Brown DR, Woodburn, OR 97071		Parcel: 052W130000108		
Owner: SMITH CREEK LLC				
Licensed Prof:				
Category of Construction:	Single Family Dwelling	Type of Work:	New	
Work Description: Smith Creek Lot 9				
971-20-000593-DWL		Issued: 1/19/21	Fees: \$21,214.82	Valuation: \$307,196.10
Address: 2233 Ben Brown DR, Woodburn, OR 97071		Parcel: 052W130000108		
Owner: SMITH CREEK LLC				
Licensed Prof:				
Category of Construction:	Single Family Dwelling	Type of Work:	New	
Work Description: Smith Creek Lot 127				

Permits Issued:

Residential 1 & 2 Fam Dwelling (New Only) Limited

971-20-000594-DWL		Issued: 1/19/21			Fees: \$20,399.54	Valuation: \$266,943.09
Address: 2241 Ben Brown DR, Woodburn, OR 97071						
Owner: SMITH CREEK LLC						
Parcel: 052W130000108						
Licensed Prof:						
Category of Construction: Single Family Dwelling		Type of Work: New				
Work Description: Smith Creek Lot 128						
971-20-000595-DWL		Issued: 1/19/21			Fees: \$19,905.30	Valuation: \$244,212.33
Address: 2550 Ben Brown DR, Woodburn, OR 97071						
Owner: SMITH CREEK LLC						
Parcel: 052W130000108						
Licensed Prof:						
Category of Construction: Single Family Dwelling		Type of Work: New				
Work Description: Smith Creek Lot 142						
971-20-000596-DWL		Issued: 1/19/21			Fees: \$19,651.99	Valuation: \$243,000.00
Address: 2590 Ben Brown DR, Woodburn, OR 97071						
Owner: SMITH CREEK LLC						
Parcel: 052W130000108						
Licensed Prof:						
Category of Construction: Single Family Dwelling		Type of Work: New				
Work Description: Smith Creek Lot 143						

Residential 1 & 2 Fam Dwelling (New Only) Limited	15 permits issued	\$303,756.59	\$3,908,937.39
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Permits Issued:

Residential Mechanical

971-21-000001-MECH		Issued: 1/4/21	Fees: \$100.80	Valuation: \$5,475.96
Address: 1212 QUINN RD, WOODBURN, OR 97071				
Owner: PENLAND, NEAL & PENLAND, LINDA				
Licensed Prof: BENS HEATING & AIR CONDITIONING LLC				
Category of Construction: Single Family Dwelling	Type of Work: Replacement	Parcel: 052W12AD04200		
Work Description: Replacing 90% furnace with new 90% furnace				
971-21-000002-MECH		Issued: 1/4/21	Fees: \$100.80	Valuation: \$2,295.00
Address: 1840 HARDCASTLE AVE, WOODBURN, OR 97071				
Owner: MATVEEV, WASSA				
Licensed Prof:				
Category of Construction: Single Family Dwelling	Type of Work: Alteration	Parcel: 051W08DC05500		
Work Description: Install gas furnace				
971-21-000003-MECH		Issued: 1/5/21	Fees: \$100.80	Valuation: \$8,000.00
Address: 1459 UMPQUA RD, WOODBURN, OR 97071				
Owner: THOMAS & LARRI KOSHINSKY TR & KOSHINSKY, THOMAS TRE & KOSHINSKY,LARRI C JOHN SO				
Licensed Prof:				
Category of Construction: Single Family Dwelling	Type of Work: Replacement	Parcel: 051W07BC09900		
Work Description: Gas furnace & AC replacement				
971-21-000010-MECH		Issued: 1/5/21	Fees: \$100.80	Valuation: \$1,500.00
Address: 140 SMITH DR, WOODBURN, OR 97071				
Owner: ANDERSON, FRANK W & ANDERSON, KAREN M				
Licensed Prof:				
Category of Construction: Single Family Dwelling	Type of Work: Move	Parcel: 051W18BB01400		
Work Description: MOVING ROOF JACK FOR NEW RANGE HOOD				
971-21-000011-MECH		Issued: 1/6/21	Fees: \$100.80	Valuation: \$3,798.00
Address: 1110 E CLEVELAND ST, WOODBURN, OR 97071				
Owner: KIRIAN ENTERPRISES LLC C/O ROGER MIDURA				
Licensed Prof:				
Category of Construction: Single Family Dwelling	Type of Work: Alteration	Parcel: 051W18DA03900		
Work Description: Install Gas Furnace				
971-21-000012-MECH		Issued: 1/6/21	Fees: \$100.80	Valuation: \$0.00
Address: 938 OREGON WAY, WOODBURN, OR 97071				
Owner: HALTER, KAREN E & BETTANDORFF, CAROL A				
Licensed Prof:				
Category of Construction: Single Family Dwelling	Type of Work: Replacement	Parcel: 052W12DB00500		
Work Description: REPLACE GAS FURNACE				

Permits Issued:

Residential Mechanical

971-21-000014-MECH		Issued: 1/7/21	Fees: \$100.80	Valuation: \$3,798.00
Address: 1110 E CLEVELAND ST, WOODBURN, OR 97071				
Owner: KIRIAN ENTERPRISES LLC C/O ROGER MIDURA				
Licensed Prof:				
Category of Construction:	Single Family Dwelling	Type of Work:	Alteration	Parcel: 051W18DA03900
Work Description:	INSTALL AIR HANDLER			
971-21-000016-MECH		Issued: 1/8/21	Fees: \$100.80	Valuation: \$0.00
Address: 1050 GOOSE CREEK RD, WOODBURN, OR 97071				
Owner: PRIMOZICH JRLT & PRIMOZICH,FRANK J TRE & PRIMOZICH,BONNIE R TRE				
Licensed Prof:				
Category of Construction:	Single Family Dwelling	Type of Work:	Replacement	Parcel: 051W07AC00400
Work Description:	Replace gas furnace & AC.			
971-21-000017-MECH		Issued: 1/11/21	Fees: \$100.80	Valuation: \$0.00
Address: 1495 INDEPENDENCE AVE, WOODBURN, OR 97071				
Owner: ANDERSON-AUBIN, GEORGE & SHANNON,MICHAEL W				
Licensed Prof:				
Category of Construction:	Single Family Dwelling	Type of Work:	Replacement	Parcel: 051W07BA14700
Work Description:	Replace air conditioner			
971-21-000018-MECH		Issued: 1/14/21	Fees: \$100.80	Valuation: \$0.00
Address: 1251 W HAYES ST, WOODBURN, OR 97071				
Owner: ANFILOFIEFF, PAVEL S				
Licensed Prof:				
Category of Construction:	Single Family Dwelling	Type of Work:	Addition	Parcel: 051W07CC02200
Work Description:	1 new addition ductless mini-spit with wall mount air handler. 1 new addition bathroom exhaust fan.			
971-21-000020-MECH		Issued: 1/13/21	Fees: \$100.80	Valuation: \$3,901.00
Address: 1647 COUNTRY CLUB CIR, WOODBURN, OR 97071				
Owner: HINKLE, NATHAN & HINKLE, BERNICE				
Licensed Prof:				
Category of Construction:	Single Family Dwelling	Type of Work:	Alteration	Parcel: 051W07BB18000
Work Description:	INSTALL GAS FURNACE			
971-21-000021-MECH		Issued: 1/13/21	Fees: \$100.80	Valuation: \$0.00
Address: 1510 ASTOR WAY, WOODBURN, OR 97071				
Owner: KNOX, JAMES CLYDE & KNOX, BARBARA JEAN				
Licensed Prof:				
Category of Construction:	Single Family Dwelling	Type of Work:	Addition	Parcel: 051W07BB15100
Work Description:	install gas insert			

Permits Issued:

Residential Mechanical

971-21-000022-MECH	Issued: 1/14/21	Fees: \$100.80	Valuation: \$3,727.00
Address: 537 IRONWOOD TER, WOODBURN, OR 97071	Parcel: 051W07AA02800		
Owner: SHUMWAY, DAVID L & SHUMWAY, SALLY J			
Licensed Prof:			
Category of Construction: Single Family Dwelling	Type of Work: Alteration		
Work Description: Install GF			
971-21-000024-MECH	Issued: 1/15/21	Fees: \$100.80	Valuation: \$5,500.00
Address: 1601 COUNTRY CLUB CIR, WOODBURN, OR 97071	Parcel: 051W07BB18300		
Owner: BROWN, STEVEN E & BROWN, MARLENE M			
Licensed Prof:			
Category of Construction: Single Family Dwelling	Type of Work: Alteration		
Work Description: Install Furnace Replacement			
971-21-000026-MECH	Issued: 1/18/21	Fees: \$100.80	Valuation: \$6,143.00
Address: 1445 UMPQUA RD, WOODBURN, OR 97071	Parcel: 051W07BC10100		
Owner: GARCES, HERMINIA & ESPERICUETA, EDWARD & ESPERICUETA,CORINA			
Licensed Prof:			
Category of Construction: Single Family Dwelling	Type of Work: Alteration		
Work Description: INSTALL GF			
971-21-000029-MECH	Issued: 1/20/21	Fees: \$100.80	Valuation: \$6,000.00
Address: 1145 MCKINLEY ST, WOODBURN, OR 97071	Parcel: 051W17BB03300		
Owner: MEDINA, ANTHONY MEDINA, YADIRA			
Licensed Prof:			
Category of Construction: Single Family Dwelling	Type of Work: Alteration		
Work Description: AC install			
971-21-000033-MECH	Issued: 1/22/21	Fees: \$100.80	Valuation: \$5,072.00
Address: 855 N 1ST ST, WOODBURN, OR 97071	Parcel: 051W07DC04200		
Owner: ARROYO, SERGIO GUAPE			
Licensed Prof:			
Category of Construction: Single Family Dwelling	Type of Work: Alteration		
Work Description: INSTALL GAS FURANCE			
971-21-000034-MECH	Issued: 1/22/21	Fees: \$100.80	Valuation: \$7,837.00
Address: 2124 MERIDIAN DR, WOODBURN, OR 97071	Parcel: 051W07AC08100		
Owner: MCCREA, KEITH J & MCCREA, CONSTANCE J			
Licensed Prof:			
Category of Construction: Single Family Dwelling	Type of Work: Alteration		
Work Description: Install Gas Furnace			

Permits Issued:

Residential Mechanical

971-21-000035-MECH		Issued: 1/26/21	Fees:	\$100.80	Valuation:	\$10,571.00
Address: 642 FAIRWOOD CRESCENT, WOODBURN, OR 97071						
Owner: EYER, DELANO DOUGLAS & EYER, LAURA ANN						
Licensed Prof:						
Category of Construction:		Single Family Dwelling	Type of Work:		Alteration	
Work Description:		Install Gas Furnace and Air Conditioner				
971-21-000036-MECH		Issued: 1/26/21	Fees:	\$100.80	Valuation:	\$5,743.00
Address: 467 IRONWOOD TER, WOODBURN, OR 97071						
Owner: DICKSON, ROBERT L & DICKSON, JANET L						
Licensed Prof:						
Category of Construction:		Single Family Dwelling	Type of Work:		Alteration	
Work Description:		Gas Insert to Existing Gas				
971-21-000038-MECH		Issued: 1/28/21	Fees:	\$100.80	Valuation:	\$6,476.00
Address: 1433 FOXGLOVE ST, WOODBURN, OR 97071						
Owner: WATKINS, ROCHELLE JACQUELINE ALVAREZ-VILLEGAS, JOSE ADRIAN						
Licensed Prof:						
Category of Construction:		Single Family Dwelling	Type of Work:		Alteration	
Work Description:		AC Install				

Residential Mechanical	21 permits issued	\$2,116.80	\$85,836.96
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Permits Issued:

Residential Structural

971-21-000027-STR

Issued: 1/21/21

Fees:

\$336.00

Valuation:

\$5,972.56

Address: 956 CAHILL WAY, WOODBURN, OR 97071

Parcel: 051W07CB03800

Owner: ZIEMER,CHARLES L & ZIEMER,BEVERLY IRENE

Licensed Prof:

Category of Construction: Single Family Dwelling

Type of Work: Alteration

Work Description: INSTALLATION OF UTILITY INTERACTIVE PHOTOVOLTAIC SOLAR SYSTEM 6.615 kW DC PHOTOVOLTAIC SOLAR ARRAY

971-21-000028-STR

Issued: 1/21/21

Fees:

\$336.00

Valuation:

\$6,537.00

Address: 1650 MERIDIAN DR, WOODBURN, OR 97071

Parcel: 051W07AC07400

Owner: LEEP, MITCHELL LEEP, KIRSEN

Licensed Prof:

Category of Construction: Other

Type of Work: Alteration

Work Description: INSTALLATION OF UTILITY INTERACTIVE PHOTOVOLTAIC SOLAR SYSTEM 7.245 kW DC PHOTOVOLTAIC SOLAR ARRAY ROOF
TYPE: Comp Shingle MODULES: (23) JinkO Solar Eagle JKM 315M-60HL INVERTER(S): Enphase IQ7-60-2-US,---- RACKING:
Unirac SFM Infinity

Residential Structural

2 permits issued

\$672.00

\$12,509.56

44 permits issued

\$2,284,138.20

\$6,709,949.91



Agenda Item

February 8, 2021

TO: Honorable Mayor and City Council

FROM: McKenzie Granum, Assistant City Attorney

SUBJECT: **Resolution Consenting to "Change in Control" Transaction Involving Cable Television Franchisee Wave**

RECOMMENDATION:

Adopt the Resolution Approving the Change in Indirect Control of the Wave Franchisee under the Cable Television Franchise.

BACKGROUND:

WaveDivision VII, LLC, doing business as Wave (previously "Wave Broadband" and "Willamette Broadband"), currently holds a cable television franchise granted by the City (Ord. 2500). Section 3.5 of the Franchise Agreement requires that Wave request the City's consent to any proposed "change in control" of the franchisee, which under the agreement "shall not be unreasonably withheld by the City."

Federal law also requires that the franchisee file FCC Form 394 with the City upon a "change in control" transaction. The City Council must then act within 120 days of the filing of this form or the "change in control" becomes automatically approved.

Currently, Wave's parent company is Radiate Holdco, LLC, a Delaware limited liability company controlled by Radiate Holdings, L.P.. Pursuant to an Agreement and Plan of Merger, funds associated with Stonepeak Infrastructure Partners, LLC, will purchase 100% of the membership interests of Radiate Holdings, L.P., and as a result, the indirect control of Wave will change. The proposed closing date of the transaction is prior to June 30, 2021.

DISCUSSION:

Several hundred pages of documents were filed with FCC Form 394. These documents include: a copy of the agreement and plan of merger, and

Agenda Item Review: City Administrator ☒ City Attorney ☒ Finance ☒

financial, legal, and technical information about Stonepeak, as well as all other required information. The City Attorney's office reviewed the documents and found them to be in order. These documents are available for councilor inspection at the City Records Office upon request.

It should be noted that this proposed transaction will not change the operations of WaveDivision VII, LLC, nor will it change Wave's obligations to comply with its franchise agreement. The Franchisee will continue to be held by the same legal entity and it will continue to provide services pursuant to its current agreement and as the same company that manages the system today.

Since there is no reasonable basis to deny the change in control request, staff recommends adoption of the resolution consenting to the change of control.

FINANCIAL IMPACT:

None.

Attachments

- November 30, 2020 - Letter from Kelley Drye & Warren LLP, providing the Notice of Transfer of Control of a Parent Company of WaveDivision VII, LLC
- FCC Form 394 (without supporting documents, exhibits available to review upon request)
- Pre- and Post-Transaction Organizational Charts



Michael R. Dover

Kelley Drye & Warren LLP
333 West Wacker Drive
Suite 2600
Chicago, IL 60606
Tel: 312-857-7087
Fax: 312-857-7095

November 30, 2020

By FedEx

City of Woodburn
Office of the City Administrator
270 Montgomery Street
Woodburn, OR 97071

Re: Notice of Transfer of Control of a Parent Company of WaveDivision VII, LLC

To Office of the City Administrator:

As you may have heard, equity ownership in a parent company of WaveDivision VII, LLC will be transferred to a different private equity firm from the one that now controls it. **This transaction will not change the operations of WaveDivision VII, LLC, nor will it change WaveDivision VII, LLC's obligations to comply with its franchise agreement. It is, however, expected to make additional resources available to Woodburn with which it can enhance its network and improve its services in the City of Woodburn.**

Specifically, funds associated with Stonepeak Infrastructure Partners ("Stonepeak"), a private equity firm, entered into an agreement to acquire Radiate Holdings, L.P. ("Radiate"), a subsidiary of the TPG Capital group. Radiate operates leading regional providers, including WaveDivision VII, LLC ("the Company"), originally issued to Willamette Broadband, LLC. The Company currently holds a franchise to offer service in your community. When the transaction under the agreement is consummated, the indirect control of your community's franchisee will have changed. Your community's franchise will continue to be held by the same legal entity that holds your franchise today, it will continue to provide service pursuant to that franchise and the same company that manages the system today will continue to do so. However, it will operate under the ultimate ownership and indirect control of Stonepeak.

Again, as part of this transaction, Stonepeak has no current plans to change the local operations or structure of the operations or the services offered. Upon completion, Stonepeak will combine its resources and expertise with WaveDivision VII, LLC's knowledge of the local cable marketplace to build upon the successes of WaveDivision VII, LLC and further enhance the customer experience in your community. Stonepeak and Patriot Media Consulting LLC will partner to investigate opportunities to invest in the network and in technology, enabling the Company to expand and grow its infrastructure, enhance its high-speed data services, and otherwise improve its offerings.

City of Woodburn
November 30, 2020

We have enclosed for you two (2) additional copies the FCC Form 394. The Form 394 is designed to provide you with the information necessary to assess the financial, legal, and technical qualifications of Stonepeak with regard to the franchise. This filing includes a copy of the agreement, and financial, legal, and technical information about Stonepeak, as well as all other required information. Certain of this information, as designated therein, is confidential and not routinely made available to the public, and its dissemination would be harmful to Stonepeak's business interests. Pursuant to FCC Form 394, these materials must be maintained as confidential by you and any or all of your agents. Also enclosed in the FCC Form 394 is a copy of the Public Interest Statement that was included in our filing with the FCC for approval of this transaction.

Under the Communications Act, 47 U.S.C. § 537, you have 120 days upon completion to consider the application. No action on your part is required; should you choose not to take any action within this 120-day period, under federal law the application will be deemed granted. In the event that you choose to act upon the application, we have enclosed for your convenience a draft resolution for your use. Please let us know if you place the matter on your agenda for consideration. If you have any questions or inquiries regarding this matter, please contact David von Moritz, Corporate Counsel, at 425-896-1868 or dvonmoritz@wavebroadband.com, or contact the undersigned.

We look forward to continue working with you.

Respectfully submitted,



Michael R. Dover
Kelley Drye & Warren LLP
(773) 272-2382
MDover@kelleydrye.com
Counsel to Radiate Holdings, L.P.

Michael Nilsson
Harris, Wiltshire & Grannis LLP
(202) 730-1301
MNilsson@hwglaw.com
Counsel to Stonepeak Infrastructure
Partners

Enclosures

FCC 394

**APPLICATION FOR FRANCHISE AUTHORITY
CONSENT TO ASSIGNMENT OR TRANSFER OF CONTROL
OF CABLE TELEVISION FRANCHISE**

SECTION I. GENERAL INFORMATION

FOR FRANCHISE AUTHORITY USE ONLY

DATE November 30, 2020	1. Community Unit Identification Number: OR0301
------------------------	---

2. Application for: ☐ Assignment of Franchise ☒ Transfer of Control

3. Franchising Authority: City of Woodburn	
4. Identify community where the system/franchise that is the subject of the assignment or transfer of control is located: Woodburn	
5. Date system was acquired or (for system's constructed by the transferor/assignor) the date on which service was provided to the first subscriber in the franchise area:	3/13/2013
6. Proposed effective date of closing of the transaction assigning or transferring ownership of the system to transferee/assignee:	As soon as possible and ideally prior to June 30, 2021

7. Attach as an Exhibit a schedule of any and all additional information or material filed with this application that is identified in the franchise as required to be provided to the franchising authority when requesting its approval of the type of transaction that is the subject of this application.

Exhibit No.

N/A

PART I - TRANSFEROR/ASSIGNOR

1. Indicate the name, mailing address, and telephone number of the transferor/assignor.

Legal name of Transferor/Assignor (if individual, list last name first) Radiate Holdings, L.P.			
Assumed name used for doing business (if any)			
Mailing street address or P.O. Box 650 College Road East, Suite 3100			
City Princeton	State NJ	ZIP Code 08540	Telephone No. (include area code) (609) 452-8197

2. (a) Attach as an Exhibit a copy of the contract or agreement that provides for the assignment or transfer of control (including any exhibits or schedules thereto necessary in order to understand the terms thereof). If there is only an oral agreement, reduce the terms to writing and attach. (Confidential trade, business, pricing or marketing information, or other information not otherwise publicly available, may be redacted).

Exhibit No.

I.I.2

(b) Does the contract submitted in response to (a) above embody the full and complete agreement between the transferor/assignor and the transferee/assignee?

☐ Yes ☒ No

If No, explain in an Exhibit.

Exhibit No.

I.I.2

PART II - TRANSFEREE/ASSIGNEE

1.(a) Indicate the name, mailing address, and telephone number of the transferee/assignee.

Legal name of Transferee/Assignee (if individual, list last name first)			
Stonepeak Associates IV, LLC			
Assumed name used for doing business (if any)			
Mailing street address or P.O. Box			
c/o Stonepeak infrastructure Partners, 55 Hudson Yards 550 W 34th Street, 48th Floor			
City	State	ZIP Code	Telephone No. (include area code)
New York	NY	10001	(212) 907-5125

(b) Indicate the name, mailing address, and telephone number of person to contact, if other than transferee/assignee.

Name of contact person (list last name first)			
See Exhibit I.II.1(c)			
Firm or company name (if any)			
Mailing street address or P.O. Box			
City	State	ZIP Code	Telephone No. (include area code)

(c) Attach as an Exhibit the name, mailing address, and telephone number of each additional person who should be contacted, if any.

Exhibit No.

I.II.1(c)

(d) Indicate the address where the system's records will be maintained.

Street address			
650 College Road East, Suite 3100			
City	State	ZIP Code	Telephone No. (include area code)
Princeton	NJ	08540	(609) 452-8197

2. Indicate on an attached exhibit any plans to change the current terms and conditions of service and operations of the system as a consequence of the transaction for which approval is sought.

Exhibit No.

I.II.2

SECTION II. TRANSFEREE'S/ASSIGNEE'S LEGAL QUALIFICATIONS

1. Transferee/Assignee is:

☐ Corporation

a. Jurisdiction of incorporation	d. Name and address of registered agent in jurisdiction:
b. Date of incorporation:	
c. for profit or not for profit:	

☐ Limited Partnership:

a. Jurisdiction in which formed:	c. name and address of registered agent in jurisdiction:
b. Date of formation:	

☐ General Partnership

a. Jurisdiction whose laws govern formation:	b. Date of formation:
--	-----------------------

☐ Individual

☒ Other. Describe in an Exhibit

Exhibit No.

II.I

2. List the transferee/assignee, and, if the transferee/assignee is not a natural person, each of its officers, directors, stockholders beneficially holding more than 5% of the outstanding voting shares, general partners, and limited partners holding an equity interest of more than 5%. Use only one COLUMN for each individual or entity. Attach additional pages if necessary. (Read carefully- the lettered items below refer to corresponding lines in the following table.)

(a) Name, residence, occupation or principal business, and principal place of business. (If other than an individual, also show name, address and citizenship of natural person authorized to vote the voting securities of the applicant that it holds.) List the applicant first, officers, next, then directors and, thereafter, remaining stockholders and/or partners.

(b) Citizenship.

(c) Relationship to the transferee/assignee (e.g., officer, director, etc.).

(d) Number of shares or nature of partnership interest.

(e) Number of votes.

(f) Percentage of votes.

(a)		
Please see Exhibit II.2		
(b)		
(c)		
(d)		
(e)		
(f)		

3. If the applicant is a corporation or a limited partnership, is the transferee/assignee formed under the laws of, or duly qualified to transact business in, the State or other jurisdiction in which the system operates?

☐ Yes ☒ No

If the answer is No, explain in an Exhibit.

Exhibit No.
II.3

4. Has the transferee/assignee had any interest in or in connection with an applicant which has been dismissed or denied by any franchise authority?

☐ Yes ☒ No

If the answer is Yes, describe circumstances in an Exhibit.

Exhibit No.

5. Has an adverse finding been made or an adverse final action been taken by any court or administrative body with respect to the transferee/assignee in a civil, criminal or administrative proceeding, brought under the provisions of any law or regulation related to the following: any felony; revocation, suspension or involuntary transfer of any authorization (including cable franchises) to provide video programming services; mass media related antitrust or unfair competition; fraudulent statements to another government unit; or employment discrimination?

☐ Yes ☒ No

If the answer is Yes, attach as an Exhibit a full description of the persons and matter(s) involved, including an identification of any court or administrative body and any proceeding (by dates and file numbers, if applicable), and the disposition of such proceeding.

Exhibit No.

6. Are there any documents, instruments, contracts or understandings relating to ownership or future ownership rights with respect to any attributable interest as described in Question 2 (including, but not limited to, non-voting stock interests, beneficial stock ownership interests, options, warrants, debentures)?

☐ Yes ☒ No

If Yes, provide particulars in an Exhibit.

7. Do documents, instruments, agreements or understandings for the pledge of stock of the transferee/assignee, as security for loans or contractual performance, provide that: (a) voting rights will remain with the applicant, even in the event of default on the obligation; (b) in the event of default, there will be either a private or public sale of the stock; and (c) prior to the exercise of any ownership rights by a purchaser at a sale described in (b), any prior consent of the FCC and/or of the franchising authority, if required pursuant to federal, state or local law or pursuant to the terms of the franchise agreement will be obtained?

☒ Yes ☐ No

If No, attach as an Exhibit a full explanation.

Exhibit No.
II.7

SECTION III. TRANSFEREE'S/ASSIGNEE'S FINANCIAL QUALIFICATIONS

1. The transferee/assignee certifies that it has sufficient net liquid assets on hand or available from committed resources to consummate the transaction and operate the facilities for three months.
2. Attach as an Exhibit the most recent financial statements, prepared in accordance with generally accepted accounting principles, including a balance sheet and income statement for at least one full year, for the transferee/assignee or parent entity that has been prepared in the ordinary course of business, if any such financial statements are routinely prepared. Such statements, if not otherwise publicly available, may be marked CONFIDENTIAL and will be maintained as confidential by the franchise authority and its agents to the extent permissible under local law.

☒ Yes ☐ No

Exhibit No.
III

SECTION IV. TRANSFEREE'S/ASSIGNEE'S TECHNICAL QUALIFICATIONS


Set forth in an Exhibit a narrative account of the transferee's/assignee's technical qualifications, experience and expertise regarding cable television systems, including, but not limited to, summary information about appropriate management personnel that will be involved in the system's management and operations. The transferee/assignee may, but need not, list a representative sample of cable systems currently or formerly owned or operated.

Exhibit No.
IV

SECTION V - CERTIFICATIONS

Part I - Transferor/Assignor

All the statements made in the application and attached exhibits are considered material representations, and all the Exhibits are a material part hereof and are incorporated herein as if set out in full in the application.

I CERTIFY that the statements in this application are true, complete and correct to the best of my knowledge and belief and are made in good faith.	Signature 
	Date
WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT. U.S. CODE, TITLE 18, SECTION 1001.	Print full name Jeffrey B. Kramp, Executive Vice President, Secretary and General Counsel
Check appropriate classification: <input type="checkbox"/> Individual <input type="checkbox"/> General Partner <input checked="" type="checkbox"/> Corporate Officer (Indicate Title) <input type="checkbox"/> Other. Explain:	

Part II - Transferee/Assignee

All the statements made in the application and attached Exhibits are considered material representations, and all the Exhibits are a material part hereof and are incorporated herein as if set out in full in the application.

The transferee/assignee certifies that he/she:

- (a) Has a current copy of the FCC's Rules governing cable television systems.
- (b) Has a current copy of the franchise that is the subject of this application, and of any applicable state laws or local ordinances and related regulations.
- (c) Will use its best efforts to comply with the terms of the franchise and applicable state laws or local ordinances and related regulations, and to effect changes, as promptly as practicable, in the operation system, if any changes are necessary to cure any violations thereof or defaults thereunder presently in effect or ongoing.

I CERTIFY that the statements in this application are true, complete and correct to the best of my knowledge and belief and are made in good faith.	Signature
	Date
WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT. U.S. CODE, TITLE 18, SECTION 1001.	Print full name
Check appropriate classification: <input type="checkbox"/> Individual <input type="checkbox"/> General Partner <input type="checkbox"/> Corporate Officer (Indicate Title) <input type="checkbox"/> Other. Explain:	

SECTION V - CERTIFICATIONS

Part I - Transferor/Assignor

All the statements made in the application and attached exhibits are considered material representations, and all the Exhibits are a material part hereof and are incorporated herein as if set out in full in the application.

I CERTIFY that the statements in this application are true, complete and correct to the best of my knowledge and belief and are made in good faith.	Signature
WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT. U.S. CODE, TITLE 18, SECTION 1001.	Date
	Print full name
Check appropriate classification: <input type="checkbox"/> Individual <input type="checkbox"/> General Partner <input type="checkbox"/> Corporate Officer (Indicate Title) <input type="checkbox"/> Other. Explain: Authorized Person	

Part II - Transferee/Assignee

All the statements made in the application and attached Exhibits are considered material representations, and all the Exhibits are a material part hereof and are incorporated herein as if set out in full in the application.

The transferee/assignee certifies that he/she:

- (a) Has a current copy of the FCC's Rules governing cable television systems.
- (b) Has a current copy of the franchise that is the subject of this application, and of any applicable state laws or local ordinances and related regulations.
- (c) Will use its best efforts to comply with the terms of the franchise and applicable state laws or local ordinances and related regulations, and to effect changes, as promptly as practicable, in the operation system, if any changes are necessary to cure any violations thereof or defaults thereunder presently in effect or ongoing.


I CERTIFY that the statements in this application are true, complete and correct to the best of my knowledge and belief and are made in good faith.	Signature 
WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT. U.S. CODE, TITLE 18, SECTION 1001.	Date 11/30/20
	Print full name Brian McMullen
Check appropriate classification: <input type="checkbox"/> Individual <input type="checkbox"/> General Partner <input checked="" type="checkbox"/> Senior Managing Director <input type="checkbox"/> Corporate Officer (Indicate Title) Other. Explain:	

EXHIBIT LIST

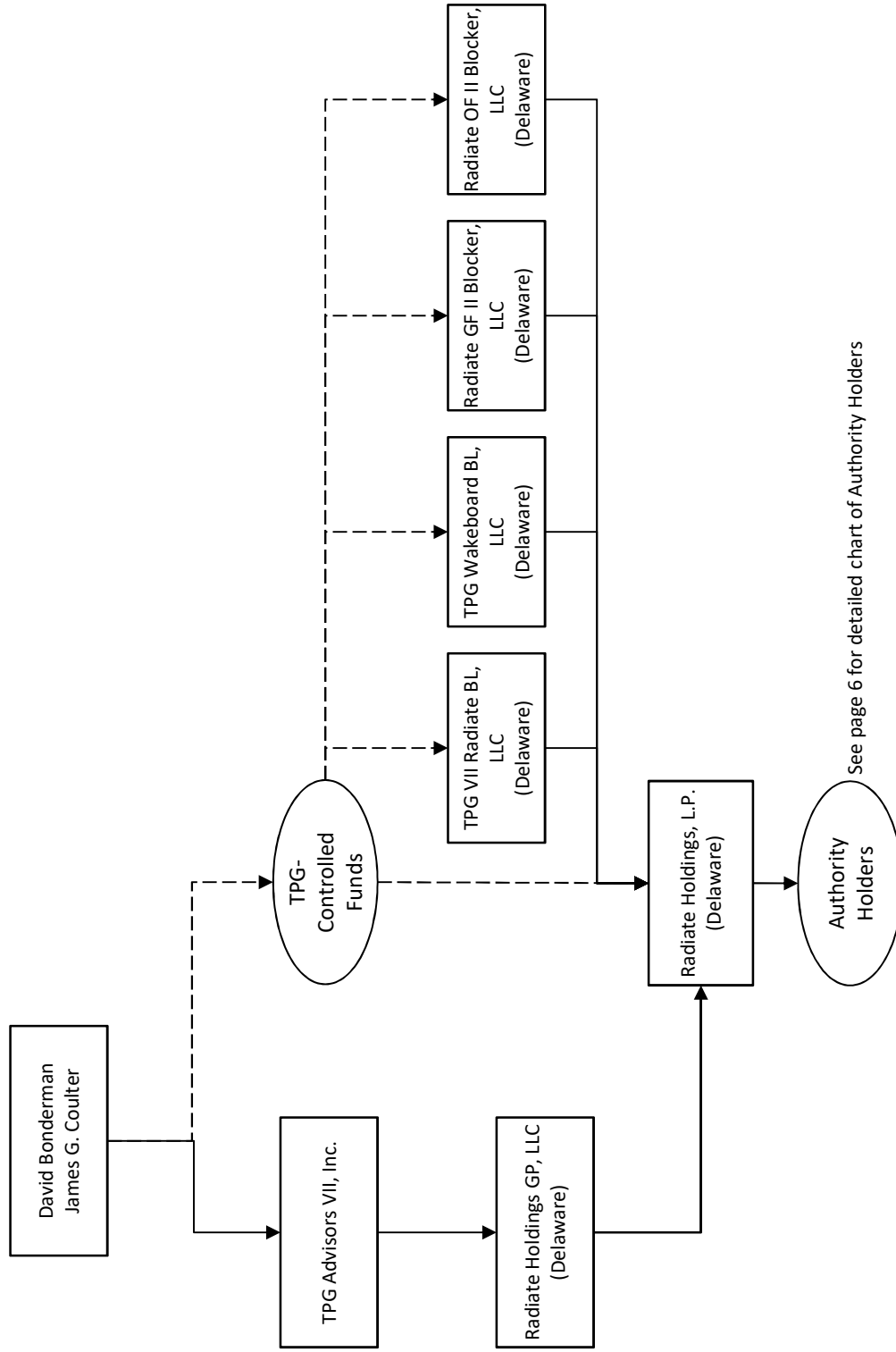
Exhibit I.I.2:	Redacted Copy of Securities Purchase Agreement
Exhibit I.II.1.(c):	Additional Contact Persons
Exhibit I.II.2:	Planned Changes to Terms and Conditions
Exhibit II.1:	Form of Business Organization of Transferee
Exhibit II.2:	Ownership Information of Transferee
Exhibit II.3:	Statement Regarding Qualification to Transact Business
Exhibit II.7:	Statement Regarding Pledge of Stock
Exhibit III:	Transferee's Financial Qualifications
Exhibit IV:	Transferee's Technical Qualifications

CONFIDENTIAL ATTACHMENT A	Agreement
CONFIDENTIAL ATTACHMENT B	Financial Statements of Radiate Holdings
ATTACHMENT C	Current and Post-Transaction Corporate Ownership Structures

**Please note that the contents of Attachments A and B
(produced on pastel-colored paper)
are confidential and proprietary materials and not for public disclosure.**

Pre-Close Ownership of Authority Holders

Red: GP or other controlling person
 Blue: Non-controlling member/limited partner equity interests
 Controlling interests are 100% unless otherwise indicated
 Dash lines indicate indirect interest.



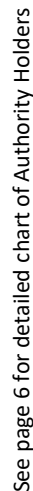
See page 6 for detailed chart of Authority Holders

Red: GP or other controlling person

Blue: Non-controlling member/limited partner equity interests

Controlling interests are 100% unless otherwise indicated

Dash lines indicate indirect interest.



Legend:

- All interests are 100%
- Authority Holder

Organizational Structure:

- Radiate Communications, Inc.** (Authority Holder)
 - Radiate Holdings, L.P. (Delaware)**
 - Radiate TopCo, LLC (Delaware)**
 - Radiate HoldCo, LLC (Delaware)**
 - Radiate Finance, Inc.**
 - En-Touch Systems, Inc.**
 - ETS Telephone Company, Inc.**
 - ETS Cablevision, Inc.** (Authority Holder)
 - En-Touch Systems, Inc.**
 - RCN Management Corporation**
 - RCN Digital Services, LLC**
 - RCN ISP, LLC**
 - RCN Telecom Services of Philadelphia, LLC** (Authority Holder)
 - Starpower Communications, LLC**
 - RCN Telecom Services of Illinois, LLC (IL)**
 - 21st Century Telecom Services, Inc.**
 - RCN Capital Corp.**
 - RCN Telecom Services of Massachusetts, LLC** (Authority Holder)
 - RCN Telecom Services (Lehigh), LLC** (Authority Holder)
 - RCN NY LLC 1**
 - RCN Cable TV of Chicago, Inc.**
 - Grande Parent, LLC**
 - Grande Communications Networks, LLC** (Authority Holder)
 - Grande Communications Management Co.**
 - Yankee Cable Parent, LLC**
 - Yankee Cable Acquisition, LLC**
 - RCN Telecom Services, LLC**
 - Radiate Acquisition, Inc.**
 - Digital West Networks, Inc.¹**
 - Norcast Communications Corporation¹**
 - Blue Rooster Telecom, Inc.¹**
 - WaveDivision Capital III, LLC**
 - Wave Blocker, LLC**
 - Wave Holdco, LLC**
 - OH WDH Holdco, LLC**
 - WaveDivision Holdings, LLC**
 - Astound Broadband, LLC**
 - Astound Phone Services, LLC**
 - Other direct and indirect subsidiaries of WaveDivision Holdings, LLC**

COUNCIL BILL NO. 3142

RESOLUTION NO. 2166

A RESOLUTION APPROVING THE CHANGE OF INDIRECT CONTROL OF THE FRANCHISEE, WAVEDIVISION VII, LLC, UNDER THE CABLE TELEVISION FRANCHISE

WHEREAS, WaveDivision VII, LLC ("Franchisee") owns, operates and maintains a cable television system (the "System") in the City of Woodburn pursuant to a cable television franchise ("Franchise") granted by the governing body of the City of Woodburn (the "Franchise Authority"), and Franchisee is the current duly authorized holder of the Franchise; and

WHEREAS, pursuant to an Agreement and Plan of Merger ("Agreement"), funds associated with Stonepeak Infrastructure Partners ("Acquiror"), a Delaware limited liability company, will purchase 100% of the membership interests of Radiate Holdings, L.P., a Delaware limited partnership, (which owns 100% of the indirect ownership interests in Franchisee), and, as a result, the indirect control of Franchisee will change (the "Change of Control");

WHEREAS, Franchisee and Acquiror have requested the consent of the Franchise Authority to the Change of Control in accordance with the requirements of the Franchise, have filed an FCC Form 394 with the Franchise Authority, and have provided the Franchise Authority with all information necessary to facilitate a decision by the Franchise Authority (the "Application"); and

WHEREAS, the Franchise Authority has reviewed the Application, examined the legal, financial and technical qualifications of Acquiror, followed all required procedures in order to consider and act upon the Application, considered the comments of all interested parties, and finds Acquiror to be suitable to indirectly control Franchisee. **NOW, THEREFORE**,

THE CITY OF WOODBURN RESOLVES AS FOLLOWS:

Section 1. The Franchise Authority hereby accepts the Application and consents to the Change of Control, all in accordance with the terms of the Franchise and applicable law.

Section 2. The Franchise Authority confirms that the Franchise is valid and outstanding and in full force and effect and there are no defaults under the Franchise. Subject to compliance with the terms of this Resolution, any action necessary with respect to the Change of Control has been duly and validly taken.

Section 3. This Resolution shall be deemed effective as of the date of its passage. This Resolution shall have the force of a continuing agreement with Franchisee and Acquiror, and Franchise Authority shall not amend or otherwise alter this Resolution without the consent of Franchisee and Acquiror.

Approved as to form: _____
City Attorney Date

Approved: _____
Eric Swenson, Mayor

Passed by the Council _____
Submitted to the Mayor _____
Approved by the Mayor _____
Filed in the Office of the Recorder _____

ATTEST: _____
Heather Pierson, City Recorder

February 8, 2021

TO: Honorable Mayor and City Council acting in its capacity as the
Local Contract Review Board

FROM: Eric Liljequist, Public Works Projects & Engineering Director

SUBJECT: **Award of Construction Contract for the Sixth Street Sanitary Sewer
Replacement Project**

RECOMMENDATION:

Award the construction contract for the Sixth Street Sanitary Sewer Replacement Project to the lowest responsible and responsive bidder, Icon Construction & Development LLC, in the amount of \$98,830.00.

BACKGROUND:

This project is included in the approved FY 20/21 budget and includes the replacement of the existing sanitary sewer line in Sixth Street between Harrison Street and Fir Street.

Bids were publicly opened January 21, 2021. Nineteen (19) responsible and responsive bids were received as follows:

Icon Construction & Development	\$98,830.00
Turney Excavation	\$103,360.00
Kerr Construction, Inc.	\$103,456.94
Emery & Sons Construction Group, LLC	\$108,610.00
D&I Excavating, Inc.	\$113,380.00
Trench Line Construction, Inc.	\$118,450.00
M.L. Houck	\$119,431.00
Black Rock Underground, LLC	\$120,773.00
Moore Excavation	\$121,225.00
Odyssey Construction	\$121,249.00
CG Contractors	\$122,950.00
Northcore USA	\$128,808.43
C&M Construction	\$137,720.00
Ruby Construction	\$142,560.00
Gelco Construction	\$144,300.00

Agenda Item Review: City Administrator ___x___ City Attorney ___x___ Finance ___x___

Jesse Rodriguez Construction, LLC	\$151,410.00
CR Woods	\$188,212.80
Pacific Excavation	\$192,000.00
Pacific Underground Co.	\$217,800.00

The Engineer's Estimate for the project is: \$166,781.25

The recommended award is approximately 41% lower than the Engineer's Estimate

DISCUSSION:

The existing sanitary sewer line within Sixth Street between Harrison Street and Church Street needs to be replaced to mitigate ongoing sewer backup issues and frequent maintenance call-outs. The location of the existing sewer pipe is not ideal due to the proximity of the adjacent private property lines and existing water main. The newly installed sanitary sewer line will comply with current public works design standards and will resolve all existing sewer issues.

The existing sanitary sewer line within Sixth Street between High Street and Fir Street needs to be replaced due to severe root intrusion that has made this section of sewer pipe a "hot spot" for City wastewater maintenance staff. The location of the existing sanitary sewer line is near private property lines, making maintenance activities more cumbersome. The new sanitary sewer line will be installed in the middle of Sixth Street, which complies with current design standards and allows for easier access for future maintenance needs. The replacement of these sections of sanitary sewer lines will mitigate frequent maintenance activities in these areas, resulting in lower sewer maintenance costs for the City.

The contract award is in conformance with public contracting laws of the State of Oregon as outlined in ORS Chapter 279C and the laws, regulations of the City of Woodburn, therefore, staff is recommending the contract be awarded.

FINANCIAL IMPACT:

The subject project is identified in the adopted fiscal year 2020/21 Budget and funded by the Sewer Fund.

February 8, 2021

TO: Honorable Mayor and City Council through City Administrator

FROM: Jim Row, Assistant City Administrator
Jesse Cuomo, Recreation and Parks Manager

SUBJECT: **Smith Creek Parks Naming Process**

RECOMMENDATION:

Approve a process for naming the public parks that have already or will soon be coming into City ownership through the completion of the Smith Creek Residential Development.

BACKGROUND:

The Smith Creek Residential Development was approved by the City Council on November 13, 2018. A significant portion of the development was approved through the Planned Unit Development (PUD) section of the Woodburn Development Ordinance (WDO), in which the developer provided a large amount of open space in exchange for reduced lot sizes and increased housing density. While many of the open space areas will remain privately owned and maintained by future home owners associations, the City agreed to accept a few of the more significant areas as City owned public parks.

Phase 1A of the Smith Creek Development is currently well under construction, with the public infrastructure essentially complete. In terms of Park facilities, Phase 1A includes a 4,670 sq. ft. plaza with restroom building, picnic shelter and other amenities, 3,100 linear feet of greenway trail, and undeveloped open space along Smith Creek. These Phase 1A park facilities have been completed and dedicated to the City.

Additional areas of parkland and sections of the greenway trail will be completed during future phases of the development. Staff recommends initiating the process to name both the Smith Creek park facilities that are currently in City ownership, as well as those that have yet to be developed and transferred to the City.

In preparing the proposed park naming process, staff acknowledged the significance of assigning permanent names to public facilities. These names not only create identifying markers for the City and its community members, but are also essential in embodying the culture and heritage of the location in which they are placed.

The proposed park naming process was crafted to consider the historical and geographical relevance of the subject locations, noteworthy contributions by community members, and a process that creates community involvement and inclusion.

The Smith Creek Residential Development is being constructed on approximately 150 acres of land that was formerly owned by the late Hazel M. Smith, a prominent Woodburn figure. It is worth noting that Ms. Smith's family has requested that some of the parklands be named in her honor.

PARK NAMING PROCESS:

Staff proposes that the City Council create and appoint members to the Ad Hoc Park Naming Committee to solicit suggested park names from the community, review potential park names, and forward recommendations to the Council for final approval. It is suggested that the committee's membership should include:

- ✓ Between one (1) and two (2) City Councilors, including the Mayor
- ✓ Between one (1) and three (3) members of the Recreation and Park Board
- ✓ Between two (2) and four (4) members of the general public
- ✓ The City Administrator or designee(s)

If the City Council approves the park naming process, a list of proposed committee members will be presented for the City Council's consideration at a future meeting.

PARK NAMING CRITERIA:

In reviewing potential park names and formulating their recommendations to the City Council, the Ad Hoc Park Naming Committee will consider the following guiding principles:

- Names should serve the greater interest of the community, recognize events, people, organizations or places with cultural or social significance, and create an enduring legacy
- Names should engender a strong positive image and have symbolic value that enhances the character and identity of the park and/or facility.
- Names should reflect the wholesome nature of a park or facility and in keeping with the City's values.
- If relevant, consideration should be given to a property's association with historic events, people, or other items of cultural/ social significance.
- Names will be considered under a lens of diversity, equity and inclusion to align with the values of the City.
- Parks may be named in honor of a deceased person when the deceased person made a significant contribution to the community and/or who was instrumental in acquiring or developing the park. The name of a deceased person for a park should not be considered until 12 months after their death.
- A park, or feature within a park may be named in recognition of a living individual. It is recognized that having a park in one's name is a high honor. Therefore, in order to have a park named after a named after a living individual, the individual must have made a significant and sustained contribution to the community and/or the City over the course of many years.
- Evidence should exist to substantiate the qualifications for naming.

FINANCIAL IMPACTS:

None.