



City of Tigard
Tigard Business Meeting - Agenda

**TIGARD CITY COUNCIL, LOCAL CONTRACT REVIEW BOARD AND CITY CENTER
DEVELOPMENT AGENCY Revised 1/21/2011 to add Agenda Item No. 9**

MEETING DATE AND TIME: January 25, 2011 - 6:30 p.m. Study Session; 7:30 p.m. Business Meeting

MEETING LOCATION: City of Tigard - Town Hall - 13125 SW Hall Blvd., Tigard, OR 97223

PUBLIC NOTICE:

Anyone wishing to speak on an agenda item should sign on the appropriate sign-up sheet(s). If no sheet is available, ask to be recognized by the Mayor at the beginning of that agenda item. Citizen Communication items are asked to be two minutes or less. Longer matters can be set for a future Agenda by contacting either the Mayor or the City Manager.

Times noted are *estimated*; it is recommended that persons interested in testifying be present by 7:15 p.m. to sign in on the testimony sign-in sheet. *Business agenda items can be heard in any order after 7:30 p.m.*

Assistive Listening Devices are available for persons with impaired hearing and should be scheduled for Council meetings by noon on the Monday prior to the Council meeting. Please call 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

Upon request, the City will also endeavor to arrange for the following services:

- Qualified sign language interpreters for persons with speech or hearing impairments; and
- Qualified bilingual interpreters.

Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. Please notify the City of your need by 5:00 p.m. on the Thursday preceding the meeting by calling: 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

SEE ATTACHED AGENDA

VIEW LIVE VIDEO STREAMING ONLINE:

<http://www.tvctv.org/government-programming/government-meetings/tigard>

CABLE VIEWERS: The regular City Council meeting is shown live on Channel 28 at 7:30 p.m. The meeting will be rebroadcast at the following times on Channel 28:

Thursday	6:00 p.m.	Sunday	11:00 a.m.
Friday	10:00 p.m.	Monday	6:00 a.m.



City of Tigard

Tigard Business Meeting - Agenda

TIGARD CITY COUNCIL, LOCAL CONTRACT REVIEW BOARD AND CITY CENTER DEVELOPMENT AGENCY **Revised 1/21/2011 to add Agenda Item No. 9**

MEETING DATE AND TIME: January 25, 2011 - 6:30 p.m. Study Session; 7:30 p.m. Business Meeting

MEETING LOCATION: City of Tigard - Town Hall - 13125 SW Hall Blvd., Tigard, OR 97223

6:30 PM

- TIGARD CITY COUNCIL AND CITY CENTER DEVELOPMENT AGENCY EXECUTIVE SESSIONS (CCDA): The Tigard City Council will go into Executive Session to discuss real property transaction negotiations and for consultation with legal counsel regarding pending litigation or litigation likely to be filed under ORS 192.660(2) (e) and (h). The Tigard CCDA will go into Executive Session to discuss real property transaction negotiations under ORS 192.660(2) (e). All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.
- STUDY SESSION
 - A. Update on Urban Forestry Code Revisions Project Schedule
 - B. Discuss City's 50th Birthday Celebration
 - C. Administrative Items
 - Agenda Item No. 5, *Consider Amending Tigard Municipal Code Chapter 12, Water and Sewers* has been set over to the March 22, 2011 Tigard City Council Business Meeting.
 - Updated draft of the 2011 City Council goals are scheduled for the City Council's final approval during tonight's business meeting. (Agenda Item No. 7)
 - Pacific Highway/Hall/Greenburg/Main Completion Celebration. Council input for invitation list, location (Liberty Park?), and date parameters (February or March?).
 - Confirm with Council members: City Attorney interviews on Tuesday, February 1, 2011, 6:30 p.m. in Town Hall or Red Rock Creek Conference Room. Confirm attendance and whether a quorum will be present.
 - Dinner meeting proposed with Tualatin Valley Fire & Rescue, Tigard City Council, and key staff members of both agencies at new headquarters located in Tigard. Proposed date is March 29, the fifth Tuesday of the month. Meeting agenda to be developed for topics of mutual interest. Check with the Council for availability and suggestions for topics.
 - March 15, 2011 City Council workshop is canceled as several Council members will be attending the NLC Conference.
 - Staff will ask Council members about the Exemplary Citizen Award.
 - Council Meeting Calendar:
 - February 8, Business Meeting, 6:30 p.m.
 - February 15, Workshop Meeting, 6:30 p.m.
 - February 22, Business Meeting, 6:30 p.m.

7:30 PM

1. **BUSINESS MEETING - JANUARY 25, 2011**
 - A. Call to Order
 - B. Roll Call
 - C. Pledge of Allegiance
 - D. Call to Council and Staff for Non-Agenda Items

2. CITIZEN COMMUNICATION (Two Minutes or Less, Please)
 - A. Follow-up to Previous Citizen Communication
 - B. Tigard High School Student Envoy Tracie Tran
 - C. Tigard Area Chamber of Commerce Executive Director Debi Mollihan
 - D. Citizen Communication – Sign Up Sheet

3. CONSENT AGENDA: (Tigard City Council and the Local Contract Review Board) These items are considered routine and may be enacted in one motion without separate discussion. Anyone may request that an item be removed by motion for discussion and separate action. Motion to:
7:45 PM (Time is estimated)
 - A. Draft minutes will be distributed to the City Council and included in the electronic meeting packet no later than Monday, January 24, 2011 or rescheduled to a future date.
 1. October 26, 2010
 2. November 9, 2010
 3. ~~November 23, 2010~~ Set over to February 8, 2010

 - B. Appoint Kim Moreland and Donald Schmidt to the Transportation Advisory Committee

RESOLUTION NO. 11 - 01 - A RESOLUTION APPOINTING KIM MORELAND AND DONALD SCHMIDT AS VOTING MEMBERS OF THE TRANSPORTATION ADVISORY COMMITTEE

 - C. Change the Name of the Committee for Citizen Involvement to the Neighborhood Involvement Committee and Adopt New Bylaws

RESOLUTION NO. 11-02 - A RESOLUTION CHANGING THE NAME OF THE COMMITTEE FOR CITIZEN INVOLVEMENT (CCI) TO THE NEIGHBORHOOD INVOLVEMENT COMMITTEE (NIC) AND ADOPTING NEW BYLAWS

- D. Schedule a Public Hearing for Vacation of Right-of-Way on Burnham Street Adjacent to Matsumoto Property

RESOLUTION NO. 11-03 -- A RESOLUTION SETTING A DATE OF A PUBLIC HEARING REGRADING THE VACATION OF AN APPROXIMATELY 114 SQUARE FOOT PORTION OF THE BURNHAM STREET PUBLIC RIGHT OF WAY, WHICH IS ADJACENT TO 8770 SW BURNHAM STREET (WASHINGTON COUNTY TAX MAP 2S102DA, TAX LOT 300) AND LIES APPROXIMATELY 200 FEET WEST OF HALL BOULEVARD

- E. Approve Hall Blvd. Right-of-Way Dedication Located at the Knoll @ Tigard Project to the Oregon Department of Transportation

RESOLUTION NO. 11-04 -- A RESOLUTION APPROVING A QUITCLAIM DEED TO THE OREGON DEPARTMENT OF TRANSPORTATION FOR RIGHT OF WAY ON HALL BOULEVARD PREVIOUSLY DEDICATED TO THE CITY OF TIGARD FOR RIGHT-OF-WAY PURPOSES

- F. Local Contract Review Board:

1. Approve Purchase of a Vactor Truck from Owens Equipment
2. Award Contract for Meter Reading Services to Metereaders, LLC

- *Consent Agenda - Items Removed for Separate Discussion: Any items requested to be removed from the Consent Agenda for separate discussion will be considered immediately after the Council/City Center Development Agency has voted on those items which do not need discussion.*

4.

INFORMATIONAL PUBLIC HEARING TO ESTABLISH SW 100TH AVENUE SANITARY SEWER REIMBURSEMENT DISTRICT NO. 42 - RESOLUTION
7:50 PM (Time is estimated)

- Open Public Hearing
- Hearing Procedures: This is an informational public hearing in which any person shall be given the opportunity to comment. The formation of the reimbursement district does not result in an assessment against the property or lien against the property.
- Staff Report: Community Development Department
- Public Testimony
- Staff Recommendation
- Council Discussion
- Close Public Hearing
- City Council Consideration

RESOLUTION NO. 11-05 -- A RESOLUTION ESTABLISHING SANITARY SEWER REIMBURSEMENT DISTRICT NO.42 (SW 100TH AVENUE)

5. ~~CONSIDER AMENDING TIGARD MUNICIPAL CODE CHAPTER 12, WATER AND SEWERS~~
~~— ORDINANCE~~

8:10 PM (Time is estimated)

Item set over to the March 22, 2011 Tigard City Council Meeting Agenda

6. REPORT ON NATIONAL LEAGUE OF CITIES CONGRESS OF CITIES - COUNCILOR HENDERSON
8:25 PM (Time is estimated)

7. CONSIDER APPROVAL OF THE 2011 CITY COUNCIL GOALS
8:35 PM (Time is estimated)

8. RECEIVE CITY COUNCIL 4TH QUARTER GOAL UPDATE
8:40 PM (Time is estimated)

9. CONSIDER RESOLUTION URGING THE CITY OF PORTLAND TO REJOIN THE PORTLAND JOINT TERRORISM TASK FORCE

- Staff Report
- Council Discussion
- Council Consideration

RESOLUTION NO. 11-06 -- A RESOLUTION URGING THE CITY OF PORTLAND TO REVERSE ITS DECISION OF 2005 TO WITHDRAW FROM THE PORTLAND JOINT TERRORISM TASK FORCE (JTTF) AND COMMIT RESOURCES TO THE CURRENT MAKEUP OF THE JTTF

10. COUNCIL LIAISON REPORTS

11. NON AGENDA ITEMS

12. EXECUTIVE SESSION: The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

13. ADJOURNMENT

AIS-286

Business Meeting

Date: 01/25/2011

Length (in minutes): 10 Minutes

Agenda Title: Discuss City's 50th Birthday Celebration

Prepared For: Liz Newton

Submitted By: Liz Newton
Administration

Item Type: Update, Discussion, Direct Staff

Meeting Type: Council Business Mtg - Study
Sess.

ISSUE

Discussion with Council on City's 50th birthday celebration.

STAFF RECOMMENDATION / ACTION REQUEST

No action required.

KEY FACTS AND INFORMATION SUMMARY

During the 2010 - 2011 budget process last spring, the city's Events Coordinator position was eliminated. During the discussions with the Budget Committee, staff advised the members that funding for city events was also discontinued. The 2010 - 2011 budget was adopted last June without funding for Family Fest or recognition of the city's 50th birthday.

In the requested budget for 2011 - 2012, staff will request \$5,000 for the city's birthday celebration. That would fund an event the afternoon of Sunday, September 11th (the City's actual 50th birthday) in the Community Room at the Library. The event would feature music, cake, and remarks by Mayor Dirksen and Curis Tigard. In addition, attendees would have the opportunity to read "Tigard memories" previously submitted by current and former residents or write their own. THE scale of this event could be planned, promoted and coordinated by existing staff. The event would be promoted in Cityscape, on the Neighborhood Network web pages, and local media.

OTHER ALTERNATIVES

Council could direct staff to develop other options for consideration.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

N/A

DATES OF PREVIOUS COUNCIL CONSIDERATION

Council discussed this issue during the Budget Committee meetings in May 2010.

AIS-294

Business Meeting

Date: 01/25/2011

Length (in minutes): 10 Minutes

Agenda Title: Update on Urban Forestry Code Revisions Project Schedule

Submitted By: Todd Prager
Community Development

Item Type: Update, Discussion, Direct Staff

Meeting Type: Council Business Mtg - Study Sess.

ISSUE

It is proposed to extend the Urban Forestry Code Revisions project timeline by 6 months to allow the Citizen Advisory Committee more time to deliberate and staff more time to develop a well prepared proposal. Staff would like Council to provide direction on the proposed revised timeline.

STAFF RECOMMENDATION / ACTION REQUEST

Accept staff's proposed revised timeline.

KEY FACTS AND INFORMATION SUMMARY

On February 16, 2010, Council directed staff to pursue a comprehensive update of the City's urban forestry related code provisions within an approximately 18-24 month timeframe. Staff developed an aggressive proposal to complete the Urban Forestry Code Revisions (UFCR) project with Council adoption in October 2011. The reason for the aggressive timeline was due in part to community input indicating that the process should move forward as quickly as possible.

The UFCR Citizen Advisory Committee (CAC) was appointed by Council on May 11, 2010 to advise staff during the UFCR project. The CAC has been meeting regularly since June 2010 and already addressed the issues of hazard trees, street trees, and the use of the Tree Replacement Fund. They have developed a general level of consensus on these issues and are beginning to address the final set of issues which include urban forestry standards for development, the tree grove preservation program, and tree permit requirements.

The final set of issues is more complex and controversial, and the CAC has indicated that they would like more time to deliberate before attempting to develop consensus on the issues. Staff also thinks it would be beneficial to allow more time to develop a well thought out proposal that fully addresses and incorporates input from the CAC and community. Although one of the initial goals was to move the project forward quickly, the CAC and staff agree that it should be balanced with developing a proposal that is broadly supported. Both Council and Planning Commission have also expressed a desire for the issues to be adequately vetted during the CAC process to avoid unnecessary controversy during the adoption process.

As a result, staff is proposing to extend the project timeline by six (6) months with Council adoption in April 2012 (see timeline attached). In addition, staff will be proposing to extend the length of the CAC meetings from two (2) to three (3) hours to allow more time for robust discussions for the remainder of their meetings. The revised timeline will meet the CAC's goals of allowing more time for deliberation, and staff's goal of allowing enough time to develop a well thought out proposal that addresses input from the community. The proposed revised timeline also addresses Council and Planning Commission's goal to adequately vet the proposal by allowing ample time for community input in October through December 2011 and an open house prior to the adoption process.

Finally, the proposed revised timeline is cognizant of Council's initial direction to complete the project in approximately 18 to 24 months. If the starting point of the project is measured from the appointment of the CAC (May 2010), then staff is proposing to complete the project in 23 months (with Council adoption in April 2012).

OTHER ALTERNATIVES

Continue according to the existing project schedule or develop an alternative schedule.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

Council Goal 1.b - Update Tree Code

Council Long Range Objective - Tigard citizens are involved in the community and participate effectively.

Urban Forestry Master Plan

DATES OF PREVIOUS COUNCIL CONSIDERATION

February 16, 2010

Fiscal Impact

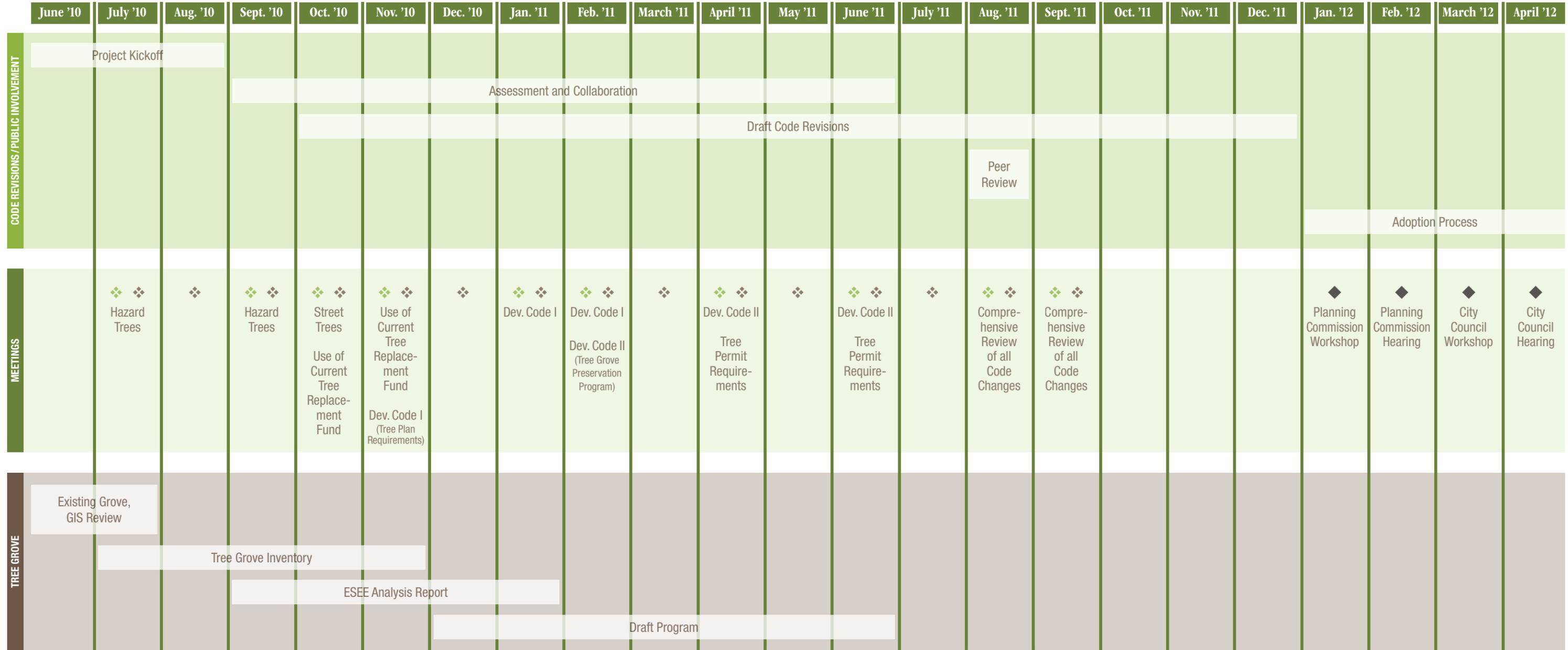
Fiscal Information:

Approximately \$10,000 dollars will need to be budgeted in FY 2011-2012 to cover fees for the third party facilitator because of the additional number and length of CAC meetings. The third party facilitator will also be facilitating the community open house prior to the adoption process when the package of code revisions is complete.

Attachments

UFCR Proposed Revised Schedule

Urban Forestry Code Revisions – Project Timeline



KEY: ❖ Citizens Advisory Committee Meeting ❖ Technical Advisory Committee Meeting ◆ Planning Commission or Council Meeting
 *Dates for Planning Commission and City Council meetings are subject to change. Please check the city's website for updates.

AIS-341

Item #: 3. A.

Business Meeting

Date: 01/25/2011

Length (in minutes): Consent Item

Agenda Title: Approve City Council Meeting Minutes

Submitted By: Cathy Wheatley
Administration

Item Type: Motion Requested

Meeting Type: Consent Agenda -
Approve Minutes

ISSUE

STAFF RECOMMENDATION / ACTION REQUEST

Approve minutes as proposed.

KEY FACTS AND INFORMATION SUMMARY

Minutes will be attached to this Agenda Item Summary statement when final drafts are ready to submit to the City Council.

OTHER ALTERNATIVES

Amend draft minutes.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

N/A

DATES OF PREVIOUS COUNCIL CONSIDERATION

N/A



City of Tigard
Tigard Business Meeting – Minutes

**TIGARD CITY COUNCIL AND
 CITY CENTER DEVELOPMENT AGENCY**

MEETING DATE AND TIME: October 26, 2010 - 6:30 p.m.
MEETING LOCATION: City of Tigard - Town Hall - 13125 SW Hall Blvd.,
 Tigard, OR 97223

- **STUDY SESSION**

Mayor Dirksen called the meeting to order at 6:30 p.m.

<u>Name</u>	<u>Present</u>	<u>Absent</u>
Mayor Dirksen	✓	
Council President Wilson	✓	
Councilor Buehner	✓	
Councilor Henderson	✓	
Councilor Webb	✓	

Staff Present: City Manager Prosser, City Recorder Wheatley, Community Development Director Bunch, Assistant Community Development Director Harnett, Associate Planner Floyd, Public Works Director Koellermeier, Library Director Barnes

City Manager Prosser announced the Executive Session:

- **EXECUTIVE SESSION:** The Tigard City Council went into Executive Session at 6:30 p.m. to discuss pending litigation with legal counsel under ORS 192.660(2)(h). All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

After the Executive Session, the City Council met in Study Session:

- Discussion of the West Bull Mountain Concept Plan. Community Development Director Bunch provided the City Council with background information:
 - Open House scheduled for October 27.

TIGARD CITY COUNCIL MINUTES – October 26, 2010

- Councilor Buehner will attend and plans to testify.
- Referred to a flyer from the County website regarding West Bull Mountain. City Council also reviewed the timeframe for the Plan, which is one year behind schedule because of the need to go through the Urban Rural Reserve process.
- A community forum is scheduled for January.
- The Concept Plan is characterized as a non-land use activity and, therefore, the final resolution will cannot be appealed.
- Community Development Director Bunch advised of Tigard's dissatisfaction with what is occurring.
- Once the Concept Plan resolution is adopted, the Community Plan will be developed. The Community Plan will contain all regulations; i.e., zoning, street standards, etc.
- When the County was asked about governance, they advised they would be looking at all options, including the formation of service districts to provide services.
- Community Development Director Bunch reviewed the elements of the Concept Plan.
- The Plan represents a predominantly residential area with a small commercial center.
- Community Development Director Bunch advised he approached the Plan from a policy perspective. Governance is still the most significant issue.
- Tigard and other jurisdictions are opposed to unincorporated urban development. 
- County staff members have repeatedly advised representatives from other jurisdictions that the Board of Commissioners want the Concept Plan to be developed without talking about governance. Governance will be discussed when the Community Plan is developed. The concern is that there is no certainty that this will be discussed at that time.
- Throughout the Concept Plan, there are references to using service districts for parks and other kinds of infrastructure.
- All but two individuals voted that Tigard should be the water provider; there is no mention of this in the Concept Plan. The Plan says the water provider has not been identified.
-  Governance is important. If Tigard, in the future, becomes the governance provider, we would be expected to accept the County plan and a set of County standards and ordinances. These are inconsistent with how we operate our land-planning. It is inconsistent with the City of Tigard's Transportation System Plan, Parks Master Plan, etc.
- The Plan calls for the County to enter into an Intergovernmental Agreement with the City whereby the City could implement the Concept Plan.
- City Manager Prosser advised there was deleted language regarding a requirement that before a City annexes any of the areas within the Concept Plan the City would enter into an Intergovernmental Agreement with the County. The Plan now recommends that Urban Services Plan be amended, for which the City would have the options of agreeing to do or not.

TIGARD CITY COUNCIL MINUTES – October 26, 2010

-  Community Development Director Bunch expressed his discomfort with assurance from County staff to not be concerned because this is a “just a concept.” He said he is worried that the Concept Plan will be the primary determinant with regard to how the Community Plan will be developed resulting with Tigard being boxed in from a political standpoint. Metro says that once an area comes into the City, the City has the ability and right to proceed as the City deems appropriate. Community Development Director Bunch said, the question is “Do we want to get set up early in the process...and be locked into a particular land-use path.”
- Community Development Director Bunch  advised he has another concern in that this Plan exists only in the context of Bull Mountain and West Bull Mountain. Previously, planning was done within a metropolitan context based on where jobs are and the location of major arterial and collectors streets. There is no definition of context with this Plan. There is no recognition that the area abuts Tigard’s urban services boundary.
- The County has gone through an infrastructure analysis. Costs are staggering for transportation, water, sewer, and storm water. Technical appendices are not referenced within the Concept Plan.
- To proceed, it is important that all the players have a firm grasp of the infrastructure costs, how it is addressed in stages, how it is financed over time, and who possesses the capability to address them.
- Community Development Director Bunch said the lack of substance within the Concept Plan is troublesome.
- Councilor Buehner referred to potential development and the impact it will have on the traffic system.



Mayor Dirksen referred to the upcoming open house on the Concept Plan. Concerns on the part of the City include:

- The Plan does not address the impacts to the transportation infrastructure to the surrounding communities.
- The Plan does not address the issue of governance; that is, who is going to provide and finance the public infrastructure (streets, parks, trails).
- The one small commercial district provided for within the Plan appears to be located based on the fact that is in the middle of the planning area, rather than locating it at the intersection of major streets, which would provide transportation access.

Council President Wilson added he had a criticism in that if Tigard were to plan this in the context of the City, we would transfer some of the density from the Plan area to places where it would be better served (Triangle and Downtown). He noted there is no bus service for the area.

Councilor Webb pointed out that there was a Bull Mountain Community Plan and Tigard followed it as it was developed. No one had a complete grip on how development was occurring. No planning document was formally adopted. Mayor Dirksen said the Bull

TIGARD CITY COUNCIL MINUTES – October 26, 2010

Mountain Community Plan was referred to as if had the rule of law, yet it was only a Concept Plan.

Community Development Director Bunch said staff is developing options the City Council will want to consider.

Community Development Director Bunch referred to the marked-up versions of the Concept Plan, which were distributed to the City Council for review. This document is online.

- Administrative Items:
 - Council Calendar
 - November 8 - Special Meeting - 6:00 p.m. (Dinner) 7:00 p.m. Meeting - Lake Oswego - West End Building, Santiam Room, 4101 Kruse Way, Lake Oswego
 - November 9 - Business Meeting - 6:30 p.m.
 - November 11 - Veterans Day Holiday, City Offices Closed
 - November 16 - Workshop Meeting - 6:30 p.m.
 - November 23 - Business Meeting - 6:30 p.m.
 - November 24-25 - Thanksgiving Holiday, City Offices Closed

1. BUSINESS MEETING

- A. Mayor Dirksen called the meeting to order at 7:35 pm. 
- B. Roll Call

<u>Name</u>	<u>Present</u>	<u>Absent</u>
Mayor Dirksen	✓	
Council President Wilson	✓	
Councilor Buehner	✓	
Councilor Henderson	✓	
Councilor Webb	✓	

- C. Pledge of Allegiance
- D. Council Communications & Liaison Reports 

Councilor Buehner noted she had made a brief report on the Finance and Taxation Committee Meeting last Friday, which was sent to the Mayor and City Council.

- E. Call to Council and Staff for Non-Agenda Items  None

TIGARD CITY COUNCIL MINUTES – October 26, 2010

2. CITIZEN COMMUNICATION

A. Follow-up to Previous Citizen Communication - None

B. Citizen Communication: 

- Pavel Goberman, P O Box 1664, Beaverton OR 97075, read from a prepared statement regarding his complaint against the Oregon State Bar (OSB) asking the City to suspend the OSB's business license. A copy of Mr. Goberman's letter, dated October 26, 2010, is on file with the packet material. In this letter Mr. Goberman alleges a number of violations by the OSB including violating the United States Constitution. Mr. Goberman advised he will also be running for public office; he requested voters write in his name.



Mayor Dirksen reviewed the Consent Agenda:

3. CONSENT AGENDA:

A. Approve Council Minutes:

1. July 20, 2010
2. July 27, 2010
3. August 17, 2010
4. October 5, 2010 - Town Hall Meeting Notes

B. Appoint Richard Shavey, Current Planning Commission Alternate, to the Planning Commission - Resolution 10-53

- A RESOLUTION APPOINTING RICHARD SHAVEY TO THE PLANNING COMMISSION

C. Approve Intergovernmental Agreement Between the City, Metro, and the Oregon Department of Transportation to Develop a Transportation Growth Management Grant Funded High Capacity Transit Corridor Land Use Plan - Resolution No. 10-54

- A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AND ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE OREGON DEPARTMENT OF TRANSPORTATION AND METRO FOR THE TIGARD HIGH CAPACITY TRANSIT CORRIDOR LAND USE PLAN, FUNDED THROUGH A TRANSPORTATION GROWTH MANAGEMENT GRANT

D. Approve Standard Telecommunications Franchise Agreement with XO Communications Services, Inc. - Resolution 10-55

TIGARD CITY COUNCIL MINUTES – October 26, 2010

- A RESOLUTION GRANTING A NON-EXCLUSIVE UTILITY FRANCHISE TO XO COMMUNICATIONS SERVICES, INC PURSUANT TO TIGARD MUNICIPAL CODE SECTION 15.06.060

Councilor Henderson asked Mayor Dirksen to share information with the public regarding Item 3.C.; he noted the importance of this Intergovernmental Agreement.

 Mayor Dirksen presented information on Item 3.C., after which the City Council adopted the Consent Agenda by a unanimous vote of City Council present. Motion by Council President Wilson; second by Councilor Henderson – Councilor Webb abstained from voting on the July 27, 2010 City Council minutes because she was absent for that meeting; she advised she would vote on the remaining items.

	Yes	No
Mayor Dirksen	✓	
Council President Wilson	✓	
Councilor Buehner	✓	
Councilor Henderson	✓	
Councilor Webb	✓	(abstained from voting on the July 27, 2010, City Council meeting minutes.)

4.  UPDATE ON COUNCIL GROUNDRULES

- Senior Management Analyst Wyatt presented the staff report. After City Council discussion, Council adopted Ordinance No. 10-16. The City Council continued the resolution and the ordinance and resolution in Agenda Item No. 5 to the November 9, 2010, City Council meeting. Councilor Buehner and Councilor Henderson have suggestions for staff to incorporate into the proposed resolutions.

During discussion on this agenda item, a motion was considered by the City Council to amend language contained in the proposed resolution:

 Motion by Councilor Henderson, seconded by Mayor Dirksen, to incorporate changes to the Tigard City Council groundrules. City Manager Prosser stated the changes referred to in the motion as follows:

- Language on Page 9 under Communication with City Boards and Committees so that the final bullet under the first section would read: “Board members do not report to individual Council members. Individual Councilors have no authority to remove Board members.
- Language on Page 12, under Respect and Care in the fourth bullet down should be changed to “Respect the distinction between the role of the citizens, the Council and staff.”

TIGARD CITY COUNCIL MINUTES – October 26, 2010

	Yes	No
Mayor Dirksen	✓	
Council President Wilson	✓	
Councilor Buehner	✓	
Councilor Henderson	✓	
Councilor Webb	✓	

 Motion by Councilor Buehner, seconded by Councilor Webb, to adopt Ordinance No. 10-16.

- o AN ORDINANCE AMENDING TIGARD MUNICIPAL CODE CHAPTERS 2.44, CITY COUNCIL; 2.46, LOCAL CONTRACT REVIEW BOARD; AND 2.64, CITY CENTER DEVELOPMENT AGENCY BY ADDING REFERENCES TO RULES OF PROCEDURES INCLUDING COUNCIL GROUNDRULES

	Yes	No
Mayor Dirksen	✓	
Council President Wilson	✓	
Councilor Buehner	✓	
Councilor Henderson	✓	
Councilor Webb	✓	

Consideration of the proposed resolution was tabled to November 9, 2010.
Agenda Item No. 5 continued to the November 9, 2010, City Council meeting.

5. ORDINANCE AMENDING THE TIGARD MUNICIPAL CODE AND A RESOLUTION PERTAINING TO A CODE OF CONDUCT FOR APPOINTED BOARD, COMMITTEE, AND COMMISSION MEMBERS

- 
6. MONTHLY UPDATE ON CAPITAL IMPROVEMENT PROGRAM PROJECTS FOR PACIFIC HIGHWAY, MAIN STREET, GREENBURG ROAD, AND BURNHAM STREET

Engineering Manager McMillan presented the staff report and reviewed in detail the status of the Burnham Street project. A status report of the capital improvement projects is contained in the Agenda Item Statement filed with the meeting packet material.

Streets and Transportation Project Engineer McCarthy presented a PowerPoint presentation on the Pacific Highway Project. A copy of the presentation is on file with the meeting packet materials.

TIGARD CITY COUNCIL MINUTES – October 26, 2010



7. DISCUSSION TO PREPARE FOR THE NOVEMBER 16, 2010 COUNCIL MEETING WITH JASON TELL, OREGON DEPARTMENT OF TRANSPORTATION REGION 1 MANAGER

City Manager Prosser introduced this agenda item.

Jason Tell, Oregon Department of Transportation (ODOT) Region 1 Manager, will meet with the Council on November 16, 2010 to discuss topics of mutual interest, including development of principles of cooperation and collaboration. Staff proposes that principles of partnership be discussed and mutually agreed upon between the City of Tigard and ODOT, which will lead to solutions before problems occur. The Agenda Item Summary before the City Council contains five suggested principles developed by staff. City Manager Prosser reviewed the principles.

Council discussion included the following:

- Councilor Webb referred to past discussions of the City of Tigard taking over Hall Boulevard. She said this should still be on the agenda. Streets and Transportation Project Engineer McCarthy noted that ODOT is willing to turn over the jurisdiction to the City of Tigard. An inventory is underway to identify issues with Hall Boulevard to have available when this is discussed with ODOT.  One of the big issues is the bridge over Fanno Creek, which is too narrow, low, and old. Councilor Webb said, and Mayor Dirksen agreed, that ODOT might work with us to find funding for strategic problem areas and it would be a good investment.
- Councilor Buehner referred to proposals for “backage” roads, to close driveways and to help with efficient traffic flow. Mayor Dirksen noted that ODOT has recently begun to address access management more aggressively. He noted the need to offer an alternative when a driveway is closed.
- Mayor Dirksen said we would want to emphasize to ODOT that improving local roads would take the burden from State roads; therefore, it is appropriate for State funds to be used on local roads.
- Councilor Henderson questioned if there were things that Beaverton was doing with respect to Hall Boulevard that Tigard could review in light of the connection between the two cities. Streets and Transportation Senior Project Engineer McCarthy said he believes Beaverton already has jurisdiction over their portion of Hall Boulevard. Mayor Dirksen said he did not know if Beaverton has jurisdiction over all of Hall Boulevard within their city limits; but they have control over most of it. Streets and Transportation Senior Project Engineer McCarthy said he had a good meeting with ODOT staff yesterday and they expressed their desire that Hall Boulevard no longer be a state highway.
- Mayor Dirksen said that there is Metro proposal for the metro region that all streets and highways would revert to the local jurisdiction where located. Under that proposal, the portion of Pacific Highway within the City of Tigard would transfer to Tigard for responsibility and funding.

TIGARD CITY COUNCIL MINUTES – October 26, 2010

- Councilor Henderson asked if we would receive more gas tax revenue if we took jurisdiction over a state highway. Mayor Dirksen and Streets and Transportation Senior Project Engineer McCarthy said they did not believe we would receive additional gas tax revenue. Gas tax revenue disbursement is based on population. City Manager Prosser said when the City talks with ODOT about taking over a highway, we also have to have the conversation about the conditions under which we will assume responsibility; i.e., providing funds, specific improvement needed before transfer, etc.
- Councilor Buehner said a portion of Hall Boulevard travels through the Metzger area in unincorporated Washington County. Streets and Transportation Senior Project Engineer McCarthy reviewed the portion of Hall in and out of the City limits; the state is looking to bring the County to the table to discuss the portion in the County. The County has Hall Boulevard as a road that would be logical to come under County jurisdiction. Mayor Dirksen referred to identification by the County of roads that are of countywide significance as it relates to funding priorities.
- Council President Wilson said the approach to review principles with ODOT is a good one. He said he hoped the principles as presented tonight are specific enough so that it might even spark some disagreement, which would lead to good dialogue to discover where there are philosophical differences.
- Community Development Director Bunch said the implementing actions are meant to be built upon and inclusive. For example, we want to amend the Transportation Planning Rule, we think the Oregon Highway Plan is too restrictive, and ODOT standards, in some respects, do not provide for the development of an interesting, attractive streetscape. As we continue to base our discussion on the principles, we can challenge ODOT's and our own perceptions by referring to the details that make the principles work.
- City Manager Prosser agreed with Council President Wilson that dialogue is needed. ODOT and the City of Tigard have legitimately differing views. He suggested that when we submit the principles to Mr. Tell that we invite/challenge ODOT to come up with their own version of principles for discussion. The important outcome of the meeting with Mr. Tell is to discuss the partnership and how it will be worked to the benefit of both parties.
- Council President Wilson said he has visited with Mr. Tell and recounted the results of those discussions. Having an understanding of the principles of a partnership might facilitate resolving specific issues if each agency can understand the philosophical underpinnings of one another. It is time to talk on a higher level about relationships.
- Mayor Dirksen suggested that "implementing actions" be in bullet form on the document drafted by staff, so that none get lost.
- Mayor Dirksen suggested that backage roads be included under Principle No. 1.
- Mayor Dirksen suggested that the principles be discussed more than specific actions when the City Council meets with Mr. Tell.
- City Manager Prosser suggested that the plan for discussion with Mr. Tell is to open up the dialogue. We need to think about how to get the conversation started and then how to proceed. He asked City Council members if this would be something for which the

TIGARD CITY COUNCIL MINUTES – October 26, 2010

staff should take the lead or should it be a City Council subcommittee. This could also be a topic to discuss with Mr. Tell. City Manager Prosser noted it would be good to contemplate what would be a good timeline to bring closure to this part of the discussion so we could move forward to the partnership.

- City Manager Prosser and City Council discussed preparation for the meeting with Mr. Tell and to communicate to Mr. Tell the City Council's agenda topics that they would like to cover in the meeting. Streets and Transportation Senior Project Engineer McCarthy referred to a recent meeting with ODOT staff who were willing to listen and wanted to hear what Tigard has to say and are advocates for Tigard in "ODOT circles." Streets and Transportation Senior Project Engineer McCarthy said the staff has been good about bringing a perspective for fairness and helping us to understand their organizational culture while being receptive to our reasoning.
- City Attorney Ramis suggested the principles be clearly stated so that it is not vague and prompts conversation. If there is no disagreement or dialogue, then "you really haven't sharpened it up enough." He cautioned against using verbs such as "balance" or "support" or "promote" because these are too general.
- Council President Wilson added to City Attorney Ramis' suggestion by saying we are "not trying to make enemies" but we are trying to define the different perspectives.
- Community Development Director Bunch said staff would reword the principles with "action words." Staff will prepare the next draft and email these to the City Council members for review before it is forwarded to Mr. Tell.

8. COUNCIL LIAISON REPORTS:

Councilor Buehner reported that the LOC Finance and Taxation Committee met last week to discuss updates, which are summarized in a report she sent to City Council. The majority of the meeting was spent discussing the need to make a major policy change for LOC to begin looking at and implementing long-term financing issues for the State. Should LOC take a leadership role is also under consideration. LOC Board members will be invited to an upcoming Committee meeting to weigh-in on approaches for long-term financial stability statewide.

9. NON AGENDA ITEMS: None

10. EXECUTIVE SESSION: Not held.

9:06 p.m.

11. ADJOURNMENT

Motion by Councilor Webb, seconded by Council President Wilson, to adjourn.

TIGARD CITY COUNCIL MINUTES – October 26, 2010

The motion was approved by a unanimous vote of City Council present.

Mayor Dirksen	Yes
Council President Wilson	Yes
Councilor Buehner	Yes
Councilor Henderson	Yes
Councilor Webb	Yes

Catherine Wheatley, City Recorder

Attest:

Mayor, City of Tigard

Date: _____

TIGARD CITY COUNCIL MINUTES – October 26, 2010



City of Tigard
Tigard Business Meeting – Minutes

TIGARD CITY COUNCIL AND LOCAL CONTRACT REVIEW BOARD

MEETING DATE AND TIME: November 9, 2010 - 6:30 p.m. Study Session; 7:30 p.m. Business Meeting

MEETING LOCATION: City of Tigard - Town Hall - 13125 SW Hall Blvd., Tigard, OR 97223

Mayor Dirksen called the meeting to order at 6:30 p.m.

<u>Name</u>	<u>Present</u>	<u>Absent</u>
Mayor Dirksen	✓	
Council President Wilson	✓	
Councilor Buehner	✓	
Councilor Henderson	✓	
Councilor Webb	✓	

Staff Present: City Manager Prosser, Assistant City Manager Newton, Public Works Director Koellermeier, Senior Management Analyst Wyatt, Associate Planner/Arborist Prager, Associate Planner Caines, Assistant Community Development Director Harnett, Community Development Director Bunch, Finance and Information Services Department Director LaFrance, City Attorney Ramis, City Recorder Wheatley

- **STUDY SESSION**

- A. **DISCUSS URBAN FORESTRY PROGRAM FUNDING**

Staff Presenter: Assistant Community Development Director Harnett introduced topic. Associate Planner/Arborist Prager reviewed Agenda Item Summary.

Issue before the City Council: At its November 16, 2010 joint meeting with Council, the Tree Board wants to discuss the prospect of developing a comprehensive urban forestry funding proposal as part of their 2011 goals.

Staff provided background on the Tree Board's proposal, explained how it relates to the funding discussions that are part of the Urban Forestry Code Revisions project, and asked the City Council if it is comfortable with the approach.

TIGARD CITY COUNCIL MEETING MINUTES – November 9, 2010

Staff reviewed the Agenda Item Summary. During City Council comments, Council members indicated they were supportive of the comprehensive urban forestry program but would be cautious about looking at any budget-related increases.

The Tree Board and the Urban Forestry Code Revisions Citizen Advisory Committee have done work on urban forestry funding projects. Assistant Community Development Director Hartnett referred to the upcoming City Council meeting with the Tree Board next week. She suggested City Council might want to give budget guidance and discuss role delineation between the Tree Board and the Urban Forestry Citizen Advisory Committee. Guiding principles (attached to the Agenda Item Summary) will also be discussed with the City Council next week.

After receiving input from the City Council and the Citizen Advisory Board, the Tree Board will return to the City Council in February with recommendations to develop a sustainable and ongoing urban forest enhancement program.

B. UPDATE ON THE TREE GROVE PRESERVATION PROGRAM OPEN HOUSE

Staff Presenter: Assistant Community Development Director Hartnett

Issue before the City Council: The City held an open house on October 6, 2010 to receive public input on the tree grove preservation program element of the Urban Forestry Code Revision project.

The two biggest concerns raised by the community to this point is the ability to remove hazard trees and retaining the ability to develop the property if they choose to do so in the future. The message from staff has been consistent, that hazard trees within a tree grove will be treated the same as outside a tree grove. Regarding development of property, the message has been the tree grove preservation program is intended to be flexible and incentive based and, through this process, the City is looking for ways to provide options to property owners who would like to retain the tree groves on their property but would be limited in their choices by the current development code.

At this point, staff does not feel there is a sentiment among property owners that would result in a wholesale removal of trees before a program could be established. Staffs' messages of flexibility and incentives have been consistent and received favorably and interim regulations should not be necessary at this time. If, as the project progresses, a shift toward a more regulatory approach were to emerge, the subject of interim regulations should be revisited.

Additionally, based on Council feedback, the project will now be titled the Tigard Tree Grove Preservation Program as opposed to the original title including the term protection.

TIGARD CITY COUNCIL MEETING MINUTES – November 9, 2010

C. DISCUSS THE PRELIMINARY NOVEMBER 2, 2010 ELECTION RESULTS

Staff Presenter: City Manager Prosser and Public Works Director Koellermeier

Issue before the City Council: Discuss the preliminary November 2, 2010 election results for the WCCLS Local Option Levy Renewal, the County Public Safety Levy renewal, and the Tigard Parks Bond Measure.

All three measures were approved by the voters. Public Works Director Koellermeier reported that in about three weeks City Council will receive a staff-prepared schedule proposing an 18-month critical path timeline for financing activities (working with financial advisers) and proposing an activity outline subsequent to voter-approval of a bond measure for up to \$17 million toward acquiring open spaces, protecting clean water, and improving parklands.

D. ADMINISTRATIVE ITEMS

- Council Preference: Consensus of City Council was to continue to report progress on goals on a quarterly basis, highlighting especially notable progress on particular goals. Councilor Henderson expressed a preference for a format to one used previously that showed the progress for each quarter.
- Team Building Date - Tuesday, December 7, noon – 5 p.m., location to be announced.
- 2011 Goal Setting Meeting – Thursday, December 30, starting at noon, location to be announced.
- Ceremonial Council Meeting - January 11, 2011
 - No study session - photos from 6:30-7 p.m.
 - 7-7:30 - light dinner
 - Oaths of Office
 - Inaugural remarks of newly elected officials
 - Elect Council President for 2011 - 2012
 - State of the City Address
 - Reception to follow the meeting
- Council Calendar:
 - Thursday, November 11 - Veterans Day Holiday - City Hall Closed
 - Tuesday, November 16 - Council Workshop Meeting - 6:30 p.m.
 - Tuesday, November 23 - Council Business Meeting - 6:30 p.m.
 - Thursday and Friday, November 26 and 26, Thanksgiving Holiday - City Hall Closed

- EXECUTIVE SESSION: Cancelled

TIGARD CITY COUNCIL MEETING MINUTES – November 9, 2010



1. BUSINESS MEETING

- A. Mayor Dirksen called the meeting to order at 7:30 pm.
- B. Roll Call

<u>Name</u>	<u>Present</u>	<u>Absent</u>
Mayor Dirksen	✓	
Council President Wilson	✓	
Councilor Buehner	✓	
Councilor Henderson	✓	
Councilor Webb	✓	

- C. Pledge of Allegiance
- D. Council Communications & Liaison Reports
- E. Call to Council and Staff for Non-Agenda Items

2. CITIZEN COMMUNICATION

- A. Follow-up to Previous Citizen Communication - None
- B. Tigard High School Student Envoy – No report.



C. Tigard Area Chamber of Commerce – Executive Director Debi Mollahan presented the report of past and upcoming activity at the Chamber of Commerce. A summary is on file with the packet material for the meeting.

D. Citizen Communication –



Chris Garstek, representing Tigard Dog Park Committee expressed appreciation for all who worked on the Tigard parks and open space bond measure. She urged the Council to pursue the purchase of the dog park as soon as possible.



Mayor Dirksen reviewed the Consent Agenda:

3. CONSENT AGENDA (Tigard City Council and Local Contract Review Board)

- A. Approve Council Minutes:
 - 1. August 10, 2010
 - 2. September 14, 2010
 - 3. September 28, 2010

TIGARD CITY COUNCIL MEETING MINUTES – November 9, 2010

- B. Receive and File:
 - 1. Tentative Agenda
 - 2. Council Calendar

- C. Approve Submittal of Oregon Department of Transportation Flexible Funds Application for Improvements to 121st Avenue.

Resolution No. 10-56

RESOLUTION SUPPORTING AN APPLICATION FOR OREGON DEPARTMENT OF TRANSPORTATION FLEXIBLE FUND PROGRAM FUNDS TO FINANCE THE CONSTRUCTION OF SIDEWALK AND RELATED IMPROVEMENTS ALONG PORTIONS OF SW 121ST AVENUE

- D. Local Contract Review Board:
 - 1. Award Contract for Street Sweeping Services to Water Truck Services, Inc.

Motion by Council President Wilson, seconded by Councilor Webb to approve the Consent Agenda.

The motion was approved by a unanimous vote of City Council present.

Mayor Dirksen	Yes
Council President Wilson	Yes
Councilor Buehner	Yes
Councilor Henderson	Yes
Councilor Webb	Yes



- 4. PROCLAIM DECEMBER 6-12, 2010 HUMAN RIGHTS WEEK AND DECEMBER 10, 2010 HUMAN RIGHTS DAY

Mayor Dirksen announced the Human Rights Week and Day proclamation.



Presentation was given by Emily Gottfried Oregon Area Jewish Committee and Jessica Ritter, Pacific University, members of the Washington County Human Rights Council.

TIGARD CITY COUNCIL MEETING MINUTES – November 9, 2010



5. INFORMATIONAL PUBLIC HEARING TO CONSIDER A RESOLUTION ESTABLISHING CANTERBURY SANITARY SEWER REIMBURSEMENT DISTRICT NO. 50

Mayor Dirksen opened the public hearing and the staff report was presented by City Engineer Kyle. The proposed district includes a City-owned lot (John Tigard House) and one residential lot. There was no public testimony. Mayor Dirksen closed the public hearing.

During City Council discussion, Council President Wilson requested information regarding an inventory of properties remaining to be scheduled for sewer reimbursement districts. This information will be sent to the Council in their newsletter packet on Friday, November 19.



- City Council Consideration: **Resolution No. 10-57**

A RESOLUTION ESTABLISHING SANITARY SEWER REIMBURSEMENT DISTRICT NO. 50 (SW CANTERBURY LANE).

Motion by Council President Wilson, seconded by Councilor Webb, to adopt Resolution No. 10-57.

The motion was approved by a unanimous vote of City Council present.

Mayor Dirksen	Yes
Council President Wilson	Yes
Councilor Buehner	Yes
Councilor Henderson	Yes
Councilor Webb	Yes



6. INFORMATIONAL PUBLIC HEARING TO CONSIDER A RESOLUTION ADOPTING THE WATER RATE STUDY

- Mayor Dirksen opened the public hearing and the staff report was presented by Public Works Director Koellermeier and Finance and Information Services Department Director LaFrance. The PowerPoint slides are on file with the packet meeting material. One person, Sue Bielke, offered testimony. She submitted a letter for the record, which summarized her testimony opposing the proposed water rate increase of 30% and opposing using water from the Clackamas River. Ms. Bielke stated she did not want to lose Bull Run as a source of water for Tigard.

TIGARD CITY COUNCIL MEETING MINUTES – November 9, 2010



- Staff Recommendations:
 1. Adopt the Water Rate Study by resolution.
 2. Adopt resolution amending the Master Fees and Charges Schedule – includes five-year rate plan.
 3. Adopt SDC methodology and amendment to fees and charges on December 14, 2010.
 4. Support monthly billing and “Care to Share.”



- Council asked questions and requested staff to keep residents informed of rates and plans for water for Tigard and other jurisdictions in the region.



- Council Discussion – All Council members offered comments in support of the Water Rate Study.



- Mayor Dirksen closed the public hearing.
- City Council Consideration: **Resolution No. 10-58**

A RESOLUTION ADOPTING THE WATER RATE STUDY WHICH PROVIDES A LONG-TERM FINANCING STRATEGY TO FUND THE LAKE OSWEGO-TIGARD WATER PARTNERSHIP AND OTHER WATER CAPITAL IMPROVEMENTS

Motion by Councilor Webb, seconded by Councilor Buehner, to adopt Resolution No. 10-58.

The motion was approved by a unanimous vote of City Council present.

Mayor Dirksen	Yes
Council President Wilson	Yes
Councilor Buehner	Yes
Councilor Henderson	Yes
Councilor Webb	Yes



7. CONSIDER A RESOLUTION AMENDING THE MASTER FEES AND CHARGES SCHEDULE TO INCREASE WATER RATES

- Staff Report was presented by Finance and Information Services Department Director LaFrance.

Issue before the City Council: Shall the City Council consider a resolution amending the 2010-2011 Master Fees and Charges Schedule to increase water rates over the next five years?

TIGARD CITY COUNCIL MEETING MINUTES – November 9, 2010



- Council Consideration: **Resolution No. 10-59**

A RESOLUTION TO AMEND THE MASTER FEES AND CHARGES SCHEDULE, AS ADOPTED BY RESOLUTION 10-30, TO INCREASE WATER RATES TO FUND THE LAKE OSWEGO -TIGARD WATER PARTNERSHIP AND OTHER CAPITAL IMPROVEMENTS



Motion by Council President Wilson, seconded by Councilor Webb, to adopt Resolution No. 10-59.

The motion was approved by a unanimous vote of City Council present.

The motion was approved by a unanimous vote of City Council present.

Mayor Dirksen	Yes
Council President Wilson	Yes
Councilor Buehner	Yes
Councilor Henderson	Yes
Councilor Webb	Yes



8. REVIEW AND DISCUSS LEGISLATIVE AGENDA FOR 2011 OREGON LEGISLATIVE SESSION

- Staff Report was presented by Senior Management Analyst Wyatt. To prepare for the 2011 Oregon Legislative Session, Tigard representatives will be meeting with Senator Burdick and Representative Doherty. Earlier today, staff met with Lake Oswego regarding legislative issues surrounding the water project.
- Councilor Buehner referred to a memorandum she wrote to the Mayor and City Manager about what will be coming from the League of Oregon Cities Finance and Taxation Committee. She asked if the City wants to take any position on the proposal to adopt a new strategy to look at long term planning rather than only looking at what is anticipated for the next year with regard to issues affecting cities. Mayor Dirksen said he thought the Committee’s direction was a good one to provide stability to the state revenue stream. He said is satisfied to have LOC take the lead on this since it is a statewide issue. He commented that the legislative priorities before the City Council tonight are those that affect the City of Tigard directly.

TIGARD CITY COUNCIL MEETING MINUTES – November 9, 2010

- Council President Wilson commented that the property tax limitation measure that Oregon implemented several years ago created a certain amount of stability in times of recession. Cities in Oregon have fewer problems because of that measure than elsewhere around the country. The state has huge issues filling their budget gaps and it might be best to wait until some stability is restored at the state level before talking about the way cities are financed. Councilor Buehner clarified that the LOC committee is looking to determine how to pay for government at the state level. There will be impact to cities because there are already discussions about removing some of the revenue sharing to cities. Unless we address the underlying issues that affect the entire manner in which the state is funded, we start to see it greatly affect us. We are also facing issues with some of counties no longer receiving timber funds, as they will likely be coming to ask for help from the legislature. This proposal is to develop a strategy to deal with these funding issues and that the League would take some sort of a leadership role to get the process going. No one has wanted, to this point, to deal with the difficult questions. For example, should the state be responsible for the majority of funding of K-12 education?
- Mayor Dirksen noted that as a short-term goal, Tigard has on its legislative list to maintain a commitment from the state for state-shared revenue. There have been statements made that there are no plans to discontinue state-shared revenues; however, this will need to be monitored.
- Mayor Dirksen referred to the Transportation Planning Rule and its impact on transportation facilities and land use planning for cities. League of Oregon Cities has heard from several of their members and it is one of the primary issues for both the LOC Transportation Committee and the Community Development Committee.
- Councilor Buehner asked that we make sure (now that we have census information) that Oregon Department of Transportation (ODOT) does a correct reallocation of its funding to its various regions. Official census numbers are anticipated by March and Councilor Buehner pointed out that reapportionment must be completed during the upcoming legislative session.
- Senior Management Analyst Wyatt advised there is proposed legislation for the upcoming session for ballot collection changes. One change proposed is that the person voting would have to be the one to deposit it in the ballot box. There have been reports of people collecting ballots from households and not depositing them in the ballot box throughout the state.
- Councilor Buehner noted an issue in terms of reevaluating the various tax incentive programs. She said it would be good to monitor this proposal.

TIGARD CITY COUNCIL MEETING MINUTES – November 9, 2010



9. CONSIDER AMENDMENTS TO COUNCIL GROUNDRULES (RESOLUTION) AND CODE OF CONDUCT FOR APPOINTED BOARDS AND COMMITTEES (ORDINANCE AND RESOLUTION) - CONTINUED FROM THE OCTOBER 26, 2010 CITY COUNCIL MEETING

- Staff Report for Council Groundrules presented by Assistant to the City Manager Mills.
- Issue before the City Council: Consider updates to the Council Groundrules.



- Council Consideration - **Resolution No. 10-60**

A RESOLUTION AMENDING THE COUNCIL GROUNDRULES, ADDING THE CODE OF CONDUCT, AND SUPERSEDING RESOLUTION NO. 08-45

Motion by Councilor Webb, seconded by Councilor Buehner, to adopt Resolution No. 10-60.

The motion was approved by a unanimous vote of City Council present.

Mayor Dirksen	Yes
Council President Wilson	Yes
Councilor Buehner	Yes
Councilor Henderson	Yes
Councilor Webb	Yes

- Code of Conduct for Appointed Boards and Committees

Issues before the City Council:

- Adopt ordinance recognizing the Code of Conduct for all appointed members of the City’s boards, committees and commissions and removing old information about the Planning Commission member removal process.
- Adopt resolution establishing a Code of Conduct for all appointed members of the City’s boards, committees and commissions as amended by Councilor Henderson.

Ordinance No. 10-17

AN ORDINANCE CREATING TIGARD MUNICIPAL CODE SECTION 2.07, CODE OF CONDUCT FOR APPOINTED OFFICIALS SERVING ON CITY BOARDS, COMMITTEES AND COMMISSIONS, AND AMENDING CHAPTER 2.08, PLANNING COMMISSION, BY DELETING SECTION 2.08.030, COMMISSION REMOVAL

TIGARD CITY COUNCIL MEETING MINUTES – November 9, 2010



Motion by Councilor Buehner, seconded by Councilor Webb, to adopt Ordinance No. 10-17.

The motion was approved by a unanimous vote of City Council present.

Mayor Dirksen	Yes
Council President Wilson	Yes
Councilor Buehner	Yes
Councilor Henderson	Yes
Councilor Webb	Yes



Resolution No. 10-61

A RESOLUTION ESTABLISHING THE CODE OF CONDUCT FOR APPOINTED MEMBERS OF THE CITY'S BOARDS, COMMITTEES AND COMMISSIONS

Motion by Councilor Webb, seconded by Councilor Buehner, to adopt Resolution No. 10-61.

The motion was approved by a unanimous vote of City Council present.

Mayor Dirksen	Yes
Council President Wilson	Yes
Councilor Buehner	Yes
Councilor Henderson	Yes
Councilor Webb	Yes



10. UPDATE ON 3RD QUARTER COUNCIL GOAL STATUS

- Staff Report presented by Senior Management Analyst Wyatt.

Issue before the City Council: Update Council on progress made on Council Goals during the 3rd Quarter of 2010. The Agenda Item Summary contains a report on goal status for the 3rd Quarter.

11. COUNCIL LIAISON REPORTS - None

12. NON AGENDA ITEMS - None

13. EXECUTIVE SESSION: Not held.

TIGARD CITY COUNCIL MEETING MINUTES – November 9, 2010

9:08 p.m.

14. ADJOURNMENT



Motion by Council President Wilson, seconded by Councilor Webb, to adjourn the meeting.

The motion was approved by a unanimous vote of City Council present.

Mayor Dirksen	Yes
Council President Wilson	Yes
Councilor Buehner	Yes
Councilor Henderson	Yes
Councilor Webb	Yes

Catherine Wheatley, City Recorder

Attest:

Mayor, City of Tigard

Date: _____

I:\ADM\CATHY\CCM\2010\101109 final minutes with audio\Action Minutes after meeting - November 9 2010.docx

TIGARD CITY COUNCIL MEETING MINUTES – November 9, 2010

AIS-331

Item #: 3. B.

Business Meeting

Date: 01/25/2011

Length (in minutes): Consent Item

Agenda Title: Appoint Kim Moreland and Donald Schmidt to the Transportation Advisory Committee

Submitted By: Judith Gray
Community Development

Item Type: Resolution

Meeting Type:

Consent Agenda

ISSUE

Council is requested to consider and act on recommended appointments to the Transportation Advisory Committee.

STAFF RECOMMENDATION / ACTION REQUEST

It is recommended that Kim Moreland and Donald Schmidt be appointed to the Transportation Advisory Committee to complete terms expiring December 31, 2012.

KEY FACTS AND INFORMATION SUMMARY

The Transportation Advisory Committee was formed by City Council Resolution 09-14.

Cam Gilmour and Jeremy Vermilyea resigned from the Transportation Advisory Committee after partially serving terms which will expire December 31, 2012.

Kim Moreland was appointed as an alternate member of the Transportation Advisory Committee in December 2010.

Donald Schmidt, a current member of the Tigard Planning Commission, has applied for membership on the Transportation Advisory Committee.

The Mayor's Appointment Advisory Committee recommends that Council appoint Kim Moreland and Donald Schmidt to Transportation Advisory Committee to complete the terms vacated by Cam Gilmour and Jeremy Vermilyea.

OTHER ALTERNATIVES

Council could choose to maintain vacant positions on the TTAC or to begin a new recruiting process.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

Council Long Range Goal: Tigard citizens are involved in the community and participate effectively.

Comprehensive Plan Goal: Provide citizens, affected agencies and other jurisdictions the opportunity to participate in all phases of the planning process.

DATES OF PREVIOUS COUNCIL CONSIDERATION

n/a

Attachments

Resolution

Biographical Information

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 11-_____

A RESOLUTION APPOINTING KIM MORELAND AND DONALD SCHMIDT AS VOTING MEMBERS OF THE TRANSPORTATION ADVISORY COMMITTEE.

WHEREAS, the Transportation Advisory Committee was formed by City Council Resolution 09-14; and

WHEREAS, Cam Gilmour and Jeremy Vermilyea resigned from the Transportation Advisory Committee after partially serving terms which will expire December 31, 2012; and

WHEREAS, Kim Moreland was appointed as an alternate member of the Transportation Advisory Committee in December 2010; and

WHEREAS, Donald Schmidt, a current member of the Tigard Planning Commission, has applied for membership on the Transportation Advisory Committee; and

WHEREAS, the Mayor's Appointment Advisory Committee recommends that Council appoint Kim Moreland and Donald Schmidt to Transportation Advisory Committee to complete the terms vacated by Cam Gilmour and Jeremy Vermilyea;

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: Donald Schmidt and Kim Moreland are appointed as voting members of the Transportation Advisory Committee with terms expiring December 31, 2012.

SECTION 2: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2011.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

Biographies of Tigard Transportation Advisory Committee Applicants – January 2011

Kimberly Moreland has been a resident of Tigard for more than five years. She is an urban planner in long-range planning with the City of Salem. In that capacity, she represents the City of Salem on several technical advisory committees related to transportation and planning. She was previously active as a parent volunteer with the Tigard-Tualatin School Facility Committee and is a Secretary for the Oregon African American Museum Board.

Donald Schmidt has been a resident of Tigard for more than four years. Don is a license architect with 15 years experience. He is currently a member of the Tigard Planning Commission, the Downtown Design Review Committee, and the Urban Forestry Code Revisions Citizens Advisory Committee.

AIS-327

Item #: 3. C.

Business Meeting

Date: 01/25/2011

Length (in minutes): Consent Item

Agenda Title: Change the Name of the Committee for Citizen Involvement to the Neighborhood Involvement Committee and Adopt New Bylaws

Prepared For: Joanne Bengtson

Submitted By:

Joanne Bengtson
Administrative
Services

Item Type: Resolution

Meeting Type:

Consent Agenda

ISSUE

Should the Council adopt revised bylaws and a name change from the Committee for Citizen Involvement to the Neighborhood Involvement Committee?

Statewide Planning Goal 1 calls for widespread citizen involvement and requires local jurisdictions to maintain a committee for citizen involvement related to land use issues. In November 2010, land use involvement duties were assigned to the Tigard Planning Commission. The city's other boards and committees are modifying their bylaws to include citizen involvement as a program component, allowing the Committee for Citizen Involvement to focus on oversight of the Neighborhood Network Program.

At meetings on July 21, September 12 and November 17, 2010, members of the Committee for Citizen Involvement developed revised bylaws and chose a new committee name for Council approval. Members voted to amend the committee name to Neighborhood Involvement Committee to reflect their new mission.

STAFF RECOMMENDATION / ACTION REQUEST

Adopt the attached Resolution and revised bylaws.

KEY FACTS AND INFORMATION SUMMARY

Statewide Planning Goal 1 calls for widespread citizen involvement and requires local jurisdictions to maintain a committee for citizen involvement. In May 2010, staff in Community Development began looking at the type of issues the Committee for Citizen Involvement was handling public involvement for, discovering that few related to land use issues.

Subsequent conversations took place with Anne Debbaut, the city's liaison with the Department of Land Use Conservation & Development and it was determined that Statewide Planning Goal 1 requirements could be met by reassigning citizen involvement duties related to land use to the Tigard Planning Commission. Tigard City Council adopted this change on November 23, 2010 under Resolution No. 10-62.

The Committee for Citizen Involvement met in July, September and November 2010 to discuss focusing citizen involvement efforts through the Neighborhood Network Program they developed. With this change, the group adopted a revised set of bylaws and selected a committee name that reflects their mission- the Neighborhood Involvement Committee (NIC).

OTHER ALTERNATIVES

1. Adopt revised focus with new committee name and bylaws.
2. Make no changes to committee structure.
3. Disband the committee.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

DATES OF PREVIOUS COUNCIL CONSIDERATION

Council discussed these changes on November 23, 2010 as part of a request to amend the city's citizen involvement structure and appoint the Planning Commission to serve as the committee for citizen involvement.

Attachments

Resolution adopting name change and revised bylaws

Clean copy of bylaws for adoption

Redline bylaws

**CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 11-**

A RESOLUTION CHANGING THE NAME OF THE COMMITTEE FOR CITIZEN INVOLVEMENT (CCI) TO THE NEIGHBORHOOD INVOLVEMENT COMMITTEE (NIC) AND ADOPTING NEW BYLAWS

WHEREAS, citizen involvement and two-way communication with residents is a Comprehensive Plan priority; and

WHEREAS, State law requires the city maintain a citizen involvement program that ensures the opportunity for citizens to be actively involved in the land use process; and

WHEREAS, the current Committee for Citizen Involvement's charge goes beyond that of Statewide Planning Goal 1 and a significant amount of time has been dedicated to issues outside of land use; and

WHEREAS, the Committee for Citizen Involvement has been the body charged with oversight of the Neighborhood Network program and fostering its goal of public involvement and communication since its inception; and

WHEREAS, with all public involvement duties related to land use planning transferred to the Tigard Planning Commission in Resolution No.10-62, the mission of the Committee for Citizen Involvement has changed to one that focuses on the Neighborhood Network program and neighborhood involvement; and

WHEREAS, the bylaws and charge statements of other boards, commissions and committees are being modified to specifically require citizen involvement as part of their responsibilities; and

WHEREAS, the present membership of the CCI approved a name change to the Neighborhood Involvement Committee to reflect their new purpose; and

WHEREAS, the existing Committee has developed proposed bylaws for Council consideration, superseding bylaws and membership criteria noted in Resolution Nos.05-04, 07-61 and 07-69; and

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: Bylaws governing the Neighborhood Involvement Committee (NIC) as specified in **Exhibit A** are hereby adopted.

SECTION 2: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2011.

ATTEST:

Mayor - City of Tigard

City Recorder - City of Tigard

RESOLUTION NO. 11 -

Page 1



CITY OF TIGARD
BOARD, COMMISSION, AND COMMITTEE
MODEL BY-LAWS

Exhibit A

SECTION 1. CHARGE AND DUTIES

- A. The Neighborhood Involvement Committee hereafter referred to as the “Board” shall have no powers except as conferred by this resolution, City Charter, Tigard Municipal Code, or the Oregon Revised Statutes.
- B. It shall be the function of the Neighborhood Involvement Committee to act as an advisory body to the City Council.
- C. The Board and its members shall conduct itself in a manner that’s in keeping with applicable city and state laws pertaining to conduct and ethics. Any confirmed violation of the provisions of such laws shall be grounds for removal from the committee.
- D. The Committee for Neighborhood Involvement is charged with advising the City Council on matters pertaining to:
- The oversight of the Neighborhood Network Program and its effectiveness. Specific responsibilities include:
 - Establishing approval criteria and an application process for the Neighborhood Network grant program.
 - Review and approval of applications for the Neighborhood Network grant program based on approved criteria and the program budget.
 - Establishing approval criteria and an application process for the Neighborhood Network Annual Event program.
 - Review and approval of applications for Neighborhood Network annual events based on approved criteria and the program budget.
 - Confirmation of members to individual Neighborhood Network Steering Committees.
 - Establishing standards for Neighborhood Network web pages.
 - Working with the staff liaison to develop an annual committee work program.
 - An annual evaluation of the effectiveness of the Neighborhood Network program.
- E. The Board may form subcommittees to investigate areas relevant to its charge or duties pursuant to this section.

SECTION 2. COMPOSITION

- A. The Board shall consist of 13 members appointed by the City Council with the following representation:
- One representative of each of the city’s 13 active Neighborhood Network Area Steering Committees.



CITY OF TIGARD
BOARD, COMMISSION, AND COMMITTEE
MODEL BY-LAWS

SECTION 3. APPOINTMENTS

- A. Council shall fill vacancies with individuals who meet the compositional requirements listed in Section 2.
- B. Appointments shall be made by the Mayor and City Council.

SECTION 4. TERM OF OFFICE

- A. Board members serve for a term of not more than 4 years.
- B. Any vacancy in the Board shall be filled by appointment by the Council and Mayor for the unexpired portion of the term. The unexpired portion of a term does not count towards the fulfillment of the maximum number of allowed terms.
- C. Members may be reappointed for up to two (2) consecutive terms.
- D. Members shall receive no compensation for their services. Members may be reimbursed for incidental meeting expenses on approval of the staff liaison.
- E. An individual board member may not act in an official capacity except through the action of the board.
- F. A member who seeks to resign from the Board shall submit a written resignation to the chair of the Board, the staff liaison, or the city recorder's office. If possible, the resignation should allow for a thirty (30) day notice so the City Council can appoint a replacement.

SECTION 5. ORGANIZATION OF THE BOARD

- A. At its first meeting of the year, and thereafter annually, the Board shall elect a Chair and a Vice Chair from its members who shall hold office at the pleasure of the Board.
 - i. **Chair.** The chair shall have general directional powers over the Board. The chair shall preside at all meetings and, in consultation with support staff, set the agendas and notify the board of all meeting times and place. The chair shall also be an ex-officio member of all subcommittees and shall be the sole spokesperson for the Board unless this responsibility is delegated to the staff liaison.
 - ii. **Vice Chair.** The vice chair shall assume the responsibilities of the chair if the chair is unable to do so.
- B. If the Chair should resign, the Board shall, at its next meeting, conduct an election and provide a replacement to fill the unexpired term.



CITY OF TIGARD
BOARD, COMMISSION, AND COMMITTEE
MODEL BY-LAWS

- C. Staff liaisons are the primary contacts for City of Tigard boards and the primary interface between these bodies and the City Council, City Manager, and departments. Besides serving as a technical resource, staff liaisons are responsible for meeting logistics, member recruitment and recognition, recordkeeping, and monitoring board effectiveness.

SECTION 6. MEETINGS

- A. The regular meeting of the Board shall be held on the date and time determined by the Board.
- B. The Board shall meet at least 4 times a year, roughly quarterly, at a time and place that is specified at least five (5) days in advance.
- C. The parliamentary authority for the Board is *Robert's Rules of Order Revised*, except where superseded by these bylaws or local, state, or federal law.
- D. The Chair may call a special meeting, and the Chair shall call a special meeting if requested by three or more members. The call shall state the purpose of the meeting. A notice of a special meeting must be in writing and communicated to all members at least three days before the meeting.
- E. Agendas and minutes shall be posted for public notice on the City of Tigard web page and in the lobby of City Hall in compliance with Oregon Public Meetings Law. All meetings shall be open to the public.
- F. A majority of votes of Board members present shall determine the official position of the Board on a given issue.
- G. The Chair shall vote on all matters before the Board unless having declared a conflict of interest.
- H. Board members shall not send or receive electronic communications concerning any matter pending before the Board during a Board meeting
- **Electronic Communications** means e-mail, text messages, or other forms of communications transmitted or received by technological means.
 - **Electronic Communications Devices** means laptop computers, blackberries, cell phones, notebooks, or other similar devices capable of transmitting or receiving messages electronically.
- I. Board member shall not use electronic communication devices to review or access information regarding matters not in consideration before the Board during a Board meeting.



CITY OF TIGARD
BOARD, COMMISSION, AND COMMITTEE
MODEL BY-LAWS

SECTION 7. BOARD MEMBER RESPONSIBILITIES

Members of the Board shall:

- A. Regularly attend meetings and contribute constructively to discussions,*
- B. Consider and discuss issues from a Citywide perspective, as well as that of particular stakeholder or interests,*
- C. Strive to reach consensus on matters under consideration,*
- D. Act with respect and consideration for the viewpoint of others.*

SECTION 8. ATTENDANCE

If a member is unable to attend a meeting, he or she is expected to notify the staff liaison. If a member is absent from 3 consecutive regularly scheduled meetings, the issue shall be placed on the upcoming agenda, and upon majority vote of the Board members present that position may be vacated.

SECTION 9. QUORUM

No official business shall be conducted without a quorum present. A quorum consists of seven (7) members, including any appointed alternates, present and voting. It does not include anyone who cannot participate due to a conflict of interest.

SECTION 10. REMOVAL OF MEMBERS

- A. The City Council may remove members of the Board in accordance with Section 8 Attendance.
- B. The Council may also remove members, when, in its judgment the conduct of a member does not conform to the City of Tigard Code of Conduct for Boards, Commissions and Committees.

SECTION 11. ANNUAL REPORT OF THE BOARD

- A. Not later than December 31st of each year, the Board shall prepare and file its Annual Report to the City Council.
- B. The Annual Report shall include a summary of key activities and proceeding and any specific suggestions or recommendations which the Board believes would be noteworthy to the Council.
- C. The Annual Report shall not be submitted unless approved by the Board.



CITY OF TIGARD
BOARD, COMMISSION, AND COMMITTEE
MODEL BY-LAWS

SECTION 12. AMENDMENTS

These bylaws may be amended by a simple majority vote of all members of the Board at any meeting that has a quorum, provided written notice of the proposed amendment shall have been mailed to all members at least 14 days prior to the meeting at which such action is proposed to be taken.



CITY OF TIGARD
BOARD, COMMISSION, AND COMMITTEE
MODEL BY-LAWS

SECTION 1. CHARGE AND DUTIES

- A. The **Neighborhood Involvement Committee** hereafter referred to as the “Board” shall have no powers except as conferred by this resolution, City Charter, Tigard Municipal Code, or the Oregon Revised Statutes.
- B. It shall be the function of the **Neighborhood Involvement Committee** to act as an advisory body to the City Council.
- C. The Board and its members shall conduct itself in a manner that’s in keeping with applicable city and state laws pertaining to conduct and ethics. Any **confirmed** violation of the provisions of such laws shall be grounds for removal from **office the committee**.
- D. The Committee for Neighborhood Involvement is charged with advising the City Council on matters pertaining to:
- The oversight of the Neighborhood Network Program and its effectiveness. Specific responsibilities include:
 - Establishing approval criteria and an application process for the Neighborhood Network grant program.
 - Review and approval of applications for the Neighborhood Network grant program based on approved criteria and the program budget.
 - Establishing approval criteria and an application process for the Neighborhood Network Annual Event program.
 - Review and approval of applications for Neighborhood Network annual events based on approved criteria and the program budget.
 - Confirmation of members to individual Neighborhood Network Steering Committees.
 - Establishing standards for Neighborhood Network web pages.
 - Working with the staff liaison to develop an annual committee work program.
 - An annual evaluation of the effectiveness of the Neighborhood Network program.
- E. The Board may form subcommittees to investigate areas relevant to its charge or duties pursuant to this section.

SECTION 2. COMPOSITION

- A. The Board shall consist of 13 members appointed by the City Council with the following representation:
- One representative of each of the city’s 13 active Neighborhood Network Area Steering Committees.



CITY OF TIGARD
BOARD, COMMISSION, AND COMMITTEE
MODEL BY-LAWS

SECTION 3. APPOINTMENTS

- A. Council shall fill vacancies with individuals who meet the compositional requirements listed in Section 2.
- B. Appointments shall be made by the Mayor and City Council.

SECTION 4. TERM OF OFFICE

- A. Board members serve for a term of not more than 4 years.
- B. Any vacancy in the Board shall be filled by appointment by the Council and Mayor for the unexpired portion of the term. The unexpired portion of a term does not count towards the fulfillment of the maximum number of allowed terms.
- C. Members may be reappointed for up to **two (2)** consecutive terms.
- D. Members shall receive no compensation for their services. Members may be reimbursed for incidental meeting expenses on approval of the staff liaison.
- E. An individual board member may not act in an official capacity except through the action of the board.
- F. A member who seeks to resign from the Board shall submit a written resignation to the chair of the Board, the staff liaison, or the city recorder's office. If possible, the resignation should allow for a thirty (30) day notice so the City Council can appoint a replacement.

SECTION 5. ORGANIZATION OF THE BOARD

- A. At its first meeting of the year, and thereafter annually, the Board shall elect a Chair and a Vice Chair from its members who shall hold office at the pleasure of the Board.
 - i. **Chair.** The chair shall have general directional powers over the Board. The chair shall preside at all meetings and, in consultation with support staff, set the agendas and notify the board of all meeting times and place. The chair shall also be an ex-officio member of all subcommittees and shall be the sole spokesperson for the Board unless this responsibility is delegated to the staff liaison.
 - ii. **Vice Chair.** The vice chair shall assume the responsibilities of the chair if the chair is unable to do so.
- B. If the Chair should resign, the Board shall, at its next meeting, conduct an election and provide a replacement to fill the unexpired term.



CITY OF TIGARD
BOARD, COMMISSION, AND COMMITTEE
MODEL BY-LAWS

- C. Staff liaisons are the primary contacts for City of Tigard boards and the primary interface between these bodies and the City Council, City Manager, and departments. Besides serving as a technical resource, staff liaisons are responsible for meeting logistics, member recruitment and recognition, recordkeeping, and monitoring board effectiveness.

SECTION 6. MEETINGS

- A. The regular meeting of the Board shall be held on the date and time determined by the Board.
- B. The Board shall meet at least 4 times a year, roughly quarterly, at a time and place that is specified at least five (5) days in advance.
- C. The parliamentary authority for the Board is *Robert's Rules of Order Revised*, except where superseded by these bylaws or local, state, or federal law.
- D. The Chair may call a special meeting, and the Chair shall call a special meeting if requested by three or more members. The call shall state the purpose of the meeting. A notice of a special meeting must be in writing and communicated to all members at least three days before the meeting.
- E. Agendas and minutes shall be posted for public notice on the City of Tigard web page and in the lobby of City Hall in compliance with Oregon Public Meetings Law. All meetings shall be open to the public.
- F. A majority of votes of Board members present shall determine the official position of the Board on a given issue.
- G. The Chair shall vote on all matters before the Board unless having declared a conflict of interest.
- H. Board members shall not send or receive electronic communications concerning any matter pending before the Board during a Board meeting
- **Electronic Communications** means e-mail, text messages, or other forms of communications transmitted or received by technological means.
 - **Electronic Communications Devices** means laptop computers, blackberries, cell phones, notebooks, or other similar devices capable of transmitting or receiving messages electronically.
- I. Board member shall not use electronic communication devices to review or access information regarding matters not in consideration before the Board during a Board meeting.



CITY OF TIGARD
BOARD, COMMISSION, AND COMMITTEE
MODEL BY-LAWS

SECTION 7. BOARD MEMBER RESPONSIBILITIES

Members of the Board shall:

- A. Regularly attend meetings and contribute constructively to discussions,*
- B. Consider and discuss issues from a Citywide perspective, as well as that of particular stakeholder or interests,*
- C. Strive to reach consensus on matters under consideration,*
- D. Act with respect and consideration for the viewpoint of others.*

SECTION 8. ATTENDANCE

If a member is unable to attend a meeting, he or she is expected to notify the staff liaison. If a member is absent from 3 consecutive regularly scheduled meetings, the issue shall be placed on the upcoming agenda, and upon majority vote of the Board members present that position may be vacated.

SECTION 9. QUORUM

No official business shall be conducted without a quorum present. A quorum consists of **seven (7)** members, including any appointed alternates, present and voting. It does not include anyone who cannot participate due to a conflict of interest.

SECTION 10. REMOVAL OF MEMBERS

- A. The City Council may remove members of the Board in accordance with Section 8 Attendance.
- B. The Council may also remove members, when, in its judgment the conduct of a member does not conform to the City of Tigard Code of Conduct for Boards, Commissions and Committees.

SECTION 11. ANNUAL REPORT OF THE BOARD

- A. Not later than December 31st of each year, the Board shall prepare and file its Annual Report to the City Council.
- B. The Annual Report shall include a summary of key activities and proceeding and any specific suggestions or recommendations which the Board believes would be noteworthy to the Council.
- C. The Annual Report shall not be submitted unless approved by the Board.



CITY OF TIGARD
BOARD, COMMISSION, AND COMMITTEE
MODEL BY-LAWS

SECTION 12. AMENDMENTS

These bylaws may be amended by a simple majority vote of all members of the Board at any meeting that has a quorum, provided written notice of the proposed amendment shall have been mailed to all members at least 14 days prior to the meeting at which such action is proposed to be taken.

DRAFT

AIS-302

Item #: 3. D.

Business Meeting

Date: 01/25/2011

Length (in minutes): Consent Item

Agenda Title: Schedule a Public Hearing for Vacation of Right-of-Way on Burnham Street Adjacent to Matsumoto Property

Submitted By: Cheryl Caines
Community Development

Item Type: Resolution

Meeting Type:

Consent Agenda

ISSUE

Should the City initiate vacation proceedings and schedule a public hearing to consider vacating 114 square feet of unimproved public right-of-way adjacent to the Matsumoto property located at 8770 SW Burnham Street? The area to be vacated is on the south side of Burnham Street, approximately 200 feet west of the Hall Boulevard intersection.

STAFF RECOMMENDATION / ACTION REQUEST

Approve the attached Resolution initiating proceedings to consider vacating a section of right-of-way including a public hearing before Council on March 8, 2011.

KEY FACTS AND INFORMATION SUMMARY

As part of the Burnham Street project, the street was realigned. A driveway reconfiguration for the Matsumoto property resulted in a 114 square foot portion of unimproved and unused right-of-way. In conversations with the previous City Engineer, the adjacent property owners (William and Nina Matsumoto) have requested that the this portion of the public right-of-way be deeded to them.

In the City vacation process there are two ways of initiating the vacation of streets, easements and other public dedicated areas. The City Council may initiate vacation proceedings by passing a Resolution to schedule a formal public hearing to consider such a vacation. The second option is for an applicant to file a petition with the Planning Commission requesting a vacation. This requires signatures of all abutting property owners and of the owners of two-thirds of the properties affected by the vacation. The Planning Commission then makes a recommendation to the City Council based on compliance with the Comprehensive Plan.

In this case the City Council is being asked to initiate the vacation proceedings and schedule the required public hearing because the adjacent property owner was impacted by access management associated with the Burnham Street project. This request is coming before the City Council at this time because the agreements with a neighboring property owner for a second, shared access have now been finalized.

OTHER ALTERNATIVES

The City Council may decide not to initiate the right-of-way vacation proceedings. The property owners (Matsumoto) will then need to file a petition with the Planning Commission to begin the process.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

This request is not associated with any Council goals, policies, or approved master plans.

DATES OF PREVIOUS COUNCIL CONSIDERATION

This issue has not previously been considered by City Council.

Attachments

Burnham Vacation Resolution
Burnham Vacation Vicinity Map

**CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 11- _____**

A RESOLUTION SETTING A DATE OF A PUBLIC HEARING REGARDING THE VACATION OF AN APPROXIMATELY 114 SQUARE FOOT PORTION OF THE BURNHAM STREET PUBLIC RIGHT OF WAY WHICH IS ADJACENT TO 8770 SW BURNHAM STREET (WASHINTON COUNTY TAX MAP 2S102DA TAX LOT 300) AND LIES APPROXIMATELY 200 FEET WEST OF HALL BOULEVARD.

WHEREAS, City of Tigard Public Works has requested the Vacation proceedings to vacate an approximately 114 square foot portion of right-of-way which had previously been dedicated to the public; and

WHEREAS, Tigard City Council finds it appropriate to initiate Vacation proceedings for the requested public right-of-way vacation.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The Tigard City Council hereby initiates a request for the vacation of an approximately 114 square foot portion of public right-of-way and more particularly described and shown in Exhibits A and B and by reference made a part thereof.

SECTION 2: A public hearing is hereby called to be held by the City Council on March 8, 2011 at 7:30 p.m. in the Town Hall at Tigard City Hall, 13125 SW Hall Boulevard, within the City of Tigard, at which time and place the Council will hear any objections thereto and any interested person may appear and be heard for or against the proposed vacation of said public right-of-way.

SECTION 3: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____, 2011.

Craig Dirksen, Mayor

ATTEST:

Catherine Wheatley, City Recorder

RESOLUTION NO. 11 - _____

RIGHT-OF-WAY

VACATION FOR SW BURNHAM STREET

A tract of land situated in the east one half of Section 2, Township 2 South Range 1 West of the Willamette Meridian, in the city of Tigard, Washington County, Oregon, Described as follows:

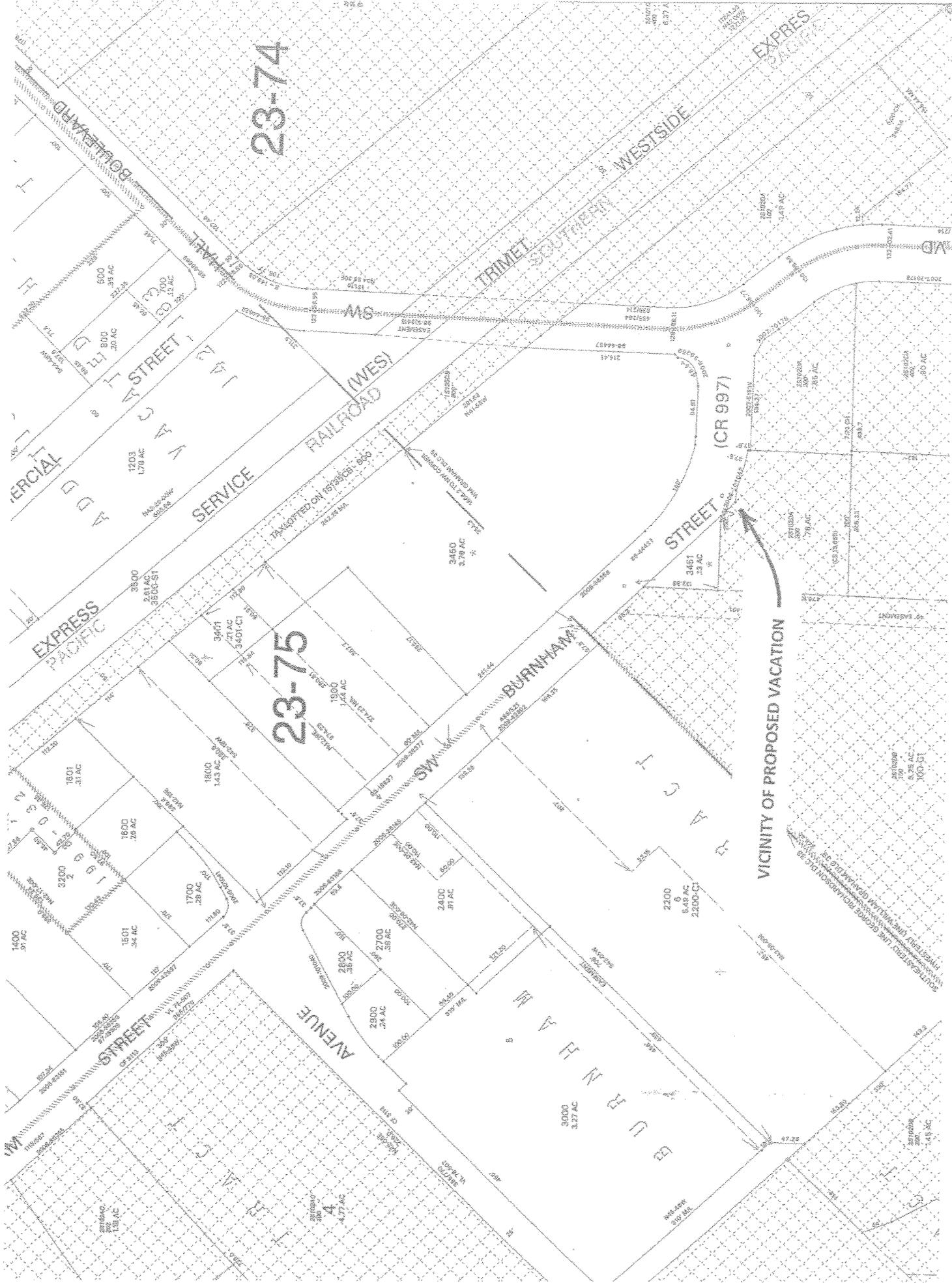
Commencing at the Northwest corner of the tract of land described in Book 125 Page 66 of the Washington County Deed Records; Thence N 02° 14' 22" E a distance of 182.70 feet to a 5/8" Iron Rod as set in Survey No. 13665 of the Washington County Survey Records; Thence S 88° 09' 22" E a distance of 105.62 to the southwesterly Right-of-Way of County Road 997, SW Burnham Street; Thence S 43° 16' 11" E, along said southwesterly Right-of-Way, a distance of 28.32 feet to the angle point in said southwesterly right-of-Way and **The True Point of Beginning**; Thence S 88° 09' 22" E, along the southerly Right of Way, a distance of 18.84 feet to a point of the southerly right of way of SW Burnham Street 37.50 feet southerly of the center line as shown in Survey No. 31307 of the Washington county Survey Records and a point on a non-tangent curve to the left; Thence along said curve to the left with a radius of 312.50 feet, a central angle of 06° 23' 17" (a chord which bears N 65° 42' 35" W, 34.82 feet) and a length of 34.84 feet to a point of the southwesterly line of County Road 997; Thence S 43° 16' 11" E, along said southwesterly line, a distance of 18.74 feet to the true point of beginning.

Containing 114 square feet .

23-74

23-75

2S 102AD



VICINITY OF PROPOSED VACATION

AIS-145

Item #: 3. E.

Business Meeting

Date: 01/25/2011

Length (in minutes): Consent Item

Agenda Title: Approve Transfer of Hall Blvd. Right-of-Way Located at the Knoll @ Tigard Project to the Oregon Department of Transportation

Submitted By: Agustin Duenas
Community Development

Item Type: Resolution

Meeting Type:

Consent Agenda

ISSUE

Shall City Council approve a quitclaim deed to the Oregon Department of Transportation covering approximately 4,608 square feet of right-of-way along the Hall Boulevard frontage of the Knoll at Tigard development project?

STAFF RECOMMENDATION / ACTION REQUEST

Staff recommends that City Council pass the attached resolution approving the quitclaim deed to the Oregon Department of Transportation for the right-of-way described in the attached documents, and authorize the City Manager to sign the deed.

KEY FACTS AND INFORMATION SUMMARY

- The land use approval for the Knoll at Tigard, a 48-unit affordable, senior housing complex located at the northeast corner of the SW Hall Boulevard/SW Hunziker Street intersection, required dedication of right-of-way along SW Hall Boulevard, SW Hunziker Street, and SW Knoll Drive and construction of half-street improvements along those streets.
- Because ODOT has jurisdiction over Hall Boulevard, a district highway, transfer of the dedicated right-of-way needs to be made to ODOT.
- To ensure timely issuance of permits so that construction could begin on the project, both ODOT and the City agreed to dedication of the necessary frontage along Hall Boulevard to the City, followed by subsequent transfer of that property to ODOT, would be sufficient for issuance of the permits required to begin the project.
- The City's standard dedication documents transfer property for use as public right-of-way but does not specifically transfer fee title to the City.
- The Knoll at Tigard, LLC, dedicated the Hall Boulevard right-of-way to the City via Dedication Deed recorded with Washington County as Document No. 2010-028168 dated April 13, 2010.
- Because ODOT requires fee title to any property transferred to that agency, the dedication deed is not sufficient to transfer ownership of the dedicated right-of-way to ODOT.
- Approval of a quitclaim deed from the City to ODOT followed by execution of a Donation Deed from the property owner transferring fee title to ODOT is acceptable to that agency.
- Council is requested to pass the attached resolution approving the quitclaim deed and authorizing the City Manager and City Recorder to sign the deed.
- A Donation Deed transferring fee title to ODOT will be executed by the property owner following approval and recordation of the quitclaim deed.
- The dedication of the right-of-way to the City was at no cost to the City, and the subsequent transfer to ODOT proposed in this Council action will likewise be at no cost to the City or ODOT.

OTHER ALTERNATIVES

N/A

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

The current Regional Transportation Plan adopted by Metro requires SW Hall Boulevard between Pacific Highway and Durham Road to be a 5-lane facility as the ultimate section. The dedication to ODOT would provide the right-of-way needed on the east side of Hall along the Knoll at Tigard frontage to accommodate that ultimate road section.

DATES OF PREVIOUS COUNCIL CONSIDERATION

There has been no previous Council consideration of this matter

Fiscal Impact

Fiscal Information:

The right of way was originally granted to the City at no cost so this resolution transfers the right of way to ODOT at no cost. Therefore there is no fiscal impact.

Attachments

Resolution Approving Quitclaim Deed

Exhibit A to Resolution

Dedication Deed for Hall ROW

**CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 11-**

A RESOLUTION APPROVING A QUITCLAIM DEED TO THE OREGON DEPARTMENT OF TRANSPORTATION FOR RIGHT-OF-WAY ON HALL BOULEVARD PREVIOUSLY DEDICATED TO THE CITY OF TIGARD FOR RIGHT-OF-WAY PURPOSES.

WHEREAS, the land use approval for the Knoll at Tigard project, a 48-unit affordable, senior housing complex located at the northeast corner of the SW Hall Boulevard/SW Hunziker Street intersection, required dedication of right-of-way along SW Hall Boulevard; and

WHEREAS, the transfer of right-of-way needs to be made to the Oregon Department of Transportation (ODOT), the agency with jurisdiction over Hall Boulevard; and

WHEREAS, to allow for timely issuance of permits so that project funding could be secured, both ODOT and the City agreed that dedication of the necessary frontage along Hall Boulevard to the City followed by subsequent transfer of that property to ODOT would be sufficient for ODOT permit issuance; and

WHEREAS, the standard dedication documents executed by the City and the Knoll at Tigard, LLC, do not transfer fee title to the City; and

WHEREAS, approval of a quitclaim deed from the City to ODOT for the dedicated right-of-way followed by execution of a Donation Deed from the property owner transferring fee title to ODOT is acceptable to that agency.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The City Council hereby approves the Quitclaim Deed attached as Exhibit A and authorizes the Mayor to execute the agreement documents.

SECTION 2: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2011.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

Exhibit A

QUITCLAIM DEED

CITY OF TIGARD, a municipal corporation, Grantor, being the holder of an interest in the hereinafter described property as evidenced by that certain Dedication Deed recorded April 13, 2010, in Document No. 2010-028168, Records of Washington County, Oregon, for no monetary consideration does relinquish and forever quitclaim unto the **STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION**, Grantee, all of Grantor's right, title, and interest in and to the property described on **Legal Description dated March 6, 2010**, attached hereto and by this reference made a part hereof.

Grantor agrees that the consideration recited herein is just compensation for the property or property rights conveyed, including any and all damages to Grantor's remaining property, if any, which may result from the acquisition or use of said property or property rights. However, the consideration does not include damages resulting from any use or activity by Grantee beyond or outside of those uses expressed herein, if any, or damages arising from any negligence.

In construing this document, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this document shall apply equally to corporations and to individuals.

SEND TAX STATEMENT TO: NO CHANGE

RETURN TO
OREGON DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY SECTION
4040 FAIRVIEW INDUSTRIAL DRIVE SE MS#2
SALEM OR 97302-1142

Map and Tax Lot #:

Property Address:

It is understood and agreed that the delivery of this document is hereby tendered and that terms and obligations hereof shall not become binding upon the State of Oregon Department of Transportation, unless and until accepted and approved by the recording of this document.

Dated this _____ day of _____, 20_____.

APPROVED AS TO FORM:

CITY OF TIGARD, a municipal corporation

By _____
City Attorney

By _____
Mayor

By _____
City Recorder

STATE OF OREGON, County of _____

Dated _____, 20_____. Personally appeared _____
and _____, who, being sworn, stated that they are the Mayor and City Recorder of the
City of Tigard, Oregon, a municipal corporation, and that this instrument was voluntarily signed on behalf of said municipal
corporation by authority of its Resolution No. _____, passed by the Council of said City on
this _____ day of _____, 20_____.

Notary Public for Oregon
My Commission expires _____

Accepted on behalf of the Oregon Department of Transportation

MARCH 6, 2010
LEGAL DESCRIPTION
HALL BOULEVARD DEDICATION

W.B. WELLS & ASSOC., INC. – JOB NO. 08-180

A PORTION OF LOTS 3, 4, AND 5 OF THE DULY RECORDED PLAT OF "KNOLL ACRES", WASHINGTON COUNTY PLAT RECORDS, SITUATED IN THE NORTHEAST ONE-QUARTER OF SECTION 2, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, IN THE CITY OF TIGARD, WASHINGTON COUNTY, OREGON, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 3, ALSO BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SW KNOLL DRIVE AS PRESENTLY LOCATED (BEING 25.00 FEET SOUTH OF CENTERLINE WHEN MEASURED AT RIGHT ANGLES);

THENCE NORTH 83°26'05" WEST, PARALLEL WITH AND 25.00 FEET SOUTH OF THE CENTERLINE OF SW KNOLL DRIVE, A DISTANCE OF 136.78 FEET TO A POINT THAT IS 50.00 FEET EAST OF THE CENTERLINE OF SW HALL BOULEVARD WHEN MEASURED AT RIGHT ANGLES, AND THE TRUE POINT OF BEGINNING;

THENCE SOUTH 00°45'00" EAST, PARALLEL WITH AND 50.00 FEET EAST OF SAID CENTERLINE OF SW HALL BOULEVARD, A DISTANCE OF 310.54 FEET TO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SW HUNZIKER STREET AS PRESENTLY LOCATED (BEING 30.00 FEET NORTHEAST OF CENTERLINE WHEN MEASURED AT RIGHT ANGLES);

THENCE NORTH 61°01'39" WEST, PARALLEL WITH AND 30.00 FEET NORTHEAST OF THE CENTERLINE OF SW HUNZIKER STREET, A DISTANCE 17.27 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SW HALL BOULEVARD AS PRESENTLY LOCATED (BEING 35.00 FEET EASTERLY OF THE CENTERLINE OF SW HALL BOULEVARD WHEN MEASURED AT RIGHT ANGLES);

THENCE NORTH 00°45'00" WEST, PARALLEL WITH AND 35.00 FEET EAST OF THE CENTERLINE OF SW HALL BOULEVARD, A DISTANCE OF 303.90 FEET TO SAID SOUTHERLY RIGHT-OF-WAY LINE OF SW KNOLL DRIVE;

THENCE SOUTH 83°26'05" EAST, PARALLEL WITH AND 25.00 FEET SOUTH OF THE CENTERLINE OF SW KNOLL DRIVE, A DISTANCE OF 15.12 FEET TO THE TRUE POINT OF BEGINNING;

CONTAINING 4,608 SQUARE FEET

RETURN RECORDED DOCUMENT TO:
CITY HALL RECORDS DEPARTMENT,
CITY OF TIGARD
13125 SW Hall Blvd.
Tigard, OR 97223

Washington County, Oregon 2010-028168
04/13/2010 04:38:16 PM
D-DD Cnt=1 Stn=21 RECORDS1
\$15.00 \$5.00 \$11.00 \$15.00 - Total = \$46.00



01472347201000281680030037

I, Richard Hobernicht, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.

Richard Hobernicht, Director of Assessment and Taxation, Ex-Officio County Clerk



CORPORATION

File No. SDR 2009-00005

DEDICATION DEED

FOR ROAD OR STREET PURPOSES

Space above reserved for Washington County Recording information

The Knoll at Tigard LLC

_____ does hereby dedicate to the City of Tigard a perpetual right-of-way for street, road, and utility purposes on, over, across, under, along, and within the following described real properties in Washington County, Oregon:

Attached Exhibit "A"

The grantors hereby covenant that they are the owner in fee simple and the property is free of all liens and encumbrances, they have good and legal right to grant their right above-described, and they will pay all taxes and assessments due and owing on the property.

The true consideration for this conveyance is \$ 0.00. However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration.

IN WITNESS WHEREOF, I hereunto set my hand on this 12th day of April, 2010.

The Knoll at Tigard LLC

Name of Corporation

Address

6380 SW Capitol Highway #151

Portland, OR 97239

Tax Statement Mailing Address (if different from above)

The Knoll at Tigard LLC

**By: Community Partners for Affordable Housing
Its: Sole Member**

Signature

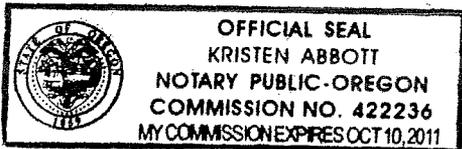
Sheila Greenlaw-Fink, Its Executive Director

Title

STATE OF OREGON)

County of Multnomah) ss.
Washington)

This instrument was acknowledged before me on April 12, 2010 (date) by Sheila Greenlaw-Fink
(name(s) of person (s)) as Executive Director (type of authority, e.g., officer, trustee, etc.) of
The Knoll at Tigard LLC (name of party on behalf of whom instrument was executed).



Notary's Signature

My Commission Expires: Oct. 10, 2011

Accepted on behalf of the City of Tigard this 13 day of April, 2010.

[Signature]
City Engineer

MARCH 6, 2010
LEGAL DESCRIPTION
HALL BOULEVARD DEDICATION

W.B. WELLS & ASSOC., INC. - JOB NO. 08-180

A PORTION OF LOTS 3, 4, AND 5 OF THE DULY RECORDED PLAT OF "KNOLL ACRES", WASHINGTON COUNTY PLAT RECORDS, SITUATED IN THE NORTHEAST ONE-QUARTER OF SECTION 2, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, IN THE CITY OF TIGARD, WASHINGTON COUNTY, OREGON, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 3, ALSO BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SW KNOLL DRIVE AS PRESENTLY LOCATED (BEING 25.00 FEET SOUTH OF CENTERLINE WHEN MEASURED AT RIGHT ANGLES);

THENCE NORTH $83^{\circ}26'05''$ WEST, PARALLEL WITH AND 25.00 FEET SOUTH OF THE CENTERLINE OF SW KNOLL DRIVE, A DISTANCE OF 136.78 FEET TO A POINT THAT IS 50.00 FEET EAST OF THE CENTERLINE OF SW HALL BOULEVARD WHEN MEASURED AT RIGHT ANGLES, AND THE TRUE POINT OF BEGINNING;

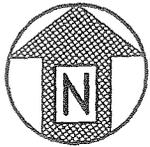
THENCE SOUTH $00^{\circ}45'00''$ EAST, PARALLEL WITH AND 50.00 FEET EAST OF SAID CENTERLINE OF SW HALL BOULEVARD, A DISTANCE OF 310.54 FEET TO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SW HUNZIKER STREET AS PRESENTLY LOCATED (BEING 30.00 FEET NORTHEAST OF CENTERLINE WHEN MEASURED AT RIGHT ANGLES);

THENCE NORTH $61^{\circ}01'39''$ WEST, PARALLEL WITH AND 30.00 FEET NORTHEAST OF THE CENTERLINE OF SW HUNZIKER STREET, A DISTANCE 17.27 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SW HALL BOULEVARD AS PRESENTLY LOCATED (BEING 35.00 FEET EASTERLY OF THE CENTERLINE OF SW HALL BOULEVARD WHEN MEASURED AT RIGHT ANGLES);

THENCE NORTH $00^{\circ}45'00''$ WEST, PARALLEL WITH AND 35.00 FEET EAST OF THE CENTERLINE OF SW HALL BOULEVARD, A DISTANCE OF 303.90 FEET TO SAID SOUTHERLY RIGHT-OF-WAY LINE OF SW KNOLL DRIVE;

THENCE SOUTH $83^{\circ}26'05''$ EAST, PARALLEL WITH AND 25.00 FEET SOUTH OF THE CENTERLINE OF SW KNOLL DRIVE, A DISTANCE OF 15.12 FEET TO THE TRUE POINT OF BEGINNING;

CONTAINING 4,608 SQUARE FEET



GRAPHIC SCALE



(IN FEET)
1 INCH = 50 FT.

SW HALL BLVD

SW KNOLL DR

S83°26'05"E
15.12'

CURRENT R-O-W
S83°26'05"E 136.78'

25.00'
27.00'

PROPOSED R-O-W BY
SEPARATE DEDICATION

TRUE POINT
OF BEGINNING

POINT OF
COMMENCEMENT
NE CORNER LOT 3
KNOLL ACRES

LOT 3

50.00'
35.00'
15.00'

DEDICATION AREA
4,608 SQUARE FEET

N00°45'00"W 303.90'

S00°45'00"E 310.54'

LOT 4

A C R E S

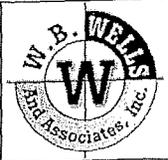
K N O L L
LOT 5

PROPOSED R-O-W BY
SEPARATE DEDICATION

N61°01'39"W
17.27'

SW HUNZIKER ST

CURRENT R-O-W
30.00'
37.00'



W.B. WELLS
and associates, inc.
ENGINEERS-SURVEYORS-PLANNERS
4230 NE FREMONT STREET
PORTLAND, OREGON 97213
PHONE:(503) 284-5896 FAX:(503) 284-8530
e-mail address: info@wbwells.com

HALL BLVD DEDICATION

FOR

THE KNOLL AT TIGARD APARTMENTS, LP
A PORTION OF LOTS 3-5, "KNOLL ACRES", SITUATED IN
THE NORTHEAST 1/4 OF SECTION 2, T2S, R1W, W.M., CITY
OF TIGARD, WASHINGTON COUNTY, OREGON

DRAWN BY: BB

SCALE: 1"=50' DATE: 4-6-10

JOB NO: 08-180

FILE: P:\08-180\08180

dedications.DWG

AIS-319

Item #: 3. F. 1.

Business Meeting

Date: 01/25/2011

Length (in minutes): Consent Item

Agenda Title: Approve Purchase of a Vactor Truck from Owens Equipment

Prepared For: Joseph Barrett

Submitted By: Joseph Barrett
Financial and
Information Services

Item Type: Motion Requested

Meeting Type: Consent Agenda -
LCRB

ISSUE

Shall the Local Contract Review Board approve the purchase of a new catch basin cleaner truck from Owen Equipment utilizing a Washington State Department of Transportation contract?

STAFF RECOMMENDATION / ACTION REQUEST

Staff recommends that the Local Contract Review Board approve the purchase of the Vactor 2110 J6 catch basin cleaner truck from Owen Equipment through the State of Washington Department of Transportation contract for the equipment and authorize the City Manager to carry out any steps necessary to execute the purchase.

KEY FACTS AND INFORMATION SUMMARY

The City is in need of replacing an aging catch basin cleaner truck. This truck is heavily used by the Public Works Department and has a fleet-life expectancy of 10 years. The City's current truck was purchased in 2001 and is entering a stage where maintenance will be costly.

In researching replacement options for the truck, staff was made aware of an existing contract that the Washington State Department of Transportation (WADOT) had for same type of truck. In examining the contract from a standpoint of helping with the creation of a City-issued Invitation to Bid, staff discovered that not only were the base specification and available option packages what the City was looking for but also that the City was able to piggyback off the contract through our membership in the Oregon Cooperative Purchasing Program (ORCPP.)

Under Oregon Revised Statute (ORS) 279A.220, the City is eligible for an interstate cooperative purchase which is what a purchase under the WADOT contract would be. In purchasing the truck under this type of agreement, the City will save money on staff time, materials, and advertisement typical of running a full Invitation to Bid. The estimated cost of the catch basin cleaning truck, a Vactor 2110 J6, through Owen Equipment, one of the contractors under the WADOT contract, is just over \$336,000. Staff recommends that the Local Contract Review approve the purchase of the catch basin cleaner truck from Owen Equipment utilizing the existing WADOT contract.

OTHER ALTERNATIVES

The Local Contract Review Board could decline this award and direct staff to conduct a City-issued Invitation to Bid for the truck. Such direction would add expenses to the purchase of the truck however via staff time, materials, and advertisements.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

N/A

DATES OF PREVIOUS COUNCIL CONSIDERATION

N/A

Fiscal Impact

Cost: \$336,000

Budgeted (yes or no): Yes

Where Budgeted (department/program): Public Works - Sanitary Sewer (500-6600-56003)

Additional Fiscal Notes:

The anticipated cost of the new catch basin cleaner truck is \$336,000. This is below the budgeted amount of \$350,000 for the purchase in the City's Sanitary Sewer Fund.

AIS-305

Item #: 3. F. 2.

Business Meeting

Date: 01/25/2011

Length (in minutes): Consent Item

Agenda Title: Award Contract for Meter Reading Services to Metereaders, LLC

Prepared For: Debbie Smith-Wagar

Submitted By: Joseph Barrett
Financial and
Information Services

Item Type: Motion Requested

Meeting Type: Consent Agenda -
LCRB

ISSUE

Shall the Local Contract Review Board award a contract for meter reading services to Metereaders, LLC?

STAFF RECOMMENDATION / ACTION REQUEST

Staff recommends that the Local Contract Review Board award a contract to Metereaders, LLC for the City's water meter reading needs and authorize the City Manager to carry out all necessary steps to execute the contract.

KEY FACTS AND INFORMATION SUMMARY

The City currently reads and bills approximately 108,000 water meters annually. These meters were historically broken into 8 groups, each of which was read and billed every two months. These groups range in size from 1,850-3,000 meters each. The City, as of January 2011, has moved to a monthly billing cycle for all water customers. The City strives to continue to provide the City's residential and commercial customers with accurate bills and cannot do this solely with existing staff. While the City will continue to read approximately one-half of the meters each month with existing staff, contracted assistance is necessary.

In mid-November, staff issued a Request for Proposal for water meter reading services. The City received two proposals in response to the Request for Proposal; one from Metereaders, LLC and one from Contract Callers, Inc. Criteria used to evaluate the proposals included the following:

- Firm Qualifications (50%)
- Approach to the Project (20%)
- Fee Structure (30%)

After a review of the proposals using the criteria laid out in the Request for Proposal, the RFP's selection team concluded that Metereaders, LLC best meets the City's current needs.

OTHER ALTERNATIVES

No other alternatives were determined to exist at this time.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

N/A

DATES OF PREVIOUS COUNCIL CONSIDERATION

N/A

Fiscal Impact

Cost: \$55,000

Budgeted (yes or no): No

Where Budgeted (department/program): 2200 - Utility Billing

Additional Fiscal Notes:

The budget adjustment will be part of a larger omnibus budget amendment that will be coming to Council later this year with Water Fund revenue as the funding source. The Utility Billing division currently has enough budget authority to begin this contract. This contract has no minimum or maximum; the contractor will read the number of meters that the City asks to be read each week. The contractor is charging 49 cents per meter for regular reads and 59 cents for any meters that we ask them to read with less than 2 weeks advance notice.

AIS-188

Item #: 4.

Business Meeting

Date: 01/25/2011

Length (in minutes): 20 Minutes

Agenda Title: Informational Public Hearing to Consider a Resolution Establishing SW 100th Avenue Sanitary Sewer Reimbursement District No. 42

Prepared For: Ted Kyle

Submitted By:

Ted Kyle
Public Works

Item Type: Resolution
Public Hearing - Informational

Meeting Type:

Council Business
Meeting - Main

ISSUE

Shall the City Council hold a public hearing and consider a resolution establishing SW 100th Avenue Sanitary Sewer Reimbursement District No. 42?

STAFF RECOMMENDATION / ACTION REQUEST

Staff recommends the City Council hold the public hearing and adopt the resolution forming the reimbursement district.

KEY FACTS AND INFORMATION SUMMARY

- Under the Citywide Sanitary Sewer Extension Program, the City installs public sewers to each lot within a reimbursement district. At the time of connecting to the public sewer, the property owner:
 - Pays a connection and inspection fee, currently \$4,135.
 - Reimburses the City for the owner's share of the sewer installation.
 - Is responsible for any plumbing modifications to connect to the public sewer.
 - Is responsible for disconnecting the owner's existing septic system in accordance with Washington County regulations.
- On February 10, 2010, staff held a neighborhood meeting with the property owners within the proposed district. The project procedure, construction schedule and estimated costs were discussed. Several owners were concerned about the status of a land use permit for the development of several lots within the proposed district. Recently the status of the development was resolved; no development activity is currently proposed. Another owner requested evaluation of alternative sewer routes. This evaluation was performed; the original route remains the most efficient option.
- To update owners and solicit additional input on the reimbursement district, another neighborhood meeting was held on December 16, 2010. Eleven of the 23 owners were represented at the meeting. The written comments from three of the owners are attached. Owners were generally supportive of the project although concerns about future development remained. In a telephone call, one owner said that the sewers were not needed and would promote development that would change the character of the neighborhood. Following the meeting, post cards requesting additional comments were delivered to each house. Seven postcards were returned to the city and are attached. All responses supported the project.
- The owners have been notified of the hearing by mail. The notice and mailing list are attached.
- If the Council approves the resolution to form the reimbursement district, the City will solicit bids from contractors to construct the public sewer line.
- Once sewer line construction is completed and actual costs are determined, the Council will be asked to consider a subsequent resolution to finalize the reimbursement district.

OTHER ALTERNATIVES

The Council could choose not to establish the reimbursement district, and construction of the public sewer line would likely be abandoned.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

The proposed Reimbursement District meets Goal No.1, “Implement Comprehensive Plan,” by furthering Comprehensive Goal 11.3, “Develop and maintain a wastewater collection system that meets the existing and future needs of the community.”

DATES OF PREVIOUS COUNCIL CONSIDERATION

This is the first time the SW 100th Avenue Sanitary Sewer Reimbursement District has come before the Council.

Attachments

Resolution

Exhibit A - City Engineer's Report

Exhibit B - Property Map

Hearing Notice & Mailing List

Owners' Written Comments from Dec 16 Neighborhood Meeting

Owner Postcards Following Dec 16 Neighborhood Meeting

Vicinity Map

Resolution No. 01-46 Establishing the Early Connection Incentive

Resolution No. 03-55 Modifying the Early Connection Incentive

**CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 11-**

A RESOLUTION ESTABLISHING SANITARY SEWER REIMBURSEMENT DISTRICT NO. 42
(SW 100TH AVENUE)

WHEREAS, the City has initiated the Citywide Sanitary Sewer Extension Program to extend public sewers and recover costs through reimbursement districts in accordance with TMC Chapter 13.09; and

WHEREAS, the property owners of proposed Sanitary Sewer Reimbursement District No. 42 (SW 100th Avenue) have been notified of a public hearing in accordance with TMC 13.09.060 and a public hearing was conducted in accordance with TMC 13.09.050; and

WHEREAS, the City Engineer has submitted a report describing the improvements, the area to be included in the reimbursement district, the estimated costs, a method for spreading the cost among the parcels within the district, and a recommendation for an annual fee adjustment; and

WHEREAS, the City Council has determined that the formation of a reimbursement district as recommended by the City Engineer is appropriate.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

- SECTION 1: The City Engineer's report titled "Sanitary Sewer Reimbursement District No. 42," attached hereto as Exhibit A, is hereby approved.
- SECTION 2: A reimbursement district is hereby established in accordance with TMC Chapter 13.09. The District shall be the area shown and described in Exhibit B. The district shall be known as "Sanitary Sewer Reimbursement District No. 42."
- SECTION 3: Payment of the reimbursement fee, as shown in Exhibit A, is a precondition of receiving City permits applicable to development of each parcel within the reimbursement district as provided for in TMC 13.09.110.
- SECTION 4: An annual fee adjustment, at a rate recommended by the Finance Director, shall be applied to the reimbursement fee.
- SECTION 5: The City Recorder shall cause a copy of this resolution to be filed in the office of the County Recorder and shall mail a copy of this resolution to all affected property owners at their last known address, in accordance with TMC 13.09.090.
- SECTION 6: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2011.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

Exhibit A
City Engineer's Report
Sanitary Sewer Reimbursement District No. 42
(SW 100th Avenue)

Background

This project will be constructed and funded under the Citywide Sanitary Sewer Extension Program. Under the program, the City of Tigard installs public sewers to each lot within an established reimbursement district. At the time of connecting to the public sewer, the property owner:

- Pays a connection and inspection fee, currently \$4,135.
- Reimburses the City for the owner's share of the sewer installation.
- Is responsible for any plumbing modifications to connect to the public sewer.
- Is responsible for disconnecting the owner's existing septic system in accordance with Washington County regulations.

There is no requirement to connect to the sewer or pay any fee until connection is made.

Project Area - Zone of Benefit

Serving the 23 lots in the following table requires extending an existing sewer in SW 100th Avenue through an easement connecting to SW View Terrace. No further extension of this line will be required. The surrounding area is completely served with sewer.

The proposed project would provide sewer service to a total of 23 lots within the proposed reimbursement district as shown on Exhibit B to the proposed resolution.

Cost

The estimated cost to provide sanitary sewers to the 23 lots is \$554,785.

Construction		\$470,397
Purchasing Easements		\$20,885
Engineering and Inspection *		\$63,503
Total		\$554,785

* 13.5 percent as defined in TMC 13.09.040(1)

This is the estimated amount that will be reimbursed to the sanitary sewer fund as property owners connect to the sewer and pay their share of the project costs. However, the actual amount each property owner pays may be affected by the property owner's participation in the City's early connection incentive program.

In addition to sharing the cost of the public sewer, each property owner will be required to pay a connection and inspection fee, currently \$4,135, upon connection to the public line.

Owners will be responsible for all plumbing costs required for work done on private property.

Reimbursement Rate

All but three of the northernmost properties in the proposed district are zoned R3.5. The remaining three properties are zoned R12 but are expected to receive similar benefits. Consequently, applying the same method of assigning costs to all lots within the district is proposed. Lot size varies from about 14,300 to 57,000 square feet as shown in the attached Estimated Cost to Property Owners list. Therefore, it is recommended that the total cost of the project be divided among the properties proportional to the square footage of each property.

Other reimbursement methods include dividing the cost equally among the owners or by the length of frontage of each property. These methods are not recommended because there is no correlation between these methods and the cost of providing service to each lot or the benefit to each lot.

Each property owner's estimated fair share of the public sewer line is \$0.95008 per square foot of lot served. In accordance with Resolution No. 01-46, owners who complete their connection within three years of City Council approval of the Final City Engineer's report are eligible for incentives. Under these incentives, each owner's share would be limited to \$6,000, to the extent that this share does not exceed \$15,000. In addition to paying for the first \$6,000, owners are responsible for paying all actual costs that exceed \$15,000. Upon request, payment of costs that exceed \$15,000 may be deferred until the lot is developed, as provided by Resolution No. 03-55.

Annual Fee Adjustment

TMC 13.09.115 states that an annual percentage rate shall be applied to each property owner's share of the public sewer costs on the anniversary date of the reimbursement agreement. The Finance Director has set the annual interest rate at 6.05% as stated in Resolution No. 98-22.

Recommendation

It is recommended that a reimbursement district be formed with an annual fee increase as indicated above and that the reimbursement district continue for fifteen years as provided in Tigard Municipal Code (TMC) 13.09.110(5). Fifteen years after the formation of the reimbursement district, properties connecting to the sewer would no longer be required to pay the reimbursement fee.

Submitted January 10, 2011

Theodore S. Kyle, P.E.
City Engineer

100TH AVENUE
Reimbursement District No. 42
Estimated Cost to Property Owners
January 4, 2011

	OWNER	SITE ADDRESS	TAX LOT ID	AREA (S.F.)	AREA (AC)	ESTIMATED REIMBURSEMENT FEE	ESTIMATED AMOUNT TO BE PAID BY OWNER	AMOUNT TO BE PAID BY CITY	AMOUNT THAT CAN BE DEFERRED BY OWNFR
1	PETERSEN, DAVID	14085 SW 100TH	2S111BB00300	13,400	0.308	\$12,731	\$6,000	\$6,731	\$0
2	RIVER PRESERVATION LLC	14135 SW 100TH	2S111BB00400	32,551	0.747	\$30,926	\$21,926	\$9,000	\$15,926
3	RANDALL, MARIA L	14130 SW 100TH AVE	2S111BA00805	31,690	0.728	\$30,108	\$21,108	\$9,000	\$15,108
4	RUEDY, ROBERT E	14185 SW 100TH AVE	2S111BB00500	49,518	1.137	\$47,046	\$38,046	\$9,000	\$32,046
5	DOERING, JOSHUA N & ANGIE L	14170 SW 100TH AVE	2S111BA00802	31,828	0.731	\$30,239	\$21,239	\$9,000	\$15,239
6	FAST CASH HOUSE BUYERS LLC	14220 SW 100TH AVE	2S111BA00801	24,664	0.566	\$23,432	\$14,432	\$9,000	\$8,432
7	SMITH, SHELLEY A & ENGWEILER, GLENN	14270 SW 100TH AVE	2S111BA00807	24,788	0.569	\$23,550	\$14,550	\$9,000	\$8,550
8	COLLING, JOYCE C	EMPTY LOT	2S111BB00600	56,798	1.304	\$53,963	\$44,963	\$9,000	\$38,963
9	KASTEL, CHARLES G & MARY J TRS	14259 SW 100TH AVE	2S111BB01100	41,347	0.949	\$39,283	\$30,283	\$9,000	\$24,283
10	BIRNEY, JEFFREY D & NORIKO	14265 SW 100TH AVE	2S111BB00800	15,283	0.351	\$14,520	\$6,000	\$8,520	\$0
11	KARR, EVELYN E REV LIV TRUST	14280 SW 100TH AVE	2S111BA00900	35,158	0.807	\$33,403	\$24,403	\$9,000	\$18,403
12	POLIVKA, JON & CAMPBELL-POLIVKA, HOLLY M	14305 SW 100TH	2S111BB00700	15,207	0.349	\$14,448	\$6,000	\$8,448	\$0
13	JONES, VERNON G & COLLEEN D	14320 SW 100TH AVE	2S111BA02300	14,334	0.329	\$13,618	\$6,000	\$7,618	\$0
14	LEE, SAMUEL & KYUNG	14345 SW 100TH	2S111BC00100	55,129	1.266	\$52,377	\$43,377	\$9,000	\$37,377
15	UM, EUNKYU C & KWANG Y	10150 SW VIEW TER	2S111BC01300	15,127	0.347	\$14,372	\$6,000	\$8,372	\$0
16	BOGERT, MARK H & MARY E	14445 SW 100TH	2S111BC00200	20,457	0.470	\$19,436	\$10,436	\$9,000	\$4,436
17	HOWSE, DIANNA L & ONRELAS, STEVE F	14415 SW 100TH	2S111BC00300	16,046	0.368	\$15,245	\$6,245	\$9,000	\$0
18	PHILLIPS, AMY & LINN, JEREMY J	10220 SW VIEW TER	2S111BC01100	15,034	0.345	\$14,284	\$6,000	\$8,284	\$0
19	SEARS, ALLEN C	10190 SW VIEW TER	2S111BC01200	15,029	0.345	\$14,278	\$6,000	\$8,278	\$0
20	BAUMAN, WAYNE & MARY	10270 SW VIEW TER	2S111BC01000	15,246	0.350	\$14,485	\$6,000	\$8,485	\$0
21	BUEHLER, GREGORY & SARA L.	10145 SW VIEW TER	2S111BC01400	15,246	0.350	\$14,485	\$6,000	\$8,485	\$0
22	MUDROW, MICHAEL & DIANE C.	10185 SW VIEW TER	2S111BC01500	14,810	0.340	\$14,071	\$6,000	\$8,071	\$0
23	PROUTY, JAASON & AMY E	10225 SW VIEW TER	2S111BC01600	15,246	0.350	\$14,485	\$6,000	\$8,485	\$0
Totals				583,936	13.41	\$554,785	\$357,008	\$197,776	

Except for the maximum amount of \$9,000 to be paid by the City, all the fees are estimated at this time. The final fee to be paid by each property owner will be determined once the construction is complete and final costs are recalculated to reflect actual project costs. The final fee will be specified in the City Engineer's report, which will be submitted to City Council for approval upon completion of the construction.

The amount that each owner will be required to pay is limited to \$6,000.00 for connections completed within three years of City Council approval of the final cost.

In addition to \$6,000, owners will also be required to pay any fair share amounts that exceed \$15,000.00. The reimbursement fee of \$9,000.00 (the difference between \$15,000.00 and \$6,000.00) would be paid by the City if connections are made within the first three-year (the fee is shown in the "Amount to be paid by the City" column). Consequently, the total estimated amount responsible by each property owner is shown under the "Estimated Amount to be paid by Owner" column. However, payment of the amount in excess of \$15,000.00 may be deferred until the owner's lot is developed.

Owners will also be required to pay a connection fee, currently \$4,135.00, at the time of connection to the public sewer. In addition, owners are responsible for disconnecting their existing septic systems according to Washington County rules and for any other modifications necessary to connect to the public sewer. Owners are not required to pay any fees until they decide to connect.

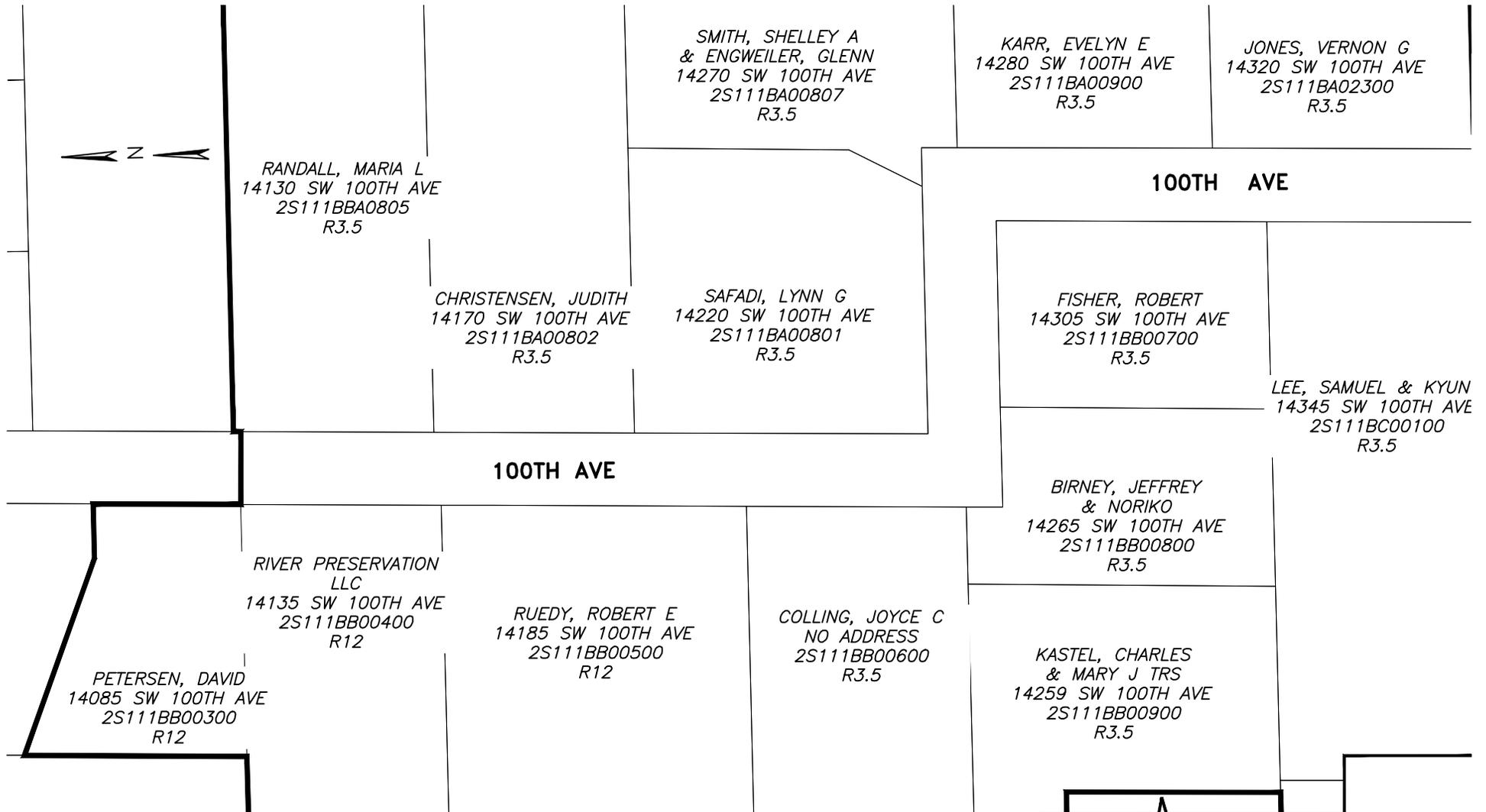
Ref: Resolutions 01-46 and 03-55

100TH AVENUE
Reimbursement District No. 42
Estimated Cost to Property Owners

January 4, 2011

Estimated Construction Cost	\$409,040
15% contingency (construction)	\$61,356
Estimated construction subtotal	\$470,396
<hr/>	
13.5% contingency (Admin & Eng)	\$63,503
Easement cost	\$20,885
total project costs	\$554,784
<hr/>	
total area to be served (S.F.)	583,936
total cost per S.F. to property owner	\$0.95007751

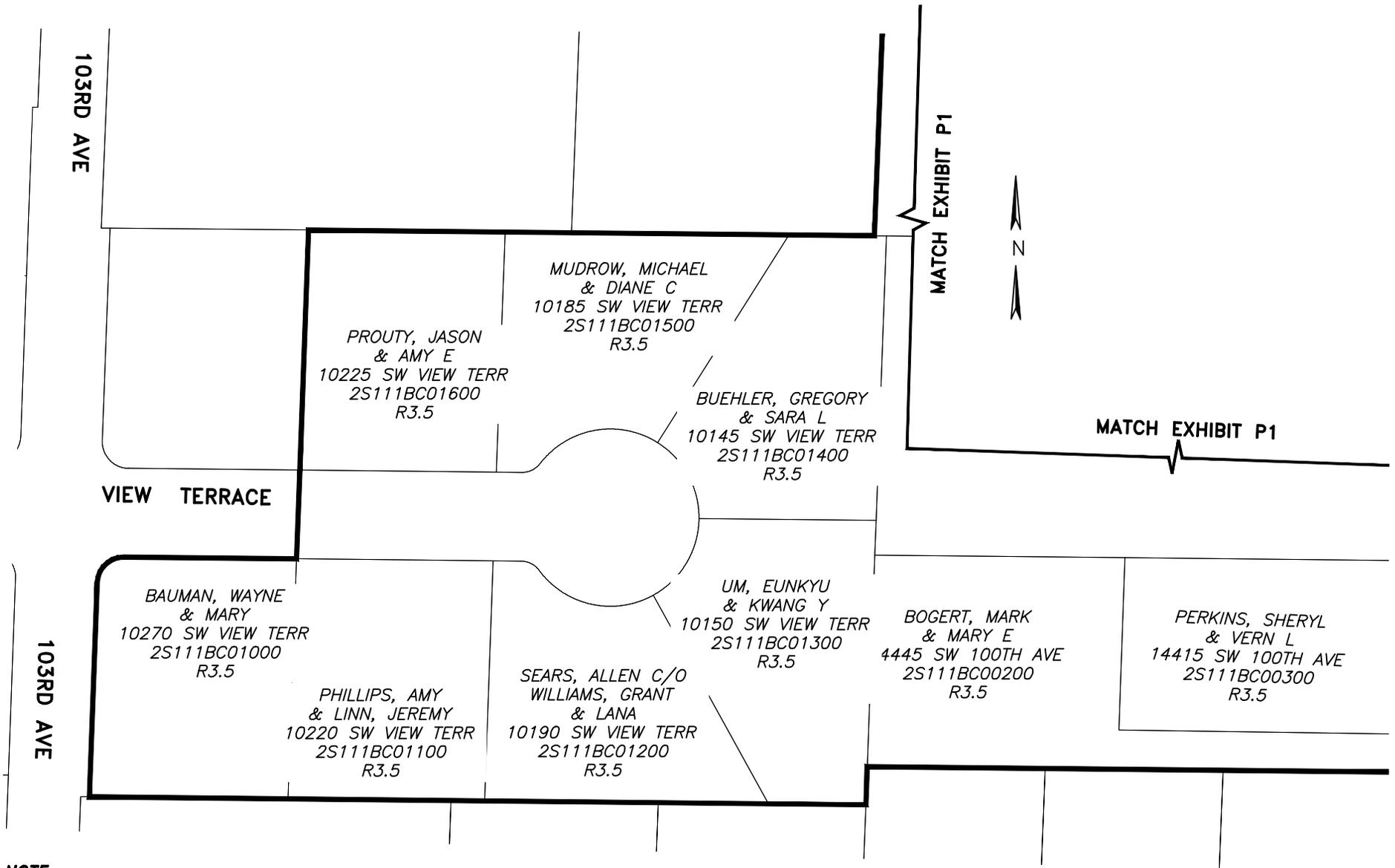
100TH AVE DIST NO. 42
 FY 2009-10 SANITARY SEWER EXTENSION PROGRAM
 A PORTION OF THE NW 1/4 SECTION 11 T2S R1W W.M.



NOTE:
 All properties in the district are
 zoned R3.5 or R12

EXHIBIT B (P1)
 NTS

100TH AVE DIST NO. 42
FY 2009-10 SANITARY SEWER EXTENSION PROGRAM
A PORTION OF THE NW 1/4 SECTION 11 T2S R1W W.M.



NOTE:
All properties in the district are
zoned R3.5 or R12

EXHIBIT B (P2)
NTS

January 7, 2011

**Proposed Sanitary Sewer Reimbursement District No. 42
(SW 100th Avenue)**

At this meeting, City Council will be requested to form a sewer reimbursement district to provide your neighborhood with sewer service as described during the December 16, 2010, neighborhood meeting. There is no requirement to connect to the sewer or pay any fee until connection is made. Each property owner's estimated fair share is summarized in the attached tables.

As discussed at the neighborhood meeting, the amount each property owner will be required to pay will be limited to \$6,000 for connections completed within three years of City Council approval of the final City Engineer's Report following construction, in accordance with Resolution No. 01-46. Please note that this resolution also requires the owner to pay any fair share amounts that exceed \$15,000. Consequently, if the final fair share for an owner exceeds \$15,000, the owner would be required to pay \$6,000 plus the amount the fair share exceeds \$15,000. Under Resolution No. 03-55, payment of the amount in excess of \$15,000 may be deferred until the owner's lot is developed.

In addition, the owner would be required to pay a connection fee, currently \$4,135, at the time of connection to the sewer. Also, property owners are responsible for disconnecting their existing septic system according to Washington County rules and for any other modifications necessary to connect to the public sewer.

January 7, 2011

NOTICE

Informational Hearing

NOTICE IS HEREBY GIVEN
THAT THE **TIGARD CITY COUNCIL**
AT A MEETING ON
TUESDAY, January 25, 2011 AT 7:30 PM
IN THE **TOWN HALL OF THE TIGARD CIVIC CENTER**
13125 SW HALL BLVD
TIGARD OR 97223

WILL CONSIDER THE FOLLOWING:

Proposed Sanitary Sewer Reimbursement District No. 42 (SW 100th Avenue)

The Tigard City Council will conduct an informational public hearing to hear testimony on the proposed Reimbursement District formed to install sewers in SW 100th Avenue and View Terrace.

Both public oral and written testimony is invited.

The public hearing on this matter will be conducted as required by Section 13.09.060 of the Tigard Municipal Code.

Further information and the scheduled time for this item during the Council meeting may be obtained from the Engineering Department, 13125 SW Hall Blvd. Tigard, Oregon 97223, by calling 503-718-2468 or at www.tigard-or.gov.

2S111BC01000
BAUMAN, C WAYNE & MARY
10270 SW VIEW TER
TIGARD, OR 97224

2S111BB01100
KASTEL, CHARLES G & MARY J TRS
14259 SW 100TH
TIGARD, OR 97224

2S111BB00800
BIRNEY, JEFFREY D & NORIKO
14265 SW 100TH AVE
TIGARD, OR 97224

2S111BC00100
LEE, SAMUEL & KYUNG
14345 SW 100TH AVE
TIGARD, OR 97224

2S111BC00200
BOGERT, MARK H AND
MARY E
14445 SW 100TH
TIGARD, OR 97223

2S111BC01500
MUDROW, MICHAEL T & DIANE C
10185 SW VIEW TERR
TIGARD, OR 97224

2S111BC01400
BUEHLER, GREGORY J & SARA L
10145 SW VIEW TER
TIGARD, OR 97224

2S111BB00300
PETERSEN, DAVID
14085 SW 100TH AVE
TIGARD, OR 97224

2S111BB00600
COLLING, JOYCE C
959 SW 7TH ST
DUNDEE, OR 97115

2S111BC01100
PHILLIPS, AMY &
LINN, JEREMY J
10220 SW VIEW TER
TIGARD, OR 97224

2S111BA00802
DOERING, JOSHUA N &
DOERING, ANGIE L
14170 SW 100TH AVE
TIGARD, OR 97224

2S111BB00700
POLIVKA, JON J &
CAMPBELL-POLIVKA, HOLLY M
14305 SW 100TH AVE
TIGARD, OR 97224

2S111BA00801
FAST CASH HOUSE BUYERS LLC
PO BOX 66836
PORTLAND, OR 97290

2S111BC01600
PROUTY, JASON S &
PROUTY, AMY E
10225 SW VIEW TER
TIGARD, OR 97224

2S111BC00300
HOWSE, DIANNA L &
ORNELAS, STEVE F
14415 SW 100TH AVE
TIGARD, OR 97224

2S111BA00805
RANDALL, MARIA L
14130 SW 100TH AVE
TIGARD, OR 97224

2S111BA02300
JONES, VERNON G
COLLEEN D
14320 SW 100TH AVE
TIGARD, OR 97224

2S111BB00400
RIVER PRESERVATION LLC
PO BOX 513
WILSONVILLE, OR 97070

2S111BA00900
KARR, EVELYN E REV LIV TRUST
BY EVELYN E KARR TR
14280 SW 100TH AVE
TIGARD, OR 97224

2S111BB00500
RUEDY, ROBERT E
14185 SW 100TH AVE
TIGARD, OR 97224

2S111BC01200
SEARS, ALLEN C
c/o WILLIAMS, GRANT & LANA
10190 SW VIEW TER
TIGARD, OR 97224

2S111BA00807
SMITH, SHELLEY A &
ENGWEILER, GLENN A
14270 SW 100TH AVE
PORTLAND, OR 97224

2S111BC01300
UM, EUNKYU C & KWANG Y
10150 SW VIEW TER
TIGARD, OR 97224

12/17/10

COMMENTS

Citywide Sanitary Sewer Extension Program

Name and District No.: **100th Ave Reimbursement District # 42**

yes, please get it done.

Sara Buehler

COMMENTS

Citywide Sanitary Sewer Extension Program

Name and District No.: **100th Ave Reimbursement District # 42**

Mary Bogart
Mark Bogart 14445 SW 100th Ave

Please lets get this done!

12.17.10

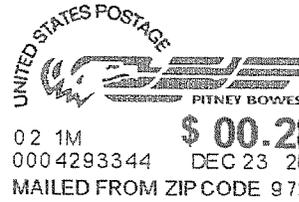
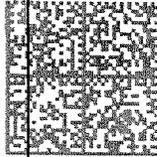
COMMENTS

Citywide Sanitary Sewer Extension Program

Name and District No.: **100th Ave Reimbursement District # 42**

WE ARE FOR THIS PROJECT.

**100th Avenue, View Terrace
Sanitary Sewer Reimbursement
District No. 42**



Tigard City Council wants to hear from you.
Please mark your choice and return this
postage-paid postcard.

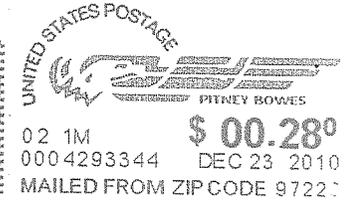
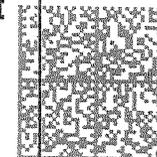
Do you Support
 Oppose

the extension of the sanitary sewer main line
to serve your neighborhood?

Mark + Mary Bogert
Your Name (optional)

City of Tigard
ENGINEERING | PUBLIC WORKS
13125 SW Hall Blvd.
Tigard, OR 97223

**100th Avenue, View Terrace
Sanitary Sewer Reimbursement
District No. 42**



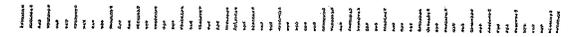
Tigard City Council wants to hear from you.
Please mark your choice and return this
postage-paid postcard.

Do you Support *Very Strongly*
 Oppose

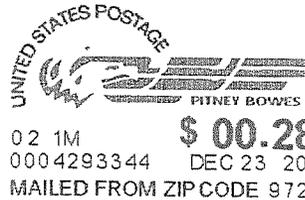
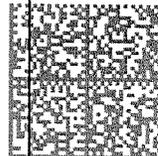
the extension of the sanitary sewer main line
to serve your neighborhood?

The Mudrows
Your Name (optional)

City of Tigard
ENGINEERING | PUBLIC WORKS
13125 SW Hall Blvd.
Tigard, OR 97223



**100th Avenue, View Terrace
Sanitary Sewer Reimbursement
District No. 42**



Tigard City Council wants to hear from you.
Please mark your choice and return this
postage-paid postcard.

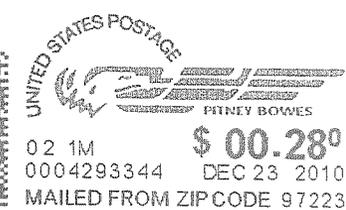
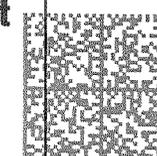
Do you Support
 Oppose

the extension of the sanitary sewer main line
to serve your neighborhood?

Stephen Karr
Your Name (optional)

City of Tigard
ENGINEERING | PUBLIC WORKS
13125 SW Hall Blvd.
Tigard, OR 97223

**100th Avenue, View Terrace
Sanitary Sewer Reimbursement
District No. 42**



Tigard City Council wants to hear from you.
Please mark your choice and return this
postage-paid postcard.

Do you Support
 Oppose

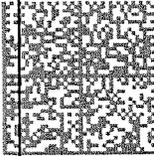
the extension of the sanitary sewer main line
to serve your neighborhood?

Um, Kwang & Eunkyu
Your Name (optional)

City of Tigard
ENGINEERING | PUBLIC WORKS
13125 SW Hall Blvd.
Tigard, OR 97223



**100th Avenue, View Terrace
Sanitary Sewer Reimbursement
District No. 42**



UNITED STATES POSTAGE
PITNEY BOWES
02 1M \$ 00.28⁰
0004293344 DEC 23 2010
MAILED FROM ZIP CODE 97223

Tigard City Council wants to hear from you.
Please mark your choice and return this
postage-paid postcard.

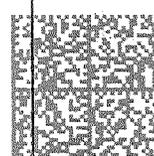
Do you Support *but we will probably choose not to connect.*
 Oppose

the extension of the sanitary sewer main line
to serve your neighborhood?

Holly + Jonny Polivka
Your Name (optional)
14305

City of Tigard
ENGINEERING | PUBLIC WORKS
13125 SW Hall Blvd.
Tigard, OR 97223

**100th Avenue, View Terrace
Sanitary Sewer Reimbursement
District No. 42**



UNITED STATES POSTAGE
PITNEY BOWES
02 1M \$ 00.28⁰
0004293344 DEC 23 2010
MAILED FROM ZIP CODE 97223

Tigard City Council wants to hear from you.
Please mark your choice and return this
postage-paid postcard.

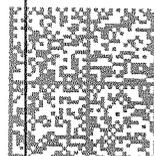
Do you Support
 Oppose

the extension of the sanitary sewer main line
to serve your neighborhood?

Your Name (optional)

City of Tigard
ENGINEERING | PUBLIC WORKS
13125 SW Hall Blvd.
Tigard, OR 97223

**100th Avenue, View Terrace
Sanitary Sewer Reimbursement
District No. 42**



UNITED STATES POSTAGE
PITNEY BOWES
02 1M \$ 00.28⁰
0004293344 DEC 23 2010
MAILED FROM ZIP CODE 97223

Tigard City Council wants to hear from you.
Please mark your choice and return this
postage-paid postcard.

Do you Support
 Oppose

the extension of the sanitary sewer main line
to serve your neighborhood?

STEVE ORNELAS &
Your Name (optional)
DIANNA HOWSE

City of Tigard
ENGINEERING | PUBLIC WORKS
13125 SW Hall Blvd.
Tigard, OR 97223

RECEIVED

DEC 28 2010

CITY OF TIGARD
PLANNING/ENGINEERING

CITY OF TIGARD, OREGON

RESOLUTION NO. 01-46

A RESOLUTION REPEALING RESOLUTION NO. 98-51 AND ESTABLISHING A REVISED AND ENHANCED NEIGHBORHOOD SEWER REIMBURSEMENT DISTRICT INCENTIVE PROGRAM

WHEREAS, the City Council has initiated the Neighborhood Sewer Extension Program to extend public sewers through Reimbursement Districts in accordance with TMC Chapter 13.09; and

WHEREAS, on October 13, 1998, the City Council established The Neighborhood Sewer Reimbursement District Incentive Program through Resolution No. 98-51 to encourage owners to connect to public sewer. The program was offered for a two-year period after which the program would be evaluated for continuation; and

WHEREAS, on September 26, 2000, the City Council extended The Neighborhood Sewer Reimbursement District Incentive Program an additional two years through Resolution No. 00-60; and

WHEREAS, City Council finds that residential areas that remain without sewer service should be provided with service within five years; and

WHEREAS, Council has directed that additional incentives should be made available to encourage owners to promptly connect to sewers once service is available and that owners who have paid for service provided by previously established districts of the Neighborhood Sewer Extension Program should receive the benefits of the additional incentives.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: Resolution No. 98-51 establishing the Neighborhood Sewer Reimbursement District Incentive Program is hereby repealed.

SECTION 2: A revised incentive program is hereby established for the Neighborhood Sewer Extension Program. This incentive program shall apply to sewer connections provided through the sewer reimbursement districts shown on the attached Table 1 or established thereafter. All connections qualifying under this program must be completed within **three years** after Council approval of the final City Engineer's Report following a public hearing conducted in accordance with TMC Section 13.09.105 or by **two years** from the date this resolution is passed, which ever is later, as shown on the attached Table 1.

SECTION 3: To the extent that the reimbursement fee determined in accordance with Section 13.09.040 does not exceed \$15,000, the amount to be reimbursed by an owner of a lot zoned single family residential shall not exceed \$6,000 per connection, provided that the lot owner complies with the provisions of Section 2. Any amount over \$15,000 shall be reimbursed by the owner. This applies only to the reimbursement fee for the sewer installation and not to the connection fee, which is still payable upon application for

sewer connection.

SECTION 4: The City Engineer's Report required by TMC Chapter 13.09 shall apply the provisions of this incentive program. Residential lot owners who do not connect to sewer in accordance with Section 2 shall pay the full reimbursement amount as determined by the final City Engineer's Report.

SECTION 5: Any person who has paid a reimbursement fee in excess of the fee required herein is entitled to reimbursement from the City. The amounts to be reimbursed and the persons to be paid shall be determined by the Finance Director and approved by the City Manager. There shall be a full explanation of any circumstances that require payment to any person who is not an original payer. The Finance Director shall make payment to all persons entitled to the refund no later than August 31, 2001.

SECTION 6: The Sanitary Sewer Fund, which is the funding source for the Neighborhood Sewer Reimbursement District Program, shall provide the funding for the installation costs over \$6,000 up to a maximum of \$15,000 per connection.

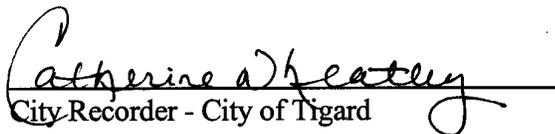
EFFECTIVE DATE: July 10, 2001

PASSED: This 10th day of July 2001.



Mayor - City of Tigard

ATTEST:



City Recorder - City of Tigard

I:\Citywide\Res\Resolution Revising the Neighborhood Sewer Incentive Program

TABLE 1
Reimbursement Districts with Refunds Available

DISTRICT	FEE PER LOT	REIMBURSEMENT AVAILABLE	INCENTIVE PERIOD ENDS
TIGARD ST.No.8	5,193	No reimbursement available	
FAIRHAVEN ST/WYNo.9	4,506	No reimbursement available	
HILLVIEW ST No.11	8,000		July 11, 2003
106 TH & JOHNSON No.12	5,598	No reimbursement available	
100 TH & INEZ No.13	8,000		July 11,2003
WALNUT & TIEDEMAN No.14	8,000		July 11,2003
BEVELAND&HERMOSA No.15	5,036	No reimbursement available	
DELMONTE No.16	8,000		July 11,2003
O'MARA No.17	8,000		July 11,2003
WALNUT & 121 ST No.18	-	Amount to be reimbursed will be	Three years from service availability
ROSE VISTA No.20	-	determined once final costs are determined.	

* Currently being constructed

CITY OF TIGARD, OREGON

RESOLUTION NO. 03- 55

A RESOLUTION PROVIDING ADDITIONAL INCENTIVES TO THE NEIGHBORHOOD SEWER REIMBURSEMENT DISTRICT INCENTIVE PROGRAM (RESOLUTION NO. 01 – 46).

WHEREAS, the City Council has initiated the Neighborhood Sewer Extension Program to extend public sewers through Reimbursement Districts in accordance with TMC Chapter 13.09; and

WHEREAS, on July 10, 2001, the City Council established the Revised and Enhanced Neighborhood Sewer Reimbursement District Incentive Program through Resolution No. 01-46 to encourage owners to connect to public sewer within three-years following construction of sewers; and

WHEREAS, Council has directed that additional incentives should be made available to encourage owners of large lots to promptly connect to sewers once service is available.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: In addition to the incentives provided by Resolution No. 01-46, any person whose reimbursement fee exceeds \$15,000 and wishes to connect a single family home or duplex to a sewer constructed through a reimbursement district may defer payment of the portion of the reimbursement fee that exceeds \$15,000, as required by Section 3 of Resolution No. 01-46, until the lot is partitioned or otherwise developed in accordance with a land use permit. The land use permit shall not be issued until payment of the deferred amount is made. The Annual Fee Adjustment required by TMC Section 13.09.115 shall not apply to payment of this deferred amount.

SECTION 2: Lots that qualify under Section 1, within reimbursement districts that have exceeded the three-year period for connection, and have not connected to sewer can connect the existing structure, pay a reimbursement fee of \$6,000, and defer payment of the portion of the reimbursement fee that exceeds \$15,000 if connection to the sewer is completed within one year after the effective date of this resolution.

SECTION 3: Vacant lots improved with a single family home or duplex during the term of the reimbursement district shall qualify for the provisions of Resolution No. 01-46, pay \$6,000 if the fee exceeds that amount, and may defer payment of the portion of the reimbursement fee that exceeds \$15,000 as provided by Section 1.

SECTION 4: Vacant lots that are partitioned, subdivided, or otherwise developed during the life of the reimbursement district shall qualify for the provisions of Resolution No. 01-46, shall pay a reimbursement fee of \$6,000, and shall pay any amount due over \$15,000 at the time of development. The Annual Fee Adjustment required by TMC Section 13.09.115 shall not apply to payments made under this section.

SECTION 5: The owner of any lot for which deferred payment is requested must enter into an agreement with the City, on a form prepared by the City Engineer, acknowledging the

owner's and owner's successors obligation to pay the deferred amount as described in Section 1. The City Recorder shall cause the agreement to be filed in the office of the County Recorder to provide notice to potential purchasers of the lot. The recording will not create a lien. Failure to make such a recording shall not affect the obligation to pay the deferred amount.

SECTION 6: Any person who qualifies under Section 1 and has paid a reimbursement fee for the portion of the reimbursement fee in excess of \$15,000 is entitled to reimbursement for that amount from the City upon request. The amounts to be reimbursed and the persons to be paid shall be determined by the Finance Director and approved by the City Manager. There shall be a full explanation of any circumstances that require payment to any person who is not an original payer. Any person requesting a refund must sign an agreement similar to that described in Section 5 acknowledging the obligation to pay the refunded amount upon partitioning or developing the lot.

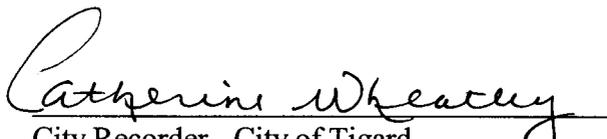
SECTION 7: The Sanitary Sewer Fund continues to remain the funding source for the Neighborhood Sewer Reimbursement District Program and shall provide the funding for the installation costs over \$6,000 up to a maximum of \$15,000 per connection and for any deferred payment permitted by this resolution.

SECTION 8: This resolution is effective immediately upon passage.

PASSED: This 14th day of October 2003.


~~Mayor - City of Tigard~~
Craig E. Dirksen, Council President

ATTEST:


Catherine Wheately
City Recorder - City of Tigard

i:\eng\greg\reimbursement districts\revisions res 01-46 aug 26 03\oct 14 03 council\10-14-03 addition to res 1-46 res.doc

AIS-261

Item #: 5.

Business Meeting

Date: 01/25/2011

Length (in minutes): 15 Minutes

Agenda Title: Consider Amending Tigard Municipal Code Chapter 12, Water and Sewers

Prepared For: Greer Gaston

Submitted By:

John Goodrich
Public Works

Item Type: Ordinance

Meeting Type:

Council Business
Meeting - Main

ISSUE

Shall the Council adopt an ordinance to update Tigard Municipal Code Chapter 12, Water and Sewers?

STAFF RECOMMENDATION / ACTION REQUEST

Staff recommends the Council adopt the ordinance.

KEY FACTS AND INFORMATION SUMMARY

The City of Tigard Municipal Code Chapter 12, Water and Sewers, is outdated. Much of this chapter was inherited from the Tigard Water District in the early 1990s.

Staff has reviewed the entire chapter and is proposing changes:

1. **Chapter 12.01, Utility Services Rule and Regulations** - This new chapter addresses definitions, authority, agreements, responsibilities and establishes a framework for the development of administrative rules.
2. **Chapter 12.03, Billing and Collection of Utility Charges** - The revised chapter addresses rates, charges, fees, penalties and collections. The majority of this chapter has been removed from the municipal code. The information contained in the chapter was updated and incorporated into administrative rules.
3. **Chapter 12.10, Water System Rules and Regulations** - The revised chapter addresses rules and regulations as they apply to water utility policies. Some sections of this chapter have been removed from the municipal code. The information from these sections was updated and incorporated into administrative rules. Outdated, inconsistent or non-applicable sections were deleted.

Much of the overall focus of the proposed amendments is to remove day-to-day business practices from the municipal code. Business practices are instead incorporated into administrative rules. While these rules implement City regulations, Council policies and existing practices, they are designed to be more accessible and "user-friendly" than the municipal code. In short, the creation of administrative rules will improve the City's ability to communicate basic utility practices to its customers and the general public. Additionally the code amendments establish a procedure to update the administrative rules. The procedure includes a public review and appeal process.

Many of the proposed code amendments and administrative rules were initiated at the request of the Intergovernmental Water Board. The Board provided input regarding water-related business practices. This input was incorporated into the administrative rules. The Board is supportive of the code amendments and the shift to administrative rules.

The code amendments and the administrative rules were reviewed by the City Attorney.

OTHER ALTERNATIVES

The Council could choose to not adopt the municipal code amendments. The existing municipal code would remain in effect.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

This action supports Council Goal #4 - Advance Methods of Communication

- a. External: Develop communication strategy and methods in support of City goals.
- b. Internal: Support staff efforts to change the organizational culture to create a proactive environment of exceptional people and service, promoting the values of "respect and care," "get it done," and "do the right thing" (Strategic Clarity).

The amendments to Chapter 12 and the use of more accessible and "user-friendly" administrative rules will improve the City's ability to communicate basic utility practices to its customers and the general public.

DATES OF PREVIOUS COUNCIL CONSIDERATION

The Council reviewed and discussed these code amendments and administrative rules at its October 19, 2010 workshop meeting.

Fiscal Impact

Fiscal Information:

There is no fiscal impact associated with the adoption of the proposed municipal code amendments.

Attachments

Ordinance

Exhibit A - Chapter 12.01

Exhibit B - Chapter 12.03 Redline Version

Exhibit C - Chapter 12.03 Final Version

Exhibit D - Chapter 12.10 Redline Version

Exhibit E - Chapter 12.10 Final Version

**CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
ORDINANCE NO. 11-**

AN ORDINANCE AMENDING TIGARD MUNICIPAL CODE CHAPTER 12, WATER AND SEWERS

WHEREAS, the Tigard Municipal Code Chapter 12, Water and Sewers, is outdated; and

WHEREAS, the City is implementing administrative rules for utility services; and

WHEREAS, the proposed code amendments and the utility services administrative rules complement one another; and

WHEREAS, many of the proposed code amendments and administrative rules were initiated at the request of the Intergovernmental Water Board; and

WHEREAS, the Intergovernmental Water Board's input was incorporated into the administrative rules and the Board is supportive of the code amendments and the shift to administrative rules; and

WHEREAS, the code amendments and administrative rules were reviewed by the City Attorney; and

WHEREAS, the amendments to Chapter 12 and the use of more accessible and "user-friendly" administrative rules will improve the City's ability to communicate basic utility practices to its customers and the general public; and

WHEREAS, the Council was briefed on the code amendments and administrative rules on October 19, 2010; and

WHEREAS, the amendments to the Tigard Municipal Code are extensive, so both the "redline" version showing the edits, and the "final" version showing the document in final form are provided for Chapters 12.03 and 12.10.

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: Chapter 12.01, Utility Services Rules and Regulations, is added to the Tigard Municipal Code as shown in Exhibit A.

SECTION 2: Chapter 12.03, Billing and Collection of Utility Charges, of the Tigard Municipal Code is amended as shown in Exhibit B, (redline version), and Exhibit C, (final version).

SECTION 3: Chapter 12.10, Water System Rules and Regulations, of the Tigard Municipal Code is amended as shown in Exhibit D, (redline version), and Exhibit E, (final version).

SECTION 4: This ordinance shall be effective 30 days after its passage by the Council, signature by the Mayor, and posting by the City Recorder.

PASSED: By _____ vote of all Council members present after being read by number and title only, this _____ day of _____, 2011.

Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this _____ day of _____, 2011.

Craig Dirksen, Mayor

Approved as to form:

City Attorney

Date

**Chapter 12.01 UTILITY SERVICES
RULES AND REGULATIONS.**

Sections:

- 12.01.010 Definitions.**
 - 12.01.020 City Authority.**
 - 12.01.030 Power to Grant Variances.**
 - 12.01.040 Amendments.**
 - 12.01.050 Agreements with other
Utility Services Providers.**
 - 12.01.060 Utility User Charge.**
 - 12.01.070 Application for Utility
Services.**
 - 12.01.080 Responsibility of Property
Owners and Tenants.**
 - 12.01.090 Violation of Utility Services
Code.**
 - 12.01.100 Administrative Rules.**
- 12.10.010 Definitions.**

City shall mean the City of Tigard

City Manager shall mean the City Manager of the City of Tigard or the City Manager's designee (Title 2, Section 2.04)

Clean Water Services is the special district with managing authority for the Sanitary Sewer and Surface Water Management systems within the City of Tigard boundary.

Customer means the person in whose name service is rendered, as evidenced by a request for service, receipt of service, signature on an application for service or by receipt and payment of bills for service.

Equivalent Service Unit (ESU) is a unit of measure of impervious surface. One ESU is equal to the estimated amount of impervious surface that would contribute the same amount of runoff to the city's

storm and surface water drainage system as the impervious surface on an average single family residential user. One (1) ESU equals 2,640 square feet of impervious surface area or any portion thereof.

Intergovernmental Water Board (IWB) is a representative board of five (5) members and was established through intergovernmental agreement between the City of Tigard with the City of Durham, and City of King City, and the Tigard Water District. Each jurisdiction is represented by a member and one member is appointed at large. The purpose of the IWB is to make recommendations to the Tigard City Council on water related issues and to carry out other responsibilities set forth in the agreement.

Managing Authority shall mean the entity assigned authority to manage, set fees and charges, and adopt and enforce practices and procedures.

Person means any individual, group or legal entity.

Responsible Party means the person responsible for curing or remedying a violation, and includes the owner of property, or the owner's manager or agent or other person in control of the property on behalf of the owner; person(s) occupying the property, including lessee, tenant or other person having possession; person(s) alleged to have committed the acts or omissions, created or allowed the condition to exist, or placed or transported eroded soil, tampered, or enacted the violation.

Equivalent Dwelling Unit (EDU) is a unit of measure that standardizes all land use types (housing, retail, office, etc.) to the level of demand created by one single-family housing unit.

Surface Water Management System means all natural and man-made facilities utilized by the Surface Water Utility to regulate the quantity and quality of surface water, including drainage easements, culverts, storm drains, catch basins, stream corridors, rivers, ponds, wetlands and impoundments.

Tigard Water Service Area (TWSA) shall mean the territory within the boundaries of City of Durham, City of King City, Tigard Water District and the portion of the City of Tigard not served by Tualatin Valley Water District (TVWD).

Water Unit is a measure of one hundred (100) cubic feet of volume of water, often referred to as 100 CCF and equals 748 gallons of water use.

Utility means sewer, water and surface water management services provided by the City of Tigard.

12.01.020 City Authority.

The sewer and surface water management utility systems, and other services within the City limits including all connections and contributions to the utility systems, are under the exclusive control of the City. The City also is the managing authority to provide water service to the Tigard Water Service Area by adoption of intergovernmental cooperative agreement with other municipal corporations and special districts. The City collects fees and

charges associated with water service to the Tigard Water Service Area and fees and charges associated with City services and sewer for portions of the city which are provided water service by Tualatin Valley Water District (TVWD).

All City provisions, rules, regulations, standards, fees, and charges regarding water utility services provided by the City as managing authority shall apply to the Tigard Water Service Area. The City Manager or designee shall have the authority to establish written practices and procedures to inform and enforce provisions, rules, regulations, standards, fees, and charges as adopted by City Council.

12.01.030 Power To Grant Variances.

The City Council authorizes the power to grant variances related to utility services as follows:

1. The City Manager or designee shall have the power to waive water utility fees and charges up to an amount adopted by resolution by the City Council and Intergovernmental Water Board.

2. The City Manager or designee is authorized to make leak adjustment credit or waiver of fee determinations based on City practices and procedures and all decisions are considered final. (Ord. 02-29, Ord. 96-02, TMC 12.03)

3. The Intergovernmental Water Board may grant variances from the water system rules and regulations enacted by the City of Tigard when it finds that: 1) strict application of the rules and

regulations create undue economic hardship for the applicant with no significant benefit to the water system; 2) the variance requested has no material adverse effect upon the water system and it is consistent with established practices and procedures of the Tigard City Council.

4. The Intergovernmental Water Board may not grant variances relating to annexation of property, fire protection requirements, cross-connection requirements, fees, rates and charges. (Ord. 93-34)

12.01.040 Amendments.

The City may at any time amend, change or modify any rule, rate or charge, or make any special rule, rate or contract, and all water service is subject to such power. (Ord. 93-34)

12.01.050 Agreements with Other Utility Service Providers.

The City may provide utility service to or receive utility service from any other utility services providers pursuant to agreement authorized by the City Council. Such agreements may include, but are not limited to:

1. Sale or purchase of surplus water to or from any other municipal corporation, special district or utility company.
2. Sale or purchase of treatment services to or from any other municipal corporation, special district or utility company.

3. Provision of utility services within the City limits by any other municipal corporation, special district or utility company.

12.01.060 Public Works Utilities Fees and Charges Schedule.

1. Public Works Utility fees and charges shall be applied to all persons who use property in a manner which requires City utility facilities or services. The Public Works utility fees and charges shall consist of the following three component charges: The water utility user "customer charge", the "sanitary sewer service" Base and Use charge, and the "storm and surface water" service charge and surcharge. If a customer does not put property to a use which requires one or more of the component utility facilities or services, the customer shall not be charged for such component utility service.

2. Public Works Utilities fees and charges shall be established by resolution of the City Council in an amount reasonable and necessary to fund the administration, planning, design, construction, water quality programming, operation, maintenance and repair of the City's utility systems. The component utility charges shall be based on use of the component utility service, determined as follows:

a. Water Usage Charges shall be based on the amount of water used by the customer as indicated by a water meter and/or the cost of providing water service to a structure.

b. Sanitary Sewer Service base and use charges shall be based a customer's

average water use during three applicable winter billing cycles. The rationale for this method of calculating sewer use is that water is used primarily for in house purposes in the winter and is thus discharged in an equivalent amount into the City's sanitary sewer system. If no average water charge is available for a particular account, the sewer utility user charge shall be based upon an estimated equivalent until such time as average water use can be determined. If actual average water use is lower than the estimated equivalent, the customer shall be entitled to a refund of the amount charged in excess of actual average water use.

c. Storm and Surface Water service and surcharge fees shall be based upon the amount of impervious surface used by a customer. Owners or occupants of undeveloped property shall not be charged. Each customer using a location for single family residential shall be charged a uniform rate based upon containing one equivalent service unit (ESU). The charge for all other parcels shall be based upon the total amount of measured impervious surface used divided by one ESU and rounded to the nearest whole number. The actual service charge shall be computed by multiplying the amount of ESUs measured for each use by the rate established for each ESU.

3. Street Maintenance Fees shall be billed and collected during the same billing frequency as other utility fees and charges. These fees are adopted by Council and are based on residential and non-residential rates as listed in the City of Tigard Fees and Charges Schedule.

12.01.070 Application for Utility Service.

Application to use the City utility system shall be made to the City Finance / Information Department. The application shall be made in such form as may be required by the City. The City may require such application to be in writing, or may allow application by telephone or other method. All persons receiving utility service but for whom no account exists to pay for such services shall be deemed to be applicants for such service and shall be billed for such service.

Water service within the Tigard Water Service Area will be furnished for ordinary domestic, business and community purposes, and fire protection only. No water service will be provided for the direct operation of steam boilers, machinery or golf courses, except on an interruptible basis, and the City will assume no responsibility therein.

12.01.080 Responsibilities of Property Owners and Tenants.

Owners of property served by City utility facilities that are not the customer shall not be responsible for any delinquent utility charges which the customer fails to pay. If water service is terminated because of delinquent non-payment, and the customer vacates the premises leaving an outstanding bill, service shall be restored at the request of the property owner or new tenant without requiring the property owner or new tenant to pay the outstanding bill.

A customer who is a tenant shall continue to be responsible for delinquent utility

charges until paid regardless of relocation to a premise different from the premise at which the delinquent charges were accrued. The City may refuse to provide service to such tenant at any new address, may add the delinquent charge to the tenant's utility bill, and/or may terminate water service until the delinquent bill is paid. The City may also pursue any action available under the laws of the City or State of Oregon to recover payment.

12.01.090 Violation of Utility Services Code.

1. Waste

No customer shall cause or permit water to run or be discharged through the fixtures, pipes or faucets on the customer's premises in excess of the quantity necessary for domestic, irrigation or other permitted purposes under this Code.

2. Damage.

No person shall willfully or maliciously damage or in any manner interfere with or remove any of the pipes, valves, back flow prevention devices, meters, lock seals, surface water management systems or other property belonging to the City or used in connection with the City utility system. Any person violating this section shall be charged for all costs associated with repairing any such damage or interference, plus any penalty. This charge may be added to the utility bill. Failure to pay such repair charges shall be a basis for discontinuance of service.

3. Tampering.

No unauthorized person shall tamper with, alter, or damage any part of the City utility system, reservoir system, pumping station, surface water management system, metering facilities, open or close any fire hydrant or service line. No person shall alter the utility service in a manner which would allow service to more than one household without applying for service and complying with this Code. The Council may establish a tampering fine by resolution for violation of this provision. This fine may be included in the utility bill. Failure to pay that fine can result in discontinuance of service.

4. Violations.

A. Violation of this section is punishable by a fine of not more than \$5,000. Violation of this section a second or subsequent time within a 24-month period is punishable by a fine of not less than \$1,500 and not more than \$5,000.

5. Code Violation a Civil Violation.

In addition to the other penalties provided by this Code and State law, a violation of any requirement of the Utility Code shall be a civil violation pursuant to Tigard Municipal Code 1.16 and may be prosecuted in the Municipal Court of the City of Tigard. (Ord. 94-19)

12.01.100 Administrative Rules.

1. The purpose of administrative rules shall be to describe the business and regulatory practices or procedures necessary to implement city regulations and policies as adopted by Council.

A. Council authorizes the City Manager or designee to develop, amend, and use administrative rules to implement practices and procedures necessary to administer, operate, and maintain utility services to the public.

B. Administrative rules shall be consistent with standard utility business practices, and Council adopted policies, rules, procedures, and resolutions.

2. Prior to the adoption of an administrative rule the City Manager or designee will:

A. Publish a notice in a newspaper of general circulation in the City. The notice must be published not less than 14 days before the deadline for receipt of comments. The notice shall provide a brief description of the subjects covered by the proposed administrative rule; the final date for acceptance of written comments; the location to submit comments and the location where copies of the full set of the proposed rules may be obtained.

B. The City Manager or designee will receive written comments regarding the proposed administrative rule. The City Manager or designee will take into consideration the written comments received and may either adopt, modify or reject the proposed administrative rule.

C. If a substantial modification is made to the proposed administrative rule, the City Manager or designee may adopt the modification, or provide additional public comments prior to adoption.

D. Unless otherwise stated, all

administrative rules will be effective on the 14th day after adoption by the City Manager or designee unless a written protest is received by the City Manager or designee.

e. If written protest of the proposed administrative rule is received by the City Manager or designee on or before the fourteenth day after adoption, the City Manager or designee shall refer the administrative rule to the City Council for a public hearing. The Council may adopt, modify or reject the administrative rule. The Council's decision on the contents of the proposed administrative rule shall be final and effective upon Council action.

4. All administrative rules must be filed in the office of the City Manager or designee. (Ord. 09-05 §1)

TIGARD MUNICIPAL CODE

Chapter 12.03 BILLING AND COLLECTION OF UTILITY CHARGES.

Sections:

~~12.03.010 — Definitions.~~

**12.03.020 Rates, Charges, Fees, Penalties,
Collections.**

~~12.03.030 — Delinquent Collection
Procedures.~~

~~12.03.040 — Delinquency Collection
Procedures — Sewer Only
Customers.~~

~~12.03.050 — Other Fees And Charges.~~

~~12.03.060 — Utility Charge Adjustments
And Payment Agreements.~~

~~12.03.070 — Customer Appeal Process.~~

~~12.03.010 — Definitions.~~

~~(a) — Utility Charges.~~

~~Any combination of water service charges, sanitary sewer service charges, surface water charges or other fees and charges authorized by the Tigard City Council or the Clean Water Services imposed on users of utility services.~~

~~(b) — Delinquent.~~

~~Utility charges not paid by the due date specified on the bill for such charges are considered delinquent.~~

~~(c) — User.~~

~~User shall mean any person who uses property which maintains connection to, discharge to, or otherwise receives services from the City's storm, surface water, sanitary sewer or water systems. The occupant of occupied property is deemed the user. If the property is not occupied, the person who has the right to occupy it shall be deemed the user. (Ord. 02-29)~~

12.03.020 Rates, Charges, Fees, Penalties, Collections.

(a) Clean Water Services Resolution and Order number 95-34 and Ordinance Number 26,27,28, and 29 as amended are hereby adopted by reference and shall be in full force and effect as part of this municipal code.

(b) Collections from utility customers will be applied first to interest, penalties or other fees and charges, then proportionately among the rest of charges for services billed or as provided by contract with Clean Water Services.

(c) All Fees and Charges set forth in this chapter shall be set by resolution by the Tigard City Council. (Ord. 02-29)

~~12.03.030 — Delinquent Collection
Procedures.~~

~~(a) — Billing Cycle — Utility charges will be billed to users every other month or as water meters are read. Utility bills will be placed in the United States Mail after the water meter is read or 60 days after the prior billing for non-water customers. Such utility bills shall state the amounts and types of charges included in the bill and shall state the due date for the utility charges. Such due date shall not be less than 14 days from the date bills are mailed.~~

~~(b) — Reminder Notice — For those utility charges not paid by the due date, a reminder notice will be sent to the customer. The Notice shall state the amounts and types of charges past due and the date by which such charges must be paid to avoid turn-off procedures. The reminder notice shall be placed in the United States Mail not less than 14 days after the original due date on the original bill.~~

~~(c) — Shut Off Notice — For those utility charges not paid by the due date stated on the~~

TIGARD MUNICIPAL CODE

~~reminder notice, a shut off notice shall be hung on the front door of the dwelling or place of business at least 48 hours prior to the scheduled actual shut off. The City shall maintain a list of all shut off notices indicating the time and location the notice was placed and by whom. The shut off notice shall state the amounts and types of charges past due and the date and time such charges must be paid to avoid actual shut off of services.~~

~~(d) Shut Off Procedure — All accounts determined to be unpaid 48 hours after a shut off notice has been placed on the premises shall be listed and scheduled for shut off. The 48 hours shall be counted on business days only and shall not include Holidays or weekends. On the day scheduled for shutoff, daily payments will be reviewed to determine if any applicable payments have been received. The list as amended will then be delivered to the appropriate crew members who will then shut off and lock those meters on the list.~~

~~(e) Water Disconnection Charge for Non-Payment — A charge will be added to each account that has not been paid prior to the time indicated on the shut off notice. The charge covers all costs associated with the delinquent collection process. The charge shall apply even if actual shut off is not performed due to the payment of the past due balance made to the crew member in the field or in the office just prior to shut off. Water service will be reconnected the same day as disconnection if the outstanding bill and related charges are paid in full by 5:00 PM. If payment is not made prior to 5:00 PM the customer's water will not be reconnected until the next regular business day. No water will be reconnected after normal operating hours or on weekends.~~

~~(f) Meter Disconnection Charge — A charge shall be added to each account in which a meter is turned off and locked for non payment if the customer or other party cuts the lock and turns the meter back on without prior approval of the City.~~

~~The meter will be removed from the ground and the water service capped off. Water service shall not be reconnected until the customer has paid the past due utility charges, water disconnection charge, and the meter disconnection charge.~~

~~(g) Multifamily Housing Collection Process — When accounts for multifamily housing complexes using master meters rather than individual meters becomes delinquent, the company or individual responsible for payment of the utility bills shall be notified of the past due status of the account in the normal process set forth in section 12.03.030. However, in lieu of the shut off procedure, the responsible party shall be notified in writing that the shutoff procedure will be followed if the delinquent utility charges are not paid within thirty days. Notification will also be made to all tenants known by the City to the extent possible. Accounts not paid within the thirty days will be notified and turned off in accordance with section 12.03.030 (e) and (d). (Ord. 02-29)~~

12.03.040 — Delinquency Collection Procedures – Sewer Only Customers.

~~For utility charges on accounts without water service, delinquent amounts may be collected using the following collection methods in lieu of the shutoff procedure set forth in 12.03.020 (c), (d), (e):~~

~~(a) Delinquent utility charges may be collected through the use of a collection agent. The Finance Director or designee shall have the authority to select a collection agent and sign necessary documents.~~

~~(b) Delinquent utility charges may be collected by filing a claim in the appropriate court. The Finance Director shall have the authority to request pursuit of such claims by the City Attorney and shall have the authority to sign~~

TIGARD MUNICIPAL CODE

and file necessary documents.

~~(c) Delinquent utility charges may be collected by turning the uncollected balance over to the Washington County Tax Assessor for inclusion on tax bills as allowed by ORS 454.225. This method of collection shall only be used if the user of the services being billed is also the owner of the premises connected to the system. The owners approval must be received in writing allowing the turnover. Accounts being collected in this manner shall be charged a turnover fee and shall be turned over to the Assessor each year by July 15.~~

~~(d) Delinquent utility charges may also be collected by disconnecting utility services. Disconnection may involve the physical disconnection of incoming or outgoing utility service pipes and facilities. Disconnection shall only be pursued with the approval of the City Manager. Actual costs of disconnection shall be calculated and must be paid by the utility service user before reconnection is established. (Ord. 02-29)~~

12.03.050 — Other Fees And Charges.

~~(a) Returned Check Charge — A charge will be added to accounts for any checks returned from the bank unpaid for any reason. The charge shall be set by resolution of the City Council.~~

~~(b) Repair or Replacement of Water Meters and Services — Once installed, any costs associated with the repair or replacement of damaged or missing meters and services will be charged to the owner of the property. Such costs may include but are not limited to gaskets, meter boxes, lid inserts, meters, pressure regulator valves, related labor, equipment, vehicles, and materials. (Ord. 02-29)~~

12.03.060 — Utility Charge Adjustments And Payment Agreements.

~~Errors in billing or collection shall be corrected in a timely manner by the City. Resulting credits on accounts or refunds shall be made as expeditiously as possible. Disputed billings or other collection transactions shall be dealt with as follows:~~

~~In recognition of the need for exceptions in some cases, authority is granted as follows for adjustments to utility charges and to the implementation of payment agreements. All waivers granted under 12.03.060 (a) (b) shall be reported to the Intergovernmental Water Board each month upon their request.~~

~~(a) The Finance Director or designee shall have the authority to waive utility charges up to \$250.00. Such waiver may be made based upon a written request from the customer and for good cause. Good cause may include but is not limited to correction of user or account information, failure of the City to send a bill, demonstrated failure of a user to receive a bill, correction of measurement of either fixture units or equivalent service units and adjustments to the time in which requester became the user. Waivers may include returned check charges, disconnection charges or utility charges.~~

~~(b) The City Manager or designee shall have the authority to waive utility charges up to \$500.00. Such waiver must be made based upon a written request from the customer and for good cause as defined in subsection (a). The City Manager shall receive a written report of findings from staff and then weigh the evidence presented by the customer and the staff before making any such waiver.~~

~~(c) Any requests to waive utility charges above \$500.00 shall be made in writing to the Intergovernmental Water Board. The Finance Director or designee may schedule the request on the next available agenda and so notify the~~

TIGARD MUNICIPAL CODE

~~customer at least one week in advance. All materials related to the request shall be made available to the Board and the customer may be allowed to make a presentation to the Board at the discretion of the Board Chairman.~~

~~(d) The City may enter into a payment agreement with a customer to facilitate the payment of delinquent utility charges. Such agreements shall not exceed the term of three years, current charges must be paid when due, and the agreement must be signed by both parties and must be a legally binding agreement. Breach of such an agreement by the customer shall result in further collection efforts. Payment agreements for amounts over \$10,000 must be approved by the Tigard City Council. (Ord. 02-29)~~

~~12.03.070 — Customer Appeal Process.~~

~~(a) Customers shall have the right to appeal billing decisions made by staff. If a customer is not satisfied with a decision, the customer may appeal to the Finance Director within fourteen days of the decision in writing explaining the issue and justification for the customers position. Finance Director decisions may be appealed to the City Manager within fourteen days of the decision in a similar fashion. City Manager decisions may be appealed within fourteen days of the decision to the Intergovernmental Water Board. Board decisions are considered final. (Ord. 02-29, Ord. 96-02). ■~~

TIGARD MUNICIPAL CODE

**Chapter 12.03 BILLING AND COLLECTION
OF UTILITY CHARGES.**

Sections:

**12.03.020 Rates, Charges, Fees, Penalties,
Collections.**

**12.03.020 Rates, Charges,
Fees, Penalties, Collections.**

(a) Clean Water Services Resolution and Order number 95-34 and Ordinance Number 26,27,28, and 29 as amended are hereby adopted by reference and shall be in full force and effect as part of this municipal code.

(b) Collections from utility customers will be applied first to interest, penalties or other fees and charges, then proportionately among the rest of charges for services billed or as provided by contract with Clean Water Services.

(c) All Fees and Charges set forth in this chapter shall be set by resolution by the Tigard City Council. (Ord. 02-29)

Deletions are noted in blue strikeout
Additions are noted in blue underline

Exhibit D
Redline Version

TIGARD MUNICIPAL CODE

Chapter 12.10 WATER SYSTEM RULES AND REGULATIONS.

Sections:

- ~~12.10.010 Application For Service.~~
- 12.10.020 Use Of Water.
- 12.10.030 Service Size.
- 12.10.040 Separate Connection.
- ~~12.10.045 Master Metering~~
- 12.10.050 Furnishing Water.
- 12.10.060 Private Service Pipes.
- ~~12.10.070 Credit For Water Leaks.~~
- 12.10.080 Jurisdiction.
- 12.10.090 Waste - Plumbing - Inspection.
- 12.10.100 Physical Connections With
Other Water Supplies Or
Systems.
- 12.10.110 Cross Connection Control
Program.
- 12.10.120 Payment - Delinquency.
(Repealed By Ord. 96-02).
- 12.10.130 Water Rates.
- ~~12.10.140 Discontinuance Of Service.~~
- 12.10.150 Interrupted Service - Changes
In Pressure.
- 12.10.160 Service Connection
Maintenance.
- ~~12.10.170 Main Extensions.~~
- 12.10.180 Limitation On The Use Of
Water.
- ~~12.10.190 Temporary Or Transient
Service.~~
- ~~12.10.200 Construction Water.~~
- 12.10.210 Meter Out-Of-Order - Test.
- 12.10.220 Fire Hydrants.
- 12.10.230 Fire Hydrant - Temporary Use.
- 12.10.240 Illegal Use Of Fire Hydrant Or
Meter.
- 12.10.250 Amendments - Special Rules -
Contracts.
- 12.10.260 Grievances.
- ~~12.10.270 The Public Works Director And
Authorized Representatives.~~
- 12.10.280 Power To Grant Variances.

12.10.300 Findings And Declaration Of A Water Emergency.

- ~~12.10.310 Levels Of Prohibition.~~
- 12.10.320 Enforcement.
- 12.10.330 Penalties.
- 12.10.340 Water Shut-Off.
- ~~12.10.350 Definition.~~

~~No service will be supplied or water
furnished to any premises without the customer
first requesting service with the City. (Ord. 02-31;
Ord. 93-34)~~

12.10.020 Use Of Water.

Water will be furnished for ordinary
domestic, business and community purposes, and
fire protection only. No water will be furnished
for the direct operation of steam boilers,
machinery or golf courses, except on an
interruptible basis, and the City will assume no
responsibility therein. (Ord. 93-34)

12.10.030 Service Size.

Upon the application for new water service,
and payment of all charges, the City will install a
service connection and meter of such size and
location as approved by the Public Works
Department. Meter and water service piping shall
be sized as using the fixture count method as
described in the State of Oregon Uniform
Plumbing Code. The minimum size of any water
meter, which connects to the city water system,
shall be five-eighths/three-fourths inch diameter.

In new subdivisions, the City ~~may allow~~
requires the installation of water mains, valves,
hydrants and water services by the developer as a
part of improvements, as described in this chapter.
All improvements and installations shall be in
accordance with Public Improvement Design
Standards. (Ord. 02-31; Ord. 93-34)

TIGARD MUNICIPAL CODE

12.10.040 Separate Connection.

A separate service connection will be required for each dwelling, apartment or motel, place of business, and institution. All outlying buildings and premises used as a part of such dwelling place or business or institution may be served from such connection, as well as all buildings on such premises operated under the one management. City shall prescribe the number of buildings to be served from one meter and such determination shall be final. (Ord. 02-31; Ord. 93-34)

~~12.10.045 Master Metering.~~

~~The City may permit the master metering of more than one water service. The owner shall designate the person who will be responsible for the payment of all water charges and will accept service of all water related notices. If any payment is not made in full when due, the City may terminate service even if partial payment is tendered by other occupants of the premises. (Ord. 02-31)~~

12.10.050 Furnishing Water.

The City shall not be obligated to furnish and install, at its expense, system facilities for all property within the City. The City shall, so far as reasonable and practicable and within its financial means, however, provide adequate source of supply, necessary primary feeder mains, storage facilities and other improvements necessary to make water service generally available to all areas within the City. Extensions to furnish water to areas not now served by the City will be made at the expense of those persons requesting service. Such extensions will be made by the City or by those expressly authorized by the City. ~~All applications for line extensions to provide new service are subject to review by the City Council.~~

Consideration will be given to the City's ability to serve and to eligibility for annexation to the City of the property to be served. The City may contract with other governmental entities for the provision of water. The terms of service will be defined by agreement and consistent with the terms of this Chapter. (Ord. 93-34)

12.10.060 Service Pipe Standard and Maintenance.

Service pipes of all sizes, within or without the premises, whether for domestic, commercial, or fire protection purposes, must be materials, quality, class, and size as specified by the state plumbing code or regulations of the City.

The service pipe within the premises and throughout its entire length to the water meter or to the property line if the water meter is set behind the property line, must be kept in repair and protected from freezing at the expense of the customer, lessee, or agent, who shall be responsible for all damages resulting from leaks or breaks. (Ord. 02-31; Ord. 93-34)

~~12.10.070 Credit For Water Leaks.~~

~~When a water leak occurs on the customer's side of the water meter resulting in an unusually high water bill, customers may apply for a credit. The credit is limited to the difference between the average wholesale cost of water multiplied by the number of water units estimated to have leaked, and the total amount of the water bill less normal usage. The average wholesale cost of water is the per unit average cost of water as established by the Intergovernmental Water Board at the beginning of each fiscal year.~~

~~The application to the City for the credit must be in writing and must include proof of the leak being fixed within 10 days of discovery of the leak.~~

TIGARD MUNICIPAL CODE

~~Any applications for credits greater than this code section allows will be considered by the Intergovernmental Water Board. (Ord. 96-39; Ord. 96-02; Ord. 93-34)~~

12.10.080 Jurisdiction Of Water System.

The operation and repair of the City's water system, including pipes, valves, pumps, reservoirs, fixtures, etc. is the complete responsibility of the City's Public Works Department. No plumber, contractor, or other person will be allowed to connect to or operate any part of the City's water system up to and including the water meter. (Ord. 02-31; Ord. 93-34)

12.10.090 Waste - Plumbing - Inspection.

Water will not be furnished to premises where it is allowed to run or waste to prevent freezing or through defective plumbing or otherwise. Plumbing should be ~~of high test and first class and~~ in conformance with the appropriate codes of the jurisdiction issuing the building permit, ~~and where pressures may become high on 5/8" x 3/4" and 1" meters, a pressure regulator may be installed at the meter by the City to control varying pressures. (On meters 1 1/2" and larger, customer is responsible for installing a pressure regulator.) The City will not be responsible for damage from varying pressures. The Public Works Director or authorized person may inspect pipes and plumbing at proper times. (Ord. 93-34)~~

12.10.100 Physical Connections With Other Water Supplies Or Systems.

Neither cross connections nor physical connections of any kind shall be made to any other water supply, whether private or public, without the written consent and approval of the City Council, and the written approval of the

Oregon ~~Department of Human State Board of Health.~~ (Included in this category are all pipe lines, appurtenances and facilities of the City system and all pipes, appurtenances, pumps, tanks, storage reservoirs, facilities, equipment, appliances, etc., of other systems whether located within or on public or private property, or the premises of a water customer.)

~~The City's Public Works Director or other authorized representative shall have the right, at all reasonable times, to enter upon private property to inspect the premises of customers for physical connections with other water supplies. However, before entering upon private property, the Public Works Director or other authorized representative shall obtain the consent of an occupant or a warrant of the Municipal Court authorizing entry for the purpose of inspection. Any such connection shall be removed by the customer within ten days after written notice to remove is given by the City. If not removed within the time specified, the City may remove or discontinue any connection which it may have for servicing the property.~~

~~No search warrant shall be issued until an affidavit has been filed with the Municipal Court showing probable cause for the inspection by stating the purpose and extent of the proposed inspection citing this Chapter as the basis for the inspection whether it is an inspection instituted by complaint or other specific or general information concerning physical connections with water supply systems violations.~~

No person shall interfere with or attempt to prevent the Public Works Director or other authorized representative from entering upon private premises and inspecting the property when an emergency exists or the Public Works Director or authorized representative exhibits a warrant authorizing entry. (Ord. 93-34)

TIGARD MUNICIPAL CODE

12.10.110 Cross Connection Control Program.

The ~~city maintains a cross connection control purpose of this section is to~~ protect the ~~public~~ water supply ~~of the City~~ from contamination or pollution from potential cross connections; and to assure that approved backflow prevention assemblies or devices are tested and/or inspected annually, ~~as follows:~~

~~A. The installation or maintenance of any cross connection which would endanger the water supply of the City is prohibited. Any such cross connection now existing or hereafter installed is hereby declared unlawful and shall be rectified as directed by the City or its authorized representative(s).~~

~~B. The control or elimination of cross connections shall be in accordance with the regulations of Oregon Department of Human Services and the Oregon Plumbing Specialty Code. The policies, procedures, and criteria for determining appropriate levels of protection shall be in accordance with the Accepted Procedure and Practice in Cross Connection Control Manual, American Water Works Association, Pacific Northwest Section, current edition (OR Admin. Rules, Ch. 333-61.070).~~

~~C. The property owner to whom City water is provided shall install, in accordance with City standards, an approved backflow prevention assembly on the premises where any of the following circumstances exist:~~

~~1. Those circumstances identified in regulations adopted under subsection (B) of this section;~~

~~2. Where there is a fire protection system, an irrigation system, or a non-residential service connection;~~

~~3. Where unique conditions exist. Some examples include: extreme terrain, pipe elevation changes, or structures greater than three stories in height.~~

~~D. A property owner must notify the City if they make any changes to existing plumbing that allows the addition of any chemical or substance into the premise water system.~~

~~E. No approved backflow prevention assembly or device shall be disabled, removed, relocated, or substituted without the written approval of the City.~~

~~F. All commercial, multi-family, industrial, and institutional properties, regardless of size, shall have an approved backflow prevention assembly or device on the property owner's side of the water meter. At a minimum, this device shall be an approved double check valve assembly.~~

~~G. Except as otherwise provided in this subsection, all irrigation systems shall have an approved backflow prevention assembly or device. Irrigation system backflow prevention assemblies installed before the effective date of this ordinance, which were approved at the time of installation, shall be permitted to remain in service provided the assemblies are not moved or modified and are properly maintained. The assemblies must be tested at least annually and perform satisfactorily under Oregon Department of Human Services testing procedures.~~

~~H. Any installation, corrective measure, disconnection, or other change to a backflow prevention assembly shall be performed at the sole expense of the property owner. All costs or expenses for any correction or modification to the City's water system caused by or resulting from contamination from a cross connection shall be the responsibility of the property owner.~~

TIGARD MUNICIPAL CODE

~~I. Any backflow prevention assemblies, which are installed for the protection of the City water supply shall be tested at the time of installation. All backflow prevention assemblies must also be tested annually, or immediately after being repaired or relocated. The property owner shall forward the results of such testing to the City within ten (10) days of the date of installation, annual testing, repair, or relocation.~~

~~J. If the City has not received the result of a test required under subsection (B) or subsection (I) of this section within thirty (30) days of the required date, the City may order a test and shall charge the cost of the test to the property owner.~~

~~K. If a property owner fails to repair a faulty backflow prevention assembly within ten (10) days of a test showing the assembly is not operating properly, the City may order the repair of the assembly and shall charge the cost of the repair to the property owner.~~

~~L. The City may discontinue water service to any premise for non-payment, in accordance with Tigard Municipal Code Chapter 12.03.030.~~

~~M. Water service to any premises shall be contingent upon the property owner providing cross connection control in a manner approved by the City.~~

~~N. Authorized City employees, with proper identification, shall have free access, at reasonable hours of the day, to those parts of a premise or within buildings to which water is supplied. Water service may be refused or terminated to any premise for failure to allow necessary inspections.~~

~~O. These requirements must be strictly observed as a matter of public health and to prevent any possible contamination of the water system. (Ord. 07-11; Ord. 93-34)~~
The practices and procedures for determining appropriate levels of protection shall be in

accordance with the Accepted Procedures and Practice in Cross Connection Control Manual, American Water Works Association, Pacific Northwest Section, current edition.

12.10.120 Payment - Delinquency. (Repealed by Ord. 96-02).

(Repealed by Ord. 96-02, Ord. 96-02; Ord. 93-34)

12.10.130 Water Rates.

All rates, fees and charges shall be set by resolution of the Tigard City Council. (Ord. 93-34)

~~**12.10.140 Temporary Discontinuance Of Service.**~~

~~Temporary discontinuance of service for 30 days or more will occur without charge when the customer notifies the City of date of intent, time period of discontinuance, and provided all bills are paid. (Ord. 02-34; Ord. 93-34)~~

12.10.150 Interrupted Service - Changes In Pressure.

The water may be shut off at any time for repairs or other necessary work with or without notice. Conditions may cause a variation of the pressure. The City will not be responsible for any damage caused by interruption of service or varying pressure. When service is interrupted, hot water faucets should be kept closed to prevent backflow of hot water or steam. (Ord. 93-34)

12.10.160 Service Connection Maintenance.

The City will maintain all standard service connections in good repair without expense to the customers. Each customer is required to use

TIGARD MUNICIPAL CODE

reasonable care and diligence to protect the water meter and meter box from loss or damage by freezing, hot water, traffic hazards, and other causes, in default of which, such customer shall pay to the City the full amount of the resulting damage.

Each customer is required to maintain vegetation and other obstruction free zone of a minimum of two feet around the water meters box, fire hydrants or other water appurtenances. Clear access to the meter shall be from the street side in a direct path to the water meter. Failure to maintain the area will result in City personnel clearing the area to meet the City's meter reading and maintenance needs. ~~The customer will be charged any related expenses of the City in clearing the area.~~ The City shall have no liability for trimming of maintaining vegetation in order to read meters. (Ord. 02-31; Ord. 93-34)

~~12.10.170 Main Extensions.~~

~~Designed and Installed by Others.~~

~~When design or supervision of installation of improvements is performed by licensed engineers, and installation is performed and paid for by others, subject to approval by the City, a fee in accordance with the Fees and Charges Schedule shall be imposed.~~

~~Size of such extensions, type of pipe, location, gate valves, fixtures, fire hydrants and other fittings shall be under City specifications and subject to City approval, and such mains shall be laid from the end of the existing main to the far end of the property to be served. No lines or laterals shall be laid until the estimated cost thereof, as hereinabove set forth, shall have been deposited with the City. All such extensions of mains and laterals, and installation of fire hydrants shall be the sole property of the City, without right of immediate refund on the part of the person or persons paying for such extension or on the part~~

~~of any person or persons whomsoever. No extension of main will be permitted, accepted or served by the City unless such line be at least a 6-inch diameter pipe. Short extensions, such as cul-de-sacs, can be of small diameter upon approval of the City.~~

~~When a person is required to pay the cost of extending a water main adjacent to property other than that person's own so that water service for domestic use is provided for such other property without further extension of the water main, the City shall require the owner of the other property, prior to providing water service to that property, to refund to the person required to pay the cost of extending the water main, a pro rate portion of the cost of extension. The right to require such refund shall not continue for more than 10 years after the date of installation of the extension of the water main. The amount to be refunded shall be determined by the City and such determination shall be final.~~

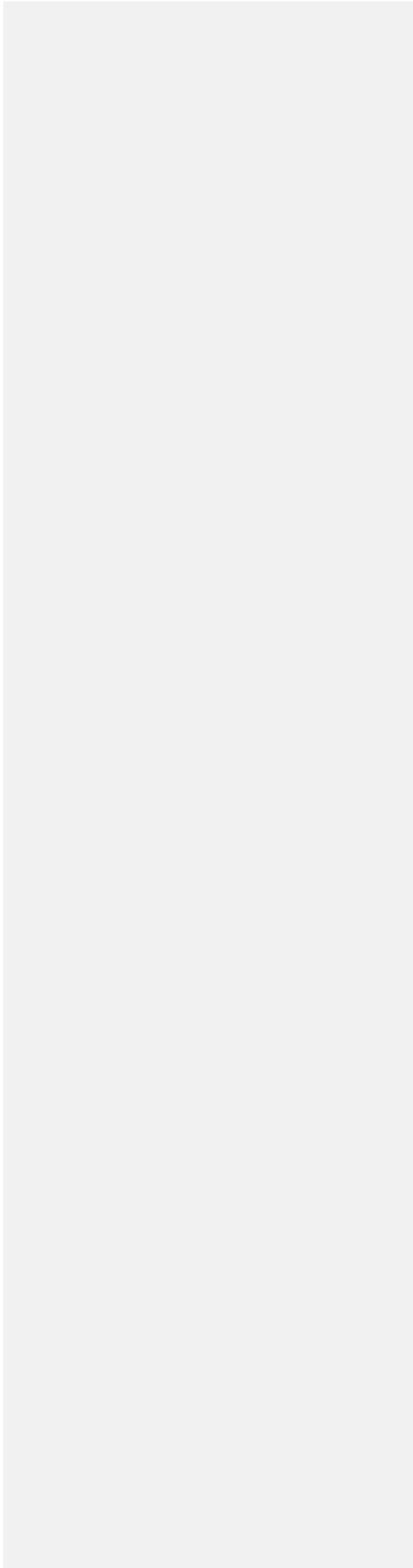
~~Each construction contractor shall be approved by the City's Public Works Director prior to installing pipe lines, pumps, etc. Those installations made by private contractors will be thoroughly inspected and approved by the City to ensure compliance with plans and specifications. Back filling of trenches prior to City approval is unauthorized.~~

~~If water main extension is necessary to serve an existing single family dwelling and the main size required by the City is larger than a 6", the expense of the installation across the front of their property, plus the cost of the meter will be with the developer or owner requesting the extension.~~

~~The developer or owner requesting the construction project shall be liable for any added cost due to design difficulties. Applicant(s) will agree to be bound by and comply with the City's main extension policy and rules and regulations~~

TIGARD MUNICIPAL CODE

~~and any subsequent revisions or amendments to same which may be made from time to time.
(Ord. 02-31; Ord. 93-34)~~



TIGARD MUNICIPAL CODE

12.10.180 Limitation On The Use Of Water.

A. Limitation on the use of water as to hours, purpose, or manner may be prescribed from time to time by order of the Public Works Director, based on a finding that the limitation is reasonable given the available and projected water supply and demand. Any order under this section shall be reviewed by City Council at its next session following issuance of the order. The City Council may affirm, withdraw or amend the order.

B. The Public Works Director, the City Manager or the City Council may call for voluntary reductions in water use, including, but not limited to, voluntary rotational watering plans. (Ord. 01-15 §1, Ord. 93-34)

~~12.10.190 Temporary Or Transient Service.~~

~~Temporary or transient service for construction work will be rendered upon deposit in advance of connection charge and one month's estimated water bill, and payment on the first of each month of all accrued charges. Upon discontinuance of service, refund will be made for all connection materials usable by the City at their depreciated value, less the cost of removal and all charges due. No temporary service shall be installed for any residence or building where permanent service connection may later be installed. (Ord. 93-34)~~

~~12.10.200 Construction Water.~~

~~Rates, fees and charges for water used via a permanent meter installation for construction purposes shall be set by resolution of the City Council. The charges shall be billed at completion of construction, but shall not exceed a period of 6 months, unless authorized by the City. (Ord. 93-34)~~

~~12.10.210 Meter Out of Order Test.~~

~~If a meter shall fail to measure accurately, the bill shall be the average for the same periods in prior years. Tests will be made periodically without charge to the customer. A customer may demand a test upon payment of a charge for such test. The rates, fees and charges for this test shall be set by resolution of the City Council. (Ord. 93-34)~~

12.10.220 Fire Hydrants.

Repealed by Ord. 02-31. (Ord. 93-34)

12.10.230 Fire Hydrant - Temporary Use.

Any person who desires to use a fire hydrant for temporary water supply must obtain permission of the City. The charge for temporary use shall be set by resolution of the City Council. Customer is responsible for repair and/or replacement of damaged meter. (Ord. 93-34)

12.10.240 Illegal Use Of Fire Hydrant Or Meter.

Connection to a fire hydrant or meter without proper authority is a Class 1 civil infraction. (Ord. 02-31; Ord. 93-34)

12.10.250 Amendments - Special Rules - Contracts.

The City may at any time amend, change or modify any rule, rate or charge, or make any special rule, rate or contract, and all water service is subject to such power. (Ord. 93-34)

Formatted: Font: Bold

TIGARD MUNICIPAL CODE

12.10.260 Grievances.

Any grievance as to service or complaints shall be made to the Public Works Director, who shall attempt to resolve the problem. Any unresolved grievances as to service or complaints shall be reported and will be considered by the Intergovernmental Water Board at the Board's next meeting. (Ord. 93-34)

~~12.10.270 The Public Works Director And Authorized Representatives.~~

~~The Public Works Director or an authorized representative are not authorized to make any changes in these rules, rates, or regulations. (Ord. 93-34)~~

12.10.280 Power To Grant Variances.

A. Except when prohibited by subsection B of this section, upon application, the Intergovernmental Water Board may grant variances from the water system rules and regulations enacted by the City of Tigard when it finds that: 1) strict application of the rules and regulations create undue economic hardship for the applicant with no significant benefit to the water system; 2) the variance requested has no material adverse effect upon the water system and it is consistent with established policies of the Tigard City Council.

B. The Intergovernmental Water Board may not grant variances relating to annexation of property, fire protection requirements, cross-connection requirements, fees, rates and charges. (Ord. 93-34)

12.10.300 Findings And Declaration Of A Water Emergency.

Upon finding that the municipal water supply is incapable of providing an adequate water supply for normal usage due to a drought, system

failure or any other event, the City Council may declare a water emergency and require that water usage must be curtailed. The declaration shall include the effective date, the reason for the declaration and the level of prohibition declared. The City Council may include an estimated time for review or revocation of the declaration. (Ord. 01-15 §2)

~~12.10.310 Levels Of Prohibition.~~

~~A. Level I Limited. The following activities or actions are prohibited under a Level I declaration:~~

- ~~1. Watering, sprinkling or irrigating lawn, grass or turf; exceptions:
 - ~~(a) New lawn, grass or turf that has been seeded or sodded 90 days prior to declaration of a water shortage may be watered as necessary until established;~~
 - ~~(b) High use athletic fields that are used for organized play;~~
 - ~~(c) If the Level I declaration so provides, a mandatory rotational watering plan may be imposed rather than an absolute prohibition on watering.~~~~
- ~~2. Watering, sprinkling or irrigating flowers, plants, shrubbery, ground cover, crops, vegetation or trees except from 6:00 p.m. to 10:00 a.m.~~
- ~~3. Washing, wetting down or sweeping with water, sidewalks, walkways, driveways, parking lots, open ground or other hard surfaced areas; exceptions:~~

TIGARD MUNICIPAL CODE

- ~~(a) Where there is a demonstrable need in order to meet public health and safety requirements, such as: to alleviate immediate fire or sanitation hazards; for dust control to meet air quality requirements mandated by the Oregon Department of Environmental Quality;~~
- ~~(b) Power washing of buildings, roofs and homes prior to painting, repair, remodeling or reconstruction, and not solely for aesthetic purposes.~~
- ~~4. Washing trucks, cars, trailers, tractors and other land vehicles or boats or other water borne vehicles, except by commercial establishments or fleet washing facilities which recycle or reuse the water in their washing processes or by bucket and hose with a shut-off mechanism; exception:~~
- ~~(a) Where the health, safety and welfare of the public is contingent upon frequent vehicle cleaning, such as: to clean garbage trucks and vehicles that transport food and other perishables, or otherwise required by law. Owners/operators of these vehicles are encouraged to utilize establishments that recycle or reuse the water in their washing process.~~
- ~~5. Cleaning, filling or maintaining decorative water features, natural or manmade, including, but not limited to, fountains, lakes, ponds and streams, unless the water is recirculated through the decorative water feature. Water features that do not include continuous or constant inflowing water are not included.~~
- ~~6. Wasting water by leaving unattended hoses running.~~
- ~~7. Water line testing and flushing in connection with construction projects; exception:~~
- ~~(a) Testing and flushing of critical water facilities.~~
- ~~8. Other actions that the City Council determines should be restricted, consistent with a Level I situation, including any restriction or curtailment imposed on the City by water suppliers or applicable law, regulation or order.~~
- ~~B. Level II Moderate. The following activities or actions are prohibited under a Level II declaration:~~
- ~~1. Actions and activities prohibited in a Level I situation.~~
- ~~2. Watering of any lawn, grass or turf, regardless of age or usage.~~
- ~~3. Watering, sprinkling or irrigating flowers, plants, shrubbery, groundcover, crops, vegetation or trees.~~
- ~~4. Washing of vehicles other than in establishments that recycle.~~
- ~~5. Power washing of buildings, regardless of purpose, is prohibited.~~

TIGARD MUNICIPAL CODE

~~6. Any additional actions that the City Council determines should be restricted consistent with a Level II situation.~~

~~C. Level III - Severe. In addition to the restrictions imposed under Level I and Level II, the City Council may impose any other restriction on water use or activities that may require the need for water supplies, consistent with the City water supply contracts. Activities that may require the need for water supplies include fireworks displays and other events that create a risk of fire. In imposing a Level III restriction, the City Council shall consider any restriction recommended by the Public Works Director or by any Fire District serving the City. (Ord. 01-15 §3)~~

12.10.320 Enforcement.

- A. Warning. The City shall send a letter of warning for each violation of a curtailment restriction if no previous letter of warning has been sent to the person responsible for the violation. The letter of warning shall specify the violation, may require compliance measures and shall be served upon the person responsible for the violation. Service may be in person, by office or substitute service or by certified or registered mail, return receipt requested.
- B. Civil Infraction. After the person responsible for the violation has received a warning letter, any subsequent violation shall be treated as a civil infraction under Chapter 1.16. (Ord. 01-15 §4)

12.10.330 Penalties.

- A. First Violation – Warning letter.
- B. Second Violation of the same type – Class 3 infraction \$50.
- C. Third violation of the same type – Class 2 infraction \$100.
- D. Fourth and subsequent violations of the same type – Class 1 infraction \$250. (Ord. 01-15 §5)

12.10.340 Water Shut-Off.

After the third violation of a curtailment restriction, the Public Works Director may order that the water service to the location where the violation has occurred shall be shut-off or reduced. A shut-off notice shall be posted on the property at least 48 hours prior to the scheduled shut-off or reduction. The shut-off notice shall specify the reasons for the shut-off or reduction. Any person wishing to avoid a shut-off must provide the Public Works Director with evidence that the shut-off will create a health or safety risk. All shut-offs imposed under this section shall be temporary, not to exceed thirty (30) days, provided the applicable charges are paid prior to reconnection. ~~The reconnection charge and, if applicable, the meter disconnection charge imposed under Section 12.03.030 shall be paid before the reconnection.~~ (Ord. 01-15 §6)

~~12.10.350 Definition.~~

~~As used in Sections 12.10.180 through 12.10.350:~~

~~“Rotational watering plan” means a plan for watering lawns and/or gardens on specific days or at specific times and not on other days or times. A rotational watering plan may be voluntary or mandatory. (Ord. 01-15 §7) ■~~

TIGARD MUNICIPAL CODE

Chapter 12.10 WATER SYSTEM RULES AND REGULATIONS.

Sections:

- 12.10.020 Use Of Water.**
- 12.10.030 Service Size.**
- 12.10.040 Separate Connection.**
- 12.10.050 Furnishing Water.**
- 12.10.060 Private Service Pipes.**
- 12.10.080 Jurisdiction.**
- 12.10.090 Waste - Plumbing - Inspection.**
- 12.10.100 Physical Connections With Other Water Supplies Or Systems.**
- 12.10.110 Cross Connection Control Program.**
- 12.10.120 Payment - Delinquency. (Repealed By Ord. 96-02).**
- 12.10.130 Water Rates.**
- 12.10.150 Interrupted Service - Changes In Pressure.**
- 12.10.160 Service Connection Maintenance.**
- 12.10.180 Limitation On The Use Of Water.**
- 12.10.210 Meter Out-Of-Order - Test.**
- 12.10.220 Fire Hydrants.**
- 12.10.230 Fire Hydrant - Temporary Use.**
- 12.10.240 Illegal Use Of Fire Hydrant Or Meter.**
- 12.10.250 Amendments - Special Rules - Contracts.**
- 12.10.260 Grievances.**
- 12.10.280 Power To Grant Variances.**
- 12.10.300 Findings And Declaration Of A Water Emergency.**
- 12.10.320 Enforcement.**
- 12.10.330 Penalties.**
- 12.10.340 Water Shut-Off.**

12.10.020 Use Of Water.

Water will be furnished for ordinary domestic, business and community purposes, and

fire protection only. No water will be furnished for the direct operation of steam boilers, machinery or golf courses, except on an interruptible basis, and the City will assume no responsibility therein. (Ord. 93-34)

12.10.030 Service Size.

Upon the application for new water service, and payment of all charges, the City will install a service connection and meter of such size and location as approved by the Public Works Department. Meter and water service piping shall be sized as using the fixture count method as described in the State of Oregon Uniform Plumbing Code. The minimum size of any water meter, which connects to the city water system, shall be five-eighths/three-fourths inch diameter.

In new subdivisions, the City requires the installation of water mains, valves, hydrants and water services by the developer as a part of improvements, as described in this chapter. All improvements and installations shall be in accordance with Public Improvement Design Standards. (Ord. 02-31; Ord. 93-34)

TIGARD MUNICIPAL CODE

12.10.040 Separate Connection.

A separate service connection will be required for each dwelling, apartment or motel, place of business, and institution. All outlying buildings and premises used as a part of such dwelling place or business or institution may be served from such connection, as well as all buildings on such premises operated under the one management. City shall prescribe the number of buildings to be served from one meter and such determination shall be final. (Ord. 02-31; Ord. 93-34)

12.10.050 Furnishing Water.

The City shall not be obligated to furnish and install, at its expense, system facilities for all property within the City. The City shall, so far as reasonable and practicable and within its financial means, however, provide adequate source of supply, necessary primary feeder mains, storage facilities and other improvements necessary to make water service generally available to all areas within the City. Extensions to furnish water to areas not now served by the City will be made at the expense of those persons requesting service. Such extensions will be made by the City or by those expressly authorized by the City. Consideration will be given to the City's ability to serve and to eligibility for annexation to the City of the property to be served. The City may contract with other governmental entities for the provision of water. The terms of service will be defined by agreement and consistent with the terms of this Chapter. (Ord. 93-34)

12.10.060 Service Pipe Standard and Maintenance.

Service pipes of all sizes, within or without the premises, whether for domestic, commercial, or fire protection purposes, must be materials, quality, class, and size as specified by the state

plumbing code or regulations of the City.

The service pipe within the premises and throughout its entire length to the water meter or to the property line if the water meter is set behind the property line, must be kept in repair and protected from freezing at the expense of the customer, lessee, or agent, who shall be responsible for all damages resulting from leaks or breaks. (Ord. 02-31; Ord. 93-34)

12.10.080 Jurisdiction Of Water System.

The operation and repair of the City's water system, including pipes, valves, pumps, reservoirs, fixtures, etc. is the complete responsibility of the City's Public Works Department. No plumber, contractor, or other person will be allowed to connect to or operate any part of the City's water system up to and including the water meter. (Ord. 02-31; Ord. 93-34)

12.10.090 Waste - Plumbing - Inspection.

Water will not be furnished to premises where it is allowed to run or waste to prevent freezing or through defective plumbing or otherwise. Plumbing should be in conformance with the appropriate codes of the jurisdiction issuing the building permit.

12.10.100 Physical Connections With Other Water Supplies Or Systems.

Neither cross connections nor physical connections of any kind shall be made to any other water supply, whether private or public, without the written consent and approval of the City Council, and the written approval of the Oregon Department of Human Resources. Included in this category are all pipe lines, appurtenances and

TIGARD MUNICIPAL CODE

facilities of the City system and all pipes, appurtenances, pumps, tanks, storage reservoirs, facilities, equipment, appliances, etc., of other systems whether located within or on public or private property, or the premises of a water customer.

Any such connection shall be removed by the customer within ten days after written notice to remove is given by the City. If not removed within the time specified, the City may remove or discontinue any connection which it may have for servicing the property.

No person shall interfere with or attempt to prevent the Public Works Director or other authorized representative from entering upon private premises and inspecting the property when an emergency exists or the Public Works Director or authorized representative exhibits a warrant authorizing entry. (Ord. 93-34)

12.10.110 Cross Connection Control Program.

The city maintains a cross connection control protect the public water supply from contamination or pollution from potential cross connections; and to assure that approved backflow prevention assemblies or devices are tested and/or inspected annually.

The practices and procedures for determining appropriate levels of protection shall be in accordance with the Accepted Procedures and Practice in Cross Connection Control Manual, American Water Works Association, Pacific Northwest Section, current edition.

12.10.120 Payment - Delinquency. (Repealed by Ord. 96-02).

(Repealed by Ord. 96-02, Ord. 96-02; Ord. 93-34)

12.10.130 Water Rates.

All rates, fees and charges shall be set by resolution of the Tigard City Council. (Ord. 93-34)

12.10.150 Interrupted Service - Changes In Pressure.

The water may be shut off at any time for repairs or other necessary work with or without notice. Conditions may cause a variation of the pressure. The City will not be responsible for any damage caused by interruption of service or varying pressure. When service is interrupted, hot water faucets should be kept closed to prevent backflow of hot water or steam. (Ord. 93-34)

12.10.160 Service Connection Maintenance.

The City will maintain all standard service connections in good repair without expense to the customers. Each customer is required to use reasonable care and diligence to protect the water meter and meter box from loss or damage by freezing, hot water, traffic hazards, and other causes, in default of which, such customer shall pay to the City the full amount of the resulting damage.

Each customer is required to maintain vegetation and other obstruction free zone of a minimum of two feet around the water meters, fire hydrants or other water appurtenances.. Clear access to the meter shall be from the street side in a direct path to the water meter. Failure to maintain the area will result in City personnel clearing the area to meet the City's meter reading and maintenance needs. The City shall have no liability for trimming of maintaining vegetation in order to read meters. (Ord. 02-31; Ord. 93-34)

TIGARD MUNICIPAL CODE

12.10.180 Limitation On The Use Of Water.

A. Limitation on the use of water as to hours, purpose, or manner may be prescribed from time to time by order of the Public Works Director, based on a finding that the limitation is reasonable given the available and projected water supply and demand. Any order under this section shall be reviewed by City Council at its next session following issuance of the order. The City Council may affirm, withdraw or amend the order.

B. The Public Works Director, the City Manager or the City Council may call for voluntary reductions in water use, including, but not limited to, voluntary rotational watering plans. (Ord. 01-15 §1, Ord. 93-34)

12.10.220 Fire Hydrants.

Repealed by Ord. 02-31. (Ord. 93-34)

12.10.230 Fire Hydrant - Temporary Use.

Any person who desires to use a fire hydrant for temporary water supply must obtain permission of the City. The charge for temporary use shall be set by resolution of the City Council. Customer is responsible for repair and/or replacement of damaged meter. (Ord. 93-34)

12.10.240 Illegal Use Of Fire Hydrant Or Meter.

Connection to a fire hydrant or meter without proper authority is a Class 1 civil infraction. (Ord. 02-31; Ord. 93-34)

12.10.250 Amendments - Special Rules - Contracts.

The City may at any time amend, change or modify any rule, rate or charge, or make any special rule, rate or contract, and all water service is subject to such power. (Ord. 93-34)

TIGARD MUNICIPAL CODE

12.10.260 Grievances.

Any grievance as to service or complaints shall be made to the Public Works Director, who shall attempt to resolve the problem. Any unresolved grievances as to service or complaints shall be reported and will be considered by the Intergovernmental Water Board at the Board's next meeting. (Ord. 93-34)

12.10.280 Power To Grant Variances.

A. Except when prohibited by subsection B of this section, upon application, the Intergovernmental Water Board may grant variances from the water system rules and regulations enacted by the City of Tigard when it finds that: 1) strict application of the rules and regulations create undue economic hardship for the applicant with no significant benefit to the water system; 2) the variance requested has no material adverse effect upon the water system and it is consistent with established policies of the Tigard City Council.

B. The Intergovernmental Water Board may not grant variances relating to annexation of property, fire protection requirements, cross-connection requirements, fees, rates and charges. (Ord. 93-34)

12.10.300 Findings And Declaration Of A Water Emergency.

Upon finding that the municipal water supply is incapable of providing an adequate water supply for normal usage due to a drought, system failure or any other event, the City Council may declare a water emergency and require that water usage must be curtailed. The declaration shall include the effective date, the reason for the declaration and the level of prohibition declared. The City Council may include an estimated time for review or revocation of the declaration. (Ord.

01-15 §2)

12.10.320 Enforcement.

- A. **Warning.** The City shall send a letter of warning for each violation of a curtailment restriction if no previous letter of warning has been sent to the person responsible for the violation. The letter of warning shall specify the violation, may require compliance measures and shall be served upon the person responsible for the violation. Service may be in person, by office or substitute service or by certified or registered mail, return receipt requested.
- B. **Civil Infraction.** After the person responsible for the violation has received a warning letter, any subsequent violation shall be treated as a civil infraction under Chapter 1.16. (Ord. 01-15 §4)

TIGARD MUNICIPAL CODE

12.10.330 Penalties.

- A. First Violation – Warning letter.
- B. Second Violation of the same type – Class 3 infraction \$50.
- C. Third violation of the same type – Class 2 infraction \$100.
- D. Fourth and subsequent violations of the same type – Class 1 infraction \$250. (Ord. 01-15 §5)

12.10.340 Water Shut-Off.

After the third violation of a curtailment restriction, the Public Works Director may order that the water service to the location where the violation has occurred shall be shut-off or reduced. A shut-off notice shall be posted on the property at least 48 hours prior to the scheduled shut-off or reduction. The shut-off notice shall specify the reasons for the shut-off or reduction. Any person wishing to avoid a shut-off must provide the Public Works Director with evidence that the shut-off will create a health or safety risk. All shut-offs imposed under this section shall be temporary, not to exceed thirty (30) days, provided the applicable charges are paid prior to reconnection. (Ord. 01-15 §6)

■

AIS-313

Item #: 6.

Business Meeting

Date: 01/25/2011

Length (in minutes): 10 Minutes

Agenda Title: Report on National League of Cities Congress of Cities - Councilor Henderson

Prepared For: Councilor Henderson

Submitted By:

Cathy Wheatley
Administration

Item Type:

Meeting Type:

Council Business
Meeting - Main

ISSUE

Council Communications & Liaison Reports

- Report on National Congress of Cities Conference - Councilor Henderson

STAFF RECOMMENDATION / ACTION REQUEST

KEY FACTS AND INFORMATION SUMMARY

OTHER ALTERNATIVES

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

DATES OF PREVIOUS COUNCIL CONSIDERATION

AIS-333

Item #: 7.

Business Meeting

Date: 01/25/2011

Length (in minutes): 5 Minutes

Agenda Title: Consider Approval of the 2011 City Council Goals

Submitted By: Cathy Wheatley
Administration

Item Type: Motion Requested

Meeting Type:

Council Business
Meeting - Main

ISSUE

Review and consider the proposed list of 2011 Council Goals.

STAFF RECOMMENDATION / ACTION REQUEST

Approve the goals as listed.

KEY FACTS AND INFORMATION SUMMARY

- The City Council met on December 30, 2010, to set goals for 2011.
- Joe Hertzberg facilitated this meeting and prepared a list of proposed final goals that Council members selected as their top priorities after an afternoon of discussing, brainstorming, and determining areas of consensus among the members.
- Council received a draft copy of the proposed goal list for review with the request to provide the City Recorder with proposed edits.
- The City Council will discuss the proposed goal list and might make additional changes to the wording during the January 18 Workshop. After the workshop meeting with direction from the Council, staff will prepare the final goal list for formal approval by the City Council at the January 25, 2010, business meeting.
- This agenda item summary will be updated and the final goal list attached after the Council discussion on January 18.

OTHER ALTERNATIVES

Revise the goals statements.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

These goals will be used to set staff priorities for the next year. Staff will prepare quarterly status reports on progress towards achievement of these goals.

DATES OF PREVIOUS COUNCIL CONSIDERATION

December 30, 2010

January 18, 2011

2011 TIGARD CITY COUNCIL GOALS

On December 30, 2010, the City Council met to set its goals for the coming year. These goals represent those items that the Council feels deserve special attention in the months ahead. The City will accomplish much more than what is listed here, but we identify these to be of particular importance to our residents.

1. Implement Comprehensive Plan
 - a. Show substantial progress on new Tigard Triangle Master Plan.
 - b. Update Tree Code.
 - c. Participate in the Southwest Corridor Study.
 - d. Work with state and regional partners to modify the Transportation Planning Rule.
 - e. Work with partners on urbanization policy issues.
2. Implement Downtown and Town Center Redevelopment Opportunities
 - a. Develop strategy and materials to attract developers and tenants.
 - b. Advance Ash Avenue Railroad Crossing.
3. Complete Plans for Parkland Acquisition
4. Advance Methods of Communication
 - a. Communication is a part of everyone's job.
 - b. Support efforts to change organizational culture.
5. Continue Coordination with Lake Oswego on Water Partnership.
6. Financial Stability
 - a. Hold the line on the General Fund Budget.
 - b. Work with partners on long-range solutions to statewide structural problems.
 - c. Evaluate the City's internal sustainability efforts.

Five-Year Council Goals

- Obtain Ash Avenue railroad crossing in downtown
- Explore 99W Urban Renewal District
- Continue to support the Legislature in addressing the financial needs of state and local governments in Oregon
- Develop long-term financial strategy
- Start implementing plan for City facility needs
- Develop Sustainability Plan

Long-Term Council Goals

- Continue pursuing opportunities to reduce traffic congestion
- Continue implementing Downtown Urban Renewal Plan
- Continue to monitor the Tigard/Lake Oswego Water Partnership

AIS-245

Item #: 8.

Business Meeting

Date: 01/25/2011

Length (in minutes): 5 Minutes

Agenda Title: City Council 4th Quarter Goal Update

Submitted By: Joanne Bengtson
Administrative Services

Item Type: Update, Discussion, Direct Staff

Meeting Type:

Council Business Meeting - Main

ISSUE

Update Council on the progress made on City Council Goals during 2010.

STAFF RECOMMENDATION / ACTION REQUEST

N/A - Informational Update Only

KEY FACTS AND INFORMATION SUMMARY

The 4th Quarter goal update is attached.

OTHER ALTERNATIVES

N/A

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

This is an update of progress made on all of the Council's 2010 Goals.

DATES OF PREVIOUS COUNCIL CONSIDERATION

Council receives quarterly updates, with the 3rd Quarter Update being presented on November 9, 2010.

Fiscal Impact

Fiscal Information:

No fiscal impact to report. This is a Council Goal Update - Information Only.

Attachments

4th Quarter Goal Update



2010 4th Quarter Goal Update

On December 22, 2009, the City Council met to set its goals for the coming year. These goals represent those items that the Council feels deserve special attention in the months ahead. The City will accomplish much more than what is listed here, but we identify these to be of particular importance to our residents.

2010 Council Goals

1. Implement Comprehensive Plan

a. Complete the Transportation System Plan (TSP) and begin area plans (Tigard Triangle, 99W Corridor, etc.)

Council adopted the Tigard 2035 Transportation System Plan on November 23, 2010. It became effective on December 23, 2010 and has been submitted to the Oregon Department of Land Conservation and Development as a completed task as required by the city's periodic review work program.

b. Update Tree Code

The Urban Forestry Code Revisions (UFCR) Citizen Advisory Committee and Technical Advisory Committee have come to general consensus on the issues of hazard trees, street trees, and how the current Tree Replacement Fund should be utilized. They have also provided input on development-related tree requirements.

The UFCR Public Involvement Plan continues to be implemented with regular updates to the project website, interested parties and briefings to Planning Commission and Council.

The required tree grove inventory is complete. This sets the stage for developing language for the incentive-based tree grove preservation program.

c. Continue to promote plan for 99W Light Rail

The city received Notice to Proceed with the Transportation Growth Management (TGM) grant to develop a land use plan for potential high capacity transit (HCT) station areas. Council appointed the Transportation Advisory Committee to serve as the Citizens Advisory Committee (CAC) for this project. The first HCT CAC meeting will be held in January.

2. Implement Downtown Urban Renewal

a. Initiate developer outreach/recruitment

Staff met with Portland developer Dick Singer to get his feedback and advice on Urban Renewal projects. He made several suggestions, some of which will be the basis of future agenda items with the City Center Advisory Commission and City Center Development Agency.

The City Center Development Agency reviewed the results of a development opportunity study on a Downtown property and a conceptual residential site design on the Public Works Annex. Staff is evaluating downtown properties for additional development opportunity studies.

b. Adopt Downtown Circulation Plan

Several revisions to the draft plan have been made in response to the City Center Advisory Commission endorsement and implementation of the plan. Additional consultant work will be

completed to develop draft implementing code language, followed by additional outreach to property owners who could be impacted by the plan.

3. Strategize with Park and Recreation Advisory Board on a 2010 Parks Bond

a. Decide whether to return to ballot and, if so, when?

Ballot Measure No. 34-181 is on the ballot for November 2, 2010. **(Measure Approved)**

Caption: \$17 million general obligation bond to acquire open spaces, protect clean water, improve parklands

b. Develop land acquisition strategies (potential options to purchase, etc.)

City Council held a joint meeting with the Park & Recreation Advisory Board on December 21, 2010. The PRAB presented a Park Property Acquisition and Improvement Program Charter. The PRAB has further defined the criteria laid out in the bond for property purchases. The top four priorities were also discussed. Council and PRAB concurred that judgment should be a factor in the final purchase decision along with the criteria.

4. Advance Methods of Communication

a. External: Develop communication strategy and methods in support of city goals.

The 99W HCT Corridor Land Use Study is underway, with staff conducting stakeholder interviews and employing new methods of communication for outreach. Council appointed the Transportation Advisory Committee in December to serve as the Citizens Advisory Committee (CAC) for this project. The first HCT CAC meeting will be held in January.

The Urban Forestry Code Revisions project is in full swing with public input, online materials and a system for receiving comments through email, mail, or the website as well as *Cityscape* and a new code revisions newsletter. A successful open house to kick-off the Tree Grove Preservation Program was held. The website is being updated, including an interactive map which allows easy access to tree grove inventory information.

b. Internal: Support staff efforts to change the organizational culture to create a proactive environment of exceptional people and service, promoting the values of “respect and care,” “get it done,” and do the “right thing” (Strategic Clarity)

The Citywide Values Team, comprised of staff representatives from all city departments, began meeting regularly to support and keep the newly adopted city values integrated into all aspects of city service and department operations. The team also created an internal web page that fosters and communicates the city values to all staff, including the department recognition programs, which highlight staff that are displaying the values daily in their service delivery. Information about the values is being shared at the department, division, and individual level meetings.

5. Support 2010 Washington County Cooperative Library Services (WCCLS) and Washington County Public Safety Levies

Voters approved levies for Renewal of a Local Option Levy for Countywide Public Safety and Renewal of Local Option Levy to Support Countywide Library Services.

AIS-345

Item #: .

Business Meeting

Date: 01/25/2011

Length (in minutes): 10 Minutes

Agenda Title: Consider Resolution Urging the City of Portland to Rejoin the Portland Joint Terrorism Task Force

Prepared For: Al Orr, Police Chief

Submitted By: Cathy Wheatley
Administration

Item Type: Resolution

Meeting Type: Council Business Meeting - Main

ISSUE

The Tigard City Council will consider a resolution urging the City of Portland to rejoin the Joint Terrorism Task Force.

STAFF RECOMMENDATION / ACTION REQUEST

Adopt the proposed resolution.

KEY FACTS AND INFORMATION SUMMARY

- In light of the recent alleged attempted bombing of the Tree Bombing Ceremony at Pioneer Square, the City of Portland is reconsidering its 2005 decision to withdraw from the Joint Terrorism Task Force.
- The City of Tigard is part of the Portland metropolitan area and recognizes that crime does not respect political boundaries and the fight against crime requires cooperation among all of our police forces.
- Terrorism, in particular, because of its political nature, requires close cooperation between local police forces and national and international intelligence agencies.
- Large public gatherings are likely targets and a successful terrorist attack has the potential to cause harm to persons who reside outside the political boundaries of Portland; the cities that surround Portland are impacted by decisions made by the Portland City Council.
- The City of Tigard acknowledges the legitimate concerns of the City of Portland to protect the civil rights of citizens; however, the risk of potential violence perpetrated by terrorists in our area are sufficient to merit the City of Portland's renewed participation in the Joint Terrorism Task Force.
- The City of Tigard has limited resources, which prevent participation in this task force and the city relies on participation by other local law enforcement agencies to provide timely and critical investigations of acts of terrorism within the Portland metropolitan area.

OTHER ALTERNATIVES

N/A

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

N/A

DATES OF PREVIOUS COUNCIL CONSIDERATION

N/A

Attachments

Proposed Resolution

**CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 11-**

A RESOLUTION URGING THE CITY OF PORTLAND TO REVERSE ITS DECISION OF 2005 TO WITHDRAW FROM THE PORTLAND JOINT TERRORISM TASK FORCE (JTTF) AND COMMIT RESOURCES TO THE CURRENT MAKEUP OF THE JTTF.

WHEREAS, in light of the recent alleged attempted bombing of the Tree Lighting Ceremony at Pioneer Square, the City of Portland is reconsidering its 2005 decision to withdraw from the Joint Terrorism Task Force; and

WHEREAS, the fundamental role of cities is to provide for the health, safety, and welfare of all people who reside, work, worship and recreate in their cities and neighboring jurisdictions; and

WHEREAS, the Tigard Police Department is responsible for protecting the lives, property, and rights of all people, through collaborative partnerships with the community and other law enforcement agencies; and

WHEREAS, the City of Tigard is part of the Portland metropolitan area and recognizes that crime does not respect political boundaries and the fight against crime requires cooperation among all of our police forces; and

WHEREAS, terrorism, in particular, because of its political nature, requires close cooperation between local police forces, and national and international intelligence agencies; and

WHEREAS, large public gatherings are likely targets, and a successful terrorist attack has the potential to cause harm to persons who reside outside the political boundaries of Portland and the cities that surround Portland are impacted by decisions made by the Portland City Council; and

WHEREAS, the City of Tigard acknowledges the legitimate concerns of the City of Portland to protect the civil rights of its citizens; however, we believe that existing safeguards are adequate, and that the risk of potential violence perpetrated by terrorists in our area are sufficient to merit the City of Portland's renewed participation in the JTTF.

WHEREAS, the City of Tigard has limited resources, which prevent participation in this task force and we rely on participation by other local law enforcement agencies to provide timely and critical investigations of acts of terrorism within the Portland Metropolitan area.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The City Council of the City of Tigard hereby requests the City of Portland to rejoin the Portland Joint Terrorism Task Force.

SECTION 2: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2011.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard