



City of Tigard Tigard Business Meeting - Agenda

TIGARD CITY COUNCIL - Revised 2/4/11 - Added Item 3.C - Receive and File of Council Calendar and Tentative Agenda
Revised 2/7/11 - Added Executive Session topic called under ORS 192.660 (2) (e) real property negotiations

MEETING DATE AND TIME: February 8, 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 - Revised 2/4/11 - Added Item 3.C - Receive and File of Council Calendar and Tentative Agenda
Revised 3/7/11 - Added Executive Session topic called under ORS 192.166 (e) real property negotiations

MEETING DATE AND TIME: February 8, 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

- STUDY SESSION

- A. Intergovernmental Agreement for Right-of-Way Services on SW Main Street from Pacific Highway to the Rail Corridor
- B. Discuss Exemplary Citizen Award.
- C. Discuss Potential Council Agenda Topic: Consider Formation of a Recreation & Events Steering Committee (RESC)
- D. Administrative Items
 - Board and Committee Code of Conduct Certification Update
 - Pacific Highway/Hall/Greenburg/Main Completion Celebration. Proposed date **change from March 3 to April 22.**
 - Council Calendar
 - 2/15/2011 - Tuesday - Workshop Meeting - 6:30 p.m.
 - 2/21/2011 - Monday - Presidents Day, City Hall Closed
 - 2/22/2011 - Tuesday - Business Meeting - 6:30 p.m.
 - 2/28/2011 - Monday - Presentation on Successful Community Economic Development 7-9 p.m.
- 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.

7:30 PM

1. BUSINESS MEETING
 - A. Call to Order
 - B. Roll Call
 - C. Pledge of Allegiance
 - D. Council Communications & Liaison Reports
 - E. 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

 - C. Tigard Area Chamber of Commerce

 - D. Citizen Communication – Sign Up Sheet

3. CONSENT AGENDA: (Tigard City Council) 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:
 - A. Draft minutes will be distributed to the City Council and included in the electronic meeting packet no later than Monday, February 7, 2011 or rescheduled to a future date.
 1. November 16, 2010
 2. November 23, 2010
 3. December 14, 2010
 4. December 21, 2010
 5. December 28, 2010
 6. December 30, 2010
 7. January 11, 2011
 8. January 25, 2011

 - B. Specify City Council Liaison Appointments to City of Tigard and Regional Boards, Commissions, Committees, and Task Forces

 - C. Receive and File:
 1. Council Calendar
 2. Council Tentative Agenda for Future Meeting Topics

- *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. PROCLAIM FEBRUARY 2011 AS KIWANIS CHILDREN'S CANCER CURE MONTH
7:45 PM (Time is estimated)
5. UPDATE FROM METRO COUNCILOR CARL HOSTICKA
7:50 PM (Time is estimated)
6. CONSIDER A RESOLUTION APPROVING THE PURCHASE OF THE POTSO DOG PARK PROPERTY AND AUTHORIZING THE CITY MANAGER TO COMPLETE THE PROPERTY PURCHASE
8:15 (Time is estimated)
7. COUNCIL LIAISON REPORTS
8. NON AGENDA ITEMS
9. EXECUTIVE SESSION: The Tigard City Council will go into Executive Session to consult with counsel concerning legal rights and duties regarding current litigation or litigation likely to be filed, under ORS 192.660(2) (h) and for real property 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.
8:25 PM (Time is estimated)
10. ADJOURNMENT

AIS-309

Item #: A.

Business Meeting

Date: 02/08/2011

Length (in minutes): 15 Minutes

Agenda Title: Intergovernmental Agreement for Right-of-Way Services on SW Main Street from Pacific Highway to the Rail Corridor

Submitted By: Kim McMillan
Public Works

Item Type: Update, Discussion, Direct Staff

Meeting Type:

Council Business
Mtg - Study Sess.

ISSUE

The Council will hear a briefing on an intergovernmental agreement (IGA) with the Oregon Department of Transportation (ODOT) to administer funds for right-of-way services related to the Main Street/Green Street Retrofit project.

STAFF RECOMMENDATION / ACTION REQUEST

Staff recommends the Councilors listen to the briefing and discuss the IGA.

KEY FACTS AND INFORMATION SUMMARY

The Main Street/Green Street Retrofit project will reconfigure Main Street. The project will improve vehicular, bicycle, and pedestrian circulation. Project improvements include:

- Wider sidewalks
- Landscaping
- New street lighting
- Street trees
- An environmentally sensitive stormwater surface treatment system

The City of Tigard received a \$2.5 million federally funded grant from Metro to complete the project.

Although Metro awarded the grant, federally funded transportation grants are administered by ODOT. The Council has already approved an IGA giving ODOT the authority to administer grant funds related to project design and construction.

Preliminary work on the project indicates minor right-of-way adjustments will be needed. ODOT requires a separate IGA to administer grant funds related to right-of-way acquisition. This is the IGA now under discussion. This IGA is slated to come before the Council at its February 22, 2011 meeting.

The IGA caps ODOT's fees to administer right-of-way services at \$10,000. This amount can only be increased by mutual agreement of the City and ODOT. Right-of-way administration fees will be billed to the project.

The IGA was reviewed by the City Attorney's office.

OTHER ALTERNATIVES

The Council is not being asked to take any action on the IGA at this meeting.

The IGA is slated to come before the Council on February 22, 2011. At that time the Council could decide not to approve the IGA. However, failure to approve the IGA will prohibit the City from using federal grant dollars for right-of-way acquisition and may also jeopardize the City's federal funding for other aspects of the project.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

2010 Council Goal #2, "Implement Downtown Urban Renewal"

Adopted Plans:

Tigard Downtown Streetscape Design Plan (2006)

City Center Urban Renewal Plan (2005)

DATES OF PREVIOUS COUNCIL CONSIDERATION

This is the first time this IGA has come before the Council for discussion.

Fiscal Impact

Cost: \$10,000

Budgeted (yes or no): Yes

Where Budgeted (department/program): Road Fund CIP

Additional Fiscal Notes:

The FY 2011 Adopted Budget has \$650,000 in the Capital Improvement Plan (CIP) for Tigard's portion of the Main Street / Green Street project. The project is funded from \$450,000 of Gas Tax and \$200,000 from the Water Fund for water infrastructure work during the project. Of the \$650,000, \$42,000 is for Project Management. The cost of the IGA up to \$10,000 is part of the Project Management portion of the project.

Attachments

IGA

**INTERGOVERNMENTAL AGREEMENT
FOR RIGHT OF WAY SERVICES
SW Main Street: 99W to Rail Corridor**

THIS AGREEMENT is made and entered into by and between the STATE OF OREGON, acting by and through its Department of Transportation, hereinafter referred to as "State"; and the CITY OF TIGARD, acting by and through its elected officials, hereinafter referred to as "Agency," both herein referred to individually or collectively as "Party" or "Parties."

RECITALS

1. By the authority granted in Oregon Revised Statute (ORS) 190.110, 283.110, 366.572 and 366.576, state agencies may enter into agreements with units of local government or other state agencies for the performance of any or all functions and activities that a Party to the agreement, its officers, or agents have the authority to perform.
2. By the authority granted in ORS 366.425, State may accept deposits of money or an irrevocable letter of credit from any county, city, road district, person, firm, or corporation for the performance of work on any public highway within the State. When said money or a letter of credit is deposited, State shall proceed with the Project. Money so deposited shall be disbursed for the purpose for which it was deposited.
3. That certain SW Main Street is a city street under the jurisdiction and control of Agency and Agency may enter into an agreement for the acquisition of real property.
4. n/a, is a part of the state highway system under the jurisdiction and control of the Oregon Transportation Commission (OTC).
5. This Agreement shall define roles and responsibilities of the Parties regarding the real property to be used as part of right of way for road, street or construction of public improvement. The scope and funding may be further described in Local Agency Agreement number 25365. Hereinafter, all acts necessary to accomplish services in this Agreement shall be referred to as "Project."

NOW THEREFORE, the premises being in general as stated in the foregoing recitals, it is agreed by and between the Parties hereto as follows:

TERMS OF AGREEMENT

1. Under such authority, State and Agency agree to perform certain right of way activities shown in Special Provisions - Exhibit A, attached hereto and by this reference made a part hereof. If the State performs right of way services on behalf of the Agency, under no conditions shall Agency's obligations for said services exceed a maximum of \$10,000, including all expenses, unless agreed upon by both Parties.
2. The work shall begin on the date all required signatures are obtained and shall be completed no later than (ten) 10 calendar years, on which date this Agreement automatically terminates unless extended by a fully executed amendment.
3. The process to be followed by the Parties in carrying out this Agreement is set out in Exhibit A.
4. It is further agreed both Parties will strictly follow the rules, policies and procedures of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, ORS Chapter 35 and the "State Right of Way Manual".

STATE OBLIGATIONS

1. State shall perform the work described in Special Provisions - Exhibit A.
2. With the exception of work related to appraisals, State shall not enter into any subcontracts for any of the work scheduled under this Agreement without obtaining prior written approval from Agency.
3. If the State performs right of way services on behalf of the Agency, State shall perform the service under this Agreement as an independent contractor and shall be exclusively responsible for all costs and expenses related to its employment of individuals to perform the work under this Agreement including, but not limited to, retirement contributions, workers compensation, unemployment taxes, and state and federal income tax withholdings.
4. State's right of way contact person for this Project is Matt Gossett, Right-of-Way Agent, 123 NW Flanders St, Portland, OR 97209-4012 , 503-731-8425, matthew.c.gossett@odot.state.or.us, or assigned designee upon individual's absence.

AGENCY OBLIGATIONS

1. Agency shall perform the work described in Special Provisions - Exhibit A.
2. Agency certifies, at the time this Agreement is executed, that sufficient funds are available and authorized for expenditure to finance costs of this Agreement within

Agency's current appropriation or limitation of current budget. Agency is willing and able to finance all, or its pro-rata share of all, costs and expenses incurred in the Project up to its maximum.

3. Agency may utilize its own staff or subcontract any of the work scheduled under this Agreement provided Agency receives prior written approval of any staff, consultant or contractor by the State's Region Right of Way office.
4. Agency represents that this Agreement is signed by personnel authorized to do so on behalf of Agency.
5. Agency's right of way contact person for this Project is Kim McMillan, Project Manager, City of Tigard, 13125 SW Hall Blvd., Tigard, OR 97223, 503-639-4171, kim@tigard-or.gov, or assigned designee upon individual's absence.

PAYMENT FOR SERVICES AND EXPENDITURES:

1. In consideration for the services performed by State (as identified in the attached Exhibit A), Agency agrees to pay or reimburse State a maximum amount of \$10,000. Said maximum amount shall include reimbursement for all expenses, including travel expenses. Travel expenses shall be reimbursed to State in accordance with the current Oregon Department of Administrative Services' rates. Any expenditure beyond federal participation will be from, or reimbursed from, Agency funds. Payment in Agency and/or federal funds in any combination shall not exceed said maximum, unless agreed upon by both Parties.
2. Agency agrees to reimburse salaries and payroll reserves of State employees working on Project, direct costs, costs of rental equipment used, and per-diem expenditures.

GENERAL PROVISIONS:

1. This Agreement may be terminated by either Party upon thirty (30) days' notice, in writing and delivered by certified mail or in person, under any of the following conditions:
 - a. If either Party fails to provide services called for by this Agreement within the time specified herein or any extension thereof.
 - b. If either Party fails to perform any of the other provisions of this Agreement or so fails to pursue the work as to endanger performance of this Agreement in accordance with its terms, and after receipt of written notice fails to correct such failures within ten (10) days or such longer period as may be authorized.
 - c. If Agency fails to provide payment of its share of the cost of the Project.

- d. If State fails to receive funding, appropriations, limitations or other expenditure authority sufficient to allow State, in the exercise of its reasonable administrative discretion, to continue to make payments for performance of this Agreement.
 - e. If federal or state laws, regulations or guidelines are modified or interpreted in such a way that either the work under this Agreement is prohibited or State is prohibited from paying for such work from the planned funding source.
2. Any termination of this Agreement shall not prejudice any rights or obligations accrued to the Parties prior to termination.
 3. Agency acknowledges and agrees that State, the Oregon Secretary of State's Office, the federal government, and their duly authorized representatives shall have access to the books, documents, papers, and records of Agency which are directly pertinent to this Agreement for the purpose of making audit, examination, excerpts, and transcripts for a period of six (6) years after final payment. Copies of applicable records shall be made available upon request. Payment for costs of copies is reimbursable by State.
 4. Agency shall comply with all federal, state, and local laws, regulations, executive orders and ordinances applicable to the work under this Agreement, including, without limitation, the provisions of ORS 279B.220, 279B.225, 279B.230, 279B.235 and 279B.270 incorporated herein by reference and made a part hereof. Without limiting the generality of the foregoing, Agency expressly agrees to comply with (i) Title VI of Civil Rights Act of 1964; (ii) Title V and Section 504 of the Rehabilitation Act of 1973; (iii) the Americans with Disabilities Act of 1990 and ORS 659A.142; (iv) all regulations and administrative rules established pursuant to the foregoing laws; and (v) all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations.
 5. All employers, that employ subject workers who work under this Agreement in the State of Oregon shall comply with ORS 656.017 and provide the required workers' compensation coverage unless such employers are exempt under ORS 656.126. Both Parties shall ensure that each of its subcontractors complies with these requirements.
 6. Both Parties shall, to the extent permitted by the Oregon Constitution and the Oregon Tort Claims Act, indemnify, defend, save, and hold harmless each other, their officers and employees from any and all claims, suits, or actions may occur in their respective performance of this Project. Agency's total liability shall not exceed the tort claims limits provided in Oregon Tort Claims Act, ORS 30.260 to 30.300, for 'local public bodies'.

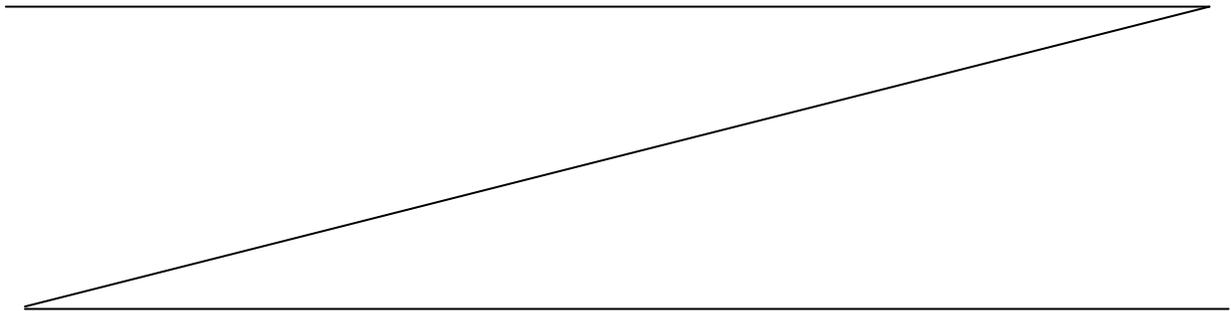
7. Notwithstanding the foregoing defense obligations under the paragraph above, neither Party nor any attorney engaged by either Party shall defend any claim in the name of the other Party or any agency/department/division of such other Party, nor purport to act as legal representative of the other Party or any of its agencies/departments/divisions, without the prior written consent of the legal counsel of such other Party. Each Party may, at anytime at its election assume its own defense and settlement in the event that it determines that the other Party is prohibited from defending it, or that other Party is not adequately defending its interests, or that an important governmental principle is at issue or that it is in the best interests of the Party to do so. Each Party reserves all rights to pursue any claims it may have against the other if it elects to assume its own defense.
8. If federal funds are involved in this Agreement, Exhibits B and C are attached hereto and by this reference made a part of this Agreement, and are hereby certified to by Agency.
9. If federal funds are involved in this Agreement, Agency, as a recipient of federal funds, pursuant to this Agreement with the State, shall assume sole liability for Agency's breach of any federal statutes, rules, program requirements and grant provisions applicable to the federal funds, and shall, upon Agency's breach of any such conditions that requires the State to return funds to the Federal Highway Administration, hold harmless and indemnify the State for an amount equal to the funds received under this Agreement; or if legal limitations apply to the indemnification ability of Agency, the indemnification amount shall be the maximum amount of funds available for expenditure, including any available contingency funds or other available non-appropriated funds, up to the amount received under this Agreement.
10. The Parties hereto agree that if any term or provision of this Agreement is declared by a court of competent jurisdiction to be invalid, unenforceable, illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the Parties shall be construed and enforced as if the Agreement did not contain the particular term or provision held to be invalid.
11. This Agreement may be executed in several counterparts (facsimile or otherwise) all of which when taken together shall constitute one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart. Each copy of this Agreement so executed shall constitute an original.
12. This Agreement and attached exhibits constitute the entire agreement between the Parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification or change of terms of this Agreement shall bind either

Party unless in writing and signed by both Parties and all necessary approvals have been obtained. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of State to enforce any provision of this Agreement shall not constitute a waiver by State of that or any other provision.

THE PARTIES, by execution of this Agreement, hereby acknowledges that its signing representatives have read this Agreement, understand it, and agree to be bound by its terms and conditions.

The Oregon Transportation Commission on May 20, 2009, approved Delegation Order No. 3, which authorizes the Director and Deputy Director, Highways to approve and execute all agreements pertaining to real property transactions.

On July 7, 2005, the Director and Deputy Director, Highways approved Subdelegation Order No. 4, in which the Director and Deputy Director, Highways delegates authority to the Technical Services Manager/Chief Engineer to approve and execute all agreements pertaining to real property transactions.



Signature Page to Follow

Pursuant to a Letter of Authority dated August 3, 2005, the Technical Services Manager/Chief Engineer authorized the State Right of Way Manager to approve and sign all Department real property deeds, contracts, agreements, and other documents pertaining to real property transactions and to approve and execute agreements with other governmental jurisdictions to employ Right of Way Section staff.

CITY OF TIGARD, by and through
its elected officials

By _____
Mayor

Date _____

By _____
Recorder

Date _____

APPROVED AS TO LEGAL SUFFICIENCY

By _____
City Attorney

Date _____

Agency Contact:

Kim McMillan
13125 SW Hall Blvd
Tigard, OR 97223
503-718-2643
kim@tigard-or.gov

State Contact:

Michele Thom
123 NW Flanders
Portland, OR 97209
503-731-8279
Michele.R.Thom@odot.state.or.us

STATE OF OREGON, by and through
its Department of Transportation

By _____
State Right of Way Manager

Date _____

APPROVAL RECOMMENDED

By _____
Region 1 Right of Way Manager

Date _____

By _____

Date _____

APPROVED AS TO LEGAL SUFFICIENCY

By n/a
Assistant Attorney General

Date _____

APPROVED

(If Litigation Work Related to Condemnation is
to be done by State)

By n/a
Chief Trial Counsel

Date _____

SPECIAL PROVISIONS EXHIBIT A
Right of Way Services

THINGS TO BE DONE BY STATE OR AGENCY

1. Pursuant to this Agreement, the work performed on behalf of the Agency can be performed by the Agency, the Agency's consultant, or a State Flex Services consultant. The work may be performed by Agency staff or any of these representatives on behalf of Agency individually or collectively provided they are qualified to perform such functions and after receipt of approval from the State's Region 1 Right of Way Manager. Said approval must be obtained, in writing, prior to the performance of said activities.
2. With the exception of work related to appraisals, State shall not enter into any subcontracts for any of the work scheduled under this Agreement without obtaining prior written approval from Agency.
3. Both Parties will strictly follow the rules, policies and procedures of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, ORS Chapter 35 and the "State Right of Way Manual".

Instructions: Insert either: State, Agency, or N/A on each line.

A. Preliminary Phase

1. Agency shall provide preliminary cost estimates.
2. Agency shall make preliminary contacts with property owners.
3. Agency shall gather and provide data for environmental documents.
4. Agency shall develop access and approach road list.
5. Agency shall help provide field location and Project data.

B. Acquisition Phase

1. General:
 - a. When doing the Acquisition work, Agency shall provide State with a status report of the Project quarterly.
 - b. Title to properties acquired shall be in the name of the Agency.

- c. Prior to the initiation of acquisitions, if title to the properties is to be acquired in the name of the Agency, the Agency shall adopt a resolution of intention and determination of necessity in accord with ORS 35.235 and ORS 35.610, authorizing acquisition and condemnation. If the Oregon Department of Justice is to handle condemnation work, prior approval evidenced by Chief Trial Counsel, Department of Justice, signature on this Agreement is required; and authorization for such representation shall be included in the resolution adopted by the Agency. Prior approval by Oregon Department of Justice is required.

2. Legal Descriptions:

- a. Agency shall provide sufficient horizontal control, recovery and retracement surveys, vesting deeds, maps and other data so that legal descriptions can be written.
- b. Agency shall provide construction plans and cross-section information for the Project.
- c. Agency shall write legal descriptions and prepare right of way maps. If the Agency acquires any right of way on a State highway, the property descriptions and right of way maps shall be based upon centerline stationing and shall be prepared in accordance with the current "State Right of Way & Rail/Utility Coordination Manual", "Contractor Services Guide" and the "Right of Way Engineering Manual". The preliminary and final versions of the property descriptions and right of way maps must be reviewed and approved by the State.
- d. Agency shall specify the degree of title to be acquired (e.g., fee, easement).

3. Real Property and Title Insurance:

- a. Agency shall provide preliminary title reports, if State determines they are needed, before negotiations for acquisition commence.
- b. Agency shall determine sufficiency of title (taking subject to). If the Agency acquires any right of way on a State highway, sufficiency of title (taking subject to) shall be determined in accordance with the current "State Right of Way Manual" and the "Contractor Services Guide". Agency shall clear any encumbrances necessary to conform to these requirements, obtain Title Insurance policies as required and provide the State copies of any title policies for the properties acquired.

- c. Agency shall conduct a Level 1 Hazardous Materials Study within project limits to detect presence of hazardous materials on any property purchase, excavation or disturbance of structures, as early in the project design as possible, but at a minimum prior to property acquisition or approved design.
 - d. Agency shall conduct a Level 2 Site Investigation of sufficient scope to confirm the presence of contamination, determine impacts to properties and develop special provisions and cost estimates, if the Level 1 Corridor study indicates the potential presence of contamination that could impact the properties.
 - If contamination is found, a recommendation for remediation will be presented to State.
 - e. Agency shall be responsible for arrangement of any necessary remediation.
 - f. Agency shall conduct asbestos, lead paint and other hazardous materials surveys for all structures that will be demolished, renovated or otherwise disturbed. Asbestos surveys must be conducted by an AHERA (asbestos hazard emergency response act) certified inspector.
4. Appraisal:
- a. Agency shall conduct the valuation process of properties to be acquired.
 - b. Agency shall perform the Appraisal Reviews.
 - c. Agency shall recommend Just Compensation, based upon a review of the valuation by qualified personnel.
5. Negotiations:
- a. Agency shall tender all monetary offers to land-owners in writing at the compensation shown in the appraisal review. Conveyances taken for more or less than the approved Just Compensation will require a statement justifying the settlement. Said statement will include the consideration of any property trades, construction obligations and zoning or permit concessions. If State performs this function, it will provide the Agency with all pertinent letters, negotiation records and obligations incurred during the acquisition process.
 - b. State and Agency shall determine a date for certification of right of way and agree to cosign the State's Right of Way Certification form. State and Agency agree possession of all right of way shall occur prior to advertising of any

construction contract, unless appropriate exceptions have been agreed to by Agency and State.

- c. Agency agrees to file all Recommendations for Condemnation at least seventy (70) days prior to the right of way certification date if negotiations have not been successful on those properties.

6. Relocation:

- a. Agency shall perform any relocation assistance, make replacement housing computations, and do all things necessary to relocate any displaced Parties on the Project.
- b. Agency shall make all relocation and moving payments for the Project.
- c. Agency shall perform the relocation appeal process.

C. Closing Phase

1. Agency shall close all transactions. This includes drawing of deeds, releases and satisfactions necessary to clear title, obtaining signatures on release documents, and making all payments. If Agency is handling the closing, State shall submit all signed Final Report packets, information required by the Uniform Act, and agreements to the Agency.
2. Agency shall record conveyance documents, only upon acceptance by appropriate agency.

D. Property Management

1. Agency shall take possession of all the acquired properties. There shall be no encroachments of buildings or other private improvements allowed upon the State highway right of way.
2. Agency shall dispose of all improvements and excess land.

E. Condemnation

1. N/A may offer mediation if the Parties have reached an impasse.
2. Agency shall perform all administrative functions in preparation of the condemnation process, such as preparing final offer and complaint letters.

3. Agency shall perform all legal and litigation work related to the condemnation process. (If State agrees to handle legal and litigation work, prior approval evidenced by Chief Trial Counsel, Department of Justice, signature on this Agreement is required. Where it is contemplated that property will be obtained for Agency for the Project, such approval will be conditioned on passage of a resolution by Agency substantially in the form attached hereto as Exhibit D, and by this reference made a part hereof, specifically identifying the property being acquired.)
4. Where State shall perform legal or litigation work related to the condemnation process, Agency acknowledges, and agrees and undertakes to assure that no member of Agency's board or council, nor Agency's mayor, when such member or mayor is a practicing attorney, nor Agency's attorney nor any member of the law firm of Agency's attorney, board or council member, or mayor, will represent any Party, except Agency, against the State of Oregon, its employees or contractors, in any matter arising from or related to the Project which is the subject of this Agreement.

F. Transfer of Right of Way to State

If applicable, Agency agrees to transfer to the State all right of way acquired on the State highway which was acquired in the Agency's name. The specific method of conveyance will be determined by the Agency and the State at the time of transfer and shall be coordinated by the State's Region Right of Way Manager. Agency agrees to provide the State all information and file documentation the State deems necessary to integrate the right of way into the State's highway system. At a minimum, this includes: copies of all recorded conveyance documents used to vest title in the name of the Agency during the right of way acquisition process, and the Agency's Final Report or Summary Report for each acquisition file that reflects the terms of the acquisition and all agreements with the property owner(s).

APPLICABLE ONLY IF FEDERAL FUNDS INVOLVED

For purposes of Exhibits B and C, references to Department shall mean State, references to Contractor shall mean Agency, and references to Contract shall mean Agreement.

EXHIBIT B (Local Agency or State Agency)

CONTRACTOR CERTIFICATION

Contractor certifies by signing this Contract that Contractor has not:

- (a) Employed or retained for a commission, percentage, brokerage, contingency fee or other consideration, any firm or person (other than a bona fide employee working solely for me or the above Contractor) to solicit or secure this Contract,
- (b) agreed, as an express or implied condition for obtaining this Contract, to employ or retain the services of any firm or person in connection with carrying out the Contract, or
- (c) paid or agreed to pay, to any firm, organization or person (other than a bona fide employee working solely for me or the above Contractor), any fee, contribution, donation or consideration of any kind for or in connection with, procuring or carrying out the Contract, except as here expressly stated (if any):

Contractor further acknowledges that this certificate is to be furnished to the Federal Highway Administration, and is subject to applicable State and Federal laws, both criminal and civil.

DEPARTMENT OFFICIAL CERTIFICATION

Department official likewise certifies by signing this Contract that Contractor or his/her representative has not been required directly or indirectly as an expression of implied condition in connection with obtaining or carrying out this Contract to:

- (a) Employ, retain or agree to employ or retain, any firm or person or
- (b) pay or agree to pay, to any firm, person or organization, any fee, contribution, donation or consideration of any kind except as here expressly stated (if any):

Department official further acknowledges this certificate is to be furnished to the Federal Highway Administration, and is subject to applicable State and Federal laws, both criminal and civil.

Exhibit C
Federal Provisions
Oregon Department of Transportation

CERTIFICATION OF NONINVOLVEMENT IN ANY DEBARMENT AND SUSPENSION

Contractor certifies by signing this Contract that to the best of its knowledge and belief, it and its principals:

1. Are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from covered transactions by any Federal department or agency;
 2. Have not within a three-year period preceding this Contract been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain or performing a public (federal, state or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery falsification or destruction of records, making false statements or receiving stolen property;
 3. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
 4. Have not within a three-year period preceding this Contract had one or more public transactions (federal, state or local) terminated for cause or default.
2. The inability to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The Contractor shall explain why he or she cannot provide the certification set out below. This explanation will be considered in connection with the Department determination to enter into this transaction. Failure to furnish an explanation shall disqualify such person from participation in this transaction.
 3. The certification in this clause is a material representation of fact upon which reliance was placed when the Department determined to enter into this transaction. If it is later determined that the Contractor knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government or the Department may terminate this transaction for cause of default.
 4. The Contractor shall provide immediate written notice to the Department if at any time the Contractor learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
 5. The terms "covered transaction", "debarred", "suspended", "ineligible", "lower tier covered transaction", "participant", "person", "primary covered transaction", "principal", and "voluntarily excluded", as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the Department's Program Section (Tel. (503) 986-3400) to which this proposal is being submitted for assistance in obtaining a copy of those regulations.

Where the Contractor is unable to certify to any of the statements in this certification, such prospective participant shall submit a written explanation to Department.

List exceptions. For each exception noted, indicate to whom the exception applies, initiating agency, and dates of action. If additional space is required, attach another page with the following heading: Certification Exceptions continued, Contract Insert.

EXCEPTIONS:

Exceptions will not necessarily result in denial of award, but will be considered in determining Contractor responsibility. Providing false information may result in criminal prosecution or administrative sanctions.

The Contractor is advised that by signing this Contract, the Contractor is deemed to have signed this certification.

II. INSTRUCTIONS FOR CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS--PRIMARY COVERED TRANSACTIONS

1. By signing this Contract, the Contractor is providing the certification set out below.
6. The Contractor agrees by entering into this Contract that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transactions with a person who is debarred, suspended, declared ineligible or voluntarily excluded from participation in this covered transaction, unless authorized by the Department or agency entering into this transaction.
7. The Contractor further agrees by entering into this Contract that it will include the Addendum to Form FHWA-1273 titled, "Appendix B--Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Covered

Transactions", provided by the Department entering into this covered transaction without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List published by the U. S. General Services Administration.
9. Nothing contained in the foregoing shall be construed to require establishment of a system of records to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government or the Department, the Department may terminate this transaction for cause or default.

III. ADDENDUM TO FORM FHWA-1273, REQUIRED CONTRACT PROVISIONS

This certification applies to subcontractors, material suppliers, vendors, and other lower tier participants.

- Appendix B of 49 CFR Part 29 -

Appendix B--Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion--Lower Tier Covered Transactions

Instructions for Certification

1. By signing and submitting this Contract, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this Contract is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms "covered transaction", "debarred", "suspended", "ineligible", "lower tier covered transaction", "participant", "person", "primary covered transaction", "principal", "proposal", and "voluntarily excluded", as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this Contract is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this Contract that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this Contract that it will include this clause titled, "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Covered Transaction", without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible or voluntarily excluded from the covered

transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the nonprocurement list.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion--Lower Tier Covered Transactions

- a. The prospective lower tier participant certifies, by entering into this Contract, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal department or agency.
- b. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall submit a written explanation to Department.

IV. EMPLOYMENT

1. Contractor warrants that he has not employed or retained any company or person, other than a bona fide employee working solely for Contractor, to solicit or secure this Contract and that he has not paid or agreed to pay any company or person, other than a bona fide employee working solely for Contractors, any fee, commission,

percentage, brokerage fee, gifts or any other consideration contingent upon or resulting from the award or making of this Contract. For breach or violation of this warranting, Department shall have the right to annul this Contract without liability or in its discretion to deduct from the Contract price or consideration or otherwise recover, the full amount of such fee, commission, percentage, brokerage fee, gift or contingent fee.

2. Contractor shall not engage, on a full or part-time basis or other basis, during the period of the Contract, any professional or technical personnel who are or have been at any time during the period of this Contract, in the employ of Department, except regularly retired employees, without written consent of the public employer of such person.
3. Contractor agrees to perform consulting services with that standard of care, skill and diligence normally provided by a professional in the performance of such consulting services on work similar to that hereunder. Department shall be entitled to rely on the accuracy, competence, and completeness of Contractor's services.

V. NONDISCRIMINATION

During the performance of this Contract, Contractor, for himself, his assignees and successors in interest, hereinafter referred to as Contractor, agrees as follows:

1. Compliance with Regulations. Contractor agrees to comply with Title VI of the Civil Rights Act of 1964, and Section 162(a) of the Federal-Aid Highway Act of 1973 and the Civil Rights Restoration Act of 1987. Contractor shall comply with the regulations of the Department of Transportation relative to nondiscrimination in Federally assisted programs of the Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time (hereinafter referred to as the Regulations), which are incorporated by reference and made a part of this Contract. Contractor, with regard to the work performed after award and prior to completion of the Contract work, shall not discriminate on grounds of race, creed, color, sex or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. Contractor shall not participate

either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices, when the Contract covers a program set forth in Appendix B of the Regulations.

2. Solicitation for Subcontractors, including Procurement of Materials and Equipment. In all solicitations, either by competitive bidding or negotiations made by Contractor for work to be performed under a subcontract, including procurement of materials and equipment, each potential subcontractor or supplier shall be notified by Contractor of Contractor's obligations under this Contract and regulations relative to nondiscrimination on the grounds of race, creed, color, sex or national origin.
3. Nondiscrimination in Employment (Title VII of the 1964 Civil Rights Act). During the performance of this Contract, Contractor agrees as follows:
 - a. Contractor will not discriminate against any employee or applicant for employment because of race, creed, color, sex or national origin. Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, sex or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notice setting forth the provisions of this nondiscrimination clause.
 - b. Contractor will, in all solicitations or advertisements for employees placed by or on behalf of Contractor, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, sex or national origin.
4. Information and Reports. Contractor will provide all information and reports required by the Regulations or orders and instructions issued pursuant thereto, and will permit

access to his books, records, accounts, other sources of information, and his facilities as may be determined by Department or FHWA as appropriate, and shall set forth what efforts he has made to obtain the information.

5. Sanctions for Noncompliance. In the event of Contractor's noncompliance with the nondiscrimination provisions of the Contract, Department shall impose such agreement sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:
 - a. Withholding of payments to Contractor under the agreement until Contractor complies; and/or
 - b. Cancellation, termination or suspension of the agreement in whole or in part.
6. Incorporation of Provisions. Contractor will include the provisions of paragraphs 1 through 6 of this section in every subcontract, including procurement of materials and leases of equipment, unless exempt from Regulations, orders or instructions issued pursuant thereto. Contractor shall take such action with respect to any subcontractor or procurement as Department or FHWA may direct as a means of enforcing such provisions, including sanctions for noncompliance; provided, however, that in the event Contractor becomes involved in or is threatened with litigation with a subcontractor or supplier as a result of such direction, Department may, at its option, enter into such litigation to protect the interests of Department, and, in addition, Contractor may request Department to enter into such litigation to protect the interests of the State of Oregon.

VI. DISADVANTAGED BUSINESS ENTERPRISE (DBE) POLICY

In accordance with Title 49, Code of Federal Regulations, Part 26, Contractor shall agree to abide by and take all necessary and reasonable steps to comply with the following statement:

DBE POLICY STATEMENT

DBE Policy. It is the policy of the United States Department of Transportation (USDOT) to practice nondiscrimination on the basis of race, color, sex and/or national origin in the award

and administration of USDOT assist contracts. Consequently, the DBE requirements of 49 CFR 26 apply to this Contract.

Required Statement For USDOT Financial Assistance Agreement. If as a condition of assistance the Agency has submitted and the US Department of Transportation has approved a Disadvantaged Business Enterprise Affirmative Action Program which the Agency agrees to carry out, this affirmative action program is incorporated into the financial assistance agreement by reference.

DBE Obligations. The Department and its Contractor agree to ensure that Disadvantaged Business Enterprises as defined in 49 CFR 26 have the opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with Federal funds. In this regard, Contractor shall take all necessary and reasonable steps in accordance with 49 CFR 26 to ensure that Disadvantaged Business Enterprises have the opportunity to compete for and perform contracts. Neither Department nor its contractors shall discriminate on the basis of race, color, national origin or sex in the award and performance of federally-assisted contracts. The Contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of such contracts. Failure by the Contractor to carry out these requirements is a material breach of this Contract, which may result in the termination of this Contract or such other remedy as Department deems appropriate.

The DBE Policy Statement and Obligations shall be included in all subcontracts entered into under this Contract.

Records and Reports. Contractor shall provide monthly documentation to Department that it is subcontracting with or purchasing materials from the DBEs identified to meet Contract goals. Contractor shall notify Department and obtain its written approval before replacing a DBE or making any change in the DBE participation listed. If a DBE is unable to fulfill the original obligation to the Contract, Contractor must demonstrate to Department the Affirmative Action steps taken to replace the DBE with another DBE. Failure to do so will result in withholding payment on those items. The monthly documentation will not be required after the DBE goal commitment is satisfactory to Department.

Any DBE participation attained after the DBE goal has been satisfied should be reported to the Departments.

DBE Definition. Only firms DBE certified by the State of Oregon, Department of Consumer & Business Services, Office of Minority, Women & Emerging Small Business, may be utilized to satisfy this obligation.

CONTRACTOR'S DBE CONTRACT GOAL

DBE GOAL 0 %

By signing this Contract, Contractor assures that good faith efforts have been made to meet the goal for the DBE participation specified in the Contract for this project as required by ORS 200.045, and 49 CFR 26.53 and 49 CFR, Part 26, Appendix A.

VII. LOBBYING

The Contractor certifies, by signing this agreement to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress or an employee of a Member of Congress in connection with this agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into.

Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U. S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The Contractor also agrees by signing this agreement that he or she shall require that the language of this certification be included in all lower tier subagreements, which exceed \$100,000 and that all such subrecipients shall certify and disclose accordingly.

FOR INQUIRY CONCERNING
DEPARTMENT'S DBE PROGRAM
REQUIREMENT CONTACT OFFICE OF
CIVIL RIGHTS AT (503)986-4354.

RESOLUTION EXERCISING THE POWER OF EMINENT DOMAN EXHIBIT D
Right of Way Services

WHEREAS City of Tigard may exercise the power of eminent domain pursuant to (Agency's charter) (statutes conferring authority) and the Law of the State of Oregon generally, when the exercise of such power is deemed necessary by the City of Tigard's governing body to accomplish public purposes for which City of Tigard has responsibility;

WHEREAS City of Tigard has the responsibility of providing safe transportation routes for commerce, convenience and to adequately serve the traveling public;

WHEREAS the project or projects known as Main St.: Rail Corridor to 99W have been planned in accordance with appropriate engineering standards for the construction, maintenance or improvement of said transportation infrastructure such that property damage is minimized, transportation promoted, travel safeguarded; and

WHEREAS to accomplish the project or projects set forth above it is necessary to acquire the interests in the property described in "Exhibit A," attached to this resolution and, by this reference incorporated herein; now, therefore

BE IT HEREBY RESOLVED by (Agency's Council, Commission, or Board)

1. The foregoing statements of authority and need are, in fact, the case. The project or projects for which the property is required and is being acquired are necessary in the public interest, and the same have been planned, designed, located, and will be constructed in a manner which will be most compatible with the greatest public good and the least private injury;
2. The power of eminent domain is hereby exercised with respect to each of the interests in property described in Exhibit A. Each is acquired subject to payment of just compensation and subject to procedural requirements of Oregon law;
3. The City of Tigard's staff and the (Agency's Attorney, Counsel, or District's Counsel) are authorized and requested to attempt to agree with the owner and other persons in interest as to the compensation to be paid for each acquisition, and, in the event that no satisfactory agreement can be reached, to commence and prosecute such condemnation proceedings as may be necessary to finally determine just compensation or any other issue appropriate to be determined by a court in connection with the acquisition. This authorization is not intended to expand the jurisdiction of any court to decide matters determined above or determinable by the (Agency's Council, Commission, or Board).
4. City of Tigard expressly reserves its jurisdiction to determine the necessity or propriety of any acquisition, its quantity, quality, or locality, and to change or abandon any acquisition.

DATED this ____ day of _____, 20__

[Complete in the usual style for resolutions of this entity]

AIS-375

Item #: B.

Business Meeting

Date: 02/08/2011

Length (in minutes): 10 Minutes

Agenda Title: Discuss Exemplary Citizen Award

Prepared For: Liz Newton

Submitted By:

Cathy Wheatley
Administration

Item Type: Update, Discussion, Direct Staff

Meeting Type:

Council Business
Mtg - Study Sess.

ISSUE

Discuss Exemplary Citizen Award Program.

STAFF RECOMMENDATION / ACTION REQUEST

Direct staff on whether to continue the Exemplary Citizen Award Program or make changes to the selection process and criteria.

KEY FACTS AND INFORMATION SUMMARY

- Staff advised City Council during its January 25, 2011 Study Session that no nominations had been received for the 2010 Exemplary Citizen Award.
- Council discussed the need to review the award to determine if changes are necessary to the Program, including considering no award this year or discontinuing the program.
- The attached application criteria is provided for Council members' review in advance of the follow-up discussion on the Award.

OTHER ALTERNATIVES

Council will discuss the possibility of making changes to the Exemplary Citizen Award Program.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

N/A

DATES OF PREVIOUS COUNCIL CONSIDERATION

January 25, 2011

Attachments

Program Criteria



City of Tigard Memorandum

To: Honorable Mayor and City Councilors

From: Liz Newton, Assistant City Manager *LN*

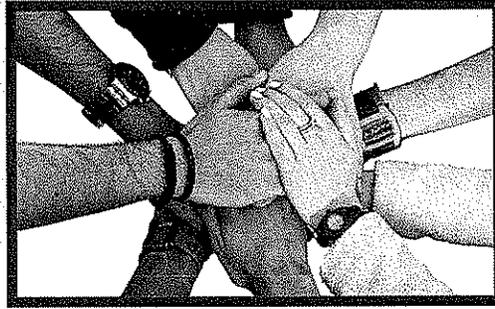
Re: Exemplary Citizenship Award Criteria

Date: January 31, 2011

During the study session portion of the January 25th City Council meeting, there was a discussion about whether or not to continue the Exemplary Citizen Award program. Council asked staff to provide the application criteria in advance of a follow-up discussion at the February 8th study session.

A copy of the 2010 Nomination Form including the criteria is attached.

Tigard 2010 Exemplary Citizenship Awards



cit • i • zen • ship

Pronunciation: \si-tə-zən-ship\
Function: noun

Function: noun

- 1 the status of being a citizen
- 2 a: membership in a community (as a college)
b: **the quality of an individual's response to membership in a community**
(Merriam-Webster)

Tigard's City Council believes it is important to recognize and honor those of you who help to make our community "a place to call home." We're looking for those who have dedicated their time and energy to help make Tigard such a wonderful place to live, work and play.

Do you know someone who exemplifies the spirit of citizenship in Tigard? The Exemplary Citizenship Awards are presented to those who have made positive contributions to our city and neighborhoods over the past year. Winners will be honored during the Tigard Chamber of Commerce annual Shining Stars Community Awards Banquet.

Award recipients will be chosen based on the following criteria. They must exemplify a commitment to the community by:

- Implementing and/or assisting in the implementation of outstanding projects, programs, or services;
- Enriching and revitalizing our community and neighborhoods;
- Demonstrating responsiveness, creativity, and civic values;
- Promoting cross-cultural awareness.

Please attach a one-page written narrative telling us why your nominee should receive an Exemplary Citizenship Award; addressing all of the criteria listed. The selection committee, comprising representatives from City Council, the Committee for Citizen Involvement and staff, will not review additional pages.

The Award will be presented at the Tigard Chamber's Shining Stars Community Awards Banquet on April 16.

For more information, please contact either Liz Newton, 503-718-2412, liz@tigard-or.gov, or Dianna Weston, 503-718-2402, diannaw@tigard-or.gov.

The deadline for submission is 5 p.m. on March 15, 2010.



Tigard 2010 Exemplary Citizenship Awards

NOMINATION FORM

Name of Nominee: _____

Telephone: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Email Address: _____

Please select one award category: **Individual...** A City resident using his/her own knowledge, talent, and resources to effect change.

Neighborhood, Business, or Organization... A neighborhood, Homeowners Association, or a Tigard business or organization using their knowledge, talent, or resources to effect change.

PLEASE ATTACH A ONE PAGE (*the selection committee, made up of representatives from City Council, the Planning Commission, Committee for Citizen Involvement, and staff, will not review additional pages*) **WRITTEN NARRATIVE** telling us why this nominee should receive an Exemplary Citizenship Award. **PLEASE ADDRESS THE STATED CRITERIA** in your narrative.

Nominated by: _____

Telephone: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Email Address: _____

The deadline for submission is 5 p.m. on March 15, 2010.



AIS-362

Item #: C.

Business Meeting

Date: 02/08/2011

Length (in minutes): 10 Minutes

Agenda Title: Discuss Potential Council Agenda Topic: Consider Formation of a Recreation & Events Steering Committee (RESC)

Prepared For: Councilor Marc Woodard

Submitted By:

Cathy Wheatley
Administration

Item Type: Update, Discussion, Direct Staff

Meeting Type:

Council Business
Mtg - Study Sess.

ISSUE

Councilor Woodard requests the City Council consider placing the following as a discussion item on a future City Council Agenda:

- Consider Formation of a Recreation & Events Steering Committee (RESC)

STAFF RECOMMENDATION / ACTION REQUEST

N/A

KEY FACTS AND INFORMATION SUMMARY

See the attached outline of talking points prepared by Councilor Woodard.

OTHER ALTERNATIVES

N/A

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

See attached outline.

DATES OF PREVIOUS COUNCIL CONSIDERATION

N/A

Attachments

RESC Program Concept

Councilor Woodard Proposal: This agenda outline will provide for the talking points if council approves the agenda item for next work study session.

Here is the Agenda Program Concept

Title: Consider Formation of a Recreation & Events Steering Committee (RESC)

Charge: Tigard Recreation and Events Steering Committee 2011/2012

Committee Function: Serves as City of Tigard recreation and events steering committee "body." Initially receives and works to coordinate high value community and recreational social events.

Committee Recreation and Events Selection criteria: Environmental, Social, Economical, Energy, Sustainability value (ESEES). And meets one or more Tigard comprehensive planning goals.

Environment - Must always brand and promote city center development, drive interest toward City Center and urbanization, make use of city owned property, or events that could begin in one location and then ending in another (e.g., biking, walking, jogging, running, boarding), or situated in one location (fund raisers, vendor-small business function, antique car, motorcycle, hobby events, parade, family day, etc.). Other example - Combine farmers market/small local business with other community events coordination. Must generate commerce, social environment, community hub building, brand down town.

Social - High probability of social gathering, recreational activity, historical/human interest, etc. stimulates high interest in social environmental, culture, conservation, green concepts, performing arts, etc. (other opportunities, customer satisfaction, feedback surveys, historical events gathering statistics, data, educational, etc.).

Economical - Generates REC activity Enterprise Revenues, City Center economic boost/awareness, low cost to city (tax payers) with a high potential of return. **Leverage** - Attract developer, small business interest, etc.

Energy - Low cost of utility use (make use of city utilities/natural light), tap high energy volunteer pool (network neighborhood communicative hubs), conservation of power, space and environment (city center, parks and trails) where logistics & human energy resources don't over extend commitment to activity/event, financial cost scope.

Sustainability - Make use of STAR Community Sustainability Goals & Guiding Principles within the events decision making "Sustainability Public Awareness Green Model": Promote and gain support for Sustainability performance that comes with community development vision (e.g., economic prosperity, health and safety, climate protection, etc.) (*Presented by Councilor Henderson*).

Notes:

1. *REC Criteria Matrix is needed to weigh, prioritize and plan recreation & social events selection prior to presenting for council approval.*
2. *Recommend: 1 community social event per/quarter after Steering Committee sunsets.*
3. *Requests: Come from citizens, surveys, network neighborhood, community organizations, etc.*
4. *Planning, Policy, Program development: Evolves through RESC Steering Committee and approved by council.*

Financial: Establish a dedicated Recreational Coordinator/program "commitment fund (see phase 2 below)." Thereby establishing a budget for future social and recreation events/program growth.

Budget: Initially - May requires a small cash infusion for promotional, marketing and survey costs (to receive a ROI) With intent to return all revenues to REC fund offsetting costs. (create sustainable revenue generating budget, see phase 2).

FTE: Not required during the Steering Committee *Phase 1 (sunset Steering Committee when sustaining budget is achieved, and/or general fund commitment is made)*.

Suggested RECS Committee Body: Recommend: 1 Councilor liaison, 1 FTE Staff Liaison, School District, 1 - Parks & Rec's, 1 - Police Dept, 1 - CCAC, 1 - Farmer's Market, 2- Citizen at large (Recommended from 1- network neighborhoods, 1- senior citizens, etc.), 1 (STAR LEED). Total (10) with alternate (1). Total body 10.

Future REC Vision: Phase 2, REC (Recreation & Events Committee) - Recreational Coordinator (100k REC fund self-generated and/or subsidized commitment) - REC Committee Staff Liaison and recreational/events city coordinator for recreational/social events mix. Note: REC Body (Same as steering committee body)

Directly supports Tigard Comprehensive Plan & State Goals: 1, 2, 5, 8, 9, 12, 13, 14, Special Planning Areas (Downtown), 2011 Council Goals "To Do" list... (See, Tigard Comprehensive Plan, Goal 8.3, Policies 1 & 2).

Request Staff Support: Illustrations/stat's: Dig up any pioneer, historical, pic's, news articles and/or popular events sponsored by the city of Tigard, e.g., Tigard Town and Country Days, seasonal events, farmers market, chili cook offs, car, hobby shows, etc. Crux: Bring our social-cultural history into a current and central branding theme. (Support with power point presentation would be nice, but not necessary).

Let me know what else is required, if council determines that this will make it as a work study agenda item.

Thank You.

Councilor Woodard

AIS-350

Item #: 3. A.

Business Meeting

Date: 02/08/2011

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

Attachments

[Council Minutes - November 23, 2010](#)

[Council Minutes - December 28, 2010](#)

[Council Minutes - January 11, 2011](#)

[Council Minutes - January 25, 2011](#)

AIS-350

Item #: 3. A.

Business Meeting

Date: 02/08/2011

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

Attachments

[Council Minutes - November 23, 2010](#)

[Council Minutes - December 14, 2010](#)

[Council Minutes - December 21, 2010](#)

[Council Minutes - December 28, 2010](#)

[Council Minutes - December 30, 2010 \(Goal Setting\)](#)

[Council Minutes - January 11, 2011](#)

[Council Minutes - January 25, 2011](#)



City of Tigard

Tigard Business Meeting – Minutes

TIGARD CITY COUNCIL

MEETING DATE AND TIME:	November 23, 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

Council President Wilson 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, Community Development Director Bunch, Public Works Director Koellermeier, Assistant Community Development Director Hartnett, Parks Manager Martin, City Attorney Bennett, City Recorder Wheatley

Also Present: Councilor-elect Woodard

Council President Wilson announced the City Council would be going into Executive Session:

- **EXECUTIVE SESSION:** The Tigard City Council went into Executive Session at 6:30 p.m. to discuss real property transaction negotiations and consultation with legal counsel concerning current and pending litigation under ORS 192.660(2) (e) and (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.

Executive Session concluded: 6:57 p.m.

TIGARD CITY COUNCIL MEETING MINUTES – November 23, 2010

- STUDY SESSION

- A. Receive Briefing on Proposed Citizen Involvement Committee Structure for High-Capacity Transit Land Use Plan

Associate Planner Daniels presented the staff report. A copy of the key facts and a summary are on file with the City Council packet materials.

After reviewing the information presented City Council agreed with staff recommendation that staff return with a resolution authorizing the establishment of the project citizen advisory committee (CAC), approving the associated purpose and charge statement, establishing meeting protocol, and designating the Tigard Transportation Advisory Committee (TTAC) as the CAC.

- B. Briefing on the Requirements to Obtain Outside Funding for the Acquisition of the Summer Creek Property - Phase 1

Parks Manager Martin presented the staff report. A copy of the key facts and a summary are on file with the City Council packet materials.

Parks Manager Martin reviewed funding sources and the requirements to obtain outside funding for the acquisition of the Summer Creek Property – Phase 1.

A resolution is scheduled on the business portion of this agenda for City Council consideration to authorize the City Manager to execute documents related to securing donations and grant funding for the acquisition of Summer Creek Property – Phase 1.

- C. Administrative Items

- Council Calendar -

- November 25 and 26 - Thanksgiving Holiday, City Hall Offices Closed
 - December 7, Noon - Team Building - Walnut Street Fire Station
 - December 14, 6:30 p.m. - Business Meeting - RRCCR and Town Hall
 - December 21, 6:30 p.m. - Workshop Meeting - Town Hall
 - December 24, Christmas Holiday Observed, City Hall Closed
 - December 28, 6:30 p.m. - Business Meeting - RRCCR and Town Hall
 - December 30, Noon - Goal Setting Meeting, Walnut Street Fire Station

Study Session concluded at 7:21 p.m.

1. BUSINESS MEETING



A Council President Wilson called the meeting to order at 7:30 p.m.

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 None

E. Call to Council and Staff for Non-Agenda Items

City Manager Prosser advised there would be Non-Agenda Items, including the RFP for City Attorney services and acquisition of the Sunrise property (parks). See Agenda Item No. 10.



2. CITIZEN COMMUNICATION

A. Follow-up to Previous Citizen Communications: None

B. Tigard High School Student Envoy Tracie Tran presented an update on Tigard High School activities. A copy of her written report is on file with the packet meeting materials.

C. Citizen Communication – Sign Up Sheet: None



Council President Wilson reviewed the Consent Agenda:

3. CONSENT AGENDA: (Tigard City Council)

A. Consider Resolution Amending /Citizen Involvement Structure and Appointing Planning Commission to Serve as the State-Required Committee for Citizen Involvement on Land Use Matters

RESOLUTION NO: 10-62 - A RESOLUTION AMENDING THE CITY'S CITIZEN INVOLVEMENT STRUCTURE AND APPOINTING THE PLANNING

TIGARD CITY COUNCIL MEETING MINUTES – November 23, 2010

COMMISSION TO SERVE AS THE STATE REQUIRED COMMITTEE FOR CITIZEN INVOLVEMENT

Council President Wilson noted that a concern has been raised about this agenda item. While no public hearing was scheduled, he said he would entertain comments from anyone present regarding the proposed resolution.



John Frewing, 7110 SW Lola Lane, Tigard, Oregon, said he is concerned that this action takes away the opportunity for citizen input. It appears to be a step closer towards a concept of a CPO4T. He said this disturbs him because he thinks CPO4M, consisting of Metzger and portions of the City of Tigard, has irregular boundaries. By creating a 4T, the citizens will be unable to plan effectively. The Intergovernmental Agreement between Tigard and Washington County regarding the Metzger area says that Tigard will consider the Metzger area in its planning actions and the County will consider Tigard in its planning actions in the Metzger area. He added that making the Planning Commission the CCI is adverse to Metzger area residents.



Jim Long, 10730 SW 72nd Avenue, Tigard, Oregon said he was present to speak as a citizen of Tigard and he is also the Chair of CPO4M. CPO4M looks at land use actions and plans each month. Within the boundary of CPO4M, more residents live in Tigard than in Metzger or other areas. He said the Planning Commission members are appointed. Citizen communications is organic and spontaneous. People need to feel that they have the power to do things. The CPO tries to empower people so they can participate. The CPO talks about a number of other issues besides land use. He described his concerns with the Planning Commission's appoint as the CCI. He supports efforts to increase citizen participation and hoped the City will have a good way to evaluate how this proposal is working if implemented. He said CPO will continue to look at land use issues and bring their input to the City of Tigard.



Assistant Community Development Director Hartnett followed up to the testimony just offered. She reminded the City Council that the action before the City Council is a follow up to the discussion held in June 2010. At that time a proposal was brought before the City Council jointly from the Community Development Department and Administration. This is the three-pronged approach proposed, which was in response to budget cuts that were taken earlier this year. It is staff's effort to continue to have robust citizen involvement in Tigard while making sure we are using volunteers' time wisely and asking them to be involved appropriately. There is a state requirement for a citizen involvement committee to oversee land use decisions (part of State Goal 1). This requirement is also repeated in the City of Tigard's Comprehensive Plan in more broad terms. The Comprehensive Plan not only talks about land use decisions, it also talks about projects and programs that go well beyond land use.

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In the past Tigard has relied on a single committee, which was also called the Committee for Citizen Involvement. While it had the same name, it was not necessarily intended to mean exactly the same thing. The Committee for Citizen Involvement had the responsibility of all three of the Comprehensive Plan goal statements, which include making recommendations to the City regarding ways to engage the public in City issues, projects, and land use processes; help implement and develop a public information and citizen involvement program applicable to a wide range of issues and support the enhancement of Tigard's overall level and quality of civic engagement by promoting meaningful citizen involvement in City government.

The proposal brought to the City Council in June received concurrence from the City Council to move forward. In that proposal, the assignment of citizen involvement was spread among all of the citizen advisory boards and commissions for the topic area for which they have responsibility. Because the Planning Commission deals with land use matters, would fulfill the state requirement for citizen involvement for land use decisions. The proposed resolution would make these changes for the Planning Commission and have the other Boards and Committees amend their bylaws to reflect their responsibility for public involvement. The current committee for citizen involvement would be transformed and its focus would be on the neighborhood network program.

Councilor Henderson asked if the CCI function within the Planning Commission will be conducted as part of the Planning Commission meeting or will it be held separately. Assistant Community Development Director Hartnett said it would become part of the responsibilities of the Planning Commission in their role. It would be shown as a specific agenda item, if staff was bringing to them a public involvement plan for a land use related matter.

Assistant Community Development Director Hartnett referred to the question of how the City Council would monitor the effectiveness of the citizen involvement. This responsibility will be listed in the charges for the various committees and it will become part of the requirements for the Planning Commission to report to the City Council in their joint annual meeting regarding how their CCI role is being met. This is a state requirement and this was called out in the letter attached to the proposed resolution.

Councilor Buehner said this would appear to provide better oversight since the City Council regularly meets with the Planning Commission.

Council President Wilson commented that he does not have any concerns.

Assistant Community Development Director Hartnett advised that the staff routinely (as part of public and citizen involvement on land use processes) involves the CPOs. This would not change with adoption of the proposed resolution.



Motion by Councilor Webb, seconded by Councilor Buehner, to approve the Consent Agenda.

The motion passed by a unanimous vote of City Council present:

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

Councilor Buehner said she has served as the CPO Chair in the past and she is sensitive to this issue of public involvement in all phases.



4. PRESENTATION OF LIFESAVING AWARDS

Police Chief Al Orr presented lifesaving awards Police Officer George Hicks (Tigard PD), Officer Brian Jackson (Tigard PD) and Officer Michael Rowe (Beaverton PD) for preventing a suicidal male from jumping off the Hall Boulevard overpass of Highway 217 on July 14, 2010.



5. INFORMATIONAL PUBLIC HEARING - CONSIDER A RESOLUTION FINALIZING SANITARY SEWER REIMBURSEMENT DISTRICT NO. 48 - LOWER SW CHERRY DRIVE

- Council President Wilson opened the public hearing.
- City Engineer Kyle presented the staff report. A copy of the key facts and a summary are on file with the City Council packet materials.
- Staff Report: Public Works Department



- Public Testimony: None
- City Engineer Kyle advised the staff recommendation is for City Council approval of report and draft resolution
- Motion by Councilor Webb, seconded by Councilor Buehner, to approve Resolution No. 10-63.

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RESOLUTION NO. 10-63 - A RESOLUTION FINALIZING SANITARY SEWER REIMBURSEMENT DISTRICT NO. 48 (LOWER SW CHERRY DRIVE) AND AMENDING THE PRELIMINARY CITY ENGINEER'S REPORT CONTAINED IN RESOLUTION NO. 10-37

The motion passed by a unanimous vote of City Council present:

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



6. REOPEN LEGISLATIVE PUBLIC HEARING FROM OCTOBER 12, 2010 (CPA2010-00001) TO ADOPT TIGARD 2035 TRANSPORTATION SYSTEM PLAN UPDATE

- Council President Wilson reopened the Legislative Public Hearing from October 12, 2010.



- Hearing Procedure: Attorney Bennett reviewed the hearing procedures. Public testimony was closed on October 12, 2010. The hearing was reopened for consideration of the staff report (Attachment 5 - Exhibit C in the Agenda Item packet material) and recommendation (Attachment 1 in the Agenda Item packet material).
- There were no declarations or challenges regarding the Tigard City Council considering this matter.
- Senior Transportation Planner Gray presented the staff report. Also present was Senior Planner Wyss.
 - A comprehensive staff presentation on this matter was conducted at the City Council hearing of October 12, 2010. Tonight's hearing will be focused on the recommended changes and addressing the October 12 testimony.
 - Senior Transportation Planner Gray referred to a memorandum from staff outlining the specific staff-recommended amendments to the Transportation System Plan (Attachment 1 to the Agenda Item packet material).
 - Exhibit C to the proposed ordinance is titled, *Second Supplemental Staff Report*, which outlines the testimony from the October 12 hearing as well as the staff response and recommendation.
 - The supplemental staff report content was reviewed.
 - A PowerPoint slide presentation was referred to during the staff report to the City Council; a copy of the presentation is on file with the City Council packet meeting material.

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- The five recommended amendments to the proposed ordinance, outlined in Attachment 1 to the Agenda Item Summary, were reviewed.
- Council Questions/Discussion
 - Councilor Buehner noted that the Plan addresses collectors and arterials, but it does not address local streets. Senior Transportation Planner Gray said this is correct; the emphasis is on arterials and collectors.



- Public Testimony

Neutral:

- Brian Dunn, Group Mackenzie, 1515 SE Water Avenue, Suite 100, Portland OR 97214, advised his company represents Mr. Fred Fields' property. He noted he provided testimony at the last hearing and said he had an additional letter he would like to submit into the record. He reviewed the elements of this letter:
 - In response to the second supplemental staff report, he advised they proposed previously three amendments for the Council's consideration. He reviewed the three options they proposed on October 12.
 - Group Mackenzie has concerns with staff's review of the first two options:
 - Option 1 – Reestablishing the Wall Street Extension Project. Staff contends that in development of the TSP, there were considerable barriers, environmental impacts, and associated costs that make the Wall Street Extension Project cost prohibitive and infeasible. Group Mackenzie is looking for the analysis and documentation to support this. Staff has directed them to some of the technical memorandums that contain additional details, but those details are not specific enough. (Volume 3, Technical Memorandum 5 and the Technical Appendices of Volume 1.)
 - Technical Memorandum 5 identifies the seven criteria that were used to evaluate the individual TSP projects.
 - The Wall Street Extension Project earned a moderate-benefit rating for the first four criteria and received a lower no-benefit rating for the last three criteria. Mr. Dunn said he believes staff's interpretation of this ranking was that the benefits were not strong enough to "win over this project and keep it on the TSP list."
 - Mr. Dunn said that the ranking system is qualitative and based on measures that have no weighting so there no direct way to compare or weight multi-modal mobility to environmental justice. He said this is important because providing at least some quantitative analysis is important.
 - Almost all of the bicycle and pedestrian projects identify significant, positive results for multi-modal mobility, system capacity and safety. This Wall Street Project would address all three of those things. It would provide

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a new facility for autos, bicyclists, and pedestrians from Hall Blvd. to Hunziker Street. The rankings for the first three measures should be significantly positive; that is, the highest ranking. They only received an average ranking.

- The cost effectiveness measure is “a little sticky.” There is a cost associated with the Wall Street Extension project, which is identified by the City to be about \$15 million. It is important to weigh that against what other alternatives would have to be done if this project was removed. In the 2002 TSP the Wall Street connection is in place and the Plan identified no need to widen Hall Blvd. and Bonita Road in the vicinity. In the proposed updated TSP, two projects were identified to widen Hall Blvd. and Bonita Road to four-five lanes at a cost around \$5.25 million for Hall Blvd., and \$20 million to widen Bonita Road to five lanes.
 - He said that if the City staff does not agree with any of their findings or their position, then there should be more documentation to address their concerns.
 - Amendment 2 – showing the Wall Street Extension on Milton Court. It was stated earlier that the TSP does not try to address local access. He said it does address arterial and collector streets; Wall Street is designated as a collector street. By addressing local street connectivity, this would pertain to the gap in connectivity across Mr. Fred Fields’ property. This was identified in the 2002 TSP and in the current TSP. Now, the Wall Street Project is gone and there is a gap in connectivity that is not addressed.
- Mr. Dunn summarized that to rectify Mr. Fields’ concerns regarding street connectivity to his property, they continue to request the City Council consider the three options proposed previously during their testimony.
- Brian Wegener, Tualatin Riverkeepers, 12360 SW Main Street, Tigard, Oregon 97223, commended staff for including the replacement of the Hall Blvd. Bridge in the Transportation System Plan. This has long been a problem with flooding. The impact on Fanno Creek is when a bottleneck is created that accelerates the water, which results in down cutting in the stream, which is damaging to habitat.
 - Phil Grillo on behalf of Mr. Fred Fields, 111 SW Fifth Avenue, Portland, Oregon 97204, advised he has comments to supplement testimony given by Mr. Dunn and provide additional background on what was contained in the supplemental staff report.
 - Mr. Grillo said it is important to recognize that they currently have two quasi-judicial land use applications pending with the City of Tigard with regard to the Wall Street Extension. The first application is scheduled to be before the City Council on December 14, 2010. The other application is likely to be heard by the City Land Use Hearings Officer.

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- Mr. Grillo said he thinks it is critical that that City Council not amend the TSP for a project that has long been planned for which there are pending permits. This raises the possibility of essentially changing the rules under which these applications will potentially be heard.
 - Mr. Grillo said it is important, long-term, to protect the opportunity to extend the Wall Street beyond Mr. Fields' property to connect to Hunziker Street. The planning period for use in the TSP is 25 years and will be used to consider what long-term connections will have to be made. We do not know what will happen in 25 years. Obviously, there are impediments for this project with regard to the railroad and WES; however, none of us is good at predicting what will happen in 25 years. He said it is an important goal ultimately to connect Wall Street to Hunziker Street.
 - Mr. Grillo said he believes it is important to protect and preserve the opportunity ultimately to connect Hall Blvd. to Milton Court via the Wall Street Extension. There has been discussion about this in the context of the application that will be coming before the City Council on December 14. He said he does not believe the Fields' property should be using Milton Court as any sort of primary access; but they do think it is an important opportunity for secondary access ultimately to connect Hall Blvd. to Milton Court and that is also something that has been in the Tigard TSP for a long time.
 - Mr. Grillo said he believes it would be unfair and not in the interests of the City to remove the Wall Street Extension project from the TSP at this time.
- John Frewing, 7110 SW Lola Lane, Tigard, OR 97223, said he believes it is the job of the City Council to do the balancing and weighing. There is no need to have a mathematical calculation to evaluate; rather, the City Council would use its judgment as they have been elected to do so. He said the Fields' representative's suggestion to have some "kind of scoring card" is not appropriate for this situation.
 - Glenna Thompson, 13676 SW Hall Blvd., Unit 2, Tigard, Oregon 97223, referred to Mr. Dunn's comment about the bridge and how it would help bicycle and pedestrian traffic. She said she does not believe this to be true because she lives at this location and observes the traffic along the Fanno Creek Trail. She said a bridge would disrupt the trail of pedestrians and bicycles and would be dangerous. She is also opposed to the bridge because it would disturb the wildlife.



- Staff Comments – Senior Transportation Planner Gray responded to the testimony presented above:
 - She said she did not hear a new recommended proposed amendment. Council President Wilson asked her to respond to the question about the adequacy of findings. Senior Transportation Planner Gray advised the challenge was a little more expansive than what was presented in testimony at the October 12 hearing. In particular, Mr. Dunn talked about the need for more quantitative analysis. She said there was a great deal of quantitative analysis and the analysis was summarized and reported throughout the TSP. She advised the analysis was completed in both qualitative and quantitative ways. The

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analysis was completed in partnership with those agencies that helped fund this project (DLCD, ODOT) and other agencies, Citizens Advisory Committee and the Planning Commission. The analyses were completed at an appropriate level for a long-range, broadly scoped Transportation System Plan.

- City Council Questions
 - Councilor Buehner said she proposed an amendment to re-designate Scholls Ferry Road as a principal arterial as opposed to an arterial. She recalled that staff agreed that the volume and function of the road met the standards to be a principal arterial but because Scholls Ferry is a Washington County road, it needs to be re-designated in the Washington County Plan. She noted that Washington County will be updating their Transportation System Plan soon and Beaverton is also beginning this process. She asked if it would be appropriate for staff to approach the staff of the other entities to determine if the re-designation of Scholls Ferry Road as a principal arterial in all three plans. Could this then be amended in our TSP?
 - Senior Transportation Planner Gray said she believed this could be done; however, the Beaverton TSP might have already been adopted as they were progressing at the same pace as the City of Tigard on their TSP update. Washington County is planning on doing an update. She advised that she talked to a planner from Washington County and their classification of a principal arterial would require that it be a state-owned highway.
 - Council President Wilson commented that this was a former state highway and the volume of traffic on Scholls Ferry Road has not gone down since it was a state highway, so this does not make sense to him.
 - Senior Transportation Planner Gray agreed she believes this road should be classified as a principal arterial. The functional classifications are useful to get an image of the way the street functions in terms of its traffic volume and cross-sections. Therefore, Pacific Highway and Scholls Ferry Road are consistent. The functional classifications also direct us to what policy documents and agencies refer to for design and performance measures and Washington County uses the principal arterial designation which will direct people to the Oregon Department of Transportation (ODOT).
 - Attorney Bennett referred to Senior Transportation Planner Gray's comments about the quantitative and qualitative analysis required by the Transportation System Plan. The TSP is a broad planning document, not intended to be a finely detailed planning document. Senior Transportation Planner Gray has already identified the amount of analysis that went into looking at and analyzing the Wall Street Extension. If the City were to want a more in-depth analysis, such as a feasibility analysis, then there would be the challenge that this should be done in every situation. This would turn this planning process into one with greatly increased amounts of cost and time. Staff does not believe the Transportation Planning Rule requires this. Council President Wilson said he agrees and had planned to make a similar point during his comments.

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- Council President Wilson closed the public hearing.

- Council discussion:



- Councilor Henderson said he understands the TSP has taken a long time and a lot of work and he agrees with much of what has occurred. However, he said there are some inconsistencies. He referred to Ash Street and Walnut Street. He said that he is aware that this is a general look and he understands what the citizenry wants but also looks at this from a transportation point of view, which can seem to be inconsistent. He said in the example of Wall Street, there were people before us that thought this was a good idea. He said he did not know if this is the time for this to be changed. He said he did not think, "...we have thought through all the thoughts...necessary to make that project work." The Fields' property is basically isolated, we are boxing ourselves in, and he does not think the staff proposal for the extension is the right thing to do at this time.
- Councilor Webb noted that the only items before the City Council are the five amendments proposed by staff. She said this has been worked on for a number of years and she said she would be voting yes on the Transportation System Plan including the five changes, "as is."
- Councilor Buehner said she would also be voting for the amendments that staff has proposed. She continues to have issue with the designation of Scholls Ferry Road and said she hopes that staff will follow up on this matter as it might help us in the long term to obtain funding.
- Council President Wilson concurred that the TSP is a general document. Nothing in the TSP precludes any particular property owner from having access to his property or to making transportation improvements "on his own nickel." The TSP covers the entire City and, if we were to wait to adopt a TSP until every conceivable development application came in, we would never adopt anything. The fact that the City Council will be hearing a particular application in a few weeks is irrelevant and does not impact the TSP. He said he does not believe anyone's rights are affected whatsoever by not including a particular street. He said he agreed with the comment that the amount of qualitative/quantitative analyses was sufficient. He said he supports the recommended changes. He said he believes this TSP update is far superior to the one completed in 2002.



- Council consideration:

Motion by Councilor Webb, seconded by Councilor Buehner, to adopt Ordinance No. 10-18, as amended.

ORDINANCE NO. 10-18 - AN ORDINANCE ADOPTING COMPREHENSIVE PLAN AMENDMENT CPA 2010-00001 TO AMEND THE CURRENT TIGARD

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COMPREHENSIVE PLAN GOAL 12: TRANSPORTATION AND THE TIGARD
PUBLIC FACILITIES PLAN TO INCORPORATE THE TIGARD 2035
TRANSPORTATION SYSTEM PLAN, AS AMENDED

Councilor Buehner commented that applications that Mr. Fields' attorney referred to during his testimony were made under the old rules. The new rules do not apply. The TSP adopted tonight would only apply to applications filed after the effective date of the ordinance.

City Recorder Wheatley conducted a roll-call vote on the motion:

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

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



7. RECEIVE UPDATE REGARDING THE TREE GROVE PRESERVATION ELEMENT
OF THE TIGARD URBAN FORESTRY CODE REVISION PROJECT

Senior Planner Wyss presented the staff report:

- The Tree Grove Preservation Program is one of the components of the overall Urban Forestry Code Revision project.
- Referred to an October 12, 2010, Open House.
- Developing the preservation program came about because of community priorities within the Urban Forestry Master Plan process. The Council approved the Master Plan about a year ago.
- The program is intended to preserve the remaining groves of native trees in the community through a flexible, incentive-based program, while following the rules of Statewide Planning Goal 5.
- The City has contracted with Winterbrook Planning, who will assist the City through this project. Winterbrook has completed an existing data review and the inventory field work.
- Council directed staff and Winterbrook to perform an evaluation of 100 tree groves that were two acres or larger representing 930 acres (12 percent of the City).
- Winterbrook applied specific criteria to each of the 100 groves; i.e., predominately native species, contiguous canopy cover, and other criteria. This generally removed fragmented groves. As a result 70 groves were identified as significant, consisting of 544 acres. These 70 groves will move forward and included in the program.
- The groves range in size from about 1+ to 54 acres. The median size is 3.78 acres.
- The groves were scored high, medium or low based on specific criteria, which were reviewed by Senior Planner Wyss. One of the highest scoring groves is located along the Fanno Creek

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Trail at Tiedeman with one portion owned the by City and the other owned by the School District.

- A number of the groves are located along stream corridors and there are a number that are publicly owned.
- Goal 5 rules were followed with regarding to notification of the property owners to advise that a portion of a tree grove was on their property. These owners were invited to the October Open House. Eighty property owners attended, visited with the staff and consultants and were able to ask and have questions answered. The community support appears to be positive and consistent with Urban Forestry Master Plan recommendation.
- There are two steps remaining in completing the Tree Grove Preservation Program: 1) Complete an economic, social, environmental, and energy analysis (ESEE), and 2) Develop a draft program that will go through a review process with Urban Forestry Code Revision Citizen Advisory Committee. The community will have an opportunity to review again at a mid-February Open House.



City Council questions:

- In response to a question from Councilor Henderson, Senior Planner Wyss advised that this is an incentive-based preservation program. Properties will be allowed to develop. A process will be created for the property owner to take advantage of some incentives to protect those tree groves.
- Council President Wilson asked what percentage of the groves are already either publicly owned or protected in some other way; i.e., Clean Water Service buffers, wetlands, set-aside properties from a previous development, etc. Senior Planner Wyss said those numbers are not available now; however, staff could conduct a GIS analysis and provide this information. Senior Planner Wyss concurred with Council President Wilson's observation that many of the groves are on public property, but are not wholly contained on public land as they are contiguous to private properties. This is where the incentive-based program will be beneficial.
- Council President Wilson asked how the ESEE process would apply if the City chooses an incentive-based approach. Senior Planner Wyss said that in an urban setting, a lot of times what is allowable or prohibited does not fit within the scope of a city's land-use program. Therefore, it is the "limit category" that gets played out in the regulations or incentive-based programs.
- Councilor Buehner noted there are some parcels that were specifically designated as dedicated open space when certain subdivisions were developed. Technically, these parcels remain in private ownership as common area for those subdivisions. She asked if this program provides an opportunity for the City to pick up some of those parcels, if appropriate. Senior Planner Wyss advised that some of the incentives might include outright City purchase or City assistance with conservation easements; however, there would have to be a funding source identified.
- Council President Wilson recalled that during the 1990's the City approved a lot of PUD's and subdivisions. At that time, it was the City's policy not to accept these kinds of parcels even if the developer wanted to give them over. Council President Wilson said he never agreed with that policy, but said it is more difficult to acquire them now because the City

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would be dealing with a homeowners association requiring wide agreement unless the property is condemned. He suggested that this conversation might be better within the context of the application of the dollars from the Parks Bond. Councilor Buehner added that in some of the subdivisions the homeowners association is defunct. Senior Planner Wyss said there are three primary levels to the program:

- City-owned property
- Properties already protected through planned development
- Properties that are still developable (this is where the incentives for property owners will be focused)
- Councilor Buehner said that many of the properties that were designated as open space within subdivisions are not being maintained. She said she was concerned whether the City should be proactive within this policy to resolve how these areas can be maintained. Senior Planner Wyss said this will be explored through this process.



8. **CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE FUNDING DOCUMENTS RELATED TO THE ACQUISITION OF THE SUMMER CREEK PROPERTY - PHASE 1**

- Public Works Director Koellermeier and Parks Manager Martin presented the staff report.
 - On March 23, 2010, the Council adopted Resolution No. 10-15, approving the purchase of the Summer Creek Property.
 - The City has worked in conjunction with the Trust for Public Lands, an organization which obtained an exclusive option to purchase the property.
 - The City actively sought donations and grants to fund the \$5.33 million property purchase. The current funding package includes:
 - Clean Water Services donation - \$100,000
 - Washington County local share funds donation - \$400,000
 - A Metro Nature in Neighborhoods grant- \$1 million
 - An Oregon Watershed Enhancement Board (OWEB) grant - \$1 million
 - City of Tigard local share funds from the Metro Bond Measure - \$873,317
 - The donations, grants, and other funding commitments total \$3,373,317. The remaining balance, approximately \$2 million, can be funded through proceeds from the Tigard parks bond measure.
 - Funding from the county, Metro, and OWEB is contingent upon the City's successful execution of various documents including intergovernmental agreements, a grant agreement, an easement and a declaration. Other documents and forms may also be required. Therefore, staff is requesting the Council authorize the City Manager to execute all documents related to securing donations and grant funding associated with the acquisition of the Summer Creek Property - Phase 1.
- Council Discussion/Consideration

TIGARD CITY COUNCIL MEETING MINUTES – November 23, 2010

Council President Wilson commented on the City's efforts to leverage additional funds. He referred to the passage of the park bond, which was approved by a small margin. Emphasis is on watching expenditure of those dollars carefully. The action before the City Council represents the first one to utilize proceeds from the park bond.

Motion by Councilor Buehner, seconded by Councilor Henderson, to adopt Resolution No. 10-64.

RESOLUTION NO. 10-64 - A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS RELATED TO SECURING DONATIONS AND GRANT FUNDING ASSOCIATED WITH ACQUISITION OF THE SUMMER CREEK PROPERTY - PHASE 1

The motion passed by a unanimous vote of City Council present:

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

9. COUNCIL LIAISON REPORTS: None



10. NON AGENDA ITEMS

Real Property Acquisition – Sunrise Property

Public Works Director Koellermeier presented information on a proposed property acquisition to be funded as a result of the approval of the Parks Bond. Negotiations have been concluded on the parcel known as the Sunrise property. The property is currently secured by the Trust for Public Lands (TPL), which has an option to exercise and the City needs to take action to acquire the property from TPL.

The purchase price for the property is \$5 million. The City has looked at this property several times over the last three years. The property has not developed because of the current economy and this has allowed the City to entertain its purchase. TPL will be acquiring the property and we anticipate the real estate transaction to close in the early spring if the City Council decides to take action.

Councilor Buehner asked if the City will be prepared to do some road improvements on Sunrise Lane to provide better access. Public Works Director Koellermeier said the transaction would acquire the property; development of the property will be a future action.



TIGARD CITY COUNCIL MEETING MINUTES – November 23, 2010

Motion by Councilor Buehner, seconded by Councilor Webb, that the City Council authorize the City Manager or his designee to execute the Purchase and Sale Agreement between the City of Tigard and the Trust for Public Lands to acquire the Sunrise Property upon satisfactory review of the documents.

The motion passed by a unanimous vote of City Council present:

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



Report on Washington County Hearing – West Bull Mountain Concept Plan

Assistant City Manager Newton presented the report. She communicated, during the hearing, the City's concerns about the West Bull Mountain Concept Plan. She said that at the Board Workshop Meeting Washington County Commissioner Rogers commented on a Town Hall held in Tigard referencing the questions asked by Councilor Buehner regarding the issues of water, parks, and traffic. Commissioner Rogers indicated his concern about answering these questions. The County staff reassured Commissioner Rogers that this is the first phase and Phase 2 will be to address those issues.

Assistant City Manager Newton advised that Washington County Commissioner Schouten raised concerns about how this area might be served by parks and asked a number of questions regarding the proximity of the areas within the Concept Plan to the City of Tigard.

Assistant City Manager Newton presented a letter that had been presented to the Tigard Planning Commission and an alternate resolution proposed by the City of Tigard. Washington County's legal counsel cautioned the Board of Commissioners regarding changing the name of the Concept Plan because Metro advised the County that the Concept Plan as developed meets the Metro Rules and statewide planning goals. City Manager Prosser clarified that the City of Tigard was proposing the change to designate the Concept as an Urban Form Diagram. The City also suggested that rather than adopting this Plan or Diagram, that the County accept it. Assistant City Manager Newton said that under the County's process, they must adopt (they cannot accept).

During the hearing Assistant City Manager Newton said Commissioner Rogers reiterated that he is concerned moving forward. He said the issues raised by Tigard and Beaverton need to be addressed.

The Concept Plan was adopted unanimously by the Commissioners. Board Chair Brian attended the meeting via telephone and also made comments.

TIGARD CITY COUNCIL MEETING MINUTES – November 23, 2010



City Attorney Request for Proposals (RFP)

Assistant City Manager Newton referred to a memorandum distributed to the City Council last week asking how the City Council would want to proceed with the legal services (prosecutor, real estate, franchise) RFP, which is different from the City Attorney RFP. The City Attorney reports to the City Council and the City Council would conduct the interviews for the City Attorney services.



Councilor Buehner said she would feel more comfortable if the RFP could specify that applicants could apply to handle just one specialty. Assistant City Manager Newton said the RFP for specialized service will be clear that firms could submit an RFP for specific specialty legal services. Councilor Buehner said a description of how specialty services might be provided by other firms should be stated within the general RFP.

Councilor Buehner said her preference would be to have interviews done by one or two City Council members rather than the entire City Council. Councilor Webb agreed with Councilor Buehner. Council President Wilson said that City Council should be involved in selection of the firm that will report to the City Council. The other areas are technical and agreed that staff and a representative from the City Council would be the preferred way to choose a firm(s) for those services.

Councilor Buehner asked if there were a number of applications for the City Attorney services, could a smaller group perform the preliminary evaluation so the entire City Council would only have two to interview. Assistant City Manager Newton suggested the City Council members could score the firms to determine who they would interview. Final determination on procedures can be done once it is known how many firms have applied. Responses to the RFP are due January 11. Interviews are schedule for late January/early February.

Assistant City Manager Newton advised an extension for the current City Attorney firm is scheduled for City Council consideration on December 28, 2010.

For the City Attorney contract, it will be a five-year contract, renewable annually.

- Council President Wilson noted he had a follow up question with regard to the earlier discussion on the West Bull Mountain Concept Plan. He asked about the process followed for Damascus. City Manager Prosser said he thought that Damascus was different insofar as it was not close to any other City and the only option was to create a new City. Councilor Buehner said she attended some of the meetings held at the time Damascus was incorporating. She said the infrastructure issues were not addressed in the planning, which is why Damascus proceeded with incorporation as they felt they were not given an opportunity to deal with those issues and the financial burden. Assistant City Manager Newton offered that the Community Development

TIGARD CITY COUNCIL MEETING MINUTES – November 23, 2010

Department could prepare a memorandum for the City Council regarding the Damascus process.



9:19 p.m.

11. ADJOURNMENT

Motion by Councilor Webb, seconded by Councilor Buehner, to adjourn the meeting.

The motion passed by a unanimous vote of City Council present:

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

Catherine Wheatley, City Recorder

Attest:

Mayor, City of Tigard

Date:_____

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City of Tigard

Tigard Business Meeting – Minutes

TIGARD CITY COUNCIL & LOCAL CONTRACT REVIEW BOARD	
MEETING DATE AND TIME:	December 14, 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	✓	
Councilor President Wilson	✓	
Councilor Buehner	✓	
Councilor Henderson	✓	
Councilor Webb	✓	

Staff Present: City Manager Prosser, Assistant City Manager Newton, Financial and Information Technology Director LaFrance, City Attorney Ramis, City Attorney Jones, Community Development Director Bunch, Assistant Community Development Director Hartnett, Public Works Director Koellermeier, Assistant Financial and Information Services Director Smith-Wagar, City Recorder Wheatley

• **STUDY SESSION**

- Present information on Water and Parks Bonds – Financial and Information Technology Director LaFrance reviewed staff report with the City Council.
- At the December 28, 2010 Business Meeting, action will be requested of Council to authorize the sale of Water Revenue Bonds and two series of General Obligation Bonds: 1) for \$17 million in Parks Bonds, and 2) for potential refunding of Tigard's outstanding Library Bonds.

TIGARD CITY COUNCIL MEETING MINUTES – December 14, 2010

- The Water Rate Study that will finance the Water Revenue Bonds was adopted by Council in Resolution No. 10-58 on November 9, 2010.
- The Parks Bonds were approved by the voters of the City of Tigard in Measure 34-181 on November 2, 2010 in the amount of \$17,000,000.
- Tigard currently has one other General Obligation Bond that was issued to pay for the Tigard Library authorized by the voters of the City of Tigard on May 21, 2002. Council is being asked to approve a resolution authorizing the sale of General Obligation bonds in one or more series for the \$17 mil for parks and, if it provides savings to Tigard, to issue refunding general obligation bonds to refinance the Library Bonds.

City Manager Prosser reviewed the following with the City Council:

➤ Administrative Items

- TVF&R requests a 2011 Joint Meeting with the Tigard City Council, which would include a tour of their new headquarters building, a dinner and then an informal meeting on any issues Tigard might want to discuss. They suggest Wednesday, February 23, 2011, at 6 p.m. Council members agreed to meet on February 23rd as suggested by TVF&R.
- Council Calendar:
 - December 21, Workshop Meeting - 6:30 p.m.
 - December 24, Christmas Holiday Observed, City Hall Offices Closed
 - December 28, Business Meeting - 6:30 p.m. Reception for Councilor Webb; 7:30 p.m. Business Meeting
 - December 30, Council Goal Setting Meeting - Noon at the Walnut Street Fire Station
 - December 31 New Year Holiday Observed, City Hall Office Closed
- EXECUTIVE SESSION: The Tigard City Council went into Executive Session at 6:42 p. m. to discuss real property transaction negotiations under 192.660 (2) (e).

Executive Session concluded at 6:51 p.m.

TIGARD CITY COUNCIL MEETING MINUTES – December 14, 2010

1. BUSINESS MEETING - DECEMBER 14, 2010

- a. Mayor Dirksen called the meeting to order at 7:30 p.m.
- b. Roll Call
- c. Pledge of Allegiance
- d. Council Communications & Liaison Reports

Mayor Dirksen reported he attended the Oregon Leadership Economic Summit on December 13, 2010. He advised he assembled materials from this meeting and will make them available to the City Council members.

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

2. CITIZEN COMMUNICATION



- a. Follow-up to Previous Citizen Communication: None



- b. Tigard High School Student Envoy - Associated Student Body Activities Director Anthony Quach presented the monthly update to the City Council on behalf of Tracie Tran. His written report is on file with the packet material.



- c. Tigard Area Chamber of Commerce – Debi Mollahan updated the City Council. Her written report is on file with the packet material.



- d. Citizen Communication – Sign Up Sheet

John Frewing, 7110 SW Lola Lane, Tigard, Oregon 97223, advised of his concern regarding processing of land use applications. He said the Tigard Code provides that when the City receives changes to an existing application, the City shall either work on one application or the other application. He said he is concerned that this is not the process being followed with a current proceeding. He referred to Mr. Phil Grillo's statement regarding the feasibility of a pivot road (referencing current applications on property owned by Mr. Fred Fields). He said he thinks the City should deal with only one of the applications.

Mayor Dirksen asked for a response from the City Attorney. City Attorney Ramis advised the Code does not prevent someone from filing more than one application. There is the possibility that when someone has multiple ideas for the development of their land they could, in theory, apply for each of those ideas. They would take the ideas through the process to determine which ones could be approved. The applicant might decide to proceed with the application for which they have approval. This is permitted. City Attorney Ramis agreed this potentially could become a messy process. He concurred with Mr. Frewing that it could become difficult to keep things sorted out. City Attorney Ramis

TIGARD CITY COUNCIL MEETING MINUTES – December 14, 2010

said it was his hope that because there was a continuance on the one application, there could be focus on the other application and the issues resolved. City Attorney Ramis said the submittal of multiple applications is not something the City can control.

Mr. Frewing said he agreed multiple applications could be submitted, but he said they should not be mixed up. Mayor Dirksen advised the City Council has had conversations regarding keeping the applications separate. He acknowledged that Mr. Frewing raised an important point.



Mayor Dirksen reviewed the Consent Agenda:

3. CONSENT AGENDA: (Tigard City Council and Local Contract Review Board)
 - a. Approve Council Meeting Minutes:
 1. October 12, 2010
 - b. Receive and File:
 1. Official November 2, 2010 Election Results-Electing a Mayor, Two City Councilors, and Approval of a Bond to Acquire Open Spaces, Protect Clean Water, Improve Parklands
 2. Council Calendar
 3. Council Tentative Agenda for Future Meeting Topics
 - c. Appoint Wayne Gross and Paul Jackson to the Tree Board

RESOLUTION NO. 10-65 - A RESOLUTION APPOINTING WAYNE GROSS AND PAUL JACKSON TO THE TREE BOARD AS AT-LARGE MEMBERS
 - d. Reappoint Elise Shearer, Appoint Linli Pao and Phil Thornburg as Voting Members, and Appoint Kouri Chavez as an Alternate Member of the City Center Advisory Commission

RESOLUTION NO. 10-66 -- A RESOLUTION REAPPOINTING ELISE SHEARER, AND APPOINTING LINLI PAO AND PHIL THORNBURG AS VOTING MEMBERS TO THE CITY CENTER ADVISORY COMMISSION AND APPOINTING KOURI CHAVEZ AS AN ALTERNATE TO THE CITY CENTER ADVISORY COMMISSION
 - e. Appoint Margaret Faber to the Park and Recreation Advisory Board

RESOLUTION NO. 10-67 -- A RESOLUTION APPOINTING MARGARET FABER TO THE PARK AND RECREATION ADVISORY BOARD
 - f. Reappoint Margaret Doherty and Appoint Jason Rogers as Voting Members of the Planning Commission

TIGARD CITY COUNCIL MEETING MINUTES – December 14, 2010

RESOLUTION NO. 10-68 -- A RESOLUTION REAPPOINTING MARGARET DOHERTY AND APPOINTING JASON ROGERS AS VOTING MEMBERS TO THE PLANNING COMMISSION

- g. Authorize the formation of a High Capacity Transit Land Use Plan Citizen Advisory Committee; Approve Required Purpose; Charge Statement; Meeting Protocol, and Appoint Members

RESOLUTION NO. 10-69 -- A RESOLUTION ESTABLISHING A CITIZEN ADVISORY COMMITTEE (CAC) FOR THE HIGH CAPACITY TRANSIT LAND USE STUDY AND APPOINTING THE TIGARD TRANSPORTATION ADVISORY COMMITTEE AND TWO ADDITIONAL INDIVIDUALS TO SERVE AS THE CAC

- h. Appoint Michael Stevenson, Dennis Mitchell, and Karen Hughart to the Transportation Advisory Committee; Appoint Kim Moreland as an Alternate to the Transportation Advisory Committee

RESOLUTION NO. 10-70 -- A RESOLUTION APPOINTING KAREN HUGHART, DENNIS MITCHELL, AND MIKE STEVENSON AS VOTING MEMBERS AND APPOINTING KIM MORELAND AS AN ALTERNATE MEMBER OF THE TRANSPORTATION ADVISORY COMMITTEE.

- i. Amend Intergovernmental Agreement for the Knoll at Tigard Community Development Block Grant
- j. Local Contract Review Board
 - 1. Award Contract for Utility Bill Printing and Mailing to Bend Mailing

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

The motion passed 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. INFORMATIONAL PUBLIC HEARING TO CONSIDER A RESOLUTION ADOPTING WATER SYSTEM DEVELOPMENT CHARGE METHODOLOGY

- Mayor Dirksen opened the public hearing.
- Hearing Procedures: This was an informational public hearing in which any person was given the opportunity to comment.
- Declarations or Challenges: None.
- Staff Report: Public Works Department – Utility Division Manager Goodrich presented the staff report. Also present were Paul Matthews and Joe Healy of Red Oak Consulting and they presented a report on the findings of their methodology.

The City's consultant has completed a comprehensive water financial plan which included a Water Rate Study and Water System Development Charge (SDC) Update.

The first part of the financial plan, the Water Rate Study, was adopted on November 9, 2010. The Council is now being asked to adopt the second part of the financial plan, the SDC methodology.

SDCs are fees levied on new development to recover some of the cost for the additional infrastructure needed to serve that development. The SDC methodology provides a uniform and equitable framework for establishing fees and charges.

Tigard's water SDCs were last updated in 2000.

The methodology used to establish SDCs needs to be updated on a regular basis to ensure fees accurately reflect infrastructure building costs and changing water system priorities. Examples of new priorities incorporated in the proposed methodology include capital improvements listed in the 2010 Water Master Plan and projects related to the Lake Oswego-Tigard Water Partnership.

The proposed resolution adopts the water SDC methodology that establishes the maximum allowable SDCs; it does not set SDCs. This action is scheduled to come before Council in the form of an amendment to the Master Fees and Charges Schedule on December 28, 2010.

The Intergovernmental Water Board approved the water SDC methodology on September 8, 2010.

- Public Testimony



Ernie Platt of the Metropolitan Portland Homebuilders Association referred to his written material, which is on file in the Council meeting packet material. He thanked the staff and the consultant on the process followed. At this point, he is in support with the methodology

proposed in the resolution. He will comment on some issues when this is discussed on December 28, 2010.

- Staff Recommendation  Utility Division Manager Goodrich recommended the City Council adopt the proposed resolution.

- Council Discussion
 - Councilor Buehner noted appreciation for the work done by Red Oak Consulting.
 - Mayor Dirksen noted this was a complex project and thanked the consultants for their work. Additional discussion on this matter will occur on December 28, 2010.
 - In response to a comment by Council President Wilson, Utility Division Manager Goodrich advised the current policy is for no charge for temporary water meters.
 - Mayor Dirksen referred to a recent increase in water rates; this is a similar action in that this will be an increase in payment due for new construction.

-  Mayor Dirksen closed the public hearing.

- Council Consideration

Motion by Councilor Buehner, seconded by Councilor Webb, to approve Resolution No. 10-71.

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

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

RESOLUTION NO. 10-71 -- A RESOLUTION TO ADOPT WATER SYSTEM DEVELOPMENT CHARGE METHODOLOGY



5. CONSIDER A RESOLUTION APPROVING AN AMENDMENT TO THE WATER PARTNERSHIP INTERGOVERNMENTAL AGREEMENT, INCLUDING THE CAPITAL IMPROVEMENT PLAN

- Staff Report – Public Works Director Koellermeier presented the staff report.

In August 2008 the cities of Tigard and Lake Oswego entered into a water partnership formalized in the Intergovernmental Agreement Regarding Water Supply Facilities, Design, Construction, and Operation (Agreement).

TIGARD CITY COUNCIL MEETING MINUTES – December 14, 2010

The Agreement created an Oversight Committee comprised of two members from each party's City Council. Councilors Buehner and Webb serve as Tigard's representatives. The Oversight Committee is charged with reviewing and making recommendations on proposed capital improvement projects.

Under the 2008 Agreement, the Tigard and Lake Oswego City Councils must approve the Supply Facilities Capital Improvement Plan. The Lake Oswego City Council will consider the plan on December 7.

Public Works Director Koellermeier recommended City Council adopt the proposed resolution.



- Council Consideration –

Motion by Councilor Webb, seconded by Council President Wilson, to approve Resolution No. 10-72.

RESOLUTION NO. 10-72 -- A RESOLUTION APPROVING THE SECOND AMENDMENT TO THE WATER PARTNERSHIP INTERGOVERNMENTAL AGREEMENT, INCLUDING THE SUPPLY FACILITIES CAPITAL IMPROVEMENT PLAN, AND AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT

The motion was approved by a unanimous vote of Council present:

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



- Mayor Dirksen opened the public hearing for Agenda Item No. 6 and the hearing was continued to February 22, 2011. The continuance was requested by the applicant.

**NOTICE
AGENDA ITEM NO. 6
THE QUASI-JUDICIAL PUBLIC HEARING WILL BE OPENED AND CONTINUED
TO
FEBRUARY 22, 2011**

6. QUASI-JUDICIAL PUBLIC HEARING - COMPREHENSIVE PLAN AMENDMENT, SENSITIVE LANDS REVIEWS AND ADJUSTMENT TO EXTEND WALL STREET TO FIELDS' PROPERTY
8:20 p.m. (time is estimated)

TIGARD CITY COUNCIL MEETING MINUTES – December 14, 2010

COMPREHENSIVE PLAN AMENDMENT (CPA) 2009-00004/SENSITIVE LANDS REVIEW (SLR) 2009-00004/SENSITIVE LANDS REVIEW (SLR) 2009-00005/ADJUSTMENT (VAR) 2010-00002 - WALL STREET EXTENSION (FIELDS)

REQUEST: The applicant is requesting amendments to the Comprehensive Plan to remove Goal 5 protection from Tigard Significant Wetlands and the riparian corridor surrounding Fanno Creek in order to extend Wall Street across City of Tigard property and Fanno Creek to his property. Sensitive Lands Review is required for proposed work within the 100-year floodplain and wetlands. The applicant is requesting an adjustment to the street improvement standards in order to construct a narrower street section than required by code. Tree removal permits to remove trees within the sensitive lands were submitted under a separate application. **LOCATION:** No address, Washington County Tax Assessor's Map 2S102DA, Tax Lot 690. No address, Washington County Tax Assessor's Map 2S102DD, Tax Lot 100. 13560 SW Hall Blvd., Washington County Tax Assessor's Map 2S102DD, Tax Lot 200. No address, Washington County Tax Assessor's Map 2S10100, Tax Lot 1200. **ZONES:** R-12: Medium-Density Residential District. The R-12 zoning district is designed to accommodate a full range of housing types at a minimum lot size of 3,050 square feet. A wide range of civic and institutional uses are also permitted conditionally. R-25: Medium High-Density Residential District. The R-25 zoning district is designed to accommodate existing housing of all types and new attached single-family and multi-family housing units at a minimum lot size of 1,480 square feet. A limited amount of neighborhood commercial uses is permitted outright and a wide range of civic and institutional uses are permitted conditionally.

COMPREHENSIVE PLAN DESIGNATION: Medium Density Residential and Medium-High Density Residential.

APPLICABLE REVIEW CRITERIA: Community Development Code Chapters

18.370, 18.380, 18.390, 18.510, 18.745, 18.775, 18.790 & 18.810; Comprehensive Plan Goals 1, 2, 5, 6, 7, 8, 11 & 12; Tigard Municipal Code Chapter 9; Metro Functional Plan Titles 3, 6 and 13; and Statewide Planning Goals 1, 2, 5, 6, 7, 8, 11 and 12.



7. COUNCIL LIAISON REPORTS

On January 25 2011, Councilor Henderson will give an update on his attendance at the National League of Cities Conference.

8. NON AGENDA ITEMS: None.

9. EXECUTIVE SESSION: Not held.

TIGARD CITY COUNCIL MEETING MINUTES – December 14, 2010



8:07 p.m.

10. ADJOURNMENT

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

The motion passed 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: _____



City of Tigard

Tigard Workshop Meeting – Minutes

TIGARD CITY COUNCIL

MEETING DATE AND TIME: December 21, 2010 - 6:30 p.m.

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

1. WORKSHOP MEETING

1. Mayor Dirksen called the Workshop Meeting to Order at  6:33
2. Deputy Recorder Krager called the roll.

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

3. Pledge of Allegiance
4. Council Communications & Liaison Reports  None
5. Call to Council and Staff for Non-Agenda Items - None

2. JOINT MEETING WITH PARK AND RECREATION ADVISORY BOARD

Public Works Director Koellermeier introduced this item. He updated PRAB and the Council on staff activity since the successful park bond election, including preparation for the bond sale and the work which will be required to deliver the program and projects. He said Council and PRAB had recently received a document called the Project Charter, which is tool staff uses to avoid “mission creep” and other distractions from the project goal. He said the goal of this living document is to set roles and responsibilities. He pointed out a draft schedule posted on the wall in Town Hall which showed what is required to deliver \$17 million worth of projects. He distributed to Council a summary and noted that the PRAB is working on additional concepts.

Mayor Dirksen asked PRAB members to introduce themselves. Members present were: Jason Rogers, Holly Polivka, Troy Mears and Margaret Faber. He asked the PRAB members for comments.

TIGARD CITY COUNCIL WORKSHOP MEETING

 PRAB Member Rogers said many good ideas were received from citizens in e-mails and at a well-attended meeting last night. He said the question is what to do with all those ideas and how to rate them. Mayor Dirksen asked if the park inventory completed in August was still valid. PRAB Member Rogers said it was, although some ideas are new and in the interest of transparency, everything will be evaluated. Mayor Dirksen said the bond measure laid out some criteria regarding purchases yet Council was hearing that PRAB came up with some new criteria last night. PRAB Member Rogers replied that the four criteria are the same but were defined a little more.

Councilor Buehner said the City is very park deficient around 135th and Walnut. She said there is a reservoir there and some extra water department property, which she felt was enough land on which to place a few play structures. She said because it is owned by the water department, the City owns 70%. She also noted there was a stair easement and space in the right of way to parallel park a few cars. She also commented on another project which is the six acres below Hillside, and is attached to a bridge and open spaces. She said that area abuts the three acre triangle and it would be easy to develop a circular path by linking these areas together.

PRAB Member Rogers said a large contingent of dog park users were at the PRAB meeting last night. Support was expressed for the City to purchase Potso Dog Park.

PRAB Member Mears said the City is applying for a grant to purchase property to connect Fanno Creek Trail segments. He said this project was already on the list so PRAB is referring it on to Council but with one contingency – the City must receive the grant. He reported a unanimous vote from PRAB in support of this purchase. Mayor Dirksen agreed that completing the Fanno Creek Trail is a major goal and this piece of property is important to completing the link. Councilor Henderson said he wants to make sure money is available for this project.

City Manager Prosser said staff required Council permission to apply for the grant and under City procedures this item could be placed on a consent agenda. He said the scheduling is tight but could be resolved.

Councilor Henderson complimented the PRAB for the great job they've done seeking public input.

Council President Wilson commented that he liked the list of criteria, but urged the PRAB not to make decisions entirely by formula. He said they may find properties they think would rank high might not meet the formula's criteria. He said, "You need to use judgment, too." He encouraged PRAB to look for connectivity beyond Tigard's boundaries such as greenway connections with neighboring cities. He said it was important to spend some money to provide access to new unimproved greenspaces and parks, such as trails and parking.

PRAB Member Rogers said the top four projects: Summer Creek, Sunrise, an unnamed parcel and Potso Dog Park are supported by the data but meet the "gut-check", too.

TIGARD CITY COUNCIL WORKSHOP MEETING

Mayor Dirksen asked if professional park architects would be involved in the master planning for these areas. Public Works Director Koellermeier said this is initially suggested in the materials given to Council.

Councilor Henderson asked about PRAB's 2011 goals. Member Rogers said their goals are:

- Pursue a coordinated City activity calendar – citizens can find all the recreational events going on in the City by looking on the City's website
- Continuously communicate PRAB status on the use of parks bond money and activities
- Inventory and evaluate current park amenities and make recommendations
- Evaluate interest and ability of the City of Tigard to create community gardens
- Research and evaluate alternative funding sources from 2011 and beyond

Mayor Dirksen said that community gardens attract the sort of enthusiastic volunteer base that dog park fans show. He said that one of the concerns heard during the bond measure campaign was that if we buy this land what this commits the City to in terms of operations and maintenance that we may have trouble funding in the future. He said going forward with programs like this which has an active volunteer base would be helpful. Council President Wilson suggested they visit Mary Woodward Elementary School's Community Garden, noting that one of the leaders goes all over the country giving presentations on how to create these community gardens.

PRAB Member Rogers said PRAB forwarded a suggested goal relating to the bond measure to Council for their 2011 goal setting session as requested.

3. 2010 ANNUAL UPDATE ON THE TIGARD TRAIL SYSTEM

 7:41 (This item was heard out of order)

Project Planner Roberts presented a PowerPoint of the annual efforts and accomplishments of Tigard's Trail System. A copy of this presentation is available in the meeting packet. He said no new trails were created this year but there were two very major accomplishments:

- Obtaining Metro easements for the upper Fanno Creek Trail
- The addition of the future Tigard Street Trail (a former active rail line).

He presented a PowerPoint which is included in the meeting packet. Highlights include:

- Portland and Western Railroad and ODOT have agreed to help Tigard get the former rail line between Main Street and Tiedeman. Portland and Western Railroad has applied for abandonment of the freight easement. The next step is for ODOT to declare the property as surplus.

TIGARD CITY COUNCIL WORKSHOP MEETING

- Two open houses are scheduled for January, including a bilingual one at Bonita Villa to get input on Tigard's trails.
- In 2011 Metro will begin work on the Westside Trail Master Plan. The Westside trail extends mostly underneath the power line corridor between the Willamette and Tualatin rivers. About one mile of the trail is inside the Tigard city limits and Tigard staff will have a seat on the steering committee.
- In 2013 the Tualatin Hills Park and Recreation District will fill in gaps in the Westside Trail segment leading to the THPRD Nature Center. This will be a great recreation amenity for Bull Mountain residents.
- In April, staff conducted a morning bike tour of the Fanno Creek Trail for about 30 Metro staff. This provided Metro staff with a firsthand look at the Fanno Creek Trail as well as other improvement needs, some of which may be the subject of future funding requests.
- Tigard has a seat on the advisory board of Metro's Intertwine parks, trails and natural areas in the Portland-Vancouver area.
- Last year, Metro called for active transportation demonstration proposals. These are big scale projects, involving multiple partners that promote biking and walking for transportation. Tigard joined Durham, Beaverton and the Tualatin Hills Park and Recreation District on a joint project called the Crescent Connection (due to its shape on a map). Tigard's portion involves closing all the gaps in the Fanno Creek Trail as well as developing the Tigard Street Trail. It is not certain whether Metro will obtain federal funding, but at least Tigard has a foot in the door should Metro be successful in capturing federal dollars for active transportation projects.
- The annual overall Trail Count was down from last year due to weather. He said overall, 70% of trail users are walking and 30% are riding their bikes. Transportation use is 20% - down from 25% last year.

Projects Planner Roberts said the City is applying for an Oregon Parks and Recreation Department Recreational Trail grant to complete the Woodard Park to Grant Avenue portion of the Fanno Creek Trail.

Councilor Buehner commented that parts of the trail are under water during the wettest times of the year and asked if there were plans to help with this issue. Project Planner Roberts said the short answer is no, because greenway trails are defined as trails within the flood plain. It is bound to flood periodically as these trails run alongside the creek. Mayor Dirksen said we try to site trails on higher elevations when possible, but there is a limit to what can be accomplished.

Council President Wilson asked if it is realistic to expect completion of the Fanno Creek Trail from Scholls Ferry Road to Bonita within the life of the park bond. Senior Planner Roberts said it would be expensive, but is possible. He said the most difficult section is Durham Road downstream, connecting to Durham or the 85th Avenue trail, which connects to Cook Park.

Councilor Webb noted that Bonita Park was built with CDBG (Community Development Block Grant) funds and suggested the City try to obtain CDBG funds to help connect the trail there. Project Planner Roberts said the City would have to make a convincing argument that such trail improvements help low-income people. Mayor Dirksen said the demand trail in that area proves the need for this trail.

TIGARD CITY COUNCIL WORKSHOP MEETING

Council President Wilson said the other significant trail is the Summer Creek Trail. Project Planner Roberts said consultants have proposed three alignments to consider. He said there are many wetlands and some strong opponents.

Councilor Buehner said the Planning Commission required a set-aside of right of way near the Barrows and 135th subdivision and asked if that was done. Project Planner Roberts said they did build the trail, which is in good condition but somewhat overgrown.

Mayor Dirksen said getting the Fanno Creek Trail done is a priority and using on-street sections at least in the short term is a good compromise. Being able to add routes along quieter streets is a logical alternative to building expensive riparian segments that might damage the creek environment.

Council President Wilson commented that the trail survey found 2/3 recreational users and 1/3 of users use trails for commuting. He suggested wider trails with fewer kinks would increase the rate of commuters. Projects Planner Roberts said it is generally true that improvements increase use of trails.

Councilor Henderson related a comment from a speed walker at PRAB's meeting who said they have need for a one kilometer, low gradient track within our system. He said there is a certified track in Eugene. He said there would be annual events that bring speed walkers in to our community from as far away as Canada. Projects Planner Roberts invited Councilor Henderson to join discussions on what would be involved in creating an Olympic trials prequalification speed walker training track. Councilor Buehner said there is a division for speed walkers in most marathons now.

4. ANNUAL JOINT MEETING WITH THE TREE BOARD This agenda Item was heard after Agenda Item 2.



Tree Board Member David Walsh said he was representing the Tree Board along with members Tony Tycer and Morton Ettlstein. He said the Tree Board has had a tremendous turnover in the past year. He said part of this was due to members moving out of the area, but he said there was also a loss of charge for the Tree Board as some items were reassigned to the CAC. He noted that the CAC brought in some new people and ideas, but at the same time, many of the items on their agenda were items that were very close to members on the Tree Board.

Associate Planner/Arborist Prager distributed the Urban Forestry Master Plan Implementation Matrix.

Tree Board Member Walsh said this will guide the Tree Board in following the Urban Forest Master Plan, which is a great resource. He recapped the Tree Board's 2010 goals:

TIGARD CITY COUNCIL WORKSHOP MEETING

- Advise staff on comprehensive tree code revisions and tree grove protection program – This is really being handled by the CAC.
- Provide oversight and implementation of Urban Forestry Master Plan (UFMP).
- Establish a budget on urban forestry education outreach. He noted that of the \$1,500 requested, \$750 was granted. He said this wasn't spent this year, but the Tree Board did do some outreach work by creating a "Welcome to Tigard" brochure that talks about the Urban Forestry Master Plan and what the City can do with trees. He noted that this was paid for out of another budget. He said in the coming years the Tree Board will need a small amount of money for outreach. Mayor Dirksen agreed that communication was important as there is a lot of misinformation out about the tree code revisions and the tree grove protection plan. He said the issue of trees is an emotional one.
- Develop an outreach plan. He said this was done in conjunction with the Committee for Citizen Involvement. He said this education is one of the most important products of the Tree Board.
- Develop Tree Board Bylaws to be approved by Council. This was completed.

Tree Board Member Walsh listed the 2011 goals for the Tree Board:

- Continue providing oversight of the Urban Forestry Master Plan implementation.
- Work with City staff and Council to develop a funding proposal for a sustainable tree and urban forestry inventory.
- Work with City staff and Council to develop a new charge statement for the Tree Board following adoption of the Urban Forestry Code Revisions.

 Mayor Dirksen said when it was created, the Tree Board was seen as a standing committee. He said that while work implementing the Urban Forestry Master Plan will never end, other projects will have a completion date, so the Tree Board's charge needs to be periodically reviewed and adjusted.

Tree Board Member Walsh said the Tree Board developed a set of Guiding Principles and these were part of Council's meeting packet. He said the Tree Board wants to work with staff to develop a new charge statement and brought up the idea of the Tree Board tackling all natural resource issues (wetlands, other natural resources). He said new members coming on the Board have great backgrounds that could be useful expertise in the natural resources area.

Associate Planner/Arborist Prager said a priority of the Tree Board is to look at existing sources of funding to see if they could be reallocated to better support a sustainable program. He said determining how the tree replacement fund can be used is a top priority. Tree Board Member Walsh said this has been part of a lively debate with the CAC.

Tree Board and CAC Member Tyser spoke regarding turnover  and suggested conducting exit interviews when members leave. He said the view from the trenches was that much of the heavy lifting has been done now that the UFMP is finished and that the CAC co-opted much of the Tree Board's work. He said he advocated continued work on privatizing plantings.

TIGARD CITY COUNCIL WORKSHOP MEETING

There is so much City landscape available but he suggested tree funds taken from private property be available for use on private property. He said the legal requirements of funding sources stymie some tree growth preservation incentive ideas and conservation easements. He asked Council for help in resolving this. Mayor Dirksen said he endorsed the idea of making the funds available for planting on private property.

Tree Board Member Ettlstein suggested that the Tree Board link with community more like the PRAB does. The City could help stimulate tree planting through working directly with neighborhoods. Property owners would make the tree selection but the City could give advice on proper maintenance and care. He suggested increasing the time the Tree Board meets so that more could be accomplished. Mayor Dirksen said if the members of the Tree Board want to volunteer more time with the City he's sure it would be welcomed. He said he supported the tree care education suggestion.

Tree Board Member Walsh said there has been tremendous assistance from the planning staff to help with the tree code revisions and he appreciated it. He also thanked John Frewing, who contributes greatly to Tree Board meetings.

Councilor Buehner said the outreach ideas are great. She added that the matrix can be intimidating and may not be easily understood by citizens. She suggested board members attend neighborhood meetings and walk through the matrix to make it more user friendly.

Tree Board Member Tyson referred to the canopy study and said there are things that aren't captured in overhead photos. He suggested that neighborhood walks and tapping into the resources of citizens whose families have been in Tigard for many generations would add to the knowledge of heritage trees in Tigard.

Council President Wilson said there are a lot of trees that don't show up in overhead photos, yet they are experienced from the ground. He said he disagreed with the canopy goals because he likes sunlight to reach the ground. He commented on Tree Board Member Walsh's suggestion on increasing the scope of the Tree Board and said while he agreed that it's hard to consider trees without looking at the environment around them sometimes natural resource committees develop too narrow a focus. He said it is important to keep a broad view. Non-native trees are important too, as are aesthetics and human use.



Mayor Dirksen thanked them for their ideas on making the Tree Board work better for the City. Councilor Henderson asked how long the CAC will last. Associate Planner/Arborist Prager said it was initially supposed to go until July but adjustments may be necessary as some members feel they don't want to rush through their deliberations. Mayor Dirksen agreed that it would be best for them to take the time they need to do a good job.

TIGARD CITY COUNCIL WORKSHOP MEETING



At 8:14 p.m. Councilor Webb moved for adjournment. Councilor Buehner seconded the motion and all voted in favor.

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

Carol A. Krager, Deputy City Recorder

Attest:

Mayor, City of Tigard

Date: _____



TIGARD CITY COUNCIL WORKSHOP MEETING



City of Tigard
Tigard Business Meeting – Minutes

TIGARD CITY COUNCIL AND LOCAL CONTRACT REVIEW BOARD

MEETING DATE AND TIME: December 28, 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

6:30 - 7:15 PM

COUNCILOR SYDNEY WEBB RECEPTION

HONORING HER FOR HER YEARS OF SERVICE AS
 TIGARD CITY COUNCILOR
 2003 TO 2010

1. BUSINESS MEETING

- A. Call to Order by Mayor Dirksen at 7:32 p.m. 
- 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
 See Item No. 8

2. CITIZEN COMMUNICATION 

- A. Follow-up to Previous Citizen Communication -- None.
- B. Citizen Communication – No one signed in to speak.

TIGARD CITY COUNCIL MEETING MINUTES – December 28, 2010

 Mayor Dirksen reviewed the Consent Agenda:

3. CONSENT AGENDA:

- A. Approve City Council Meeting Minutes
 - 1. September 21, 2010
 - 2. October 19, 2010
- B. Receive and File - Safety and Wellness Awards Received From League of Oregon Cities and City County Insurance Services
- C. Appoint Cameron James and Christopher Henn to the City's Budget Committee and Melody Graeber as an Alternate Budget Committee Member

RESOLUTION NO. 10-73 -- A RESOLUTION APPOINTING CAMERON JAMES AND CHRISTOPHER HENN TO THE BUDGET COMMITTEE AND APPOINTING MELODY GRAEBER AS AN ALTERNATE MEMBER

- D. Approve Amendments to Extend Contracts for City Attorney and Labor Attorney Services
- E. Acquire Property for a Segment of the Fanno Creek Trail (Grant Avenue/Main Street)

RESOLUTION NO. 10-74 -- A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TIGARD, OREGON DECLARING THE NEED TO ACQUIRE PROPERTY FOR THE PURPOSE OF COMPLETING THE GRANT AVENUE/MAIN STREET SEGMENT OF THE FANNO CREEK TRAIL IN THE CITY OF TIGARD AND ASSOCIATED GREENWAY AND AUTHORIZING IMMEDIATE POSSESSION OF THE PROPERTY

- F. Authorize the Sale of General Obligation Bonds for Parks and Refund Outstanding Bonds

RESOLUTION NO. 10-75 -- A RESOLUTION OF THE CITY OF TIGARD, WASHINGTON COUNTY, OREGON, AUTHORIZING THE SALE OF GENERAL OBLIGATION BONDS IN ONE OR MORE SERIES TO ACQUIRE, PRESERVE AND PROTECT OPEN SPACES, WATER QUALITY, HABITAT, AND PARKS AND TO REFUND OUTSTANDING BONDS

- G. Local Contract Review Board:
 - 1. Authorize the City Manager to Execute Change Order Number 12 for the Burnham Street Improvement Project

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

TIGARD CITY COUNCIL MEETING MINUTES – December 28, 2010

Councilor Buehner advised she was absent from the October 19, 2010 meeting and would abstain from voting on the minutes for that meeting.*

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

Mayor Dirksen	Yes
Council President Wilson	Yes
Councilor Buehner	Yes* (Abstained from voting on the 10/19/10 minutes.)
Councilor Henderson	Yes
Councilor Webb	Yes



4. CONSIDER A RESOLUTION AMENDING THE MASTER FEES AND CHARGES SCHEDULE TO INCREASE WATER SYSTEM DEVELOPMENT CHARGES (SDC's)



Staff Report

Utility Division Manager Goodrich presented the staff report, which is on file with the Council packet materials. The City's consultant has completed a comprehensive water financial plan, which included a Water System Development Charge (SDC) Update.

The Homebuilders Association provided previous testimony regarding their request for a four-step, three-year phase-in of the fees and charges proposed through the new methodology.

The Intergovernmental Water Board has recommended no phase-in of the changes under discussion. The Board further recommended that if the City Council was to consider a phase-in as requested by the Homebuilders Association, that Council adopt a three-step, two-year phase-in as proposed by city consultants. A December 13, 2010, memorandum from Red Oak Consulting was presented to the City Council in the packet meeting materials regarding the phase-in.

Utility Division Manager Goodrich reviewed the key elements of the effect of implementation of the resolution.



Mayor Dirksen noted this is not a public hearing. Upon consent of the City Council members, Mayor Dirksen granted Mr. Ernie Platt's request to address the City Council.

- Ernie Platt, Director of Local Government Affairs, Homebuilders Association, 15555 SW Bangy Road, Suite 301, Lake Oswego, Oregon 97035:
 - Referred to written materials submitted two weeks ago to the City Council and said they are still valid and relevant.
 - Referred to the phase-in schedule of the concept.

TIGARD CITY COUNCIL MEETING MINUTES – December 28, 2010

- These are terrible economic times. Any kind of an increase makes it more difficult for anyone to get a development or project underway.
- The proposal is for an approximate \$4,400 increase for a single-family house.
- Suggested the increase be implemented in four equal steps over a three-year period; that is, approximately \$1,100 upon the effective date of the resolution and a like amount in each of the following three years.
- Pointed out that at 100 single-family building permits per year over the next four years, the difference in revenue to the City between a two-year and a three-year phase-in is about \$220,000. This is a reasonable sum of money.
- Urged the City Council to consider his proposed phase-in.



Council comments.

- Councilor Buehner said she understood Mr. Platt’s position and agreed that his proposal was not a lot of money. She said it was more of an issue with how this would appear to the residents who are taking a huge increase this year. She was concerned about fairness and questioned whether city residents would be taking more than their fair share of the rate increase over the next three years.
 - Mr. Platt responded that weight should also be given to the impact of the increase if it causes multiple people to decide not to go forward with development. Then, the City would receive nothing.
- Mayor Dirksen advised he respects the recommendation of our partners in the Intergovernmental Water Board. He referred to the IWB’s position that if there was to be a phase-in, then it should be limited to two years. He would choose the two-year phase in.
- Council President Wilson said raising rates is not the same as collecting revenue. A higher rate might deter some people from building and this particular recession is such that we do not need additional disincentives. Revenue projections are essentially a guess. He said he would support a slower phase-in because as development normalizes, the revenues will begin to increase. He said he does not see the same issue as stated by Councilor Buehner for fairness between residents and builders, because our future residents will be buying homes and these charges will be passed onto them. The proposal is not really for or against developers, it is about builders producing a product that is sold to our future neighbors. Ultimately, the money all comes from the same place. The question is whether the City will agree to phase-in the increase. He said he supports a three-year phase-in.
- Councilor Webb referred to her advocacy of affordable housing since 1995. In reviewing the fees related to housing, it will not be possible for people to purchase these homes who make 50% of median income. At the same time, she said she wants to see building move forward in the City of Tigard and she does not think there will be very many homes built over the next couple of years. She said she was supportive of the same option as Council President Wilson.
- Councilor Henderson said the phase-in appears to be a good incentive program to allow people to budget for this. He would support Option 3 as described by staff. He was in favor of anything the City Council could do to help turn around the economy.

TIGARD CITY COUNCIL MEETING MINUTES – December 28, 2010

- Mayor Dirksen noted the resolution before the City Council was written with a two-year, three-step phase in. Utility Division Manager Goodrich advised staff anticipated the City Council might want to consider one of the other options and he distributed an Exhibit A that could be attached to the proposed resolution enacting Option 3.

 Council motion to consider a change to Exhibit A of the proposed resolution:

Motion by Council President Wilson, seconded by Councilor Webb, for a three-year, four-step phase in as defined in Exhibit A. (This exhibit was presented by staff during the meeting and replaces the exhibit that was attached to the proposed ordinance.)

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

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

Motion by Councilor Webb, seconded by Council President Wilson, to approve Resolution No. 10-76.

RESOLUTION NO. 10-76 -- A RESOLUTION TO AMEND THE MASTER FEES AND CHARGES SCHEDULE, AS ADOPTED BY RESOLUTION 10-30, TO INCREASE WATER SYSTEM DEVELOPMENT CHARGES

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

 **5. CONSIDER ORDINANCE AUTHORIZING ISSUANCE OF WATER REVENUE BONDS**

 Finance and Information Services Department Director LaFrance presented the Staff Report. On November 9, the City Council approved the Water Financing Plan and the Water Fees. The City Council just approved the System Development Charges amendments. The proposed ordinance would authorize the issuance of Water Revenue Bonds for a total not to exceed \$160,000,000. This action would finance capital improvements to the City's water system, including but not limited to, water facilities included in the Water Rate Study adopted by Council on November 9, 2010 in Resolution No. 10-58.

TIGARD CITY COUNCIL MEETING MINUTES – December 28, 2010

 Mayor Dirksen asked for City Council comments. Councilor Webb said that this is a required step. The City has planned for this and she added that the City of Lake Oswego would be doing the same thing.

Mayor Dirksen said that doing this in a timely fashion is important. The coming year needs to be a year of planning and construction to have the system functioning by the time our contract with the City of Portland expires in 2016.

Councilor Webb said it appears that this will be a good year to acquire favorable rates and Council President Wilson added that it is good timing to construct projects and anticipates we will receive very good bids this summer.

Mayor Dirksen advised the ordinance is written as a “not to exceed” insofar as we are not compelled to sell bonds in the total amount. We will only sell bonds in the amount necessary to move forward with the project.

Councilor Buehner said the bonding will fund projects in the five-year plan for the City of Tigard, most of which are for the water partnership. Some of the projects are for other needed updates as well.

 Council consideration: Motion by Councilor Webb, seconded by Council President Wilson, to adopt Ordinance No. 10-19.

ORDINANCE NO. 10-19 -- AN ORDINANCE OF THE CITY OF TIGARD, WASHINGTON COUNTY, OREGON, AUTHORIZING THE ISSUANCE OF WATER REVENUE BONDS FOR A TOTAL OF NOT TO EXCEED \$160,000,000

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. UPDATE ON AMENDING THE CITY'S CITIZEN INVOLVEMENT STRUCTURE AND APPOINTING THE PLANNING COMMISSION TO SERVE AS COMMITTEE FOR CITIZEN INVOLVEMENT

 Assistant Community Development Director Hartnett presented the Staff Report. She reviewed the City Council action on November 23, 2010, when it adopted Resolution No. 10-62. On November 23, 2010, Council passed Resolution 10-62. The actions approved in this resolution included:

TIGARD CITY COUNCIL MEETING MINUTES – December 28, 2010

1. Appointing the Tigard Planning Commission as the state required Committee for Citizen Involvement (CCI) for land use planning related matters and, if needed, directing City staff to amend the Tigard Municipal Code to reflect this change;
2. Amending the bylaws and modifying the charge statements of other boards, commissions, and committees to specifically require citizen involvement as part of their responsibilities;
3. Modifying the bylaws of the then existing Committee for Citizen Involvement to transform that committee into the Council advisory committee for the Neighborhood Network Program; and
4. Authorizing the City Manager to sign and send a letter to the Department of Land Conservation and Development (DLCD) notifying their Communications Officer of these changes.

The letter was sent on December 1, 2010. The appointment of the Planning Commission as the CCI for land use was reviewed by the Citizen Involvement Advisory Committee (CIAC), which advises both DLCD and the Land Conservation and Development Commission (LCD). Assistant Community Development Director Hartnett participated in the CIAC meeting on December 16, 2010, via telephone. The CIAC has no issues with what the City of Tigard is proposing. In fact, the CIAC is very excited that we are asking all of our Boards to include citizen involvement in their charge statements. The CIAC's authority only extends to land use decision making but all of the members of that committee are interested in citizen involvement in local government decision making. The CIAC has asked Tigard staff to report to them in about a year to let them know how it is going.

Council Comments.

Council President Wilson commented that citizen involvement is required in state law and is one of the goals of the LCDC. It can become just another “box that you check off.” The goal is to have involved citizens. The City of Tigard recognizes the importance of raising leadership in the City to carry on when City Council members leave. Council President Wilson said he thinks that a city that has lots of involvement by its citizens is what makes a good city. We are always trying new things to get people involved. He hopes that the effort does not become institutionalized but proves to be a way to engage people in their community.

 Councilor Buehner said she is excited about this opportunity. She asked Assistant Community Development Director Hartnett if she thought the CIAC might encourage other cities to do the same thing. Assistant Community Development Director Hartnett said the members might do so in their professional roles but not in their role within the CIAC given that their authority is limited to land use decision making.

 Councilor Henderson asked if all of the Planning Commissioners would participate. Assistant Community Development Director Hartnett advised that the entire Planning Commission would make up the CIAC. The Planning Commission members all participated in training.

TIGARD CITY COUNCIL MEETING MINUTES – December 28, 2010

 Councilor Henderson asked how a visitor could give input to the CIAC. Assistant Community Development Director Hartnett said this was a good question. There will be no public hearing on items before the Committee. She said she believed the Planning Commission would be open to taking input from the community if there are concerns and would respond.

Mayor Dirksen referred to the upcoming High Capacity Transit public input process and the need for the CIAC to solicit engagement from the public.

 Councilor Buehner suggested that the CIAC include a regular item on the agenda for citizen comments.

Mayor Dirksen suggested times be identified where public comment could be solicited either before or after discussion on the CIAC agenda.

 Mayor Dirksen referred to Council President Wilson's comments about the citizen involvement process. He said that the citizen involvement process is in constant flux. Prior to his service on the City Council, he was a facilitator in the City Involvement Team (CIT) program. As time passes, no matter how good a program is, it becomes pro forma; it gets stale. Changing the process periodically stimulates new conversation and encourages new people to participate.

7. COUNCIL LIAISON REPORTS - None



8. NON AGENDA ITEMS

A. CONSIDER RESOLUTION APPROVING THE SUBMITTAL OF A REQUEST FOR RECREATIONAL TRAIL GRANT PROGRAM FUNDS

 Assistant Community Development Director Hartnett presented the staff report, which is on file with Council packet materials. The grant would partially fund the construction of the Woodard Park/Grant Avenue portion of the Fanno Creek Trail.

 Motion by Council President Wilson, seconded by Councilor Buehner, to adopt Resolution No. 10-77.

RESOLUTION NO. 10-77 -- A RESOLUTION AUTHORIZING THE SUBMITTAL TO THE OREGON PARKS AND RECREATION DEPARTMENT OF A RECREATIONAL TRAIL PROGRAM GRANT TO PARTIALLY FINANCE THE CONSTRUCTION OF THE WOODARD PARK/GRANT AVENUE SEGMENT OF THE FANNO CREEK TRAIL

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

Mayor Dirksen

Yes

TIGARD CITY COUNCIL MEETING MINUTES – December 28, 2010

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



B. CONSIDER APPROVING RIGHT-OF-WAY ACQUISITION FOR BURNHAM STREET - FRONTIER COMMUNICATIONS NORTHWEST, INC. (FORMERLY VERIZON)



Assistant City Manager Newton presented the staff report, which is on file with Council packet materials. Staff requested City Council approval of right-of-way acquisition for the Burnham Street project from Frontier Communications Northwest Inc. for \$67,603. This property acquisition will widen the right-of-way of Burnham Street by 15 feet so that there is adequate land for the wider street and sidewalks. The right-of-way agreement consolidates the driveways for the Frontier property with the Motsumoto property



Motion by Councilor Buehner, seconded by Councilor Webb, to approve the right-of-way acquisition for Burnham Street with Frontier Communications Northwest.

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



➤ Councilor Webb’s final City Council meeting.

Mayor Dirksen called attention that this is Councilor Webb’s final meeting as a Tigard City Councilor. He said he will miss her and noted his appreciation for her service on the City Council. He acknowledged her passion and concern for the City along with the breadth of knowledge she possesses.

Councilor Buehner said the Council would miss Councilor Webb’s expertise on issues relating to affordable housing, the homeless, and those with disabilities. She thanked Councilor Webb for her years of service.

Council President Wilson said he was in agreement with the remarks from Mayor Dirksen and Councilor Buehner.

9. EXECUTIVE SESSION: Not held.

TIGARD CITY COUNCIL MEETING MINUTES – December 28, 2010



8:19 p.m.

10. ADJOURNMENT

Motion by Councilor Webb, seconded by Councilor Henderson, 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: _____



City of Tigard

Tigard Goal Setting Meeting – Minutes

TIGARD CITY COUNCIL	
MEETING DATE AND TIME:	December 30, 2010 - Noon
MEETING LOCATION:	Tualatin Valley Fire & Rescue Station 50 Community Room, 12617 SW Walnut Street, Tigard OR 97223

Council present:

<u>Name</u>	<u>Present</u>	<u>Absent</u>
Mayor Dirksen (arrived at 12:19 p.m.)	✓	
Councilor President Wilson	✓	
Councilor Buehner	✓	
Councilor Henderson	✓	
Councilor-Elect Woodard	✓	

Staff Present: City Manager Prosser, City Recorder Wheatley

Also Present: Meeting Facilitator Joe Hertzberg of Decisions Decisions

Meeting began at 12:15 p.m.

- Facilitator Hertzberg reviewed the format for the meeting (See Council meeting packet materials.)
- Facilitator Hertzberg reviewed the notes from the December 7, 2010 Team Building Training Session. (See Council meeting packet materials.)
- Council members received a copy of the 2010 City Council Goals and Objectives.
- Facilitator Hertzberg led the Mayor and City Council members through an exercise to identify their vision of Tigard in 20 years. Ideas were recorded on a chart by Facilitator Hertzberg. (Typed copy of the chart is on file with the meeting packet materials.)
- The Mayor and Council focused on setting the 2011 Council Goals using the following materials for reference during their discussion:
 - The chart paper listing the Mayor’s and City Council member’s vision of Tigard in 20 years.
 - The 2010 Tigard City Council Goals (including Five-Year City Council Goals, Long-Term Goals and Long-Range Objectives.
 - Executive Staff suggestions for 2011 City Council goals.

TIGARD CITY COUNCIL GOAL-SETTING MEETING MINUTES – December 30, 2010

- Tigard Board and Committee suggestions for 2011 City Council goals.
- The Mayor and City Council members identified those items to be selected on the list of 2011 City Council goals. (See draft goals on file with the packet meeting materials.) The priority-setting process by the City Council included a review of the status of the 2010 goals as well as a thorough review of the suggestions for goals offered by Tigard Boards, Committees, and Executive Staff. The final goal list will be adopted by the City Council at a later date.
- Along with the 2011 Goals, Council members created a “To Do” list for those activities to be accomplished in 2011, but would not be identified as a goal.
- Council members discussed the recently adopted Council Groundrules and signed a certificate acknowledging receipt and acceptance.
- Council reviewed the Council Appointment Matrix and reached consensus on liaison assignments for internal and external committees. These appointments will be formally accepted by the City Council at a later date.

The meeting adjourned at 5:02 p.m.

Catherine Wheatley, City Recorder

Attest:

Mayor, City of Tigard

Date: _____



City of Tigard

Tigard Business Meeting – After-Meeting Action Notes

MEETING DATE

January 11, 2011 - 7:30 p.m. Business Meeting

AND TIME:

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



1. BUSINESS MEETING

- A. Mayor Dirksen called the meeting to order at 7:33 p.m.
- B. Roll Call

<u>Name</u>	<u>Present</u>	<u>Absent</u>
Mayor-elect Dirksen	✓	
Councilor Wilson	✓	
Councilor-elect Buehner	✓	
Councilor Henderson	✓	
Councilor-elect Woodard	✓	

- C. Pledge of Allegiance
- D. Call to Council and Staff for Non-Agenda Items  None

2. ADMINISTER OATHS OF OFFICE TO MAYOR CRAIG DIRKSEN, COUNCILOR GRETCHEN BUEHNER AND COUNCILOR MARC WOODARD

- Municipal Court Judge Michael O'Brien administered the oaths of office to the following officials elected to serve as Mayor and City Councilors by Tigard voters for the term January 1, 2011 to December 31, 2014:



- o Mayor Craig Dirksen
- o Councilor Gretchen Buehner
- o Councilor Marc Woodard

3. INAUGURAL REMARKS -- COUNCILOR BUEHNER, COUNCILOR WOODARD



A summary of Councilor Buehner's remarks:

- Thanked the voters for electing her to a second Council term.
- Thanked City Council members and staff for assisting her during her first term.

TIGARD CITY COUNCIL MEETING MINUTES – January 11, 2011

- Four years ago she ran for City Council to work on a long-term water source, update a long-outdated Comprehensive Plan and other planning tools, figure out how to get more land for parks in Tigard, and to attempt to deal with congested roads. Status of the issues are:
 - Water – the City entered into a contract with Lake Oswego for a permanent water source. We have agreed on a water treatment process, passed a capital budget based on an in-depth analysis, and begun the extensive permitting process. Over the next four years, she hopes to see the partnership complete its in-depth analysis, to assure we are doing the project as efficiently and as cost-effectively as possible, obtain all state and federal water permits, obtain land-use approval from Gladstone and West Linn (have an intake in Gladstone and build a new plant in West Linn), and obtain the necessary permits in Tigard and Lake Oswego.
 - Planning Updates – a new Comprehensive Plan was adopted about 18 months ago and we have begun all of the other new codes. The Council also adopted a Master Plan for Water, Sewer, Parks and Urban Forests. In the next four years, she hopes to see that all of the codes to implement those plans are adopted and we continue working on traffic in terms of evaluating Pacific Highway for high-capacity transit.
 - Parks – thanked the voters again for passing the \$17 bond measure last November and she looks forward to determining which lands to purchase and obtain them for parks in the City in the future.
 - Traffic – Burnham is being completed as part of the Downtown Development Plan, rebuilt the Greenburg, Main, Pacific Highway intersection concurrently with the County’s rebuilding of the Hall Street intersection. The City has obtained a number of grants for other road projects. In the next four years, she hopes we will complete the rapid transit study, which determines what kind of transit we will get in the future and start working on the planning. She also anticipates Main Street will be rebuilt with a green street for which the City received a Metro grant two years ago and begin the planning for rebuilding the McDonald/Gaarde intersection.
 - She said she has had an exciting four years and looks forward to working with everyone on all of the challenges to be faced over the next four years.
 - There are many opportunities to have input into the decisions the City Council makes: testify at a hearing, participate in a City survey, participate as a member on one of the many City committees, give input at a public forum, or send letters to the Mayor and City Council.



A summary of Councilor Woodard’s remarks:

- Thanked everyone for coming this evening.
- Thanked the City Council members and the staff for the support received for the last five months.
- He comes from a family that instilled hard work ethics, an appreciation of community, and family values unique to Tigard.
- Upon his return to Tigard in 2008 after being gone for ten years, he speculated that the voters saw something in him that resonated. He recalled the Tigard of his childhood, which included a good sense of community. Things have changed, especially when you look at the technology in the world and the manner in which we

TIGARD CITY COUNCIL MEETING MINUTES – January 11, 2011

have dispersed ourselves throughout the community. That central place of being in the community is something he longed for and he did not see it when he returned, and one of the reasons he ran for office was that he hoped he could change or influence that dynamic.

- Talked of his earlier years and his involvement at St. Anthony's, Tigard High School (sports and music), and community events (Tigard Town and Country Days).
- He is concerned with keeping a small-town feel with big City frills, meaning that we need to brand and build for the 21st century. We need to be competitive. We have laid out a lot of money for infrastructure – tax dollars at work – and now we must make the return on investment payback to the taxpayers.
- He referred to nearby shopping centers of Bridgeport and Washington Square; however, this does not foster a unique sense of traditional Tigard community. He believes we have decentralized communication with one another and he would like to see a centralized sense of place within Tigard where we can all meet, live, work and spend our leisurely time.
- He wants to help assure the infrastructure that has been established (WES, Burnham Street, green streets) results in a return on investment and keep the momentum going.
- He referred to his involvement in the community including the Main Street beautification programs when he was younger with his dad. He also referred to his grandfather who also put a lot of work into the community.
- A well-developed economic city center community is the crux to economic good times and the return on investments. When times are good, we want to benefit from those investments.
- He used the analogy referencing the Sims City game, which is software where you build a city. This game is based on building the infrastructure including requirements to balance economic development or your city will begin to fall apart. To equate this game experience with what is happening in the City of Tigard, he said he has talked to people who do not understand why things have taken so long. He said he believes a lot has to do with growing pains. Looking at the last 10 years, there have been a lot of changes in Tigard; however, he believes we are headed in the right direction.
- He believes that his past experience will be valuable to offer a different perspective and provide a different balance. He said he thought that the City Council and the staff have done a good job and he thanked them for doing this for the citizens.
- He said he is excited about the potential high-capacity transit system. With the proper economic structure in place, it will build and bring other dollars/revenues to offset costs. Eventually, things will become more cost effective for residents and small business owners.
- He described how he arrives at decisions. He said he will evaluate a project, policy, or budget decision based on need, especially during an economic downturn.
 - He sets priorities based on needs and wants. What we want today might not be economically feasible, so those priorities might need to be delayed, and we just work on what is needed.

TIGARD CITY COUNCIL MEETING MINUTES – January 11, 2011

- Understand a timely return on investment. For a business owner, if the return on investment is not within a four- to six-year window or less, then people become impatient. He said he wants to understand whether there is a timely return on investment of taxpayers' dollars.
 - He wants to the right thing for the majority. While he will listen to a minority, the majority is where "my ear is going to be."
 - Cost-savings/value engineering – he said he recently read a memo regarding the Lake Oswego/Tigard partnership and the use of value-added engineering, which he believes will save money.
 - A good question to ask is whether funds are available.
 - Another question to ask is whether we are using the best-known methods for operations maintenance and financing.
 - He will consider whether a project or policy change will serve the intended purpose.
 - He will evaluate whether a project will favor and benefit the taxpayer, families, small business and environment.
 - Sustainability – can the majority and taxpayers and small businesses sustain the project, fees, taxes, or services.
 - He will consider the state of the economy and the impact on small business owners, jobs, unemployment, and affordable housing. We need to learn how to ramp up and ramp down better. There always efficiencies that can be found.
 - He said he would be hard-pressed to understand why we would raise fees and taxes during this year of economic recession, which have a big impact those who are running on the bottom line and their "tank is on empty."
 - Look for ways to tweak fixed and variable costs. He knows this is being done now, but we do not want to lose sight that we have to continue being vigilant.
- Expressed his appreciation that during the recent Council goal-setting that he was able to input/influence with what was placed on the goals and the "to do" list.
 - He said he knows the city has invested in technology.
 - From his experience in management, there are best known preventative, corrective, sustaining, and predictive methods in field and facility operations that can be gained. Any cost savings will be returned to the General Fund.
 - He supporting incentives and recognition for employees when cost savings are found.
 - Referred to the City's plans for the water system and efforts to keep costs contained through innovative and creative policies/practices.
 - He challenged the City Manager and staff to cross train employees and participate in internships.
 - Include an internal wellness program and look at an external community events coordinator. He spoke to the importance of balance by getting right mix of retail and living space in the urbanization development. He referred to these efforts as not costing money; rather, they are money makers/revenue streams.

TIGARD CITY COUNCIL MEETING MINUTES – January 11, 2011

- “Your voice can be heard.” Anyone can make a difference. He urged people to look at the City’s website, serve on a committee or board and volunteer for something. The direction of the City will depend on those who are involved.
- He urged people to cast their votes and for more people to consider running for the Mayor and City Council positions.
- He pledged to work the community that gave him “so much as a kid.”



4. MAYOR DIRKSEN'S STATE OF THE CITY ADDRESS

Mayor Dirksen delivered the State of the City; his written address follows:

**City of Tigard
2010 State of the City**

First of all, I’d like to thank all of the people who supported me this past year. I especially want to thank my campaign managers Sydney and Jim Webb for all their help, and of course I want to recognize my wonderful wife Jackie for all her support throughout all our 38 years of marriage and particularly the last ten years while I’ve been on Council with all its time demands, and now for another four years as Mayor.

When you enter public office, one of the things you get to do more often than most people, is exercise your opinion. I don’t mean just *offer* your opinion, that’s every American’s right. I mean you have the chance to use your opinion as the basis of action; see your opinion acted upon and even become reality. And you quickly discover, (if you didn’t know it already) that you’d better actually have a clear idea of how you really feel about issues like taxation, and land use, and environmental protection and a host of others. Just as important, you need to be able to articulate your ideas to others and be able to defend your position when challenged.

Never did the importance of that ability become more apparent than the first time I stood before a room full of fourth grade students at Templeton Elementary School. Talking to the class about citizenship, a young student raised her hand and with a quizzical look on her face, asked me, “When you’re being the Mayor, what do you *do*?” Now, an adult wouldn’t typically ask such a question, perhaps because they think they should already know what the Mayor does and they don’t want to appear uninformed, and if they do ask, you can get by with some platitude or fall back on some important-sounding technical terms. Not so when a 10-year old asks you that question. You’d better be able to answer them clearly, using words that make sense. Fortunately, I was able to give that student and her class an answer that satisfied - largely because I’d been asked the same question before in private and I’d had time to think about an answer after suffering complete failure in giving anything but a fumbling and inarticulate response.

TIGARD CITY COUNCIL MEETING MINUTES – January 11, 2011

You can't talk about what the Mayor does without talking about what the city does. And the city does this – two jobs, really: first, we provide services for city residents today, and second, we plan for tomorrow. That's it - Services today, plan for tomorrow.

The services we provide are the things that everyone needs: When you turn the on faucet, water comes out. When you're done with that water, another system takes it away. Roads to travel to work. Police for safety. Fire (sort of) through Tualatin Valley Fire and Rescue. Other important amenities a community needs, like parks, and a library. They're all pretty straightforward.

Planning for the future is no less important, but it's more complicated and takes as much insight as ability. You need to know more than planning, you need to know the community. As the population grows and the city expands, where should growth happen? Where do new roads need to be added, and where do existing roads need to be improved? Where should new development be more dense and where should it be less dense in order to make the best use of our natural resources and assets? How do we meet State and Federally mandated goals and guidelines in areas like land use, mobility, affordable housing, environmental protection, and all the rest? And how do we pay for it all? Finding answers to those questions and developing strategies for dealing with those challenges is what I mean by planning for the future.

Those are the things your city does, and by almost all accounts we do them well. We consistently earn high marks from residents in all measured areas, and we regularly win awards and recognition from State and Federal agencies and our partners in the Portland/metro region. Furthermore, Tigard is increasingly consulted for its input on planning and decision-making at the regional and state level.

In the past year, Tigard has made major progress in achieving several long-standing goals. Most prominently is our quest to make real improvements to Pacific Highway; improvements that will alleviate the traffic congestion we've all lived with for so many years. With the installation of a new signal control system and soon-to-be completed improvements at the intersections of Pacific Highway at Hall Boulevard and Greenburg Road, this goal will be largely realized and traffic flow on Pacific Highway will be much improved. I give much of the credit for this progress to Councilor Nick Wilson and his determination to make this a priority when he came onto Council in 2003.

Another goal, and a personal goal of mine, was the expansion of our park system to meet the needs of Tigard's current and future population. The parks bond measure that passed in November gives us the financial resources necessary to purchase and preserve the last remaining open spaces we need to fulfill this vision. Since the passage of the bond measure, we have already taken possession of 47 acres of beautiful forest, meadow and stream corridor near Fowler Middle School for a new park, and secured a purchase agreement on another 20-acre plus tract on top of Bull Mountain, with more to come. Additionally, we'll have funding to preserve more of the Fanno Creek corridor and move toward completing the Fanno Creek Trail.

The third long-term goal is the revitalization of downtown. We haven't completed *that* project – it will take 20 years or more - but we've made a good start with the complete transformation of Burnham Street. It's almost done and more is already scheduled for Main Street and Fanno Creek Park.

TIGARD CITY COUNCIL MEETING MINUTES – January 11, 2011

Now, in light of current economic conditions and all the talk of budget deficits and budget cuts everywhere, how is the City of Tigard able to do all these things? Are we squandering our grandchildren's futures to finance it all? In a word, no. Or to be more emphatic about it, absolutely not! All these projects have taken years for us to plan and find and secure the funding. Most have been financed using innovative funding sources. Whether it came from special taxes, federal grants, or partnerships with other government agencies like the State of Oregon, Metro, or Washington County, we've used "one-time money" that was available on a case-by-case basis, and unavailable for general operating budgets. And although Tigard has done very well finding and accessing this special money to pay for these capital projects, we're not doing any better than any other city in Oregon when it comes to general revenues like property taxes or income taxes - the sources that pay for the regular city services I talked about earlier.

Meeting the city's normal fiscal responsibilities is no problem as long as money is no object. But we all know that is not the case. In these economic times, just like at home, having enough money to meet routine responsibilities is an increasingly difficult challenge. Every year it costs more to provide the same level of service that we provided the previous year, and tax revenues never rise as fast as costs do. In the last two years, we've made significant budget reductions, and last year staff and the citizen-led Budget Committee crafted a financial plan designed to keep the operating budget "in the black" for the next couple of years...long enough for the much-anticipated economic rebound to appear. If the economy doesn't respond as economists expect, then we'll do what we need to do to meet our responsibilities and keep the budget balanced.

In the meantime, we'll continue to do the things our city does. Providing services for today in the best way we know how and at the lowest possible cost, and keep planning for tomorrow. Planning a Tigard that continues to serve its residents, a Tigard that provides the things that its residents want and need, and a Tigard that continues to be "*A Place to Call Home*".

God bless you all, and God bless the City of Tigard.



5. ELECT COUNCIL PRESIDENT TO SERVE JANUARY 2011 TO DECEMBER 31, 2012

The Tigard City Charter states:

At its first meeting of each odd-numbered year, the council by ballot shall choose a president from its membership. In the mayor's absence from a council meeting, the president shall perform the duties of the office of mayor and preside over it. Whenever the mayor is physically or mentally unable to perform the functions of office, the president shall act as the mayor pro tem.

City Recorder Wheatley distributed ballots, which were filled out and signed by the Mayor and City Council members. City Recorder Wheatley announced that Councilor Buehner was elected to serve as the City Council President.

TIGARD CITY COUNCIL MEETING MINUTES – January 11, 2011

6. NON AGENDA ITEMS: None



8:13 p.m.

7. ADJOURNMENT

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

The motion passed by a unanimous vote of City Council present:

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

Catherine Wheatley, City Recorder

Attest:

Mayor, City of Tigard

Date: _____

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TIGARD CITY COUNCIL MEETING MINUTES – January 11, 2011



City of Tigard
Tigard Business Meeting – Minutes

**TIGARD CITY COUNCIL, LOCAL CONTRACT REVIEW BOARD, AND
 CITY CENTER DEVELOPMENT AGENCY**

MEETING DATE AND TIME: January 25, 2011

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 Buehner	✓	
Councilor Henderson	✓	
Councilor Wilson	✓	
Councilor Woodard	✓	

Staff Present: City Manager Prosser, Assistant City Manager Newton, Police Chief Orr, Public Works Director Koellermeier, Community Development Director Bunch, Assistant Community Development Director Hartnett, Police Assistant Chief Bell, Redevelopment Project Manager Farrelly, Senior Management Analyst Wyatt, Police Captain deSully, Associate Planner/Arborist Prager, Parks Facilities Manager Martin, City Attorney Ramis, City Recorder Wheatley

A. Update on Urban Forestry Code Revisions Project Schedule

Associate Planner/Arborist Prager presented the staff report.

Issue before the City Council: Proposal 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.

Consensus of City Council was to accept the staff’s proposed revised timeline as submitted in the Council packet materials.

TIGARD CITY COUNCIL MINUTES – January 25, 2011



B. Discuss City's 50th Birthday Celebration (This item was discussed after the business meeting.)

Assistant City Manager Newton presented the staff report.

Issue before the City Council: Update and discussion on the City's 50th Birthday Celebration.

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 11 (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 Curtis 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. Involvement could be solicited from Tigard citizens and businesses.

C. Administrative Items – City Manager Prosser reviewed the following with the City Council:

- Agenda Item No. 5, *Consider Amending Tigard Municipal Code Chapter 12, Water and Sewers*, set over to the March 22, 2011 Tigard City Council Business Meeting.
- Updated draft of the 2011 City Council goals was distributed to the City Council for consideration during the business meeting; Agenda Item No. 7
- Pacific Highway/Hall/Greenburg/Main Completion Celebration. Council input for invitations sought and City Council members were asked to send feedback to Streets and Transportation Senior Project Engineer McCarthy on invitation suggestions. During brief discussion, the following groups/individuals were suggested: Transportation Committee, ODOT staff member Jason Tell and Matt Garrett, former members of the Financial Strategies Task Force.
- City Attorney interviews scheduled for Tuesday, February 1, 2011, 6:30 p.m. in Town Hall or Red Rock Creek Conference Room.
- 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. Council members were asked to give some thought of agenda topics and send suggestions to Assistant City Manager Newton before March 10. Mayor Dirksen

TIGARD CITY COUNCIL MINUTES – January 25, 2011

suggested two topics for discussion: 1) How are the building/rebuilding efforts by TVF&R proceeding and 2) How is the economy affecting TVF&R.

- Council agreed to a special meeting on Tuesday, March 1, 6:30 p.m. to discuss a proposed work program implementing 2011 City Council goals with Executive Staff members.
- March 15, 2011 City Council workshop is canceled (NLC Conference week).
- Time is now to consider whether the City of Tigard will present an Exemplary Citizen Award. After discussion, consensus of City Council was this does not need to be an every year event; however, the preference would be that if the award were given that it is done at the Chamber's Shining Stars Banquet. Assistant City Manager Newton will send out the list of criteria for nominations to the City Council for review as the members think about nominees. This item will be discussed again at the February 8, 2011 Council Study Session.
- West Linn Councilor Mike Jones expressed a desire for a Tigard and/or Lake Oswego elected official to attend the February 7, 2011 West Linn Council meeting for an elected official's perspective on the water partnership. After discussion, Council consensus was for a Lake Oswego City Council member to attend this West Linn City Council meeting with a Tigard City Councilor accompanying him or her. Council President Buehner volunteered to attend as the Tigard City Council member representative.
- Council Meeting Calendar:
 - February 1, City Attorney Interviews, 6:30 p.m.
 - February 8, Business Meeting, 6:30 p.m.
 - February 15, Workshop Meeting, 6:30 p.m.
 - February 22, Business Meeting, 6:30 p.m.
- TIGARD CITY COUNCIL AND CITY CENTER DEVELOPMENT AGENCY EXECUTIVE SESSIONS (CCDA): The Tigard City Council went into Executive Session at 6:50 p.m. 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 was also scheduled to go into Executive Session to discuss real property transaction negotiations under ORS 192.660(2) (e). Due to time constraints, the Council/CCDA Executive Session recessed before the business meeting and then resumed after the business meeting.

Executive Session recessed at 7:28 p.m.

1. **BUSINESS MEETING - JANUARY 25, 2011**

A. Mayor Dirksen called the meeting to order at 7:37 p.m. 

B. Roll Call

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

TIGARD CITY COUNCIL MINUTES – January 25, 2011

- Councilor Wilson ✓
Councilor Woodard ✓
- C. Pledge of Allegiance
D. Call to Council and Staff for Non-Agenda Items 

City Manager Prosser announced the successful sale of \$17 million Parks Bond and the \$9 million Library Bond refunding. Bids were awarded based on the lowest total interest costs:

- Wells Fargo Bank, NA was awarded the parks bond bid. The cost will be \$0.275 per \$1,000 of assessed value in the first year of the 20-year bond, equating to \$56.84 to a homeowner with a median assessed value of \$207,000. This is a savings from what was stated in the ballot, which was \$60 in the first year for the same average home. In summary, the sale represents a total savings of \$1,421,093 from what was stated in the ballot.
- Citigroup Global Marks, Inc., was awarded the refunding of the library bond. With this award, Tigard property taxpayers will save \$863,289 over the remaining 12 years of the library bond.

Tigard will save property taxpayers \$2,284,382 over the next 20 years based on January 25's bond sale results.

- 
2. CITIZEN COMMUNICATION
- A. Follow-up to Previous Citizen Communication: None
- B. Tigard High School Student Envoy Tracie Tran presented update on Tigard High School activities as well as events for athletics and academics. A copy of the highlights of her report is on file with the meeting packet materials.

- 
- C. Tigard Area Chamber of Commerce Executive Director Debi Mollihan presented a report on upcoming Chamber events. A copy of the highlights of her report is on file with the meeting packet materials.

- D. Citizen Communication – Sign Up Sheet  No one signed up.

- 
3. CONSENT AGENDA:
- 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.

TIGARD CITY COUNCIL MINUTES – January 25, 2011

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



Council Woodard advised he would abstain from voting on the Council meeting minutes listed in Item 3A as these meetings took place before his term of office began.

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

TIGARD CITY COUNCIL MINUTES – January 25, 2011

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

Mayor Dirksen	Yes
Council President Buehner	Yes
Councilor Henderson	Yes
Councilor Wilson	Yes
Councilor Woodard	Yes* - Abstained from voting on Item 3A.



4. INFORMATIONAL PUBLIC HEARING TO ESTABLISH SW 100TH AVENUE SANITARY SEWER REIMBURSEMENT DISTRICT NO. 42

- Mayor Dirksen opened the public hearing.
- 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.
- City Engineer Kyle presented the staff report, summarizing the key elements of the proposed district and the process to date. He reviewed the nature of the comments received from residents located within the District. In general, owners are supportive of the project although there are concerns about future development changing the character of the neighborhood.
- Public Testimony
 - Mary Bauman, 10270 SW View Terrace advised she would like her property to be included in the project. City Engineer Kyle confirmed for the City Council that Mr. and Mrs. Bauman are now within the proposed district.
 - Rob Ruedy presented oral testimony and a copy of his presentation to the City Council is on file with meeting packet.



Mayor Dirksen commented that the method of assessing the costs to property owners in this district is consistent with how all previous districts were calculated. The method appears to be fair.



City Engineer Kyle responded to key points in Mr. Ruedy's testimony:

- If the district is delayed a year, it is possible someone might develop and pay for a large part of the costs; however he pointed out that the bid climate at this time is favorable.

TIGARD CITY COUNCIL MINUTES – January 25, 2011

- City Engineer Kyle suggested bids be sought at this time and then work with the contractor if a longer time period for the construction is needed. The current bidding climate is good.
- City Engineer Kyle advised there is some cleanup work to be done on the construction documents. He said staff would confirm with each property owner the best location for sewer service.
- City Engineer Kyle agreed with Mayor Dirksen's statement that the proposed assessment method has proven to be a good way to proceed and has been used for a number of years for prior districts.
- City Engineer Kyle referred to concerns about depth of sewers. He advised of the preference for full gravity service for every lot because full gravity is more reliable than service requiring a pump.
- City Engineer Kyle pointed out that no one needs to incur any cost for hooking up to the sewer until they choose to connect.



- City Engineer Kyle advised that staff recommended that the City Council proceed to form the district.
- Council Discussion:

Councilor Woodard said reimbursement districts appear to be a good deal and, in the long term, is the right thing to do.



Mayor Dirksen gave background for establishing the sewer reimbursement program, which represented the City Council's effort to get entire city connected to the sewer system in reasonable amount of time. Dense population growth spurred the preference to get sewer services away from septic systems because of groundwater contamination concerns.

- Mayor Dirksen closed the public hearing 
- City Council Consideration:

Motion by Councilor Wilson, seconded by Council President Buehner, to adopt Resolution No. 11-05.

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

TIGARD CITY COUNCIL MINUTES – January 25, 2011

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

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

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

This item was set over to the March 22, 2011 Tigard City Council Meeting Agenda.



6. REPORT ON NATIONAL LEAGUE OF CITIES CONGRESS OF CITIES - COUNCILOR HENDERSON

Councilor Henderson presented information on *Local Governments for Sustainability*. He referred to two documents, which were distributed to the City Council and reviewed during his report:

1. Sustainability Goals & Guiding Principles – Star Community Index – ICLEI, Local Governments for Sustainability.
 - o Document contains the release of 81 goals and 10 guiding principles that collectively define community-scale sustainability and form the foundation of STAR – a national rating system that will offer local governments a roadmap for creating healthy, inclusive, and prosperous communities. The Goals provide a vocabulary that local governments and their communities can use to strategize and define their sustainability planning efforts.
2. LEED for Neighborhood Development
 - o Contact information for a system for rating and certifying green neighborhoods.

During his report, Councilor Henderson reviewed the guiding principles of the Star Community Index and the future plans to give local governments the tools to accelerate their efforts and achieve greater success for economic prosperity, health/safety, and climate protection. This product represents thousands of volunteer hours and the engagement of more than 160 sustainability experts and stakeholders from broad disciplines using a collaborative and consensus-based process, drawn from government, the nonprofit and private sectors, and academia.

Councilor Henderson said this is the beginning of a huge program that would work within our community. He said it would take about ten years to realize the benefits in employing the sustainable community principles.

TIGARD CITY COUNCIL MINUTES – January 25, 2011

Mayor Dirksen noted his interest in the rating system under development and would like to see how our community compares with others for sustainable practices. Councilor Henderson advised there will be a scoring system available in 2012 and a new LEED program level has been added.

Council President Buehner said she had become aware of the sustainable community efforts and was glad to hear of the substantive progress made in recent years.

Councilor Woodard said he has long been interested in LEEDS certification opportunities. He commented that it appears there are a number of components that could be applied in the City of Tigard.



Council meeting recessed: 8:40 p.m.



Council meeting reconvened: 8:51 p.m.

7. CONSIDER APPROVAL OF THE 2011 CITY COUNCIL GOALS

City Manager Prosser introduced this agenda item and reviewed this year's goal setting process.

Mayor Dirksen reviewed the City Council goals:

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

TIGARD CITY COUNCIL MINUTES – January 25, 2011

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

Motion by Council President Buehner, seconded by Councilor Wilson, to approve the 2011 City Council goals.

Councilor Henderson commented that these goals were developed with consideration given to proposals from the staff and community.

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

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



TIGARD CITY COUNCIL MINUTES – January 25, 2011

8. RECEIVE CITY COUNCIL 4TH QUARTER GOAL UPDATE

Senior Management Analyst Wyatt presented the staff report. A summary of progress made is contained in the report on file with the packet meeting materials.



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

- Mayor Dirksen noted Portland is soliciting input regarding rejoining the Portland Joint Terrorism Task Force. Councilor Wilson brought forward the suggestion that the Tigard City Council formally submit its support for Portland to rejoin.
- Councilor Wilson shared his reasoning for his proposal:
 - Portland was a member of the FBI's terrorism task force from 1997 to 2004. Portland withdrew in 2005 out of concerns for civil liberties and liability because Portland officers would not be under Portland's direct command.
 - While no one was in danger with regard to the recent alleged terrorist bombing threat at the Tree Lighting event in Portland last year, it was a graphic representation of what could have occurred. Major events held in Portland impact everyone in the region.
 - Portland is and has always been cooperative with the FBI and they are now reconsidering membership on the Portland Joint Terrorism Task Force.
 - It is important that our state's largest City participate on the Task Force as does every other major city in the Country.
 - Adopting the proposed resolution would inform the City of Portland that suburban communities are also concerned.

Council discussion/comments on the proposed resolution include the following:

- Council President Buehner advised she has spoken with Councilor Wilson about concerns she has with transmitting Tigard's proposal in the format of a resolution. She noted prior experience with uncomfortable circumstances between the cities of Portland and Tigard when the City of Tigard was considering using the Willamette River as a drinking water source.
- Councilor Woodard commented that he supported the resolution insofar as it appears to be the best tool to use to make a strong statement. He pointed out the potential for casualties and the need to exercise due diligence. If the terrorist threat had been carried out, the aftermath is unfathomable to contemplate. If we do not make a strong statement using the best vehicle to do so, then we probably would commit an injustice.
- Councilor Henderson advised he supports the proposed resolution and added that he agreed with Councilor Woodard's remarks.

TIGARD CITY COUNCIL MINUTES – January 25, 2011

- Mayor Dirksen said he would be comfortable sending either a letter or a resolution. However, he noted that Councilor Woodard made a good point about always using the best tool to do the job, which would be the resolution.
- Councilor Wilson reported that his original suggestion was to send a letter. In thinking about it further, a resolution is better because it is direct. He does not believe the Portland City Council would receive the message in the resolution in a negative way. The City of Tigard is not intending for the resolution to be disrespectful. With a resolution, a vote will be recorded and it becomes an official position.
- Council President Buehner reiterated her concerns about how a more formal action on the part of the City of Tigard might be perceived by Portland and referred to past experience. She said she was also concerned about setting a precedent. She said if it is the will of the rest of the City Council to adopt a resolution, she would respectfully abstain from voting on the matter. In response to a proposal from Mayor Dirksen that she cast a “no” vote rather than abstain, Council President Buehner said she would abstain because she supports the substance of the resolution, but it is an inappropriate vehicle to use to express our concerns.
- In response to a question from Councilor Henderson, Councilor Wilson advised that consideration to rejoin the task force appears to be less controversial in Portland than it was in 2005. The City of Portland is actively soliciting comments and the Portland Council is scheduled to take formal action on the matter on February 24.

Motion by Councilor Wilson, seconded by Councilor Henderson, to adopt Resolution No. 11-06.

Council President Buehner advised she will abstain as she feels a resolution is an inappropriate vehicle for delivering the City of Tigard’s concerns to the City of Portland.

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

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

Mayor Dirksen	Yes
Council President Buehner	Abstain
Councilor Henderson	Yes
Councilor Wilson	Yes
Councilor Woodard	Yes

TIGARD CITY COUNCIL MINUTES – January 25, 2011

10. COUNCIL LIAISON REPORTS: None

11. NON AGENDA ITEMS



City's 50th Birthday Celebration This item was discussed at this point in the meeting. Please see the Study Session notes above for a summary.



12. EXECUTIVE SESSION: The Tigard City Council/CCDA reconvened into an Executive Session at 9:18 p.m., which was continued from the Executive Session as noted above (Page 3).

13. ADJOURNMENT : 10:14 p.m.

Catherine Wheatley, City Recorder

Attest:

Mayor, City of Tigard

Date: _____

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TIGARD CITY COUNCIL MINUTES – January 25, 2011

AIS-355

Item #: 3. B.

Business Meeting

Date: 02/08/2011

Length (in minutes): Consent Item

Agenda Title: Specify City Council Liaison Appointments to City of Tigard and Regional Boards, Commissions, Committees, and Task Forces

Submitted By: Cathy Wheatley
Administration

Item Type: Motion Requested

Meeting Type: Consent Agenda

ISSUE

Approve the updated City Council Liaison appointments to City of Tigard and regional boards, commissions, committees, and task forces.

STAFF RECOMMENDATION / ACTION REQUEST

Approve the attached City Council Liaison appointments.

KEY FACTS AND INFORMATION SUMMARY

- Council members reviewed the traditional board and committee City Council liaison appointments at their December 30, 2010 special goal setting meeting and reached consensus on City Council member representation.
- Council groundrules regarding the Council members' liaison roles are as follows:

Communication as the Council Liaison with City Boards

- Council liaison assignments are determined by consensus of City Council. The goal is to have assignments evenly divided between Council members. Should two or more Council members seek appointment to a position the longest serving Council member will have first choice.
- Council Liaisons are to periodically attend Board meetings, listen to the Board discussion, set context for the Board regarding Council decisions/goals/policies and City priorities, answer questions and carry concerns and information back to the full Council.
- Council Liaisons are not to direct the business or decision-making process of the Board and do not vote of matters before the Board.
- Council Liaisons do not initiate, propose or advocate for their personal position on a matter before the Board. Council Liaisons are to protect the independence of the Boards.
- Council Liaisons at times may advocate Council actions on behalf of their assigned Board. Great care must be taken to avoid the appearance of unfairness, conflict of interest or circumstances where such possibilities may exist (e.g., Planning Commission quasi-judicial matters).

OTHER ALTERNATIVES

N/A

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

4. Advance Methods of Communication
 - a. Communication is a part of everyone's job.

DATES OF PREVIOUS COUNCIL CONSIDERATION

December 30, 2010

Attachments

Council Liaison Appointment Matrix - 2011

2011 City Council Appointment Matrix

Formally approved by Council – 2/8/2011

Committee Name	Primary Representative	Alternate Rep	Meeting Frequency	Time Expectation	Staff Liaison
<i>Budget Committee</i>	All Council		3-4 consecutive Monday evenings in April & May		Toby LaFrance
The Budget Committee provides a public forum to obtain public views in the preparation of fiscal policy.					
<i>Budget Subcommittee- Social Services</i>	Councilor Wilson		1 meeting in March		Toby LaFrance
Reviews applications submitted by social service agencies for contributions from the city. Consists of 1 Council member and 2 citizen-members of the Budget Committee.					
<i>Budget Subcommittee - Events</i>	All Council		Council Workshop or Study Session in March		Toby LaFrance
Reviews requests for contributions to community events.					
<i>City Center Development Agency</i>	All Council		As needed during Council sessions, ongoing	2 x/month for 1 hr. 2 hours month	Sean Farrelly
This committee's role is to assist the Urban Renewal Commission in developing and carrying out an Urban Renewal Plan.					
<i>Community Development Block Grant Policy Advisory Board</i>	Councilor Henderson	Duane Roberts	2 nd Thursday of the month at 7 p.m. Location rotates	Ongoing- appx. 2 hours month	Duane Roberts
By IGA, Washington Co. established the Community Development Policy Advisory Board (PAB) to represent the County Consortium, make recommendations to the County Commissioners on all matters pertaining to the CDBG program. Includes a representative, generally an elected official, from the County and each of the 11 participating cities in the Co.					
<i>Intergovernmental Water Board</i>	Councilor Buehner	Councilor Woodard	2nd Wednesday/month, 5:30 p.m., Water Building	Monthly	Dennis Koellermeier
To make recommendations to the Tigard City Council on water issues and to carry out other responsibilities set forth in the IGA between Tigard, Durham, King City and the Tigard Water District. Each jurisdiction is represented by a member + 1 at-large.					

Committee Name	Primary Representative	Alternate Rep	Meeting Frequency	Time Expectation	Staff Liaison
<i>Metro Joint Policy Advisory Commission on Transportation</i>	Mayor Dirksen	City of Cornelius Councilor Jef Dalin	2 nd Thursday/month 7:30- 9 a.m. @ Metro		Judith Gray
A 17-member committee that provides a forum for elected officials and representatives of agencies involved in transportation to evaluate transportation needs in the region and to make recommendations to the Metro Council.					
<i>Mayor's Appointment Advisory Committee</i>	Jan – June 11 Councilor Henderson	July – Dec 11 Councilor Woodard	Jan – June 12 Councilor Buehner	July – Dec 12 Councilor Wilson	Staff Liaison to the committee interviewing
The Mayor & 1 Councilor (on a six-month rotation schedule) review applications and interview individuals interested in a board or committee appointment. Recommendations are forwarded to the Council for ratification.					
<i>Metropolitan Area Communications Commission</i>	Councilor Woodard	Louis Sears	6 times a year, usually Wednesday, 1-5 pm at MACC headquarters		Louis Sears
MACC is the governing body that oversees the contracts for cable services and TVCTV. The Executive Committee meets separately to make recommendations to the Commission on administrative issues including budget and the review of the Executive Director.					
<i>Metro Policy Advisory Committee (MPAC)</i>	Sherwood Mayor Keith Mays	Tualatin Councilor Chris Barhyte	2 nd and 4 th Wednesday 5-7 p.m. at Metro	Ongoing 4 hours/month	Ron Bunch
MPAC it is made up of elected officials. Representatives are elected by peers within Washington County cities.					
<i>Regional Water Providers Consortium</i>	Councilor Wilson	None assigned	Quarterly meeting held at Metro		John Goodrich
Consortium is comprised of all water suppliers in the metro area. The Councilor appointee to this group represents the city on regional policy issues.					
<i>Tigard- Lake Oswego Joint Water Partnership Oversight Committee</i>	We have two primary seats: Councilor Buehner & Mayor Dirksen		Monthly – working on a new meeting schedule		Dennis Koellermeier
Membership is comprised of staff and elected officials to govern water partnership between the cities.					

Committee Name	Primary Representatives	Alternate Rep	Meeting Frequency	Time Expectation	Staff Liaison
<i>Washington County Coordinating Committee</i>	Mayor Dirksen	Councilor Buehner	2 nd Monday @ noon Beaverton City Hall	1-2 hours per month	Mike McCarthy?
<p>WCCC reviews and comments on major land use and transportation issues and provides a forum for discussion which results in recommendations for a coordinated approach between jurisdictions. The Committee has specific authority on the Major Streets Transportation Improvement Program (MSTIP) and the Countywide Traffic Impact Fee (TIF) program. Representatives to JPAC and MPAC from County and cities in the Co. will be on the policy body.</p>					
<i>Westside Economic Alliance</i>	Mayor Dirksen	Councilor Wilson	3 rd Wednesday of month 7:30-9 a.m. @St. Vincent's Hospital Board Room	<u>PLUS: Optional</u> <i>Thursday Forum</i> <i>breakfast w/ speakers</i>	Ron Bunch
<p>Create an environment conducive to business growth, working to influence decisions on policies and regulations impacting the economic vitality of the area.</p>					
<i>Willamette River Water Coalition</i>	Councilor Henderson	Councilor Wilson	Monthly		Dennis Koellermeier
<p>Mission of the coalition is to protect the Willamette River and to protect Tigard's water rights.</p>					

Tigard Board & Committee Liaison Assignments:

Committee Name	Primary Representative	Alternate Rep	Meeting Frequency	Time Expectation	Staff Liaison
<i>City Center Advisory Commission</i>	Councilor Henderson		2 nd Wednesday/month@ 6:30 pm		Sean Farrelly
<p>This committee's role is defined in the City Charter and is to assist the Urban Renewal Commission in developing and carrying out an Urban Renewal Plan.</p>					
<i>High Capacity Transit Land Use Plan Citizens Advisory Committee</i>	Councilor Wilson		meet during regularly scheduled Transportation Advisory Committee Mtgs		Judith Gray
<p>Metro has identified the "SW Corridor" (PDX - Sherwood via Tigard) as the next priority expansion line for the regional HCT system. The city is gearing up for an extensive planning process beginning with a state-funded land use plan to identify potential station area locations and development traits to warrant HCT investment and achieve the city's aspirations. The Transportation Advisory Committee serves as the Citz. Advisory Comm. for the land use plan.</p>					
<i>Library Board</i>	Councilor Henderson		second Thursday of each month at 7:00 PM		Margaret Barnes
<p>Advisory to the Council regarding library policies, budget, facilities and other needs of the community to provide quality library service, per TMC 2.36.030.</p>					

<i>Committee Name</i>	Primary Representative	Alternate Rep	Meeting Frequency	Time Expectation	Staff Liaison
<i>Neighborhood Involvement Committee (formerly CCI)</i>	Mayor Dirksen		3 rd Wednesday/every other mo. @ 7pm	6 hours a year	Joanne Bengtson
Charged with oversight for the Neighborhood Network program, encourages two-way communication between city and residents and encourages residents to be more involved. <i>(The committee changed its name to reflect new mission – previous incarnation was Committee for Citizen Involvement.)</i>					
<i>Park & Recreation Advisory Board</i>	Councilor Woodard		2nd Monday/month 7 pm in the Water Building		Steve Martin
To advise the Council on park and recreation policies, facilities, programs and budgets.					
<i>Planning Commission</i>	Councilor Woodard		1st & 3rd Monday/month @ 7pm		Susan Hartnett
Assists the City Council to develop, maintain, update and implement the Comprehensive Plan, to formulate the Capital Improvements Program, and to review and take action on development projects and development code provisions delegated to the Commission.					
<i>Transportation Advisory Committee</i>	Councilor Buehner	Councilor Wilson	1 st Wednesday, 6:30 p.m., library 2 nd Floor Conf Rm	1.5 hr. meetings	Judith Gray
Advisory to council & staff regarding planning and development of a comprehensive transportation network, including development of plans and corresponding financing programs; development of funding mechanisms and sources to implement transportation projects and ensure adequate maintenance of the existing transportation infrastructure; public involvement and education in transportation matters and ways to improve traffic safety and accessibility in all transportation modes.					
<i>Tree Board</i>	Councilor Henderson		1 st Wednesday of month @ 6:30 p.m.		Todd Prager
The mission of the Tree Board is to develop and administer a comprehensive program for the management, maintenance, removal, replacement & protection of trees on public property.					
<i>Youth Advisory Council</i>	Mayor Dirksen		1 st & 3 rd Wednesdays @ City Hall		Sheryl Huiras
Students in grades 5-12 represent their peers as resources to the community to advise the best ways to build developmental assets for each youth in Tigard. The Youth Advisory Council also facilitates the development and implementation of programs and activities that are important to youth.					

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AIS-340

Item #: 4.

Business Meeting

Date: 02/08/2011

Length (in minutes): 5 Minutes

Agenda Title: Proclaim February as Kiwanis Children's Cancer Cure Month

Prepared For: Joanne Bengtson

Submitted By:

Joanne Bengtson
Administrative
Services

Item Type: Update, Discussion, Direct Staff

Meeting Type:

Proclamation

ISSUE

Proclaim February 2011 as Kiwanis Children's Cancer Cure Month.

STAFF RECOMMENDATION / ACTION REQUEST

Issue proclamation

KEY FACTS AND INFORMATION SUMMARY

N/A - Mayoral Proclamation

OTHER ALTERNATIVES

N/A

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

N/A

DATES OF PREVIOUS COUNCIL CONSIDERATION

N/A

Attachments

Children's Cancer Cure Month Proclamation

Proclamation

City of Tigard

KIWANIS CHILDREN'S CANCER CURE MONTH

February 2011

Whereas, the men and women of the Pacific Northwest District of Kiwanis International have exhibited a deep sense of pride in their community by serving the needs of family and children worldwide; and

Whereas, the Pacific Northwest District of Kiwanis International has, effective October 1, 2010, initiated the multi-year District wide Service Project, *Kiwanis Children's Cancer Cure Program*; and

Whereas, this program will fund the Kiwanis Children's Cancer Fellowships, allowing physicians to seek cures for currently untreatable forms of cancer, and

Whereas, the Kiwanis Clubs of the Pacific Northwest will collaborate with Doernbecher Children's Hospital in Portland, the Seattle Children's Hospital and the Vancouver, B.C. Children's Hospital; and

Whereas, the local Kiwanis Clubs are the epitome of their defining statement "Kiwanis is a Global Organization of Volunteers Dedicated to Changing the World One Child and One Community at a Time".

NOW THEREFORE BE IT RESOLVED THAT I, Craig E. Dirksen, Mayor of the City of Tigard, Oregon, do hereby proclaim February 2011 as

KIWANIS CHILDREN'S CANCER CURE MONTH

And encourage citizens to embrace this endeavor in the interest of children suffering from cancer.

Dated this ____ day of _____, 2011.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Tigard to be affixed.

Craig E. Dirksen, Mayor
City of Tigard

Attest:

City Recorder

AIS-346

Item #: 5.

Business Meeting

Date: 02/08/2011

Length (in minutes): 20 Minutes

Agenda Title: Update from Metro Councilor Carl Hosticka

Submitted By: Cathy Wheatley
Administration

Item Type: Update, Discussion, Direct Staff

Meeting Type:

Council Business
Meeting - Main

ISSUE

Metro Councilor Carl Hosticka will update the Council on current Metro activities.

STAFF RECOMMENDATION / ACTION REQUEST

Discussion item only.

KEY FACTS AND INFORMATION SUMMARY

Update and discussion item only.

OTHER ALTERNATIVES

N/A

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

N/A

DATES OF PREVIOUS COUNCIL CONSIDERATION

N/A

AIS-290

Item #: 6.

Business Meeting

Date: 02/08/2011

Length (in minutes): 10 Minutes

Agenda Title: Consider a Resolution Approving the Purchase of the Potso Dog Park Property and Authorizing the City Manager to Complete the Property Purchase

Prepared For: Steve Martin

Submitted By:

Steve Martin
Public Works

Item Type: Resolution

Meeting Type:

Council Business
Meeting - Main

ISSUE

Shall the Council approve the purchase of the Potso Dog Park property and authorize the City Manger to complete the property purchase?

STAFF RECOMMENDATION / ACTION REQUEST

Staff recommends the Council adopt the resolution.

KEY FACTS AND INFORMATION SUMMARY

Background

- Potso Dog Park is situated on property leased by the City.
- The 2.59-acre, off-leash area is the largest dog park in Tigard.
- Park use has increased every year since the park opened in 2004.
- The property was originally owned by Coe Manufacturing and leased to the City. Since that time, the property has had several different owners who have continued the lease.
- In lieu of payment, the bank has recently taken back the property from the owner and City's lessor.
- The bank has not responded to the City's requests to lease the property and has indicated it has another buyer should the City fail to follow through with the property purchase.

Potso Dog Park Acquisition

- The Park System Master Plan recommends the City retain its existing dog parks, including Potso Dog Park. The Plan also recommends the City reach some agreement with the owner of the Potso property that would allow long-term use of the dog park.
- The Potso Dog Park property ranked fourth out of 11 properties on the Park and Recreation Advisory Board's September 2010 acquisition list. (The Summer Creek and Sunrise properties were ranked one and two respectively.)
- The Park and Recreation Advisory Board, using the Park System Master Plan as a guide, made an official recommendation that the City purchase the property.

Purchase Details

- In November 2010 Tigard voters passed a \$17 million park bond measure. Eighty percent of bond measure proceeds must be used to acquire land, including park land such as the Potso Dog Park property.
- The Trust for Public Land secured an option for the City to purchase the property.
- The City conducted an appraisal on the property in November of 2010; the property was valued at \$625,000. Under the terms of the option, the purchase price cannot exceed the appraised value.
- Per the City's property acquisition procedures, a phase one environmental assessment of the property was conducted; no contaminants were found.
- The attached Purchase and Sale Agreement was reviewed by the City Attorney's office.

OTHER ALTERNATIVES

The Council could choose not to authorize the purchase of the property.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

2010 Council Goal #3b., "Develop land acquisition strategies (potential options to purchases, etc.)"

The Park System Master Plan recommends the City retain its existing dog parks, including Potso Dog Park. The Plan also recommends the City reach some agreement with the owner of the Potso property that would allow long-term use of the dog park.

2011 Park and Recreation Advisory Board Goals #2 and #3:

- "Continuously communicate PRAB status for use of bond money and activities."
- "Inventory and evaluate current park amenities - make recommendations."

Council Goals for 2011 were not finalized at the time this agenda item was prepared.

DATES OF PREVIOUS COUNCIL CONSIDERATION

The Council was briefed on the purchase of this property in executive session on January 25, 2011.

Fiscal Impact

Cost: \$625,000
Budgeted (yes or no): Yes
Where Budgeted (department/program): Park Bond Measure

Additional Fiscal Notes:

The funds for this property purchase will come from the \$17 million park bond measure passed by voters in November 2010.

Attachments

Resolution

Purchase and Sale Agreement - Potso Dog Park

Property Appraisal Summary

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

A RESOLUTION APPROVING THE PURCHASE OF THE POTSO DOG PARK PROPERTY AND AUTHORIZING THE CITY MANAGER TO COMPLETE THE PROPERTY PURCHASE

WHEREAS, Potso Dog park is situated on property leased by the City; and

WHEREAS, due to a change in the property's ownership, it is unlikely the City will be able to continue to lease the property; and

WHEREAS, the Park System Master Plan recommends the City retain its existing dog parks, including Potso Dog Park; and

WHEREAS, the Potso Dog Park property ranked fourth out of 11 properties on the Park and Recreation Advisory Board's September 2010 acquisition list; and

WHEREAS, the Park and Recreation Advisory Board, using the Park System Master Plan as a guide, made an official recommendation that the City purchase the property; and

WHEREAS, the Potso Dog Park property was recently acquired by a bank and was offered for sale; and

WHEREAS, the Trust for Public Land has acquired an option for the City to purchase the Potso Dog Park property; and

WHEREAS, Tigard voters passed a \$17 million park bond measure in November 2010; and

WHEREAS, 80 percent of the bond measure proceeds must be used to acquire land, including park land such as the Potso Dog Park property; and

WHEREAS, the City conducted an appraisal of the property in November 2010, and the property was valued at \$625,000.

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

SECTION 1: The Council hereby authorizes the purchase of the Potso Dog Park property at a purchase price of Six Hundred and Twenty-Five Thousand Dollars (\$625,000).

SECTION 2: The Council hereby authorizes the City Manager to take all necessary steps to complete the property purchase, including the execution of the Purchase and Sale Agreement and closing documents.

SECTION 3: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2011.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

**AGREEMENT FOR PURCHASE OF REAL PROPERTY
(Potso Dog Park)**

BETWEEN: Oregon Field Office
The Trust for Public Land (“Seller”)
806 SW Broadway Suite 300
Portland, Oregon 97213
Attn: Robert Betcone
Office: (503) 228-6620
FAX: (503) 228-4529

AND: City of Tigard (“Buyer”)
13325 SW Hall Blvd.
Tigard, Oregon 97223
Attn: Craig Prosser, City Manager
Office: (503) 718-2486

DATED: February _____, 2011 (“Effective Date”)

RECITALS

A. Seller holds an exclusive option to purchase approximately 2.59 acres of certain real property located south of Hunziker Road on Wall Street in Washington County, Oregon, known as the Potso Dog Park property (hereinafter the “Subject Property”), which is legally described in the attached Exhibit A. The Subject Property includes any improvements, fixtures, timber, water and minerals located thereon, and any and all rights appurtenant thereto owned by Seller, including but not limited to development rights, timber rights, water rights, grazing rights, access rights, and mineral rights.

B. Buyer wishes to purchase the Subject Property from Seller and Seller wishes to sell the Subject Property to Buyer on the terms and conditions set forth in this Agreement for Purchase of Real Property (the “Agreement”).

AGREEMENT

NOW, THEREFORE, in consideration of the Recitals set forth above, which are contractual, and for other good and valuable consideration described in this Agreement, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as set forth below.

**SECTION 1
General Provisions**

1.1 Purchase and Sale. Seller agrees to sell to Buyer and Buyer agrees to buy from Seller the Subject Property on the terms and conditions set forth herein.

1.2 Purchase Price. The purchase price for the Subject Property shall be \$625,000.00 (Six Hundred Twenty-Five Thousand Dollars) (the "Purchase Price"). The Purchase Price shall be validated by an appraisal of not less than the Purchase Price by a qualified, licensed appraiser, which will be supplied to Buyer for review and approval, in its sole discretion.

1.3 Purchase Terms. The Purchase Price shall be paid in cash on the closing date.

1.4 Future Action. During the term of this Agreement, Seller shall not, without the prior written consent of Buyer, execute or consent to the execution of any document, agreement or other instrument which may result in an alteration of the condition of title as approved by Buyer pursuant to the preliminary title report, or impair the ability of Seller to deliver title to the Subject Property to Buyer.

1.5 Possession. Except for the existing lease of the dog park with Buyer as tenant, there are no leases, licenses or other agreements permitting, nor has Seller entered any course of conduct that would permit any person or entity to occupy or use any portion of the Subject Property. Seller shall deliver immediate and exclusive possession of the entire Subject Property to Buyer at closing.

SECTION 2 Conditions Precedent to Closing

2.1 Seller's Vesting. This Agreement shall remain contingent upon Seller's successful acquisition of the Subject Property. Seller shall not be obligated to exercise its option with the current owner of the Subject Property.

2.2 Title Review. Buyer shall review and, at its sole discretion, approve the condition of title including any reserved easements or proposed easements.

2.3 Availability of Funds. Seller understands that Buyer intends to use funds from the issuance of park bonds recently approved by voters. This Agreement is contingent upon the issuance of such bonds.

2.4 Environmental. Seller shall commission an environmental assessment of the Subject Property by a qualified environmental professional following ASTM Practice E 1527-05. Said assessment shall indicate no "recognized environmental conditions" as defined by the standard. Buyer's receipt and approval of said report and Buyer's approval of the overall environmental condition of the Subject Property, based on its due diligence and inspections, are conditions to closing.

2.5 Appraisal. Buyer shall receive and approve, in its sole discretion, the appraisal referenced in Section 1.2.

2.6 Contingency Failure. In the event any of the contingencies set forth in Section 2

are not timely satisfied or waived, for a reason other than the default of the Buyer or the Seller under this Agreement, this Agreement and the rights and obligations of the Buyer and the Seller shall terminate, except as otherwise provided.

SECTION 3 Seller and Buyer Representations

Seller's Representations. Seller makes the following representations:

3.1 Seller has full power and authority to enter into this Agreement.

3.2 Seller has not entered into any other contracts for the sale of the Subject Property or any portion thereof, nor do there exist any rights of first refusal or options to purchase the Subject Property (except for the option described in Recital A of this Agreement).

3.3 Within Seller's knowledge, there is no suit, action, arbitration, legal, administrative or other proceeding or inquiry pending or threatened against the Subject Property or pending or threatened against Seller which could affect Seller's title to the Subject Property, affect the value of the Subject Property, or subject an owner of the Subject Property to liability. The representations and warranties of Seller contained herein shall be effective through the close of escrow.

Buyer's Representations. Buyer makes the following representations:

3.4 Buyer has all requisite authority and power to enter into this Agreement.

3.5 Neither Buyer's execution of this Agreement nor its taking any of the actions contemplated hereunder will violate any City, County, State or Federal Codes or Ordinances, or other governmental regulations.

3.6 The representations and warranties of Buyer contained herein shall be effective through the close of escrow.

SECTION 4 Closing and Escrow

4.1 Escrow. Upon execution of this Agreement, or as soon thereafter as is convenient, the parties shall open an escrow with First American Title, National Commercial Services, 200 SW Market St., Portland, Oregon (the "Escrow Holder") for the purpose of closing the purchase and sale of the Subject Property.

4.2 Closing. Closing on the purchase and sale of the Subject Property shall occur as soon as practical, but in no event later than September 30, 2011.

4.3 Seller to Deliver at Closing.

4.3.1 Title. Title shall be conveyed to Buyer, via statutory warranty deed (the “Deed”) and shall be free and clear of all title defects, liens, encumbrances, deeds of trust, and mortgages except: (a) the standard printed exceptions on a form of title insurance policy; and (b) the special exceptions showing on the First American Title Preliminary Title Report, Order No. NCS-460248 (attached as Exhibit B); provided, however, the line of credit deed of trust granted for the benefit of Capital Pacific Bank dated June 30, 2008 (exception number 11) shall be released prior to the close of escrow. At the close of escrow, Escrow Holder shall cause the Deed to be recorded in the official property records of Washington County and shall subsequently deliver conformed copies of the Deed to the parties.

4.3.2 Proof of Authority. Such proof of the Seller’s authority and authorization to enter into this Agreement and consummate the transaction contemplated by it, and such proof of the power and authority of the persons executing and/or delivering any instruments, documents, or certificates on behalf of the Seller to act for or bind the Seller, as may be reasonably required by the Title Company and/or the Buyer.

4.3.3 Nonforeign Certification. The Seller represents and warrants that it is not a “foreign person” as defined in IRC §1445. If required by the Buyer, Seller will give an affidavit to the Buyer to this effect in the form required by that statute and related regulations.

4.3.4 Closing Expenses and Fees. The escrow fee shall be paid one-half by Buyer and one-half by Seller. Seller will pay the premium on the ALTA title policy insuring Buyer’s interest. Real estate taxes, if any, on the Subject Property shall be prorated between the Seller and Buyer as of the close of escrow based upon the latest available tax bill. Other fees and charges shall be allocated in accordance with the customary practices of Washington County, Oregon.

4.3.5 Title Insurance. Buyer shall be provided with a standard ALTA owner’s policy of title insurance, at Seller’s expense, in the full amount of the Purchase Price insuring that title to the Subject Property is vested in Buyer upon close of escrow subject only to the exceptions noted in Section 4.3.1.

SECTION 5 Defaults and Remedies

5.1 Buyer’s Default and Seller’s Remedies. If Buyer breaches this Agreement, which breach Buyer fails to cure within twenty (20) days after receipt of written notice thereof from Seller, Buyer shall be in default hereunder and Seller shall be entitled, as Seller’s sole exclusive remedy, to terminate this Agreement. If closing does not occur solely due to Buyer’s default, Buyer shall pay all escrow cancellation charges.

5.2 Seller’s Default and Buyer’s Remedies. If Seller breaches this Agreement, which breach Seller fails to cure within twenty (20) days after receipt of written notice thereof from Buyer, Seller shall be in default hereunder and Buyer shall be entitled to terminate this

Agreement or pursue an action for specific performance. If closing does not occur solely due to Seller's default, Seller shall pay all escrow cancellation charges.

SECTION 6 Miscellaneous

6.1 Notices. All notices pertaining to this Agreement shall be in writing delivered to the parties hereto personally by hand, courier service or Express Mail, or by first class mail, postage prepaid, at the addresses set forth on the first page of this Agreement. All notices shall be deemed given when deposited in the mail, first class postage prepaid, addressed to the party to be notified, or if delivered by hand, courier service, or Express Mail, shall be deemed given when delivered. The parties may, by notice as provided above, designate a different address to which notice shall be given.

6.2 No Broker's Commission. Each party represents to the other that it has not used a real estate broker in connection with this Agreement or the transaction contemplated by this Agreement. In the event any person asserts a claim for a broker's commission or finder's fee against one of the parties to this Agreement, the party against whom the claim is asserted will hold the other party harmless from said claim.

6.3 Time of the Essence. Time is of the essence under this Agreement.

6.4 Binding on Successors. This Agreement shall be binding not only upon the parties but also upon their assigns, and other successors in interest. Neither party shall assign its rights and/or obligations under this Agreement without the prior written consent of the other party, which consent shall not be unreasonably withheld, conditioned or delayed.

6.5 Additional Documents. Seller and Buyer agree to execute such additional documents, including escrow instructions, as may be reasonable and necessary to carry out the provisions of this Agreement.

6.6 Entire Agreement; Modification; Waiver. This Agreement constitutes the entire agreement between Seller and Buyer pertaining to the subject matter contained in it and supersedes all prior and contemporaneous agreements, representations, and understandings. No supplement, modification or amendment of this Agreement shall be binding unless executed in writing by all the parties. No waiver of any of the provisions of this Agreement shall be deemed or shall constitute a waiver of any other provision, whether or not similar, nor shall any waiver constitute a continuing waiver. No waiver shall be binding unless executed in writing by the party making the waiver.

6.7 Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed an original and which together shall constitute one and the same agreement.

6.8 Severability. Each provision of this Agreement is severable from any and all other provisions of this Agreement. Should any provision(s) of this Agreement be for any reason unenforceable, the balance shall nonetheless be of full force and effect.

6.9 Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Oregon.

6.10 Statutory Notice under ORS 93.040. THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS THAT, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND THAT LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, IN ALL ZONES. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO VERIFY THE EXISTENCE OF FIRE PROTECTION FOR STRUCTURES AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.

6.11 Damage or Destruction; Condemnation. Until the transfer of legal title, the risk of loss shall be retained by the Seller. The Seller shall keep the Subject Property fully insured until the transfer of legal title. In the event any material portion of the Subject Property is damaged, destroyed, or condemned or threatened with condemnation before the transfer of legal title, the Buyer may terminate this Agreement. In such event, this Agreement shall have no further force or effect whatsoever. If a nonmaterial portion of the Subject Property is destroyed then Buyer is obligated to close this transaction as provided for herein and to pay the full Purchase Price to the Seller. In such event, the Buyer shall be assigned all insurance proceeds or condemnation proceeds payable to or for the account of the Seller.

6.12 Attorneys' Fees. If any action is instituted between Seller and Buyer in connection with this Agreement, the party prevailing in such action shall be entitled to recover from the other party all of its costs of action, including, without limitation, attorneys' fees and costs, as fixed by the court therein, at trial or on appeal. In addition, if either party incurs attorneys' fees or costs in successfully enforcing any right under this Agreement, such attorneys' fees and costs shall be recoverable from the other party hereto.

IN WITNESS of the foregoing provisions the parties have signed this Agreement below:

BUYER:

SELLER:

CITY OF TIGARD

THE TRUST FOR PUBLIC LAND

By: _____

By: _____

Title: _____

Title: _____

Date: _____

Date: _____

Approved as to Form:

By: _____

Title: City Attorney

Date: _____

Exhibit "A"

Real property in the County of Washington, State of Oregon, described as follows:

Preliminary Report

Order Number: NCS-460248-OR1
Page Number: 7

Exhibit "A"

Real property in the County of Washington , State of Oregon, described as follows:

Parcel 2, PARTITION PLAT 2007-064, in the City of Tigard, County of Washington, State of Oregon.

TOGETHER WITH an access easement as disclosed in agreement recorded February 21, 2007, Fee No. 2007-019321.

ALSO TOGETHER WITH an access easement as disclosed by agreement recorded February 21, 2007, Fee No. 2007-019322.

AND ALSO TOGETHER WITH an access easement as shown on PARTITION PLAT 2007-064.

First American Title

Exhibit "B"

Special Exceptions



First American Title Insurance Company
National Commercial Services
200 SW Market Street, Suite 250
Portland, Oregon 97201

Escrow Officer: **Trevor Cheyne**
Phone: **(503)790-7852**
Fax: **(866)678-0591**
E-mail **tcheyne@firstam.com**

File No: **NCS-460248-OR1**

Title Officer: **Jody Matlock**
Phone: **(503)790-7855**
Fax: **(866)678-0591**
E-mail **jmatlock@firstam.com**

File No: **NCS-460248-OR1**

PRELIMINARY TITLE REPORT

ALTA Owners Standard Coverage	Liability	\$	TBD	Premium	\$	TBD
ALTA Owners Extended Coverage	Liability	\$		Premium	\$	
ALTA Lenders Standard Coverage	Liability	\$		Premium	\$	
ALTA Lenders Extended Coverage	Liability	\$		Premium	\$	
ALTA Leasehold Standard Coverage	Liability	\$		Premium	\$	
ALTA Leasehold Extended Coverage	Liability	\$		Premium	\$	
Endorsements	Liability	\$		Premium	\$	
Govt Service Charge				Cost	\$	
Other					\$	

We are prepared to issue Title Insurance Policy or Policies in the form and amount shown above, insuring title to the following described land:

The land referred to in this report is described in Exhibit "A" attached hereto.

and as of **10/12/2010 at 8:00 a.m.**, title to the fee simple estate is vested in:

Capital Pacific Bank

Subject to the exceptions, exclusions, and stipulations which are ordinarily part of such Policy form and the following:

This report is for the exclusive use of the parties herein shown and is preliminary to the issuance of a title insurance policy and shall become void unless a policy is issued, and the full premium paid.

1. General and special taxes and assessments for the fiscal year 2010-2011 are exempt. If the exempt status is terminated an additional tax may be levied. Account No. R2157861
2. City liens, if any, for the city of Tigard.

Note: An inquiry has NOT been made concerning the actual status of such liens. A fee of \$25.00 will be charged per tax account each time an inquiry request is made.
3. These premises are within the boundaries of the Clean Water Service District and are subject to the levies and assessments thereof.
4. An easement for electric power line and incidental purposes, recorded September 16, 1971 as Book 835, page 506 of Official Records.
In Favor of: Portland General Electric Company, an Oregon corporation
Affects: The Southeasterly 6 feet
5. The terms and provisions contained in the document entitled "Cross-Easements Agreement" recorded February 21, 2007 as Fee No. 2007-019321 of Official Records.
6. The terms and provisions contained in the document entitled "Easement Agreement" recorded February 21, 2007 as Fee No. 2007-019322 of Official Records.
7. Restrictions shown on the recorded plat of PARTITION PLAT NO. 2007-64.
8. Easements for access over the Southeasterly 4 feet as shown on the recorded plat of PARTITION PLAT NO. 2007-64.
9. Restrictive Covenant to Waive Remonstrance, pertaining to street improvements including the terms and provisions thereof Recorded: September 18, 2007 as Fee No. 2007-100905
10. The terms and provisions contained in the document entitled "Easement Agreement" recorded November 13, 2007 as Fee No. 2007-118241 of Official Records.
11. A **Line of Credit** Deed of Trust to secure an original indebtedness of \$659,750.00 recorded July 3, 2008 as Fee No. 2008-059644 of Official Records.
Dated: June 30, 2008
Trustor: RealNet Properties, LLC, an Oregon limited liability company
Trustee: Ticor Title Insurance Company
Beneficiary: Capital Pacific Bank

Document(s) declaring modifications thereof recorded September 2, 2009 as Fee No. 2009-080046 of Official Records.

A document entitled "Assignment of Rents" recorded July 3, 2008 as Fee No. 2008-059645 of Official Records, as additional security for the payment of the indebtedness secured by the deed of trust.

First American Title

12. Unrecorded leases or periodic tenancies, if any.
13. The following matters pertain to Lenders Extended coverage only:
 - a) Parties in possession, or claiming to be in possession, other than the vestees shown herein
 - b) Statutory liens for labor and/or materials, including liens for contributions due to the State of Oregon for employment compensation and for workman's compensation, or any rights thereto, where no notice of such liens or rights appears of record.

-END OF EXCEPTIONS-

First American Title

Zell & Associates

Real Estate Appraisers and Counselors

Complete Market Value Appraisal
Summary Format Report

2.59 Acres Vacant Land

Located at:

SW Wall Street south of SW Hunziker Street
Tigard, Oregon

Prepared for

Trust for Public Land
806 SW Broadway, Suite 300
Portland, Oregon 97205

Date of "As Is" Value: November 15, 2010

Prepared by:

Craig Zell, MAI, SRA

Zell Report No: 10-160

SUMMARY OF SALIENT FACTS AND CONCLUSIONS

Subject Site:	The subject is located along 505.50 feet frontage on SW Wall Street approximately 660 feet south of SW Hunziker Street in Tigard, Washington County, Oregon. The parcel is generally rectangular with an estimated 2.59 gross acres. The entire site is usable after some small wetland area is filled according to the State of Oregon requirements.
Property Rights Appraised:	Fee Simple
Effective Date of Value:	November 15, 2010
Date of Inspection:	October 14, 2010 and November 1, 2010
Site size:	2.59 gross acres.
Zone:	IP–Industrial Park, City of Tigard. The zoning district “provides appropriate locations for combining light manufacturing, office and small-scale commercial uses, e.g., restaurants, personal services and fitness centers, in a campus-like setting.” ¹ A complete list is included in the addenda of this report. The neighborhood is generally compatible with these uses.
Improvements:	None.
Assessment and taxation:	The Real Market Value of the property is \$699,480. The property is not currently assessed for taxes as it is being used for a dog park for the City of Tigard.
Flood Hazard area:	The map panel for the subject property is 4102760517C, dated February 18, 2005 of the FEMA Flood Hazard Maps. According to the map, the site is located in Zone X, which is described as “areas determined to be outside the 1% annual chance floodplain”. Flood insurance is not required.
Census Tract:	307.00
Owner of Record:	Capital Pacific Bank who acquired the property through a deed in lieu of foreclosure with a recorded price of \$659,750. The deed is dated April 12, 2010 and was signed for Realnet Properties, LLC by Scott D.

¹ City of Tigard Zoning Code, Chapter 18.530, Industrial Zoning Districts.

Fouser, President of Scott D. Fouser, P.C. a member of the LLC.

Highest and Best Use: The highest and best use of the property “as vacant” is for industrial development.

Valuation Methodology: The subject is being valued in its “As Is” condition and as it is vacant land only the Sales Comparison Approach is used and the other approaches are not considered appropriate and are not market supported.

Marketing/Exposure Time: 12 to 18 months

Indicated Value:

Value Estimated	Effective Date	Estimated Value
“As Is” Fee Simple Value	November 15, 2010	\$625,000