



# City of Tigard Tigard Business Meeting - Agenda

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*Updated March 21, 2011 - Added potential Executive Session called under ORS 192.660 (2) (h) - potential litigation, at end of meeting*

## TIGARD CITY COUNCIL AND LOCAL CONTRACT REVIEW BOARD

MEETING DATE AND TIME: March 22, 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

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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**

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**TIGARD CITY COUNCIL AND LOCAL CONTRACT REVIEW BOARD**

MEETING DATE AND TIME: March 22, 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

0. A. Update City Council on the Tree Board's Upcoming Tree Replacement Fund Recommendation

- EXECUTIVE SESSION: The Tigard City Council will go into Executive Session to discuss labor negotiations and potential litigation under ORS 192.660(2) (d) 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.

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. Citizen Communication – Sign Up Sheet

3. CONSENT AGENDA: (Tigard City Council and Local Contract Review Board) These items are considered routine and may be enacted in one motion without separate discussion. Anyone may request that an item be removed by motion for discussion and separate action. Motion to:  
**(Estimated time: 7:40 p.m.)**

- A. Approve City Council Meeting Minutes
  - 1. February 1, 2011
  - 2. February 15, 2011
  
- B. Approve Granting a Designated Bus Stop on Commercial Street for Yamhill County Transit Area - Resolution
  
- C. Appoint Alternate Budget Committee Member Melody Graeber to the Budget to Replace Resigning Member Dena Struck - Resolution
  
- D. Local Contract Review Board:
  - 1. Renew Three-Year Environmental Systems Research Institute (ESRI) Geographic Information System (GIS) Enterprise Software License
  
- *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. PROCLAMATIONS - MAYOR DIRKSEN  
(Estimated time: 7:45 p.m.)
  - A. Proclaim April 2011 as Child Abuse Prevention Month
  - B. Proclaim April as Arbor Month in the City of Tigard
  
- 5. CONSIDER A RESOLUTION GRANTING EXEMPTION FROM PROPERTY TAXES UNDER TIGARD MUNICIPAL CODE SECTION 3.50 FOR FOUR NON-PROFIT, LOW-INCOME HOUSING PROJECTS  
(Estimated time: 7:50 p.m.)
  
- 6. BRIEFING ON THE ECONOMIC OPPORTUNITIES ANALYSIS  
(Estimated time: 8:05 p.m.)
  
- 7. BRIEFING ON TWO CAPITAL IMPROVEMENT PLAN PROJECTS:  
(Estimated time: 8:35 p.m.)
  - PACIFIC HIGHWAY INTERSECTION IMPROVEMENTS
  - 550-FOOT ZONE IMPROVEMENTS -- TEN-MILLION-GALLON RESERVOIR IMPROVEMENTS AND TRANSFER PUMP STATION
  
- 8. COUNCIL LIAISON REPORTS  
(Estimated time: 8:50 p.m.)
  
- 9. NON AGENDA ITEMS
  - Earthquake Preparedness Proclamation

10. EXECUTIVE SESSION: The Tigard City Council may go into Executive Session to discuss potential litigation under ORS 192.660 (2) (h). All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.
  
11. ADJOURNMENT  
**(Estimated time: 9:15 p.m.)**

**AIS-336**

**Item #: 0.**

**Study Session**

**Date:** 03/22/2011

**Length (in minutes):** 10 Minutes

**Agenda Title:** Update City Council on the Tree Board's Upcoming Tree Replacement Fund Recommendation

**Submitted By:** Cheryl Caines  
Community Development

**Item Type:** Update, Discussion, Direct Staff

**Meeting Type:**

Council Business  
Mtg - Study Sess.

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**ISSUE**

Staff wishes to give Council a preview of a pending recommendation by the Tree Board regarding use of the City's Tree Replacement Fund. The Tree Board will formally present its recommendation at Council's April 12, 2011 meeting. A resolution will accompany the Board's proposal (Attachment 1).

**STAFF RECOMMENDATION / ACTION REQUEST**

Council is requested to:

- 1) Receive information and discuss the Tree Board's upcoming recommendation regarding use of the Tree Replacement Fund; and
- 2) Inform the staff liaison of any suggestions regarding the Board's proposal as presented in the appended resolution(Attachment 1).

**KEY FACTS AND INFORMATION SUMMARY**

The Tree Board provides oversight of the implementation of the Urban Forestry Master Plan. One of the Board's current goals is to investigate possible funding mechanisms to help support an ongoing urban forest enhancement program.

The Tree Replacement Fund is important to achieving this goal. The Board proposes to address future use of the Fund in two phases. Phase 1 will focus on renaming the existing fund (Urban Forestry Fund) and identifying allowed expenditures. Phase 2 will identify how the fund will be used to achieve other goals and objectives of the Urban Forestry Master Plan. Phase 2 will also address use of fees collected in the future and identify other funding sources.

The attached draft resolution proposes how the funds are to be spent. Section 2 states that the funds are limited to only those tree planting and three years of early establishment activities. Exhibit A describes these activities in more detail such as planning, site preparation, planting, irrigation, pruning, and pest/disease control. Exhibit A also clarifies that funds can be used to plant trees on private property. These uses reflect a consensus review of members of both the Tree Board and the Urban Forestry Code Revision Citizen Advisory Committee.

The Tree Board is meeting on March 23 and will have a final discussion about the proposed resolution. This will allow any recommendations made by Council at its March 22 study session to be addressed prior to Council's formal consideration of the resolution

**OTHER ALTERNATIVES**

N/A

**COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS**

Funding for an ongoing tree and urban forest program is a component of the Revise Tree Code goal, which is a 2011 Council Goal and a goal of the Urban Forestry Master Plan.

**DATES OF PREVIOUS COUNCIL CONSIDERATION**

This resolution has not been presented to City Council before, however funding was briefly discussed at the joint Tree Board/City Council meeting on December 21, 2010.

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**Fiscal Impact**

**Fiscal Information:**

The resolution will change the name of the Tree Replacement Fund and outline the allowed uses of the fund.

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**Attachments**

Attachment 1: Draft Tree Fund Resolution

Attachment 2: Exhibit A

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

**A RESOLUTION RENAMING THE TREE REPLACEMENT FUND TO BE THE URBAN FORESTRY FUND AND OUTLINING THE ALLOWED USES OF THIS FUND.**

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WHEREAS, Ordinance 98-19 established Chapter 18.790, and the Tree Removal standards in the Tigard Development Code; and

WHEREAS, the Tree Removal standards include a formula for tree replacement proportional to the percentage and size of trees removed during development; and

WHEREAS, the Tree Removal standards allow for an “in-lieu of” tree replacement payment by developers that do not perform tree replacement themselves to cover the City’s cost of tree replacement; and

WHEREAS, the City established Tree Replacement Fund to accept “in-lieu of” tree replacement payments; and

WHEREAS, the Tree Removal standards and the Tree Replacement Fund are not specific on the allowed uses of funds collected as “in-lieu of” tree replacement payments; and

WHEREAS, on February 16, 2010 City Council directed City staff to clarify the allowed uses of the Tree Replacement Fund as part of the Urban Forestry Code Revisions project; and

WHEREAS, City staff has worked with community volunteers including the Urban Forestry Code Revisions Citizen Advisory Committee and Tigard Tree Board to identify appropriate uses of the Tree Replacement Fund that will support the City’s broader urban forestry goals; and

WHEREAS, the consensus view expressed by the community volunteers to City staff was to use the Tree Replacement Fund for activities necessary for the planting of trees and three (3) years of early establishment of such trees to support the City’s broader urban forestry goals;

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

SECTION 1: The Tree Replacement Fund shall be renamed the Urban Forestry Fund to reflect its broader purposes.

SECTION 2: The allowed uses of funds that have been or will be collected under the auspices of Ordinance 98-19 and Chapter 18.790 of the Tigard Development Code, deposited into the Tree Replacement Fund (now known as the Urban Forestry Fund), and available for City use shall be limited to only those tree planting and three (3) years of early establishment activities more fully described in Exhibit A.

SECTION 3: The allowed uses of this fund will be reviewed as part of the Urban Forestry Code Revisions.

SECTION 4: This resolution shall be effective beginning Fiscal Year 2012 on July 1, 2011.

PASSED: This \_\_\_\_ day of \_\_\_\_\_, 2011.

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Craig Dirksen, Mayor

ATTEST:

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Catherine Wheatley, City Recorder

DRAFT

## **Introduction**

The Urban Forestry Fund (formerly the Tree Replacement Fund) shall be available for City use to pay for the labor and materials necessary to complete only those activities listed below for tree planting site planning, tree planting site preparation, tree planting, and three (3) years of early tree establishment after planting whether on public or private property within the city limits of Tigard. The activities listed below are intended only for trees that have been or will be planted using Urban Forestry Fund. The activities listed below will only be implemented when determined necessary by the City for a particular tree planting project.

When considering where to implement particular tree planting projects, the City shall consider both short and long term costs and benefits, as well as how the projects will further the City's urban forestry goals. The City shall strive to identify partnerships for planting and three (3) years of early tree establishment after planting whenever possible, and record the stipulations of partnerships in writing. The City shall record and track information about each tree planting project in a publicly accessible inventory of trees and forests. The average cost to a plant and provide three (3) years of early establishment for each tree planted in a particular year shall be no more than 10% greater than the Tree Replacement Fee in the City of Tigard's Master Fees and Charges Schedule for that particular year unless otherwise approved by Tigard City Council.

## **Approved Tree Planting and Three (3) Years of Early Establishment Activities**

### **Tree Planting Site Planning**

- Site Survey – Including by not limited to a survey of soil conditions, topography, drainage, water sources, water pressure, water availability, above and below ground utilities, buildings, infrastructure, street lights, intersections, street signs, driveways, fire hydrants, existing trees, existing landscaping, existing pests and diseases, existing drainage, and any other existing site conditions that may be relevant to a particular tree planting project.
- Lab Tests – Including but not limited to the collection and preparation of soil and/or plant samples for analysis by a qualified testing laboratory in preparation for a tree planting project. The purpose of the tests may include but not be limited to determining soil texture, soil fertility, and existing pests and diseases.
- Site Plan Preparation – Preparation of accurately scaled landscape drawings that reflect both existing site conditions and future tree planting plans. Information displayed on the plans may include but not be limited to the site survey information listed above, as well as proposed tree planting locations, proposed irrigation installations, proposed soil amendments, proposed tree protection and erosion control materials and methods, proposed planting details/specifications, proposed irrigation details/specifications and other information relevant to a particular project.
- Permit Acquisition – Securing of federal, state, regional, local and any other permits required for the execution and/or completion of a particular tree planting project.

### **Tree Planting Site Preparation**

- Tree Protection – Including but not limited to the planning, installation, monitoring, and removal of tree protection methods and devices for existing site trees with the potential to be directly impacted by a particular tree planting project. Tree protection shall be in a manner consistent with generally accepted industry standards for tree care practices detailed in the most current version of the American National Standards Institute (ANSI) A300 Standards for Tree Care Operations. In addition, the tree protection shall be in accordance with all federal, state, regional, and local rules and regulations.
- Unwanted Plant Removal – Including but not limited to the removal of unwanted plants by physical, mechanical, biological and/or chemical means in order to prepare a particular site for tree planting in accordance with all federal,

# Exhibit A

state, regional, and local rules and regulations. Unwanted plant removal shall be the minimum necessary to prepare a particular site for tree planting, and shall not be for the purpose of large scale unwanted plant removal unrelated or indirectly related to tree planting.

- Drainage Installation – Including but not limited to the installation of drainage systems such as French drains, boring through hardpan soil layers, and otherwise amending/altering existing soil conditions to facilitate drainage in accordance with all federal, state, regional, and local rules and regulations if required for a particular tree planting project.
- Irrigation Installation – Including but not limited to the installation of irrigation systems such as above or below ground sprinkler systems, as well as drip irrigation for the purpose of delivering water to trees if required for a particular tree planting project. Irrigation installation may include but not be limited to the additional requirements such as installation of water meters, backflow preventers, valves, pumps, sprinkler heads, laterals, automatic timers, and other equipment depending on the scope, requirements, and objectives for the particular tree planting project. Irrigation installation shall be in accordance with all federal, state, regional, and local rules and regulations, and the most current revision of the Irrigation Association's, *Turf and Landscape Irrigation Best Management Practices*.
- Soil Preparation – Including but not limited to the loosening, tilling, import, removal, and/or finish grading of soil in order to prepare compacted soil areas for tree planting in accordance with all federal, state, regional, and local rules and regulations if required for a particular tree planting project. Grading and filling shall be the minimum necessary to prepare a particular site for tree planting, and shall not be for the purpose of mass grading or filling unrelated or indirectly related to tree planting.
- Soil Amendment – Including but not limited to the amendment of soils with inadequate or low fertility with organic materials, fertilizers, or other soil amendments at the required depth and ratio necessary to support tree growth if required for a particular tree planting project. Soil amendment also includes necessary loosening, tilling, import, removal, and/or finish grading as described in the Soil Preparation item above in order to properly amend soil for tree planting. Grading and filling shall be the minimum necessary to prepare a particular site for tree planting, and shall not be for the purpose of mass grading or filling unrelated or indirectly related to tree planting.
- Erosion Control – Including the planning, installation, monitoring, and removal of erosion control devices in accordance with all federal, state, regional, and local rules and regulations prior to tree planting site activities when required by a particular permit or project.

## **Tree Planting**

- Tree Selection and Purchase – Including the selection and purchase of the species, size, and number of trees identified for a particular tree planting project. Trees shall meet the standards detailed in the most recent edition of the American Standard for Nursery Stock (ANSI Z-60.1). Trees identified by the City of Tigard as “Nuisance Trees” shall not be selected, purchased, or planted.
- Tree Delivery and Storage – Including but not limited to the delivery and storage of trees and associated materials in a manner that protects the trees and associated materials from damage.
- Tree Planting – Including but not limited to the planting of trees in a manner consistent with generally accepted industry standards for tree care practices detailed in the most current version of the American National Standards Institute (ANSI) A300 Standards for Tree Care Operations. In addition, the tree planting shall be in accordance with all federal, state, regional, and local rules and regulations.
- Root Barrier Installation – Including but not limited to the installation of root barriers per the manufacturers’ specifications for the purpose of protecting hardscape, infrastructure, utilities, and other features when required by a particular permit or project.

# Exhibit A

- Tree Staking and Guying – Including but not limited to the staking and guying of any new planted tree identified as requiring supplemental support in order to remain upright. Staking and guying shall be in a manner consistent with generally accepted industry standards for tree care practices detailed in the most current version of the American National Standards Institute (ANSI) A300 Standards for Tree Care Operations. Stakes and guys shall be monitored to ensure they are not causing tree damage, and shall be removed as soon as a tree is able to stand upright without supplemental support.
- Tree Protection from Wildlife – Including but not limited to the installation, monitoring, and removal of plant tubing or wire caging for the purpose of protecting newly planted trees from damage or death from wildlife if required for a particular tree planting project.
- Mulch Installation – Including but not limited to the installation of mulch in the form of wood chips, shavings, or other acceptable material around the bases of newly planted trees in a manner consistent with generally accepted industry standards for tree care practices.

## **Three (3) Years of Early Tree Establishment**

- Truck or Hand Watering of Trees – Including but not limited to the delivery and application of specified quantities and frequencies of water during specified time periods using a tanker truck, hoses, and/or other equipment when required for the survival of trees.
- Irrigation System Maintenance – Including but not limited to programming, monitoring, and maintenance of irrigation systems necessary for the application of specified quantities and frequencies of water during specified time periods required for the survival of the trees. Irrigation programming, monitoring, and maintenance shall be in accordance with the most current revision of the Irrigation Association's, *Turf and Landscape Irrigation Best Management Practices* if required for a particular tree planting project.
- Tree Pruning – Including but not limited to pruning of trees in a manner consistent with generally accepted industry standards for tree care practices detailed in the most current version of the American National Standards Institute (ANSI) A300 Standards for Tree Care Operations. Pruning objectives shall include the removal of dead, dying, and diseased tree parts, establishment of strong tree structure, development of a desirable form, abatement of tree hazards, and compliance with branch clearance requirements and other federal, state, regional, and local rules and regulations.
- Unwanted Plant Removal – Including but not limited to the removal of unwanted plants by physical, mechanical, biological and/or chemical means in accordance with all federal, state, regional, and local rules and regulations in order to limit competition and allow trees to survive and thrive if required for a particular tree planting project. Unwanted plant removal shall be the minimum necessary to allow trees to survive and thrive, and shall not be for the purpose of large scale unwanted plant removal unrelated or indirectly related to three (3) years of early tree establishment.
- Pest and Disease Control – Including but not limited to the control of tree pests and diseases using physical, mechanical, biological and/or chemical means in accordance with all federal, state, regional, and local rules and regulations in order to allow trees to survive and thrive if required for a particular tree planting project.
- Tree Inventory – Including but not limited the use of global positioning system (GPS) and geographic information system (GIS) technology to identify the location, species, planting date, three (3) years of early tree establishment activities, fund expenditures and other pertinent information for a publicly accessible tree and urban forest inventory.
- Tree Debris Disposal – Including but not limited to the collection and disposal of all debris generated from tree planting site preparation, tree planting, and three (3) years of early tree establishment in accordance with all federal, state, regional, and local rules and regulations.

**AIS-457**

**Item #: 3. A.**

**Business Meeting**

**Date:** 03/22/2011

**Length (in minutes):** Consent Item

**Agenda Title:** Approve City Council Meeting Minutes

**Submitted By:** Cathy Wheatley  
Administrative Services

**Item Type:** Motion Requested

**Meeting Type:** Consent Agenda -  
Approve Minutes

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**ISSUE**

Consider approval of minutes of previous Council meetings.

**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

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**TIGARD CITY COUNCIL**

**MEETING DATE AND TIME:** February 1, 2011 - 6:30 p.m.

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



A. Mayor Dirksen called the meeting to order at 6:38 p.m.

B. Roll Call

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

**CONDUCT INTERVIEWS FOR CITY ATTORNEY SERVICES**



City Manager Prosser reviewed the procedures set up for the selection of the firm to provide City Attorney services for the City of Tigard. Interviews will be conducted this evening followed by Executive Session to be called under ORS 192.660(2)(a) (see below).

- RFP was published by the City of Tigard with proposals due January 11, 2011. Selection criteria was listed in the RFP and City Manager Prosser reviewed these with the City Council.
- Candidates were asked to prepare a 15-minute presentation, and submit a writing sample.



- **Interview Representatives of Jordan, Schrader, Ramis PC**

Attorney Tim Ramis introduced representatives of the firm present

- Damien Hall
- Jeff Bennett
- Harlan Jones
- Angela Johnson tack

City Attorney Ramis facilitated the presentation on behalf of the Jordan, Schrader, Ramis firm. Key points are as follows:

- Described the ideal way he set out to organize legal representation for the City of Tigard when his firm was selected to represent the City.
  - Make legal services available to local government at the same level of expertise and professionalism that was available successful businesses.
  - Provide greater depth and breadth of representation than a municipality could receive through in-house counsel.
  - Provide service from senior lawyers at a price that reflected what would typically be the cost of an associate lawyer in the private sector.
- Expertise offered by the firm was presented. Reference was made to materials supplied to the Mayor, Council, and City Manager. A notebook is on file with the packet materials containing a handout, bar information, and a writing sample. He reviewed projects worked on by the firm. Areas of expertise include land use. Mr. Ramis has been listed for the past few years by the Best Lawyers in America Service for his expertise in land use. In the firm's practice, they are frequently called upon by other jurisdictions for consultation on the more difficult problems.
- The firm has two main functions for the City of Tigard:
  - Assist the staff in their administration of the City's growth management program. The goals are to be the best team members they can be, help staff achieve their purposes, and to look out for problems that come up. The City Attorney's office meets with staff on a weekly basis to answer staff questions and work on the agenda for the land use community development issues.
  - Assist the Council in making decisions. The firm's main function is to protect the record; that is, make sure that a record has been created that is defensible when the City Council makes its decision. This has been successful in terms of preventing litigation. There have been few legal challenges to land use decisions because the firm has been aggressive in protecting the Council's interest.
- With regard to local budget law, Mr. Ramis advised the City is well served by the City Manager and Finance Director who are well versed. He reported the firm seldom receives calls from the City of Tigard regarding local budget law. However, the firm is active for other cities and gives advice on supplemental

budgets, inter-fund transfers, loans, and local budget law ordinances. The firm recently set up all of the funds for the City of Damascus. The firm is called upon to give seminars to client cities and special districts regarding budget process.

- With regard to codification of ordinances, Mr. Ramis said this is work the firm regularly performs. Recently, they helped the state's two newest cities, Damascus and LaPine to design their codes and train them regarding codification. The key is to set up the division of labor between the City Attorney and staff for cost effectiveness.
- With regard to election law, Mr. Ramis said his firm gives advice and, if necessary, advocates for their clients before the Secretary of State's office or in the courtroom. The firm maintains excellent relationships with staff at the Secretary of State's office. The firm drafts and litigates ballot titles. He referred to an innovative ordinance written for the City of Tigard in that if someone chooses to challenge a ballot title, the challenge must come to the City Council first. Once a decision is reached by the City Council, the challenge can be carried to the Circuit Court but the challenge is contained to a narrow scope of review before the judge. In other jurisdictions, they can proceed directly to the Circuit Court and the judge can completely rewrite the ballot title. The firm has worked on many recall, initiative and referral matters. The firm has successfully defended elected officials from elections violation charges.



- With regard to public contracting, Mr. Ramis said his firm does all the work typically done by a City Attorney (drafting contracts, drafting rules of operation, performing a statutory review and update of rules, advising on bid protests). In addition to this typical work, his firm brings long experience with litigating those issues.
- With regard to annexation law, Mr. Ramis said this is an area of expertise. They have played a role in more than 100 annexations (all types) over the years. Mr. Ramis described examples of recent annexation work he has performed.



- With regard to public financing, Mr. Ramis said his firm is consistently called upon to perform a variety of assignments in this area. As the cost of infrastructure goes up and becomes a critical focus of local government and the amount of money goes down, what is tending to happen is that the financing infrastructure tends to be a partnership between governments or between government and the private sector. Having an understanding of how to put these partnerships together, document them and make them work is an acquired knowledge set in his firm. Mr. Ramis gave examples of financing agreements he has prepared.  Mr. Ramis explained that his firm's experience in the financing area is not limited to negotiating and drafting as they are also

experienced in using effective methods to accomplish their client cities' purposes. He gave the example of the System Development Charges that was put together for the City of Tigard, which was defended successfully in Circuit Court asserting that the City was authorized to do what they had done under the Home Rule Authority despite the absence of a statute. This approach had not been taken previously but it placed the City in an excellent position for bargaining with the Homebuilders Association with regard to what the statute would ultimately state.



- With regard to Open Meetings Laws, Mr. Ramis said his firm advises on these issues almost on a daily basis. He noted they often offer training on this subject, they keep track of law changes, and continue to keep abreast of the nuances of changes in the Attorney General's Manual. He referred to the transparency initiative proposed at the Legislature this session and that his office is monitoring proposals.
- With regard to state ethics matters, Mr. Ramis said his firm addresses these issues frequently. They encourage Council members to call them if they have questions. They regularly monitor the training offered by the Ethics Commission staff. His firm has successfully defended elections officials on ethics issues; although, he advised they give advice (interpreting conservatively) so City Council members can avoid complaints against them.

The Mayor and Council asked questions of those members of the firm present:

- Council President Buehner asked if anyone on the firm represented a client by the name Brix (a conflict question). No one from the firm reported they represented this client.



- Councilor Wilson asked about City Attorney coverage on Tuesday evenings and how they determine who would attend the Council meeting if there were a conflict among their client jurisdictions. Mr. Ramis advised his firm's Municipal Department meets each Monday at which time they set the calendar to assure everything is covered. At this meeting, they also discuss substantive issues on cases. The rule is that, absent a major issue, Mr. Ramis attends Tigard City Council meetings, as the City of Tigard is his oldest, long-standing client. If he is not attending the Tigard City Council meeting, it is because he is out of town with his family or there is an emergency legal situation in another community.



- Councilor Wilson commented that the City Council is likely to hear from another firm that they, as a matter of principle, represent only public-sector clients. He asked for the philosophical leaning of the firm with regard to public- and private-sector

clients. Mr. Ramis directed the Council's attention to Page 3 of his handout for future reference. He said there are a couple of points he would like to make:

1. In the three decades he has done this type of work, the greatest source of conflicts does not come from private-sector representation, but from public-sector representation. Conflicts are more likely from other units of government, particularly, special districts. The private-sector conflicts are easier to avoid; it is more clear, shows up quickly, and other legal representation can be arranged if needed. He said the way his firm deals with local government conflict is primarily through a geographic strategy; that is, they represent many special districts, but they tend not to take on that work where it is geographically close to cities they represent.

2. He feels it is a big advantage for a lawyer to understand the other side. Much of what his profession does is to translate between opposing viewpoints. This a particular advantage when matters come to conflict to resolve the disputes through the courts or mediation.



- Councilor Woodard referred to the firm's fee structure and asked for examples for those times when work is performed by assistants within the firm. Mr. Ramis said project assistants (\$50/hour) are rarely used. The project assistant would be someone who would prepare complex PowerPoint presentations. The firm does not charge for secretarial services. His firm utilizes paralegal staff members who are selected from two main areas:

1. The paralegal who has experience in the industry they will serve.
2. Law school graduates.

- Councilor Woodard addressed his next questions to Mr. Hall. Councilor Woodard noted that Mr. Hall has been with the firm for a couple of years and has attended some city meetings (Planning Commission, in particular). He asked Mr. Hall to comment on his participation and insight. Mr. Hall said his experience is with the area of land use, which goes back prior to his law school education. His undergraduate degree is in urban planning and development for training as a planner followed by his law school education at Lewis & Clark Law School. Mr. Hall has been with the firm for more than four years, beginning as an intern his first year of law school. Mr. Hall provides advice and service to the Community Development Department. He meets with staff bi-monthly to review legal issues placed on an agenda by the City staff.  Mr. Hall advised he does not do a lot of work directly with the Planning Commission.

- Councilor Woodard and Mr. Jones briefly discussed Mr. Jones' prior military experience.

- Councilor Woodard and Mr. Bennett discussed his participation in the Building Owners Management Association. Mr. Bennett relayed information about his experiences, which have given him an understanding of industry pressures that his clients are under and how those are affected within a legal context. Currently, the trend is for sustainability and green leasing and Mr. Bennett described how he has been able to work sustainability concepts into leases.
- Councilor Henderson asked whom the City Attorney represents for the organization: staff, City of Tigard, citizens, or the industry. Mr. Ramis said his view is that the City Council is his client. The City Council sets the policy and the direction for the City. His job is to help the Council to carry out its policies and keep within the limits of the law. The second thing he does is to work with the City Manager who essentially has the same function as the City Attorney, which is to help the City Council achieve its goals and policies in an administrative capacity. The City Attorney assists the City Manager in his corresponding supporting role to the City Council. Under this role, the City Attorney works with Department Heads by helping to keep them within their statutory limits and to give them ideas about how to achieve their objectives. In response to a question from Councilor Henderson, Mr. Ramis said he does not represent the industry of government; rather, he needs to understand government as the client he represents.
- Mayor Dirksen referred to previous problem areas regarding services provided by the firm. The Mayor noted the firm responded by making some changes and he asked Mr. Ramis to comment. Mr. Ramis gave background on the merger of his firm with the Jordan Schrader firm, which made more resources available. He noted after the merger, he attempted to match the firm's organizational structure to the City's decentralized structure. This proved to be a mistake. In response, they changed to a centralized model and flattened their organizational chart. Now, when there is a land use issue, Mr. Hall will let Mr. Ramis know about it. If the issue is of any consequence, Mr. Ramis, as the senior land use person, addresses the matter. If there is a real estate issue of consequence, then Mr. Bennett is called in for his expertise. The feedback on this organizational change was that it is working for the City of Tigard.
- Council President Buehner noted that one of the issues she has observed over the years is that she has thought Mr. Ramis takes on too much and becomes over-committed. She asked how he has addressed this issue in recent years. Mr. Ramis said two things have helped him a great deal. First, his family insists on a time commitment from him. Second, by moving his practice to a larger organization, he has more assistance and he has learned how to take advantage of available resources.
- Council President Buehner noted that the City Council has infrequent contact with Mr. Jones and Mr. Bennett in the law firm and the City Council has not developed a rapport with them. She said she would like to see opportunities that are not "billing time" so the City Council can get to know the attorneys working on the litigation and

real estate issues. Mr. Ramis said he would be happy to discuss how to address this and agreed that a personal relationship is critical as they represent the City Council. He suggested it might be useful for Mr. Jones to give a litigation report periodically and do a similar report for real estate matters during the Study Session portion of City Council meetings. Mr. Bennett said he offers clients a “free legal day” periodically so members of the organization can spend the day meeting with him to talk about what is of concern and share future plans. This gives both sides an opportunity to become acquainted and understand one another.

- Council President Buehner said she thinks it is an advantage for the firm to represent private- and public-sector clients. Mr. Jones noted this is an advantage in the courtroom as judges appreciate attorneys who can look at the “big picture” and understand issues as perceived by both sides and are working in the “real world.”
- Mr. Bennett recounted how he has assisted one of his government clients to restructure real estate management practices to run more like a private business partner for efficient management of leases and allow them to capture funds so the operations are less of a drain on the General Fund.
-  Councilor Wilson asked for a response regarding insight with regard to the trend toward less litigation activity in recent months. Mr. Ramis said it is probably a combination of things and his experience is that litigation activity is cyclical. On balance, he said he would not like to contemplate what Tigard’s position might be if not for the disciplined practice of preventative law. Staff understands that extra time for preparation and training translates to fewer legal problems.
- Mr. Jones added to Mr. Ramis’ comments above that the firm’s philosophy is to be proactive by doing what is possible to make a lawsuit go away; i.e., writing an effective letter to the other party’s lawyer. The practice of many attorneys is to respond by filing an answer, which could lead to a protracted lawsuit.
-  Council President Buehner asked for the firm’s philosophy regarding mediation vs. traditional litigation. Mr. Ramis advised the firm recently recommended mediation in a major dispute for the City of Milwaukie. Mr. Jones said one should go to trial only after every conceivable, reasonable effort to resolve the matter has failed. It is in everyone’s best interest to resolve before going to trial.
- Councilor Woodard asked about the reference in the materials submitted to the “Martindale-Hubble” rating. Mr. Ramis said this is the best rating you can have and the attorneys present had all achieved this rating.

 Council meeting recessed.



Council meeting reconvened.

- **Interview Representatives of Beery Elsner Hammond**
- City Manager Prosser reviewed procedures and the criteria for selection of the successful candidate to provide City Attorney services for the City of Tigard.

Attorney Pam Beery introduced the presentation of the firm. Also, present from the firm were:

Nancy Werner, Attorney  
David Doughman, Attorney

A summary of the presentation and interview by the Mayor and City Council follows:

- A PowerPoint presentation guiding the presentation by the Beery firm is included in the meeting packet materials.
- Ms. Beery gave history of the firm, which is also outlined in the presentation materials on file.
- Ms. Beery advised the firm is committed to representation of local government clients; they do not take on any private clients. The firm is comprised of eight attorneys and share the mission to provide cost-effective, conflict-free service to the cities, counties, and special districts they represent.
- Ms. Beery said their firm was well qualified to provide City Attorney services and realize that is a tough decision for a City Council to make a change. She said that they would be happy to answer any questions the Council members have so they feel comfortable with her firm and their proposal.
- Ms. Beery said their firm is the pre-eminent municipal law firm in Oregon. They are the only firm in the state to limit their practice to representing local government. For that reason, they are not only conflict-free, but are really good at what they do. During the presentation, Ms. Beery said they would explain the firm's capability to offer areas of special expertise, which are of interest and fundamental to city government.
- The firm has been in business for 13 years and is growing.
- Ms. Beery advised her specialty areas are land use and telecommunications. Ms. Werner also has expertise and offers support for telecommunications. The firm is involved at all levels; they work with staff at the application process and are accustomed to advising planning staff so that by the time a project is ready for a hearing before the Planning Commission or City Council, the firm is prepared. Legal issues have been addressed ahead of time and staff can feel confident that they have

answers for issues that might be raised during the hearing. They work so there are no surprises when a matter is at the hearing stage of the process. The firm collectively has years of experience handling appeals should they need to appear at the Land Use Board of Appeals. Ms. Beery said she has handled 35 LUBA cases and won all but three. She described experience of handling appeals by other members in the firm.  She expanded by giving examples of work they have done in high-profile land use matters.

- The firm provides land use training throughout the state to Planning Commission and City Council members.
- Ms. Beery is the past president and chair of the real estate and land use section of the Oregon State Bar. Firm member Christopher Crean serves on the Oregon State Bar Executive Committee.
- With regard to local budget law, Ms. Werner reported that their firm provides training to new Councilors and Budget Committee members to inform them of current Budget law and requirements.
- With regard to budget law issues, Ms. Werner said the firm offers advice on notice requirements, fund transfers, and supplemental budget procedures. The firm also advises in this area for urban renewal districts and special district bodies.
- The firm is offering a free seminar in February on local budget law. Mr. Doughman also commented on the training they are offering tailored especially to newly elected and appointed officials.
- With regard to codification services, Ms. Beery said they are comfortable with the components of ordinances, resolutions, and policy drafting. They are also amenable to an advising role if the City determines this is most cost effective. Typically, the firm offers review and advice when the staff is sophisticated. The firm has completed complete re-codification of City Codes and referred to the City of Hillsboro, which is considering a new Municipal Code for which the Beery firm has been assisting with for the past two years.
- Ms. Beery advised that she and Ms. Werner co-authored the model telecommunication ordinance for the League of Oregon Cities. Many cities in Oregon have adopted this ordinance. This ordinance has withstood legal challenges through the U.S. Supreme Court (Qwest).
- Ms. Beery commented on Reimbursement District ordinances, which are a method to partner for needed infrastructure. Their firm has successfully defended challenges to such ordinances through to the Court of Appeals for the cities of Woodburn and Fairview.

- Ms. Beery said they understand the role of City Recorder as opposed the law firm's role. She said they provide a support role advising that they are comfortable working with newly appointed City Recorders or those that have much experience and require City Attorney assistance on a periodic basis.
- With regard to election laws, Ms. Werner advised the firm has developed a number of election codes that utilizes the best from state law and also exercises cities' local authority in policy choices. The firm also works extensively on ballot initiatives and referendums including writing ballot titles and addressing ballot-title challenges. She referred to recent successes on the behalf of the City of Cornelius regarding interpretation of their gas tax requirements. The firm offers assistance to the City Recorder when initiative matters are filed.
- With regard to public contracting, Mr. Doughman advised that he and Mr. Elsner provide the expertise in this area. In 2003, members of the firm re-wrote the public contracting code for the State Legislature in an attempt to make it less confusing. This rewrite was implemented in 2005. They have helped many of their clients rewrite their public contracting procedures by doing this for them as a collective, which saved them money. The firm offers training on public contracting law; usually on a staff level.
- Mr. Doughman referred to the firm's recent assistance to help some of their clients on some federally funded projects to respond to requirements unique to each.
-  Mr. Doughman said they have found that cities and counties are increasingly more interested in the ability to have alternative contracting methods; i.e., qualifications-based review vs. who has submitted the lowest bid (requires an extra step before the Local Contract Review Board).
- With regard to annexation law, Ms. Beery referred to their RFP response. While there is a specific body of law that is applicable, there is a significant political overtone with regard to annexations. She referred to recent work related to the urban growth boundary with which their firm participated and the anticipation of increased instances of conflict of special districts who experience depleted funding when cities annex territory. This will become a significant area of law practice for cities within the Metro area in the coming decade. The firm has a great deal of depth/expertise with regard to annexations. She referenced issues with island areas of unincorporated land. The firm recently helped the City of Hillsboro annex 178 parcels, which was relatively "painless." The firm represents the Tualatin Hills Park & Recreation District, which has a voluntary annexation program requiring working through issues with the County and Metro.
- Ms. Beery explained her frequent reference to training. It is less expensive for the City when staff is able to (and wants to) do more. Through training, the staff will

come to work at a level where they do not need to call the City Attorney's office frequently. This is cost effective and fosters a highly rewarding team environment.

-  With regard to public financing, Ms. Beery referred to Tigard's recent increase in its water systems development charge and refund of bonds. The firm is comfortable with the matters and understand the role of bond counsel as opposed to their role. The firm has experience in urban renewal matters. Urban renewal is being considered more because of the state of the economy causing officials to look for creative ways for public/private financing of projects.
- With regard to public meetings and records law, Mr. Doughman said this is an area with which they work with Council and staff members. This is an area that does not provide much discretion as state law is uniformly applied to shine the light on government process as much as possible. In addition to offering training, they respond to routine questions regarding when Executive Sessions are permitted and the procedures to follow. He referred to the Attorney General's current proposal for new legislation to rewrite major portions of the public records and meetings laws. The firm is active with the League of Oregon Cities and has prepared comments to respond to elements of the proposed changes. Again, the firm believes staff training is key in this area.
- Ms. Beery noted the press is increasingly interested in the materials discussed in Executive Session and push the boundaries on what can be requested after the Session. The firm is comfortable with offering advice in this area and she noted the importance of managing situations that could result in significant political ramifications.
-  With regard to ethics, Ms. Werner said the firm offers extensive training because it is very important. The emphasis is in having officials know about the ethics requirements in advance so they can avoid problems or the violations of rules. People who participate in government who have had prior private sector experience might not necessarily understand rules regarding gifts. The newer rules might not be particularly considered intuitive as they are applied to one's spouse and family members. All of the attorneys in the firm work with ethics laws and they have dealt with a variety of questions. The firm is often consulted on conflict of interest situations as officials seek to determine whether they can participate in the decision-making process. Ms. Beery advises the firm welcomes calls from City Council members prior to meetings to help them address how they should handle potential conflicts of interest.
-  Ms. Beery referred to the materials distributed to the City Council this evening responding to the Mayor's request for information regarding conflicts, the measurement of cost-effective services, and providing writing samples.

Council questions followed and the discussions are summarized below:

- Councilor Henderson asked for an example of how working with two cities has benefited both cities. Ms. Beery said their firm has a strong regional presence. For example, in the urbanization forum, even when there were subcommittees meeting behind closed doors, she was asked to attend and several clients shared the cost (Beaverton, Hillsboro, Tualatin Hills Park & Recreation District and the Fire District.) There was recognition of the firm's expertise and they worked to find some common ground as issues were evaluated. Ms. Beery cited another example. When Measure 37 passed, this created a series of claims, rules, and court cases. Mr. Doughman and Mr. Elsner were instrumental in putting together a daylong, free seminar for their clients to help them develop a strategy. They also prepared claim forms and documentation. Ms. Werner reported how the firm is able to help cities to work on franchise agreements because they are working with the same parties; costs can be shared resulting in time and money savings. Ms. Beery said the public contracting update is another example. When the law changed, everyone was required to do a wholesale rewrite of their local rules. The firm created a master set of rules that complied with the statutes. Each city was able to take its unique modification and interests and include them in the rewrite without needing to devise language for the whole thing.
-  Councilor Wilson asked Ms. Beery how decisions are made with regard to which attorney would attend a particular city's City Council meeting. Ms. Beery explained that the City of Tigard's City Council meetings are on the opposite Tuesday of many of their clients. To determine which attorney will attend, they look at each client's preference. Sometimes, it is based on what is before the City Council for a particular agenda; that is, if the major item is one with which a certain attorney has familiarity, then that is the attorney who will attend. If the City Council determines they have a preference for a certain lawyer for continuity, but an item requires the attendance of another member of their firm, there would be two attorneys present for part of the meeting, but the City would not be charged for the second attorney's time.
-  Councilor Woodard noted that from his review of the materials submitted from the firm that a couple of the attorneys had previously worked with the Ramis law firm. He asked Ms. Werner what the most challenging telecommunication right-of-way issue was for her. Ms. Werner cited her work regarding the statewide audit of Verizon and Qwest telecommunication franchise fees. A second project involved a matter with Verizon/Fios at the time they did extensive work putting in their fiber optic network.
-  Ms. Beery addressed Councilor Woodard's notation that she and Paul Elsner had previously worked with the Ramis firm. She relayed the history of their affiliation with the Ramis firm in the Municipal Law Department. In the late 1990's

she prepared the first statewide model telecommunications ordinance, which was adopted in 2000 by League of Oregon Cities, and recently updated by their firm. This ordinance is the standard for Oregon cities with regard to regulating telecommunication facilities. She advised that other attorneys in the Ramis law firm were representing a telecommunications company in a lawsuit against a city. Disagreement ensued regarding the firm's representation for these two opposing areas. She sought advice from another attorney who counseled, in his opinion, that this represented a conflict. Prior to this, Mr. Elsner had been formulating an idea of creating a law firm that would only represent cities. After this departure in professional viewpoint with other members of the Ramis firm, Mr. Elsner and Ms. Beery decided to pursue the idea and created this one-of-a kind law practice where only public agencies would become their clients.

-  Councilor Woodard referred to public/private partnerships experience of the firm. Ms. Beery shared their work for the public art program in Hillsboro, which fosters the creation of art through City seed funds or grants. Then, city-sponsored contests or public selections are hosted with the result that the city ends up with an artist who will volunteer a piece of work for display for the City. The City might lease, buy, or display the piece for a period. Ms. Beery referred to a Sherwood public/private project they are also working on. She noted how the public contracting rules must be applied and the types of agreements that must be crafted for these types of partnerships. Mr. Doughman advised that Tualatin Park & Recreation District is partnering with the Timbers and their firm has worked on the legal aspects to make this happen. Public/private partnerships are becoming more popular – in urban renewal areas, this represents an opportunity to leverage urban renewal dollars.
-  In response to a question from Councilor Woodard, Ms. Werner referred to the writing sample they provided regarding support for recreational immunity for the City. The work applies to open spaces available to the public for recreational purposes (includes City parks) for no charge.
-  Mayor Dirksen noted that one of the responsibilities for a city attorney is to help the City avoid litigation. He asked if avoiding litigation was the primary goal. Ms. Beery referred to their response in the RFP. There are times when it is appropriate to intervene in a matter to benefit all cities; i.e., the telecommunications legal victory that ended up benefiting every city. In other instances, after careful evaluation, it is determined that litigation is the way to go. Ms. Beery said the governing body needs to make the choice and her job is to advise of the risks and benefits of a particular approach. Most of the time, it does not make sense to litigate as there are options available to resolve a matter short of litigation. Litigation is expensive and often has a negative public perception. Ms. Werner said there is a middle ground where thought is given about how to minimize the risk for their client so they can proceed in the direction they want.

-  Council President Buehner asked how much of the firm's practice is associated with doing appellate work for cities that they generally are not representing. Ms. Beery said recently they have done more of this type of work. Most of this work is from referrals where the situation has evolved to litigation and the firm is asked to step in to help. This type of work represents about 15-20 percent of their workload. Ms. Beery agreed with Council President Buehner that this is time-intensive work. In addition, there are deadlines that must be met. The firm has eight people working on the government work all of the time and they work cohesively to ensure all the work taken on by the firm is accomplished.
-  Council President Buehner advises she works as a mediator part-time. She asked the firm's philosophy with regard to mediation. Mr. Doughman said it depends on the issue. For public contracting, mediation is often included as a provision within contracts. Ms. Beery said as a general rule, they support the concept of mediation.
-  Council President Buehner asked what the firm's experience has been in dealing with arbitration. Ms. Beery said that in the construction context, it has been their experience that government bodies do not do well. This is partly because it is intensive in terms of recordkeeping; so many local governments are not used to the detailed records that are needed to succeed before an arbitrator. The results are mixed, from Ms. Beery's perspective, on binding arbitration. The outcome is a little different in the labor context. There was discussion on how some attorneys are using the process for arbitration as a discovery vehicle with no intention of trying to resolve a matter.
-  Council President Buehner asked for detail on pricing. Ms. Beery said the firm understands the need for cities to manage costs. They utilize paralegal services or less-experienced lawyers for specific types of work. The firm members believe they can produce work at a cost-effective overall cost. To compare, one must consider the value received for the rates charged. The firm works closely with city managers when there are projects to be done outside the contract to limit and track costs. Travel time is negotiable. Typically, the firm has a flat or reduced rate depending on what the client prefers.
-  Council President Buehner said that often the specialists (litigators, appellate attorneys, public contract attorneys) do not often visit with the city officials. When they must interact with the officials, these specialists do not have a well-developed relationship and this can create a level of discomfort for City Council members. Ms. Beery commented on the firm's team approach and that the City Council will know the attorneys working on matters for them. It is important for City Council members to know and trust their city attorneys. After a request for further clarification from Council President Buehner, Ms. Beery referred to their practice that if there is a person working on a special project, then he or she will appear

before the City Council at the beginning in a workshop setting so the City Council members become acquainted with that person doing the work from the firm. When the matter comes before the City Council, this person attends the meeting along with the primary attorney. There are times when other lawyers might be needed and brought in; i.e., labor, bond counsel etc.

Mayor Dirksen thanked the firm members for their presentation.

The Council adjourned the business meeting and went into an Executive Session. City Manager Prosser read the following:

EXECUTIVE SESSION: The Tigard City Council will go into Executive Session to discuss employment of public officers, employees, and agents under ORS 192.660(2)(a). 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 adjourned at 9:30 p.m.

\_\_\_\_\_  
Catherine Wheatley, City Recorder

Attest:

\_\_\_\_\_  
Mayor, City of Tigard

Date: \_\_\_\_\_



**City of Tigard**

**Tigard Workshop Meeting - Minutes**

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

**MEETING DATE/TIME:** February 15, 2011 – 6:30 p.m. – Workshop Meeting

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



1. WORKSHOP MEETING

A. At 6:33 p.m. Mayor Dirksen called the City Council and City Center Development Agency meeting to order.

B. Deputy City Recorder Krager called the roll:

	Present	Absent
Council President/CCDA Director Buehner	x	
Mayor/CCDA Chair Dirksen	x	
Councilor/CCDA Director Henderson		x
Councilor /CCDA Director Wilson	x	
Councilor/CCDA Director Woodard	x	

C. Pledge of Allegiance

D. Council Communications & Liaison Reports - Mayor Dirksen has submitted for future packet information some JPACT information recommending flexible funds for projects. Also included were an update on transit-oriented development, and an updated list of federal funding appropriation requests, which features several City projects including the Gaarde/Pacific intersection and two Washington County recommended projects: Fanno Creek Trail System and Highway 217 improvements. Both projects would benefit Tigard.

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

**TIGARD CITY COUNCIL MINUTES – FEBRUARY 15, 2011**

## 2. UPDATE THE CITY CENTER DEVELOPMENT AGENCY WITH THE 2010 ANNUAL REPORT OF THE CITY CENTER ADVISORY COMMISSION



CCDA Members present: Chair Dirksen, Director Buehner, Director Wilson, Director Woodard and Executive Director Prosser and CCAC Staff Liaison Farrelly. CCAC Commissioners in attendance were: Ralph Hughes, Phillip Thornburg, Alexander Craghead, Alice Ellis Gaut, Chair Thomas Murphy, Elise Shearer, Peter Louw and Linli Pao.

CCAC Staff Liaison Farrelly described the charges of the City Center Development Agency (CCDA) and City Center Advisory Commission (CCAC). He said the CCAC is also acting in an advisory capacity to the Main Street Green Street project.

CCAC Chair Murphy thanked the CCDA for their continued support, particularly CCDA Director Henderson who, as liaison to the CCAC, attended every one of their meetings. He asked CCAC Commissioner Craghead (former Chair) to introduce the CCAC 2010 Annual Report.



CCAC Commissioner Craghead highlighted three notable accomplishments.

- The CCAC worked with Tigard's Park and Recreation Board to determine an appropriate level of downtown area investment from the Parks Bond. The compromise reached was 10%, or \$1.7 million.
- The façade improvement program started this year and the first project (Tigard Liquor Store) was completed.
- The Downtown Circulation Plan recommendation was forwarded to the Planning Commission and then will come before Council.

CCDA Chair Dirksen asked if the CCAC was in general agreement on the Circulation Plan. CCAC Commissioner Craghead said he didn't see any major roadblocks but the CCAC wants the assumptions verified as the Plan moves forward. He said the underlying framework and strategies have CCAC consensus, in general.

CCDA Director Buehner asked if an issue regarding the connection of Hall Boulevard to Garden Street was resolved. CCAC Commissioner Craghead said it is on the map but is not a priority connection.

CCAC Staff Liaison Farrelly said a consultant will be hired to assist with some code amendment language related to the Circulation Plan so it will be a few months before it goes to Planning Commission public hearings.

CCAC Chair Murphy said the CCAC met in an all-day retreat in January and identified their goals for 2011.

## **TIGARD CITY COUNCIL MINUTES – FEBRUARY 15, 2011**

CCAC Commissioner Ellis Gaut spoke about turning the vision of a downtown plaza into a reality. She recounted the history of the Fanno Creek Park and Plaza Master Plan, noting that the property initially identified for the plaza apparently is unavailable. She said the CCAC is excited that the bond measure passed and they had obtained 10% in dedicated funds for acquiring open space in the downtown area. She said because of the three-year time limit on accessing those funds, there is urgency to identify appropriate spaces and pursue land acquisition. The CCAC hopes to work with staff this year to develop criteria, identify sites and talk to potential sellers.

CCDA Chair Dirksen commented that the CCDA discussed the plaza issue a few months ago regarding problems with the initial site. He said he was pleased the CCAC would reconsider other sites. He said, "It would be easy to say we've done a plan for a particular site and we're going to stick with that until it is finally available. I think that would be a mistake. I'm glad we are moving forward; we are on the same page."

 CCDA Director Buehner asked if the CCAC is working with the Parks Board. CCAC Commissioner Ellis Gaut said they intend to work closely with PRAB and hope to have one or two CCAC members acting as liaisons to PRAB on this specific issue.

 CCAC Commissioner Louw discussed the Ash Avenue railroad crossing. He said this developed out of the Circulation Plan and is the most likely place for the first cross street to increase business access. He encouraged the long-term prospect of this railroad crossing because downtown development is severely hampered without new street structure and circulation is critical to developing a commercial retail environment. He said this will require active City participation with the railroad and thanked Council for adding this to their goals.

CCDA Director Wilson asked if Consultant Dick Singer had weighed in on circulation. CCAC Staff Liaison Farrelly replied that he did not. CCDA Director Buehner reminded everyone that the crossing issue is tied to a redesign of the Tiedeman/North Dakota intersection and railroad crossing.

CCAC Commissioner Louw said, "We'll take a pedestrian crossing if that opportunity becomes available before a full crossing." CCDA Chair Dirksen said that was duly noted but they may want to talk to Lake Oswego about the difficulties they experienced with the railroad in obtaining a pedestrian crossing in conjunction with their Millennium Plaza.

CCAC Commissioner Louw said through CCAC Staff Liaison Farrelly and Metro's efforts, they received the services of consultant Michelle Reeves, who is setting up a series of meetings with downtown stakeholders on developing a business environment.

He said the CCAC may be coming back to Council and requesting assistance in developing downtown marketing coordination leadership.

## **TIGARD CITY COUNCIL MINUTES – FEBRUARY 15, 2011**

CCAC Commissioner Thornburg commented on the formulation and implementation of a marketing program. He said downtown Tigard needs:

- Events to bring people there so they can see what we have to offer
- Open space for events and parking
- An open space that is close to the physical heart of downtown

He said there are four more meetings planned with Consultant Reeves that will include City government, committee members, business and property owners, and any interested citizens. Meetings are held at the Tigard Chamber of Commerce. Two walking tours are planned, one through downtown Tigard and one to the Mississippi area in north Portland.

CCDA Director Buehner commented that there seemed to be a disconnect between Main Street and off-Main Street businesses and asked if there had been any discussion on this. CCAC Chair Murphy said that was a point well taken. He said one of their 2011 goals is to consider expanding the façade improvement program onto other streets within the urban renewal district. He said that may be a way to start integrating the interests of off-Main Street businesses.

CCAC Staff Liaison Farrelly mentioned that Consultant Reeves was briefed on past efforts and understands the challenges. She has observed some Main Street businesses working together on coordinating events and advertising, and hopes to capitalize on that energy moving forward.

CCAC Commissioner Louw noted that one of the consultant's focuses is on what can be done to bring people to an area. He said she has chosen a small section of Main Street as the critical mass to begin. Once something gets started, it can be spread to a larger area, but if there isn't a place where people want to come and walk, you can't go much further with it. He said, "It is more focused than previous attempts and because of that, I think it is more likely to be successful."

CCDA Director Woodard said events are always a good thing. He said, "I've always thought from the premise, if you really want to brand the downtown and find the heart, you have to bring people together. Some might say you need to have development in here first, but it is like the chicken or the egg." He said he would rather find good ways to bring people together and get them excited about what is possible.

CCDA Director Buehner said the railroad tracks divide the downtown. She said businesses north of the tracks have more in common with each other than those south of the tracks. She said the City needs to join the upper part of Burnham Street and Ash Avenue into Main Street. CCAC Commissioner Louw said he agreed and that is why the CCAC realized the need for a circulation plan to encourage more cross traffic. CCDA Chair Dirksen said a lot of it is perception. He said holding events downtown give people a chance to discover that walking between the areas divided by the tracks is easier now with the sidewalks and crossings put in with the WES station.

## **TIGARD CITY COUNCIL MINUTES – FEBRUARY 15, 2011**

CCDA Director Wilson said the consultant had some good observations and he agreed with them. He asked if the City should locate the plaza where the center of downtown is now or where it may be in the future. He said there are many places where events could happen now such as a parcel that the City owns, and empty parking lots.

CCAC Commissioner Ellis Gaut said, “We have talked about this. Our goal is to figure out what part of downtown should be the plaza.”

CCAC Commissioner Pao suggested bringing the Tigard Farmers Market to the city-owned parking and unused property downtown. She noted the proximity to transit, Ash Avenue and Fanno Creek. She said an event to mark moving the Market would bring a lot of people downtown.

CCDA Chair Dirksen suggested that a parade and event be held to celebrate the Burnham project’s final completion. He said the City’s budget is extremely constrained but thought that the businesses on Burnham might want to come together and do a public celebration. He asked what date Burnham will be done and if it coincides with the opening of the Farmer’s Market.

Engineer McMillan said there is a celebration planned for July, which incorporates the opening of the dog park and the park and ride lot. She said there would be sidewalk chalk art contests; prizes would be gift cards to downtown Tigard businesses.

CCAC Chair Murphy spoke as a Burnham Street business person and said that since the project broke ground, it has gone amazingly well. He said it was a difficult project to coordinate and Engineer McMillan and the contractor did a great job.

CCAC Chair Murphy said the CCAC is a maturing entity and is five years into a twenty-year process. He said it is time to take stock. He said development is central to their plans for this year. He asked if Council had questions on their goals.

CCDA Director Wilson asked if there was something in their goals regarding recruiting tenants to fill vacant properties. In response, CCAC Chair Murphy said it was in III – Development - Promoting downtown Tigard, communicating with CCDA about possible incentives to develop, and by soliciting businesses that include tenants as well as owners.

CCDA Director Wilson asked if Consultant Reeves’ work was also geared towards building owners who are looking for tenants. CCAC Commissioner Ellis Gaut said it very much was.

CCDA Director Wilson said, “Obviously, we don’t have a lot to say about that, but if there was a tenant who might pay the rent but wouldn’t actually add a lot to the vitality of the region, is there some way we could leverage our wishes?”

CCAC Commissioner Louw replied that the consultant would be discussing this at the next meeting, Tuesday, February 22, 2011, at 4:00 p.m. at the Tigard Chamber of Commerce

## **TIGARD CITY COUNCIL MINUTES – FEBRUARY 15, 2011**

Building. He said a discussion will be held on attracting tenants to sustain long-term growth. He said building owners will benefit from getting successful businesses in their buildings.

CCDA Chair Dirksen said he suggested that people think of types of businesses that would encourage commuters to patronize them. He asked how to convince property owners to repurpose existing buildings for these uses.

CCAC Commissioner Shearer said there is a need to attract a quality anchor tenant. CCDA Director Buehner said the downtown needs a grocery store and asked if that was on CCAC's to-do list. CCAC Commissioner Ellis Gaut said, "I've been lobbying for this for years. We need a quality grocery store; we need a book store... You can't have people living there if there is no place to buy food."

CCDA Director Woodard asked if Tigard has a commercial broker. CCAC Staff Liaison Farrelly said that is a priority. CCDA Director Buehner said getting the New Seasons store locked in at the old quarry area south of Murrayhill was the critical piece to the entire commercial development project. CCDA Chair Dirksen suggested a Trader Joes.

CCAC Commissioner Shearer said zoning might need to be evaluated. She suggested if there isn't a big enough property to attract a major grocery chain supermarket to the downtown, we might consider what it would take to attract a butcher, a baker and other small niche businesses that could collectively work together to fill this need. Commissioner Shearer noted that two small meat markets in the Tigard area have been featured in the Oregonian as some of the best in the area.

CCAC Staff Liaison Farrelly asked what the CCDA's and CCAC's comfort level was regarding tenant incentives. CCDA Director Wilson responded that he's heard comments from various retailers that locating in a group creates the synergy to cause more business, not less. Competition brings in more people to an area. Mayor Dirksen agreed that businesses do better when clustered but cautioned against incentives that are unfair to existing businesses. He said he didn't see any potential incentives listed that he was opposed to, and crafted correctly, any of them would be supportable and useful.

CCAC Commissioner Louw said he has heard from downtown business owners that the City's signage codes are too restrictive. He said people cannot drive down Main Street and see what businesses there are. Better signage could make a difference of \$50 to \$100 a day to a small business. CCDA Director Buehner it was critical that the City meets ADA requirements and one of the Green Street changes is to make wider sidewalks, which will open up opportunities for different kinds of advertising. CCDA Director Woodard asked what happened to the old signage on the poles. CCDA Executive Director Prosser said they were torn and damaged. CCAC Commissioner Shearer suggested suspending banners above the level of parked cars.

## **TIGARD CITY COUNCIL MINUTES – FEBRUARY 15, 2011**

3. PRESENTATION ON MAIN STREET PARKING OPTIONS FOR THE MAIN STREET/GREEN STREET RETROFIT PROJECT



Engineer McMillan introduced parking consultant Rick Williams and Gary Alfson, Associate Principal at Harper Houf Peterson. She said Redevelopment Project Manager Farrelly also worked with her on this project. She noted that the CCAC voted to support the recommendation that will be presented tonight.

Engineer McMillan said four meetings were held with Main Street business owners. Staff heard that they wanted more involvement, so a Parking Discussion Group was formed. She said a Main Street business representative from Tyler's Automotive was present and she thanked her for her attendance and participation. She said there has been between 10-14 Main Street business owners at each meeting. Two of their main concerns are parking and construction.

Parking options included 1) all parallel parking with improvements and 2) slightly adjusted angle parking. She said the Parking Discussion Group was not in favor of parallel parking. They agreed to sacrifice some spaces if somewhat modified angle parking was kept. She said the main difference between the two options is the sidewalk width. With angle parking, there won't be the 12-foot sidewalks, however some existing businesses already have them, for example, in front of Max' Fanno Creek Brew Pub and Café Allegro. Redevelopment Project Manager Farrelly noted that the Green Street treatment adds three feet onto the existing sidewalks so we are not losing any pedestrian way.

Council President Buehner mentioned that some employees of downtown businesses are parking in front, taking space away from potential customers. Engineer McMillan said Consultant Williams will work with business owners and the City to develop a parking management plan. Engineer McMillan said the City committed to allow the use of two lots on Burnham for parking during construction. Staff also talked with business owners above Burnham and Main about a public/private partnership for parking. She acknowledged Tyler's Automotive and the car wash owners for agreeing to ask their employees to park off-street.

Engineer McMillan presented a PowerPoint on the Main Street Green Street project. A copy of this presentation is in the meeting packet.

She called attention to the angled parking and pedestrian bulb-outs and raised crosswalks. Redevelopment Project Manager Farrelly said pedestrian safety was an important component, mentioned by all stakeholders and these crosswalk features support it.

Council President Buehner asked if TriMet is involved in these plans. She was concerned with busses speeding on Main Street, especially as they near Commercial Street.

## TIGARD CITY COUNCIL MINUTES – FEBRUARY 15, 2011

 Consultant Williams spoke about how parking designs support the Main Street project. He presented a PowerPoint on the advantages of a well-designed parking plan. A copy of his presentation is in the meeting packet. He said he concurred with the suggestion of the CCAC and Parking Discussion Group.

Council President Buehner suggested using Tigard Street as an area for additional parallel parking. Engineer McMillan said that hadn't been considered, but they could look at that.

Councilor Wilson asked about back-end angle parking. Consultant Alfson said that makes it safer for pulling out but in Main Street's case the angle is too steep. He said the speed of through traffic will be slowed somewhat by the raised crosswalks and narrow lanes. Consultant Williams agreed that head-in parking is easier and he has found the back-in parking is best for cities that have inclines, such as Seattle.

Council President Buehner asked about the turnaround at the south end of Main Street at Pacific Highway. Engineer McMillan said a discussion regarding a turnaround would need to occur at a later date due to uncertainties regarding right of way and other details. Councilor Wilson said this was a great idea and suggested putting in another at the other end of Main Street.

 Mayor Dirksen said, "It wouldn't be Tigard Main Street without angled parking." Council President Buehner agreed. Councilor Woodard said he also liked angled parking but lamented the lack of space for more street furniture. Councilor Wilson said wide sidewalks are already sprinkled throughout downtown in areas such as Burnham Street. He suggested that if the time comes that there are too many pedestrians to fit on the sidewalks, we may have to reconsider, but for now this is appropriate.

#### 4. BRIEFING ON THE ECONOMIC OPPORTUNITIES ANALYSIS

 Senior Planner Wyss introduced this item and gave an update on the project. He described the Economic Opportunities Analysis (EOA) as a technical exercise, which compares the projected demand for, and existing supply of, employment and industrial lands.

Senior Planner Wyss said the EOA is included as a work task in the statewide periodic review. The City received grant funds from the Department of Land Conservation and Development (DLCD) for consultant help. The City hired Cogan Owens Cogan to assist with the task and work began last June. He discussed the project tasks which have been completed and reviewed by the Planning Commission. He said the Planning Commission acted as the Citizen Advisory Committee on this project. While they were interested in discussing economic development in a broader sense, such as business recruitment and business cluster development, the EOA as required by the periodic review has a very narrow focus and these topics had to be tabled. There will be recommendations in the EOA for follow-up discussions. One of the

### **TIGARD CITY COUNCIL MINUTES – FEBRUARY 15, 2011**

outcomes is a presentation on February 28 with Sheila Martin, Director of the Institute of Portland Metropolitan Studies at Portland State University and Tigard Community Development Director Bunch will hold a discussion with the Planning Commission and the community on what a successful economic development strategy could look like in Tigard.

Senior Planner Wyss said the Planning Commission is recommending some minor changes to the Comprehensive Plan to:

1. Ensure compliance with the Oregon Administrative Rules
2. Be consistent with the community economic development objectives
3. Adopt an expanded Town Center boundary as requested by the Tigard City Council last spring and adopted by Metro in September

Council President Buehner asked when this would come to Council. Council review of the final draft is scheduled for March 22, 2011. The Planning Commission will hold a public hearing on April 4 and will forward a recommendation for the Council public hearing on May 10. The grant contract ends on May 31, 2011.

In response to a question from Councilor Woodard on whether any rezoning is necessary, Senior Planner Wyss said no rezoning is needed for the land-efficient scenario, which is the 20-year job forecast.

Councilor Wilson said it made sense for stand-alone cities to do this periodic review for DLCD but asked why Metro didn't do it for cities in this region. Community Development Director Bunch commented that Metro does not take this on because there is competition in the region regarding economic development policy. He said Metro provides an important clearinghouse for economic data as part of its urban growth scenarios. They hold forums on economic development but want to keep out of the business of suggesting or requiring individual jurisdictions to do this. He said we do function as a region and our role in the region is one of the messages we are going to discuss it on February 28.

Community Development Director Bunch referred to Councilor Woodard's question on rezoning. He said Tigard doesn't have to change the base zoning but may want to look at a set of refinements, which the high capacity transportation planning will help to develop.

Community Development Director Bunch expressed appreciation to Senior Planner Wyss for his work on this project.

At 8:30 Mayor Dirksen called for a break. At 8:35 the Council meeting resumed.

## **TIGARD CITY COUNCIL MINUTES – FEBRUARY 15, 2011**

5. UPDATE ON CODE COMPLIANCE PROGRAM AND DISCUSSION OF ADDITIONAL ADMINISTRATIVE CODE OPTIONS



Assistant Community Development Director Hartnett introduced this item and presented a PowerPoint slide show, a copy of which is in the packet for this meeting. She credited temporary employee Shelley LeBarre for her work on this report. She said she was seeking feedback from Council on whether to proceed with developing Tigard Municipal Code amendments adding administrative actions to enhance the code compliance program.

Assistant Community Development Director Hartnett said research was done on national code enforcement standards. She said it is difficult to make generalizations about code compliance activities. She said a successful program's operations are matched to a preferred approach for the types of code compliance activities the community wants to undertake and desired outcomes are identified. She said best practices were distilled down to four standards:

- Match the program to the approach
  - Compliance or Enforcement
  - Proactive or Reactive
  - Prevention or Punishment (prevention requires significant educational outreach)
- Make it a multi-departmental effort
- Train staff
- Consistent application of code

She asked, "Of the different approaches, livability or enforcement, what is the main goal of Tigard?" She noted that Tigard has used the livability approach the most in the past. She gave a brief overview on Tigard's past code enforcement practices. She said there was some degree of delay, case selection and prioritization because of staffing limitations. Some of the most difficult cases never were resolved.

She said recent budget reductions led to cutting both code enforcement positions. She said the online intake system, started in July 2010, transfers some portion of the case management to the public. The public is encouraged to document with their own photographs. City staff site visits are rare. Form letters, generated by the tracking system, rely on the violator and complainant to communicate to the City whether or not compliance has been reached.

A minor budget adjustment allowed assembling a team, and the code compliance activities are spread among staff with other primary assignments. She said Tigard's strategy is getting by "as best we can" Technology moves most cases forward, but we have limited places to fall back to in non-compliance. If the City cannot get compliance, there is no choice but to move to a summons and citation process.

**TIGARD CITY COUNCIL MINUTES – FEBRUARY 15, 2011**

 Assistant Community Development Director Hartnett said staff studied what nine Metro-area cities are doing with their code compliance activities. She said across the board, other cities reported reduced staffing and services due to the economy. Most cities were looking at ways to improve efficiency and were turning towards technology, as Tigard is doing. Basic compliance tools were available in all nine cities (phone calls, letters) and judicial remedies.

She said staff believes that adding administrative remedies to the Tigard Municipal Code would increase program capacity, flexibility and efficiency. She said these remedies would be administered by the City Manager or designee. She outlined the recommended options on the PowerPoint slide and said they would be in addition to existing judicial options. She said the Finance Department said their existing system supports the billing and liens so a new set of procedures is not necessary.

Assistant Community Development Director Hartnett asked Council for their feedback.

 Mayor Dirksen said this is the poster child for a situation where forced reduction has caused us to find a better solution and we should have done this administrative approach a long time ago. He felt this was an excellent and more functional tool. He said always using a judicial tool is inefficient but he wants to retain it in case the administrative remedy doesn't work. He said administrative fees should not be punitive and so a flat fee makes sense. Rather than an escalating fee, the escalation is turning it into a judicial process.

Council President Buehner said she agrees but wants to retain the escalating fee as a way to get people's attention.

Councilor Wilson said he prefers the livability rather than enforcement approach. He said he wants some forbearance for those who cannot comply due to economic hard times, for example. It is their private property and it has more to do with neighbors getting along - no harm, no foul. If nobody cares, then it's not a problem. However, in the case of something such as a right-of-way issue, it should be dealt with by a police officer as those aren't on public property.

Councilor Woodard suggested keeping in mind that people expect privacy. He said abatement is good and didn't want to see an enforcement policy. He didn't agree with daily fees because of the economy, but said there needs to be some penalty; he was not sure what it should be.

In response to questions from Councilor Woodard, City Manager Prosser discussed the property lien process.

Council President Buehner said occasionally there are neighbor relationships involving intimidation and she wanted some flexibility to address those situations. City Manager Prosser said Tigard contracts with the City of Beaverton for mediation services and when a situation like that arises, tries to get the two parties into mediation. Council President Buehner said a situation could reach a level where mediation will not work and it may not be appropriate to send copies

## **TIGARD CITY COUNCIL MINUTES – FEBRUARY 15, 2011**

of letters to certain individuals. Assistant Community Development Director Hartnett said letters to the complainant are not copied to the violator, or vice versa, but it is a matter of public record.

Mayor Dirksen asked if there was an appeal process where the Council could consider extenuating circumstances. Assistant Community Development Director Hartnett said there would be an appeal process for all of the administrative actions. She said she has not spoken with the city attorney yet but thought there would be due process and even the judicial actions have appeal options. City Manager Prosser suggested giving some thought to whether appeals should be heard by Council or the City Manager, or even an appeal to municipal court. Council President Buehner suggested a Hearings Officer.

 Councilor Wilson suggested partnering with a local church or service organization for help with abatement, such as for an elderly person who cannot mow their lawn. Assistant City Manager Newton said there is an option within the Neighborhood Network program where each neighborhood is given money for beautification. This could be used for abatement with the permission of the property owner.

Assistant Community Development Director Hartnett summarized that the Mayor suggested leaving the daily escalating fee in the judicial, not administrative remedy. She said the overhead fee should go together with the administrative so that some staff time is recouped. She said the flat fee could be discretionary and will be listed in the Master Fees and Charges Schedule.

Council President Buehner said the advantage of the escalating fee is to get people in the door to talk about their violation. Mayor Dirksen said if the flat fee is discretionary it could be increased if there is no action. Councilor Wilson confirmed that any fee would not be due unless compliance was not reached within 30 days.

Assistant Community Development Director Hartnett said whether it would be 30 or 45 days will have to be decided later. She said before this can go into the Tigard Municipal Code standard operating procedures will need to be developed and staff trained. She said she would return in May with proposed code updates.

6. ~~REVIEW OF THE RECYCLED WATER FEASIBILITY STUDY~~ This item was set over to the April 19, 2011 Workshop Meeting.
7. NON AGENDA ITEMS
8. COUNCIL LIAISON REPORTS

## **TIGARD CITY COUNCIL MINUTES – FEBRUARY 15, 2011**

9. EXECUTIVE SESSION: None was held.

10. ADJOURNMENT

At 9:32 PM Councilor President Buehner moved for adjournment and Councilor Woodard seconded the motion. All voted in favor:

	Yes	No
Council President Buehner	x	
Mayor Dirksen	x	
Councilor Henderson	Absent	
Councilor Wilson	x	
Councilor Woodard	x	

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Carol A. Krager, Deputy City Recorder

Attest:

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Mayor, City of Tigard

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Date

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**TIGARD CITY COUNCIL MINUTES – FEBRUARY 15, 2011**

**AIS-148**

**Item #: 3. B.**

**Business Meeting**

**Date:** 03/22/2011

**Length (in minutes):** Consent Item

**Agenda Title:** Approve Granting a Designated Bus Stop on Commercial Street for Yamhill County Transit Area - Resolution

**Submitted By:** Judith Gray  
Community Development

**Item Type:** Resolution

**Meeting Type:**

Consent Agenda

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**ISSUE**

Yamhill County Transit Area has requested a designated bus stop on Commercial Street adjacent to the Downtown Tigard Transit Center to allow passengers the opportunity to connect with the TriMet transit system.

**STAFF RECOMMENDATION / ACTION REQUEST**

It is recommended that Council approve a resolution authorizing the City Manager to sign an intergovernmental agreement with Yamhill County Transit Area allowing use of a designated bus stop on Commercial Street.

**KEY FACTS AND INFORMATION SUMMARY**

The following are facts relevant to this issue:

- Yamhill County Transit Area provides weekday and Saturday bus service between McMinnville and Tigard, with stops in Lafayette, Dayton, Dundee, Newberg, and Sherwood;
- Ridership to the Tigard Transit Center (Route 44) increased more than 40% from 2009 to 2010, with more than 60,000 passenger trips in the 12-month period ending February 2011;
- The Yamhill County bus currently stops in Downtown Tigard on Commercial Street next to the Tigard Transit Center;
- Yamhill County Transit Area has requested a designated curb area and bus stop signage;
- The City of Tigard traffic Engineer and Downtown Redevelopment Manager were consulted and have no concerns about the Yamhill County Transit Area request.

**OTHER ALTERNATIVES**

Council could refuse the Yamhill County Transit Area request

**COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS**

Implement the Comprehensive Plan:

Goal 12.3. Provide an accessible, multi-modal transportation system that meets the mobility needs of the community.

Policy 1. The City shall continue to support the existing commuter rail and bus service in Tigard and will seek opportunities for increased service frequency and passenger convenience.

Goal 12.4. Maintain and improve transportation system safety.

Policy 2. The City shall coordinate with appropriate agencies to provide safe, secure, connected, and desirable pedestrian, bicycle, and public transit facilities.

Council Long Term Goals

Continue pursuing opportunities to reduce traffic congestion

## **DATES OF PREVIOUS COUNCIL CONSIDERATION**

None.

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### **Fiscal Impact**

#### **Fiscal Information:**

The IGA does not obligate the City to any financial commitments. The City will install the bus stop signage, however this will be conducted as part of regular work activities by Public Works and does not require additional budget.

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### **Attachments**

Draft Resolution

Exhibit A - Intergovernmental Agreement

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

A RESOLUTION OF THE CITY COUNCIL APPROVING AN AGREEMENT WITH YAMHILL COUNTY TRANSIT AREA TO PROVIDE A DEDICATED ON-STREET BUS STOP ON COMMERCIAL STREET IN DOWNTOWN TIGARD.

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WHEREAS, Yamhill County Transit Area has received funding to provide transit service between McMinnville and Tigard; and

WHEREAS, Yamhill County Transit Area provides weekday and Saturday service between McMinnville and Tigard, with stops in Lafayette, Dayton, Dundee, Newberg, and Sherwood; and

WHEREAS, ridership on Yamhill Transit line serving downtown Tigard increased more than 40% in the last year, with more than 60,000 passenger trips in the year ending February 2011; and

WHEREAS, Yamhill County Transit Area desires to serve bus passengers at a dedicated bus stop in Tigard with convenient access to Tigard Transit Center; and

WHEREAS, the City of Tigard has a stated goal of providing a balanced transportation system, incorporating all modes of transportation; and

WHEREAS, the agreement will enhance access to downtown Tigard and the Tigard Transit Center, including WES.

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

SECTION 1: The agreement attached as Exhibit A to this Resolution is hereby approved, and the City Manager is authorized to sign the agreement documents.

SECTION 2: This resolution is effective immediately upon passage.

PASSED: This \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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Mayor - City of Tigard

ATTEST:

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City Recorder - City of Tigard

RESOLUTION NO. 11-\_\_\_\_\_

**INTERGOVERNMENTAL AGREEMENT**

BETWEEN CITY OF TIGARD AND YAMHILL COUNTY TRANSIT AREA FOR A DEDICATED BUS STOP ON COMMERCIAL STREET IN DOWNTOWN TIGARD

THIS AGREEMENT is entered into between the City of Tigard, a municipal corporation, acting by and through its City Council, hereafter referred to as TIGARD, and Yamhill County Transit Area, hereafter referred to as YAMHILL TRANSIT, a County Service District formed pursuant to ORS Chapter 451.

**RECITALS**

1. Commercial Street is a public right of way within the city limits of the City of Tigard that connects Main Street and Hall Boulevard along a line running generally from the northeast to the southwest in the vicinity of the Tigard Transit Center.
2. The Tigard Transit Center is located at 8900 SW Commercial Street.
3. YAMHILL TRANSIT provides public transit service between McMinnville and the Tigard Transit Center on weekdays and Saturdays.
4. YAMHILL TRANSIT desires to provide passenger boarding/alighting at a location convenient to the Tigard Transit Center
5. It is the desire of TIGARD and YAMHILL TRANSIT to enter into an agreement to dedicate a location on SW Commercial Street for use as a bus stop by YAMHILL TRANSIT.
6. Both parties understand and acknowledge that the dedicated bus stop agreement is of limited duration and terminates on December 31, 2012, unless earlier terminated or extended by agreement of both parties pursuant to paragraph 4, herein.
7. ORS 190.010 authorizes agencies to enter into intergovernmental agreements for the performance of any or all functions and activities that a party to the agreement has the authority to perform.

**AGREEMENT**

NOW, THEREFORE, the parties hereto agree as follows:

**1. TIGARD OBLIGATIONS**

- 1.1 TIGARD agrees to restrict approximately 40 feet of curb length on SW Commercial Street, at a location beginning approximately 10 feet to the southwest of the fire hydrant located on the southern side of Commercial Street, for use by YAMHILL TRANSIT buses only.
- 1.2 TIGARD agrees to install appropriate bus stop signage, as provided by YAMHILL TRANSIT, at said location.

## **2. YAMHILL TRANSIT OBLIGATIONS**

- 2.1 YAMHILL TRANSIT agrees to provide bus stop signage consistent with TIGARD standards and requirements.
- 2.2 YAMHILL TRANSIT agrees to use the dedicated on-street bus stop location during regular service hours for boarding/alighting passengers. Short-term parking not to exceed one hour shall also be allowed to accommodate bus driver breaks.

## **3. GENERAL PROVISIONS**

### **3.1 LAWS OF OREGON**

The parties shall comply with all applicable laws and regulations regarding the handling and expenditure of public funds. This Agreement shall be construed and enforced in accordance with the laws of the State of Oregon. All relevant provisions required by ORS Chapter 279A and 279B to be included in public contracts are incorporated and made a part of this Agreement as if fully set forth herein.

The parties agree to comply with all local, state, and federal ordinances, statutes, laws, and regulations that are applicable to the services provided under this agreement.

### **3.2 DEFAULT**

Time is of the essence in the performance of the Agreement. Either party shall be deemed to be in default if such party fails to comply with any material provision of this Agreement. The non-defaulting party shall provide the other party with written notice of default and allow thirty (30) days within which to cure the defect.

### **3.3 INDEMNIFICATION**

This Agreement is for the benefit of the parties only. Each party agrees to indemnify, defend and hold harmless the other parties, and their officers, employees, and agents, from and against all claims, demands and causes of actions and suits of any kind or nature (including all attorney fees and costs) on account of or arising out of services performed, or in any way resulting from the negligent acts or omissions of the indemnifying party, its officers, employees and agents. To the extent applicable, the above indemnification is subject to and shall not exceed the limits of liability of the Oregon Tort Claims Act (ORS 30.260 through 30.300) and the Oregon Constitution. In addition, each party shall be solely responsible for any contract claims, delay

damages or similar items arising from or caused by the action or inaction of the party under this agreement.

Each party shall give the other immediate written notice of any action or suit filed or any claim made against that party that may result in litigation in any way related to this Agreement.

#### 3.4 INSURANCE

Each party agrees to maintain insurance levels or self-insurance in accordance with ORS 30.282, for the duration of this Agreement at levels necessary to protect against public body liability as specified in ORS 30.270.

#### 3.5 MODIFICATION OF AGREEMENT

No waiver, consent, modification or change of terms of this Agreement shall be binding unless in writing and signed by all parties.

#### 3.6 DISPUTE RESOLUTION

The parties shall attempt to informally resolve any dispute concerning any party's performance or decisions under this Agreement, or regarding the terms, conditions or meaning of this Agreement. A neutral third party may be used if the parties agree to facilitate these negotiations. In the event of an impasse in the resolution of any dispute, the issue shall be submitted to the governing bodies of both parties for a recommendation of resolution.

#### 3.7 REMEDIES

Any party to this Agreement may institute legal action to cure, correct or remedy any default, to enforce any covenant or agreement herein, or to enjoin any threatened or attempted violation of this Agreement. All legal actions shall be initiated in Washington County Circuit Court. The parties, by signature of their authorized representatives below, consent to the personal jurisdiction of that court.

#### 3.8 EXCUSED PERFORMANCE

In addition to the specific provisions of this Agreement, performance by any party shall not be in default where delays or default is due to war, insurrection, strikes, walkouts, riots, floods, drought, earthquakes, fires, casualties, acts of God, restrictions required for construction or law enforcement activities, governmental restrictions imposed or mandated by governmental entities other than the parties, enactment of conflicting state or federal laws or regulations, new or supplementary environmental regulation, litigation or similar basis for excused performance that are not within the reasonable control to the party to be excused.

after mailing of written notice to the other party, or at such time as the parties may otherwise agree.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2011 .

**CITY OF TIGARD, OREGON**

**YAMHILL COUNTY TRANSIT AREA**

By: \_\_\_\_\_  
Title: \_\_\_\_\_

By: Aeshe A. Glens  
Title: Chair, Board of Directors

ATTEST:

ATTEST:

By: \_\_\_\_\_  
Title: \_\_\_\_\_

By: Janell Butt  
Title: Deputy

APPROVED AS TO FORM:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

nic  
\_\_\_\_\_  
Yamhill County Counsel

YCTA - 01 - 24 - 11 - 4

**AIS-440**

**Item #: 3. C.**

**Business Meeting**

**Date:** 03/22/2011

**Length (in minutes):** Consent Item

**Agenda Title:** Appoint Alternate Budget Committee Member Melody Graeber to the Budget to Replace Resigning Member Dena Struck - Resolution

**Prepared For:** Liz Lutz

**Submitted By:**

Liz Lutz  
Financial and  
Information Services

**Item Type:** Resolution

**Meeting Type:**

Consent Agenda

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**ISSUE**

Dena Struck, Chair of the Budget Committee, tendered her resignation to the Mayor on February 24, 2011, due to her move to Seattle, Washington. Melody Graeber was appointed to the Budget Committee in December, 2010 as the alternate. She agreed to replace Dena as a voting member.

**STAFF RECOMMENDATION / ACTION REQUEST**

Staff recommends appointing Melody Graeber as a voting member of the Budget Committee.

**KEY FACTS AND INFORMATION SUMMARY**

Dena Struck has moved to Seattle, Washington and can no longer serve on the Budget Committee. Melody Graeber was appointed to the Budget Committee as an alternate member in December, 2010.

**OTHER ALTERNATIVES**

NA

**COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS**

NA

**DATES OF PREVIOUS COUNCIL CONSIDERATION**

NA

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**Attachments**

Proposed Resolution

Application-M. Graeber

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

A RESOLUTION APPOINTING MELODY GRAEBER TO BECOME A VOTING MEMBER OF THE BUDGET COMMITTEE TO COMPLETE THE TERM VACATED BY DENA STRUCK

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WHEREAS, one position is open on the City's Budget Committee due to the recent resignation of Dena Struck; and

WHEREAS, Melody Graeber was appointed as the alternate member of the City's Budget Committee in December, 2010; and

WHEREAS, Melody Graeber has agreed to become a voting member of the Budget Committee and has signed the City's Code of Conduct for committee members.

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

SECTION 1: Melody Graeber is appointed to complete the position vacated by Dena Struck. This term ends December, 31, 2012.

SECTION 2: This resolution is effective immediately upon passage.

PASSED: This \_\_\_\_\_ day of \_\_\_\_\_ 2011.

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Mayor - City of Tigard

ATTEST:

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City Recorder - City of Tigard



**AIS-425**

**Item #: 3. D.**

**Business Meeting**

**Date:** 03/22/2011

**Length (in minutes):** Consent Item

**Agenda Title:** Renew Three-Year Environmental Systems Research Institute (ESRI) Geographic Information System (GIS) Enterprise Software License

**Prepared For:** Louis Sears

**Submitted By:**

Joseph Barrett  
Financial and  
Information Services

**Item Type:** Motion Requested

**Meeting Type:**

Consent Agenda -  
LCRB

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**ISSUE**

Shall the Local Contract Review Board approve 3-year renewal of the City's ESRI GIS enterprise software license?

**STAFF RECOMMENDATION / ACTION REQUEST**

Staff recommends the Local Contract Review Board approve the 3-year renewal of the City's license with ESRI for GIS enterprise software and further authorize the City Manager to fully execute the license.

**KEY FACTS AND INFORMATION SUMMARY**

In 2008 the City entered into an enterprise license agreement with Environmental Systems Research Institute (ESRI) for our GIS enterprise software. While the City has utilized ESRI software since 1989 on a year-to-year basis, this enterprise license allowed the City to consolidate both server and desktop licensing. This ability to consolidate allows the City significant savings over purchasing individual licenses and upgrades.

The current GIS system is not a standalone system but rather integrates with multiple systems throughout the City. A conversion to new GIS enterprise software would require a significant cost investment to ensure integration with existing systems and properly train staff on the new software. As such, renewing the enterprise license with ESRI will represent a significant savings to the City when all costs are factored.

In further effort to minimize costs, staff has determined that the most cost-effective manner to purchase the ESRI enterprise license is to utilize the City's membership in the Oregon Cooperative Procurement Program and purchase off State of Oregon Contract #9725. The ability for the City to use this contract affords the City high-volume pricing that the City could not reach on its own and minimize internal staff costs.

**OTHER ALTERNATIVES**

The Local Contract Review Board could direct staff to conduct a Request for Proposal for GIS enterprise software to look at alternatives. Staff advises that such a direction would likely lead to a substantial increase in the cost of this project.

**COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS**

N/A

**DATES OF PREVIOUS COUNCIL CONSIDERATION**

N/A

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**Fiscal Impact**

**Cost:** \$105,000

**Budgeted (yes or no):** Yes

**Where Budgeted (department/program):** 6002300 - IT

**Additional Fiscal Notes:**

The total cost of the enterprise license over three years is \$105,000. The first year, at \$35,000, is budgeted in the Information Services budget (Central Service Fund - 600). Staff will include year's two and three in the 2012 and 2013 budget at the same \$35,000.

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**AIS-444**

**Item #: 4. A.**

**Business Meeting**

**Date:** 03/22/2011

**Length (in minutes):** 5 Minutes

**Agenda Title:** Proclaim April 2011 as Child Abuse Prevention Month

**Prepared For:** Joanne Bengtson

**Submitted By:**

Joanne Bengtson  
City Management

**Item Type:** Public Hearing - Informational

**Meeting Type:**

Proclamation

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**ISSUE**

Shall Mayor Dirksen proclaim the month of April as Child Abuse Prevention Month in Tigard?

**STAFF RECOMMENDATION / ACTION REQUEST**

n/a

**KEY FACTS AND INFORMATION SUMMARY**

The Department of Human Services-Child Welfare and Washington County Child Abuse Prevention Action Group is organizing an event for April to commemorate Child Abuse Prevention Month. They are asking all the cities in Washington County to fly or display a 3x5' flag (provided by them) depicting paper-doll-like figures of children holding hands. In the center, the white chalk outline of a missing child symbolizes the children lost to violence. Their goal is to bring awareness to the community about child abuse and what each person can do to be a part of prevention.

**OTHER ALTERNATIVES**

n/a

**COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS**

n/a

**DATES OF PREVIOUS COUNCIL CONSIDERATION**

n/a

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**Attachments**

Child Abuse Prevention Month

# Proclamation

City of Tigard

## CHILD ABUSE PREVENTION MONTH April 2011

Tigard's children are our most valuable resource, and they need our support to thrive and grow into healthy, productive adults.

**WHEREAS**, Every child deserves a nurturing family and a safe environment, free from fear, abuse, and neglect; and

**WHEREAS**, Child abuse affects every community and it will take a collaborative and community effort to prevent it; and

**WHEREAS**, During National Child Abuse Prevention Month, we state our unwavering commitment to protecting children and promoting healthy families; and

**WHEREAS**, By bringing awareness to the Tigard community about child abuse and what each person can do to prevent it, we build a brighter future for all; and

**WHEREAS**, I encourage all Tigard residents to visit: [www.ChildWelfare.gov/Preventing](http://www.ChildWelfare.gov/Preventing) to learn what they can do to stop child abuse.

**NOW THEREFORE BE IT RESOLVED THAT** I, Mayor Craig Dirksen of the City of Tigard, Oregon, do hereby proclaim the month of April 2011 as

## CHILD ABUSE PREVENTION MONTH

in Tigard, Oregon and urge residents to observe this month by supporting programs and activities that help prevent child abuse and provide for children's physical, emotional, and developmental needs.

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-445**

**Item #: 4. B.**

**Business Meeting**

**Date:** 03/22/2011

**Length (in minutes):** 5 Minutes

**Agenda Title:** Proclaim April as Arbor Month in the City of Tigard

**Prepared For:** Joanne Bengtson

**Submitted By:**

Joanne Bengtson  
City Management

**Item Type:** Public Hearing - Informational

**Meeting Type:**

Proclamation

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**ISSUE**

Shall Mayor Dirksen proclaim April as Arbor Month in Tigard?

**STAFF RECOMMENDATION / ACTION REQUEST**

n/a

**KEY FACTS AND INFORMATION SUMMARY**

ARBOR DAY 2011  
CELEBRATE OUR TREES

Arbor Day is America's day for honoring trees. Arbor Day is observed nationwide on the last Friday of April. In Oregon the first week in April is Oregon Arbor Week, dedicated to planting, protecting, and appreciating our trees.

Tigard usually dedicates the entire month of April to be Arbor Month here in the City of Tigard. The Mayor will celebrate by planting trees with the students of Metzger Elementary on April 22.

**OTHER ALTERNATIVES**

n/a

**COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS**

n/a

**DATES OF PREVIOUS COUNCIL CONSIDERATION**

n/a

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**Attachments**

Arbor Month Proclamation

# Proclamation

City of Tigard

## Arbor Month

**WHEREAS**, In 1872, Arbor Day, a special day set aside for the planting of trees, was first celebrated in Nebraska; and

**WHEREAS**, Tigard's urban forest of public and private parks and greenways is part of a larger ecology that spans from mountains to ocean and is integral to our region's water quality; and

**WHEREAS**, our urban forest includes a diversity of trees that grace our city streets, parks and greenways, provide habitat for wildlife, soften hardscapes, clean the air, protect water resources, and ensure that everyone can experience natural beauty where we live, work, and recreate; and

**WHEREAS**, the City of Tigard recognizes that our urban forest is a necessity and is an integral part of the city's infrastructure and ecosystems; and

**WHEREAS**, we are committed to provide resources to maintain and enhance the urban forest; and

**WHEREAS**, people of all ages and backgrounds, including citizens, civic organizations, businesses, and city agencies, have formed partnerships to participate actively in the stewardship and caretaking of Tigard's urban forest; and

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

## ARBOR MONTH

in Tigard, Oregon and encourage people throughout the city to become involved with the planting and stewardship of the urban forest throughout the year of 2011.

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-438**

**Item #: 5.**

**Business Meeting**

**Date:** 03/22/2011

**Length (in minutes):** 15 Minutes

**Agenda Title:** Consider a Resolution Granting Exemption from Property Taxes Under Tigard Municipal Code Section 3.50 for Four Non-Profit Low-Income Housing Projects

**Prepared For:** Liz Lutz

**Submitted By:**

Liz Lutz  
Financial and  
Information  
Services

**Item Type:** Resolution

**Meeting Type:**

Council Business  
Meeting - Main

**ISSUE**

Shall four low-income housing projects owned and operated by Community Partners for Affordable Housing (CPAH) be exempted from City of Tigard property taxation for 2011?

**STAFF RECOMMENDATION / ACTION REQUEST**

Staff recommends approval of this resolution.

**KEY FACTS AND INFORMATION SUMMARY**

Tigard Municipal Code 3.50 allows certain organizations providing low-income housing to be exempted from Tigard property taxation upon application by March 1 of each year and a demonstration of compliance with certain criteria listed in the Code.

Community Partners for Affordable Housing owns and operates Greenburg Oaks, located at 11875 SW 91st Avenue in Tigard. They also own Village at Washington Square at 11157-11163 SW Hall Blvd in Tigard, the Knoll at Tigard, 12291 SW Knoll Drive, and a single family house located at 9330 SW Tangela Court in Tigard. These projects are operated as low-income housing and meet all criteria listed in the Tigard Municipal Code. Community Partners for Affordable Housing submitted four applications for exemption from 2011 property taxes on February 20, 2011, which is within the March 1 deadline. All of the properties were exempted from property taxation in 2010.

These application were reviewed by staff in the City’s Community Development Department and staff determined that the requested tax exemptions are consistent with the applicable Tigard Municipal Code and also the adopted City Housing Policy.

The attached resolution gives consent from the City of Tigard for this tax abatement. Under State law, Community Partners for Affordable Housing must receive similar approval from jurisdictions accounting for 51% (or more) of the total property taxes to be levied on these properties. This organization will also make application to the other taxing units.

**OTHER ALTERNATIVES**

Do not approve this tax exemption.

**COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS**

NA

## DATES OF PREVIOUS COUNCIL CONSIDERATION

NA

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### Fiscal Impact

**Cost:** \$20,986

**Budgeted (yes or no):** Yes

**Where Budgeted (department/program):** General Fund

#### Additional Fiscal Notes:

The cost of \$20,986 is the amount of Property Tax that Tigard will not collect next year by granting the exemption. Attached to this AIS is a table showing the properties and their estimated values and the impact to Tigard.

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### Attachments

Proposed Resolution

Application-Greenburg Oaks

Application-Tangela Home

Application-Knoll @ Tigard

Application-Village at Washington Square

Memo from CD (Duane Roberts)

Table-Fiscal Impact

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

A RESOLUTION GRANTING AN EXEMPTION FROM PROPERTY TAXES UNDER TIGARD MUNICIPAL CODE SECTION 3.50 FOR FOUR NON-PROFIT LOW-INCOME HOUSING PROJECTS OWNED AND OPERATED BY COMMUNITY PARTNERS FOR AFFORDABLE HOUSING (CPAH)

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WHEREAS, Tigard Municipal Code (TMC) section 3.50 provides procedures for application and consideration of non-profit corporation low-income housing project exemptions from property taxes; and

WHEREAS, the TMC requires applications for exemption be filed with the City by March 1; and

WHEREAS, Community Partners for Affordable Housing (CPAH), a qualified non-profit corporation, filed a request dated February 20, 2011 for exemption from property taxes under TMC 3.50 for four low-income housing projects and meets all the applicable criteria for exemption; and

WHEREAS, upon review of the applications it was found that granting the exemptions would be consistent with the applicable Tigard Municipal Code and also with the adopted City housing policies.

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

SECTION 1: The applicant, Community Partners for Affordable Housing, qualified for the exemption set forth in Tigard Municipal Code Section 3.50.

SECTION 2: The Finance and Information Services Director is directed to certify to the Assessor of Washington County that the City of Tigard agrees to the abatement of property taxes for the following three properties:

- a. Village at Washington Square, 11157-11163 SW Hall Boulevard, Tigard
- b. Single-family house located at 9330 SW Tangela Court, Tigard
- c. Greenburg Oaks, 11875 SW 91<sup>st</sup> Avenue, Tigard
- d. The Knoll @ Tigard, 12291 SW Knoll Drive., Tigard

SECTION 3: This resolution is effective immediately upon passage.

PASSED: This \_\_\_\_\_ day of \_\_\_\_\_ 2011.

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Mayor - City of Tigard

ATTEST:

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City Recorder - City of Tigard



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PO Box 23206 • Tigard OR 97281-3206 • Tel:503-293-4038 • Fax:503-293-4039 • www.cpahinc.org  
• info@cpahinc.org

# **City of Tigard**

## **Application for Tax Abatement**

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February 20, 2011

Greenburg Oaks (formerly Villa La Paz) Apartments  
11875 SW 91st Avenue, Tigard

- A. Property Description**
- B. Project's Charitable Purpose**
- C. Certification of Resident Income Levels**
- D. How Tax Exemption Will Benefit Residents**
- E. Tax Exempt Status**
- F. Verification of Information**
- G. IRS Letter**

## **A. Property Description**

**Greenburg Oaks Apartments (Tax account # R-276472), 11895 SW 91<sup>st</sup> Avenue**, is just off Greenburg Road and Pacific Highway. The site sits on 3.01 acres and consists of 84 units in four buildings: 12 one-bedroom/one-bath 564 square foot units, 60 two-bedroom/one-bath 839 square foot units, and 12 three-bedroom/one-bath 1,007 square foot units. In 1998, CPAH added a Community Center to the complex. The Community Center houses a computer center, library, multipurpose room and property management office. In 2005/2006, CPAH completed a \$3.5 million dollar rehabilitation of the apartment interiors, building exteriors and project site. Highlights of the rehab include: replacing all building siding and windows, re-configure and repave the parking lot, replace all property landscaping, upgrade the recreation facilities, renovate and upgrade project site lighting and signage. Interior work included replacing all waterlines and drains, replacing all cabinets, countertops, light fixtures and most appliances (refrigerators, dishwashers, hot water heaters) with Energy Star rated devices, replacing all window coverings and many carpets, re-texture and repaint all apartments. The project featured energy saving appliances, compact fluorescent light fixtures, better insulation, and low volume plumbing fixtures, all of which have reduced tenant energy costs.

The rehab work was done without displacing any tenants and with very minimal rent increases. As a testament to the quality of the rehab work, vacancies generally average under 5%, accounts payable are current and cash flow is positive most months.

Financing for the project came from a number of public and private grants and low income housing tax credit investments. No new debt was taken on. Approximately \$10,000 of the funding was provided by the City of Tigard Affordable Housing Fee Assistance program. Other funding came from the Meyer Memorial Trust, the Paul Allen Foundation, the Oregon Community Foundation, Washington County Office of Community Development through the CDBG and HOME investment programs, and the State of Oregon. Key Bank increased its investment by over \$2 million dollars.

**Legal Description:** The site is located in the southeast  $\frac{1}{4}$  of Section 35, Township 1 South, Range 1 West (Willamette Meridian).

**Tax Lot:** The Washington County Map shows the site as tax lot 23-74-2000, Parcels I, II, and III.

## **B. Project's Charitable Purpose**

**The mission of Community Partners for Affordable Housing, Inc. (CPAH) is to promote a healthy community through the development of: permanent affordable housing, sustainable economic growth, and community-based partnerships.**

CPAH's acquisition and renovation of the complex has ensured that the previously neglected property is professionally managed as safe, decent, and affordable housing for families with a shrinking number of housing options. Our property has significantly reduced the housing burdens of our families. The efficient delivery of our services has improved the health and prospects of all household members, and served to break the multi-generational cycles of poverty. CPAH's

commitment to 40 years of affordability for those at 50 and 60% of median income guarantees that these apartments will be affordable effectively for the life of the buildings.

CPAH maintains active partnerships with the Tigard Police Department, Tualatin Valley Fire & Rescue, Tigard Libraries, and the Tigard School District to enhance the safety and quality of life for residents and to be sure that our programs are well-coordinated with other community resources. Partnerships with Community Action, Good Neighbor Center, Luke-Dorf, HopeSpring, Neighborhood House, Lifeworks NW and other organizations to provide information and referral as well as emergency services like food boxes and rent and utility assistance. Coordination agreements with these agencies enhances ongoing case management and has provided a fresh start to many families facing significant barriers to moving from homelessness to permanent housing. Several families each year are being reunited with their children as a result of receiving a housing opportunity at Greenburg Oaks. Three of the apartments are reserved for low income families with at least one member in active recovery from alcohol or drug addiction.

The Community Center at Greenburg Oaks is the focal point for support, skill building, and community building activities offered by CPAH through its resident services program which includes after-school and summer youth programs. CPAH's on-site computer learning center is used by youth for homework, research, e-mail, and educational games; and by adults for job search activities and Internet access. The Tigard Library has twice obtained grant resources to purchase children's material for our on-site library.

CPAH offers a variety of adult services as well. These include classes in support of parenting skills, budgeting and other financial literacy skills, and nutritional shopping and cooking. The Community Center is also host to a number of general community activities including rent readiness courses, HopeSpring parenting classes, financial literacy classes, parenting safety skills and budget and nutrition classes. The Community Center hosts weekly meetings for AA, NA, and Alanon groups.

### **C. Certification of Resident Income Levels**

Resident income levels are verified upon application for tenancy and are recertified each year. CPAH has covenants with the state and with Washington County to use the property exclusively for low income rentals for a period of at least 40 years. These covenants require that all households have earnings at or below 60% of the area median income. Some units are restricted to households earning at or below 50%. Compliance with these covenants is monitored by the State of Oregon Department of Housing and Community Services and by the Washington County Office of Community Development. We certify that all apartments in this property are targeted to and remain affordable to households earning at or below 60% of the Area Median Income.

### **D. How Tax Exemption Will Benefit Residents**

100% of the property tax exemption is a direct subsidy for the residents. Every dollar reduction in operating costs is passed on as a reduction in the scheduled rents. Some costs, such as the cost of operating our youth programs, must be funded from outside sources. Without property tax abatement, we would have to shift some of our fundraising efforts from developing sources for these programs and use them instead to cover basic operations.

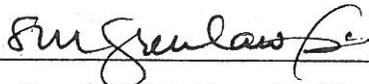
It can be argued that using property tax revenues to subsidize well managed affordable housing units results in a net savings of public resources. Fewer and less-severe police calls, healthier students, and stably housed social service consumers, all provide a direct reduction in the demand for government funded services.

**E. Tax Exempt Status**

CPAH is general partner of the Villa La Paz Limited Partnership, a single asset entity established for the purpose of acquiring the apartments and qualifying for low-income housing tax credits. CPAH's IRS Determination Letter is attached. CPAH undergoes a full independent audit of its books annually, as does Villa La Paz, LP. Both the State of Oregon Housing and Community Services Department and the U.S. Department of Housing and Urban Development review the project and resident files annually.

**F. Verification of Information**

I hereby certify that the information in this application for tax abatement is accurate and complete to the best of my knowledge. Income Property Management Company performs day-to-day management of the property and is responsible for certifying income levels of each resident for compliance with program guidelines.

  
\_\_\_\_\_  
Sheila Greenlaw-Fink, Executive Director

2/22/11  
Date

INTERNAL REVENUE SERVICE  
DISTRICT DIRECTOR  
P. O. BOX 2508  
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date:

MAR 11 1998

COMMUNITY PARTNERS FOR AFFORDABLE  
HOUSING  
PO BOX 23206  
TIGARD, OR 97281-3206

Employer Identification Number:  
93-1155559

DLN:

17053030720009

Contact Person:

THOMAS E O'BRIEN

ID# 31187

Contact Telephone Number:

(877) 829-5500

Our Letter Dated:

February 1995

Addendum Applies:

No

Dear Applicant:

This modifies our letter of the above date in which we stated that you would be treated as an organization that is not a private foundation until the expiration of your advance ruling period.

Your exempt status under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3) is still in effect. Based on the information you submitted, we have determined that you are not a private foundation within the meaning of section 509(a) of the Code because you are an organization of the type described in section 509(a)(1) and 170(b)(1)(A)(vi).

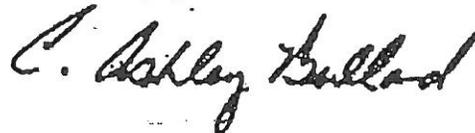
Grantors and contributors may rely on this determination unless the Internal Revenue Service publishes notice to the contrary. However, if you lose your section 509(a)(1) status, a grantor or contributor may not rely on this determination if he or she was in part responsible for, or was aware of, the act or failure to act, or the substantial or material change on the part of the organization that resulted in your loss of such status, or if he or she acquired knowledge that the Internal Revenue Service had given notice that you would no longer be classified as a section 509(a)(1) organization.

If we have indicated in the heading of this letter that an addendum applies, the addendum enclosed is an integral part of this letter.

Because this letter could help resolve any questions about your private foundation status, please keep it in your permanent records.

If you have any questions, please contact the person whose name and telephone number are shown above.

Sincerely yours,



District Director

Letter 1050 (DO/CG)



# **City of Tigard**

## **Application for Tax Abatement**

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February 20, 2011

Tangela Single Family Rental Home  
9330 SW Tangela

- A. Property Description**
- B. Project's Charitable Purpose**
- C. Certification of Resident Income Levels**
- D. How Tax Exemption Will Benefit Residents**
- E. Tax Exempt Status**
- F. Verification of Information**
- G. IRS Letter**

## **A. Property Description**

**Community Partners for Affordable Housing, Inc. acquired the single family “Tangela House” at 9330 SW Tangela in Tigard, on December 31, 1999, with assistance from the Washington County CDBG program and a loan from Washington Mutual Savings Bank. It is located just two blocks from CPAH’s multifamily project, Greenburg Oaks Apartments.**

The two story 1,916 square foot house sits on a 5,450 square foot lot and is zoned R-7 residential. CPAH converted an upstairs bonus room into a 5th bedroom and completed other necessary repairs after initial acquisition.

In late 2006, the long term resident of the house gave notice that her family was growing and they were moving out of the area. We consider this a very successful outcome of a long term occupancy providing a stable neighborhood environment to raise a family that had previously experienced transient and sub-standard housing.

The house underwent more than \$5,000 in repairs and replacements and was re-rented to another large low income family in February 2007. This family remains as the resident today,

**Legal Description:** Barbee Court, Lot 1, Tigard, County of Washington, State of Oregon.

**Tax Lot:** 1S135DC-05300.

## **B. Project’s Charitable Purpose**

**The mission of Community Partners for Affordable Housing, Inc. (CPAH) is to promote a healthy community through the development of permanent affordable housing, sustainable economic growth, and community-based partnerships.**

CPAH acquired the four-bedroom single family home in order to assist the County and the Good Neighbor Center Shelter in meeting a “replacement unit” requirement triggered by the Uniform Relocation Act when the shelter acquired its current site and demolished a single family home housing a low-income family. CPAH completed needed repairs and upgraded the home to a five-bedroom dwelling, in order to provide a rare opportunity in our community — an affordable single-family rental house for a very large family.

The home is proximate to CPAH’s Greenburg Oaks property, where management and resident services are available to the household. These services include a computer center, community room, Food Bank distribution, neighborhood watch, and other programs.

The home is located within a census tract (309) which has a higher than average concentration of low-income rental households. The number of residents without a high school diploma is notably higher than for Tigard as a whole (15% vs. 9%). This area boasted the second highest concentration of children under 9 of the eight census tracts in Tigard. While this area represents 9% of Tigard’s population base, it is home to nearly 16% of the city’s minority households.

**C. Certification of Resident Income Levels**

Resident income level is verified upon application, and must be less than 60% of the area's median income. Income is recertified annually. We certify that all residents served by this property earned at or below 60% of the AMI.

**D. How Tax Exemption Will Benefit Residents**

100% of the property tax exemption is passed on as a direct subsidy for the residents. Every dollar reduction in operating costs results in a reduction in the scheduled rents. Some costs, such as the cost of operating our youth programs, must be funded from outside sources. Without property tax abatement, we would have to shift some of our fundraising efforts from developing sources for these programs and use them instead to cover basic operations.

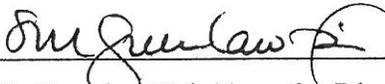
It can be argued that using property tax revenues to subsidize well managed affordable housing units results in a net savings of public resources. Fewer and less-severe police calls, healthier students, and stably housed social service consumers, all provide a direct reduction in the demand for government funded services.

**E. Tax Exempt Status**

CPAH is direct owner of the Tangela property and is a nonprofit 501(c)(3) organization. Our operations are audited annually to, among other things, confirm that we are in compliance with our charitable status and with requirements of the County grant and Washington Mutual loan documents.

**Verification of Information**

I hereby certify that the information in this application for tax abatement is accurate and complete to the best of my knowledge. Income Property Management Company performs day-to-day management of the property and is responsible for certifying income levels of each resident for compliance with program guidelines.

  
\_\_\_\_\_  
Sheila Greenlaw-Fink, Executive Director

2/22/11  
Date

INTERNAL REVENUE SERVICE  
DISTRICT DIRECTOR  
P. O. BOX 2508  
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date:

MAR 11 1998

COMMUNITY PARTNERS FOR AFFORDABLE  
HOUSING  
PO BOX 23206  
TIGARD, OR 97281-3206

Employer Identification Number:  
93-1155559

DLN:

17053030720009

Contact Person:

THOMAS E O'BRIEN

ID# 31187

Contact Telephone Number:

(877) 829-5500

Our Letter Dated:

February 1995

Addendum Applies:

No

Dear Applicant:

This modifies our letter of the above date in which we stated that you would be treated as an organization that is not a private foundation until the expiration of your advance ruling period.

Your exempt status under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3) is still in effect. Based on the information you submitted, we have determined that you are not a private foundation within the meaning of section 509(a) of the Code because you are an organization of the type described in section 509(a)(1) and 170(b)(1)(A)(vi).

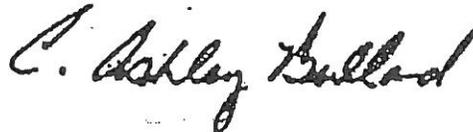
Grantors and contributors may rely on this determination unless the Internal Revenue Service publishes notice to the contrary. However, if you lose your section 509(a)(1) status, a grantor or contributor may not rely on this determination if he or she was in part responsible for, or was aware of, the act or failure to act, or the substantial or material change on the part of the organization that resulted in your loss of such status, or if he or she acquired knowledge that the Internal Revenue Service had given notice that you would no longer be classified as a section 509(a)(1) organization.

If we have indicated in the heading of this letter that an addendum applies, the addendum enclosed is an integral part of this letter.

Because this letter could help resolve any questions about your private foundation status, please keep it in your permanent records.

If you have any questions, please contact the person whose name and telephone number are shown above.

Sincerely yours,



District Director

Letter 1050 (DO/CG)

# City of Tigard

# Application for Tax Abatement

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February 20, 2011

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The Knoll @ Tigard

12291 SW Knoll Drive

Tigard, Oregon 97223

**A. Property Description**

**B. Project's Charitable Purpose**

**C. Certification of Resident Income Levels**

**D. How Tax Exemption Will Benefit Residents**

**E. Tax Exempt Status**

**F. Verification of Information**

**G. IRS Letter**

## **A. Property Description**

The Knoll @ Tigard will open by April 4, 2011 with final project work in process. The Knoll @ Tigard is located at 12291 SW Knoll Drive in Tigard. The location fronts on Hall Boulevard between SW Hunziker and SW Knoll. This site is a prime example of urban development, perched on the edge of the developing downtown of the City of Tigard, walking distance to the library, senior center, transportation, shopping and a variety of other amenities. Previously, three parcels of land totaling 1 acre supported only 3 single family residences. Following the recent zone change, and consistent with the long range goals of the City development plans, The Knoll @ Tigard brings this density to nearly 50 units per acre. The design takes advantage of a site with an established infrastructure of utilities, adjacent transportation and services, and enhances it's potential as a catalyst for respectful development of the urban neighborhood. The project receives a "very walkable" rating from Walkscore.com.

The Knoll @ Tigard is a 45,000 square foot, 48-unit apartment building providing active living for independent, low-income seniors along with common rooms and meeting space. Streetscape improvements were required on all 3 street frontages, including development of sidewalks, planting strips with street trees and below-grade utilities. Public spaces including entry courtyards and site walks are well lit. The Knoll @ Tigard is a secure access building with a surveillance system.

The total site contains .98 acres.

Legal Description: see attached Exhibit A

Tax Lot: R458454, R458436, R458445

## **B. Project's Charitable Purpose**

**The mission of Community Partners for Affordable Housing, Inc. (CPAH) is to promote a healthy community through the development of: permanent affordable housing, sustainable economic growth, and community-based partnerships.**

The Knoll @ Tigard is CPAH's first affordable units for seniors in Tigard and compliments CPAH's affordable units for seniors in Hillsdale. The 48 units are affordable to very low and low income residents on a permanent basis (The Knoll @ Tigard provides affordable housing for a minimum of sixty (60) years, with maximum rents regulated by covenants on the property). Rents are affordable to households at 30% to 60% of area median income and below market rents. 45 of the units are one bedroom units and 3 of the units are two bedroom units (1 of which for the on-site manager). 12 of the one bedroom units are Project Based Section 8 units through the Washington County Housing Authority and are set-aside for Veterans.

CPAH has expanded its community partnerships with the Tigard Police, the Tigard Library and the VA.. Community building is provided through resident services programs and outreach. The Community Room is the focal point for community building activities and includes a computer center for residents.

## **C. Certification of Resident Income Levels**

Resident income levels are certified upon application. Residents may remain in their units as long as they income qualify at entry. Rents are \$597 per month for the one-bedroom apartments deemed at 13% below market rates. Rents are \$707 per month for the two-bedroom apartments. Water, sewer and trash are included in the monthly rental.

#### **D. How Tax Exemption Will Benefit Residents**

The property tax exemption is a direct savings for the residents, allowing for reduced operating costs which results in affordable reduced rents for the seniors at The Knoll. For both the initial development, and long term operations of the project, full tax abatement is essential. The project pro forma allowed for the construction of The Knoll which meets all City and State design requirements along with affordable rents for our seniors.

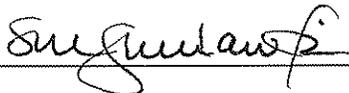
The Knoll includes financing through Washington County HOME and CDBG funds, State of Oregon Trust Fund and Tax Credits. JP Morgan Chase is the private lender with Enterprise Neighborhood Partners as the investor (under the tax credit program). Tax abatement was critical in meeting lender and investor requirements while keeping rents affordable for The Knoll @ Tigard. Tax abatement is a direct benefit to senior residents who will pay lower rents. Tax abatement is key to the long-term sustainability of the project operating with affordable rents for seniors.

#### **E. Tax Exempt Status**

CPAH, an Oregon non-profit, is the general partner of The Knoll @ Tigard Limited Partnership, a single asset entity. CPAH's IRS Determination Letter is attached. CPAH undergoes full audit of its books annually, as will The Knoll @ Tigard. Mark Schwing of Markusen & Schwing in Beaverton currently provides audit services for CPAH and CPAH's single asset properties. The State of Oregon Housing and Community Services Department and the U.S. Department of Housing and Urban Development both will inspect and audit the project annually. The tax credit investor (Limited Partner) also monitors the project on a monthly basis and physically inspects on an annual basis.

#### **F. Verification of Information**

As CPAH's executive director, I hereby certify that the information in this application for tax abatement is accurate and complete to the best of my knowledge. Income Property Management provides the day-to-day management of the property and is responsible for certifying income levels of each resident for compliance with program guidelines. If additional information is desired on any aspect of this application, please do not hesitate to call. Thank you in advance for your consideration.

  
\_\_\_\_\_

Sheila Greenlaw-Fink, CPAH Executive Director

Date: 2/22/11

\_\_\_\_\_

**EXHIBIT A****Legal Description of the Property****PARCEL I:**

Lot 3, according to the duly filed plat of KNOLL ACRES, in the City of Tigard, filed December 15, 1948, in Plat Book 12, Page 30, Records of the County of Washington and State of Oregon.

EXCEPTING THEREFROM the following described tract conveyed to the State of Oregon, by and through its State Highway Commission by Deed recorded April 13, 1959, Book 416, Page 303.

**PARCEL II:**

Lot 4, according to the duly filed plat of KNOLL ACRES, in the City of Tigard, filed December 15, 1948, in Plat Book 12, Page 30, Records of the County of Washington and State of Oregon.

EXCEPTING THEREFROM that parcel deeded to the State of Oregon by and through its State Highway Commission, by Warranty Deed, recorded September 25, 1958, in Book 409, Page 506, Deed records Washington County, Oregon.

ALSO EXCEPTING THEREFROM that parcel deeded to the City of Tigard by Document Recorded June 25, 1981 as Recorder's Fee No. 81021925, Deed of Records, Washington County.

**PARCEL III:**

Lot 5, according to the duly filed plat of KNOLL ACRES, in the City of Tigard, filed December 15, 1948, in Plat Book 12, Page 30, Records of the County of Washington and State of Oregon.

EXCEPT that portion deeded to the City of Tigard in Document recorded September 5, 1975, in Book 1043, Page 967.

ALSO EXCEPTING THEREFROM that parcel deeded to the City of Tigard by Document recorded June 25, 1981 as Recorder's Fee No. 81021925, Deed Records, Washington County.

This property is free of encumbrances created or suffered by Grantor, EXCEPT:

1. The subject property lies within the boundaries of the Unified Sewerage Agency and is subject to the levies and assessments thereof.
2. Restrictive covenants to waive future rights of remonstrance against the formation of a local improvement district, Recorded: August 14, 1984 as Recorder's Fee No 84032022; Type of Improvement: Street (Affects Parcels I and III). A memorandum was recorded between grantor and grantee on June 14, 1996 as Recorder's Fee No. 96053520.

EXHIBIT B

(218)  
2/1/99

INTERNAL REVENUE SERVICE  
DISTRICT DIRECTOR  
P. O. BOX 2508  
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date:

MAR 11 1995

COMMUNITY PARTNERS FOR AFFORDABLE  
HOUSING  
PO BOX 23206  
TIGARD, OR 97281-3206

Employer Identification Number:  
93-1155559

DLN:

17053030720009

Contact Person:

THOMAS E O'BRIEN

ID# 31187

Contact Telephone Number:

(877) 829-5500

Our Letter Dated:

February 1995

Addendum Applies:

No

Dear Applicant:

This modifies our letter of the above date in which we stated that you would be treated as an organization that is not a private foundation until the expiration of your advance ruling period.

Your exempt status under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3) is still in effect. Based on the information you submitted, we have determined that you are not a private foundation within the meaning of section 509(a) of the Code because you are an organization of the type described in section 509(a)(1) and 170(b)(1)(A)(vi).

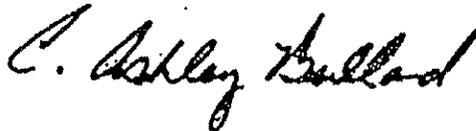
Grantors and contributors may rely on this determination unless the Internal Revenue Service publishes notice to the contrary. However, if you lose your section 509(a)(1) status, a grantor or contributor may not rely on this determination if he or she was in part responsible for, or was aware of, the act or failure to act, or the substantial or material change on the part of the organization that resulted in your loss of such status, or if he or she acquired knowledge that the Internal Revenue Service had given notice that you would no longer be classified as a section 509(a)(1) organization.

If we have indicated in the heading of this letter that an addendum applies, the addendum enclosed is an integral part of this letter.

Because this letter could help resolve any questions about your private foundation status, please keep it in your permanent records.

If you have any questions, please contact the person whose name and telephone number are shown above.

Sincerely yours,



District Director

Letter 1050 (DO/CG)



# **City of Tigard**

## **Application for Tax Abatement**

---

February 20, 2011

Village at Washington Square

11157-11163 SW Hall Boulevard, Tigard

- A. Property Description**
- B. Project's Charitable Purpose**
- C. Certification of Resident Income Levels**
- D. How Tax Exemption Will Benefit Residents**
- E. Tax Exempt Status**
- F. Verification of Information**
- G. IRS Letter**

## **A. Property Description**

**Village at Washington Square is located at 11157-11163 SW Hall Boulevard**, between SW Spruce and SW Pfaffle in Tigard. The site is located within the Washington Square Regional Center and is proximate to many employment opportunities as well as public transportation and other services. The Village at Washington Square includes three residential buildings with a total of 26 dwelling units, and a community building, all arranged around a central courtyard/play yard. The project includes one studio, seven one-bedroom, five two-bedroom, seven three-bedroom and six four-bedroom units. Eleven of the units are traditional apartment flats, while the other 15 are two-story townhomes with bedrooms above the main floor living space. The project includes a community green space with benches, a path and a butterfly garden. The total site sits on .84 acres.

**Legal Description:** Partition Plat 1998-038, Lot 1 and Partition Plat 1998-038, Lot 2 in the City of Tigard, County of Washington, State of Oregon

**Tax Lot:** 1S135DA (04600 & 04700)

## **B. Project's Charitable Purpose**

**The mission of Community Partners for Affordable Housing, Inc. (CPAH) is to promote a healthy community through the development of: permanent affordable housing, sustainable economic growth, and community-based partnerships.**

When it opened in 2002, The Village at Washington Square was the first addition of affordable units to the Tigard housing stock in a decade. The 26 units are priced to be affordable to very low, low, and moderate-income residents. The project is subject to an extended use agreement to keep the rents affordable for 60 years, effectively the full life of the project. This covenant is recorded with the title of the property and requires that rents will be affordable to households at 30%, 45% and 60% of area median income and significantly below market rents. Half of the units are three and four bedroom apartments serving larger families who are often unable to find affordable rental opportunities in Tigard.

CPAH maintains active partnerships with the Tigard Police Department, Tualatin Valley Fire & Rescue, Tigard Libraries, and the Tigard School District to enhance the safety and quality of life for residents and to ensure that our programs are well-coordinated with other community resources. CPAH works closely with Community Action and other agencies to provide information and referral as well as emergency services such as food boxes as well as rent and utility assistance. Coordination agreements with social service programs such as HopeSpring (a partnership of Lutheran Family Services, Community Action Organization, Good Neighbor Center, Luke-Dorf, and Lifeworks NW enhance ongoing case management and link stable housing with successful program outcomes.

The Community Center at The Village at Washington Square is the focal point of the support, skill building, and community building activities offered by CPAH through its resident services programs. CPAH's on-site computer learning center is used by youth for homework, research, e-mail, and educational games; and by adults for job search activities and Internet access.

CPAH offers a variety of adult services as well. These include Neighborhood Watch, classes in support of parenting skills, budgeting and other financial literacy skills, and nutritional shopping and cooking. The center is also host to weekly HopeSpring self-sufficiency classes.

The Village at Washington Square is located within a census tract (309) which has a higher than average concentration of low-income rental households. The number of residents without a high school diploma is notably higher than for Tigard as a whole (15% vs. 9%). This area has the second highest concentration of children under 9 of the eight census tracts in Tigard. While this area represents 9% of Tigard's population, it is home to nearly 16% of the city's minority households.

**C. Certification of Resident Income Levels**

Resident income levels are verified upon application for tenancy. Residents may remain in their units as long as they income qualify at entry. Rents are well below the market for the area. We certify that all apartments in this project are targeted to and remain affordable to households earning at or below 60% of the AMI. Compliance with income restriction requirements is audited annually by the State of Oregon Department of Housing and Community Services, Washington County Office of Community Development, and by our limited partner investor, Key Bank.

**D. How Tax Exemption Will Benefit Residents**

100% of the property tax exemption is a direct subsidy for the residents. Every dollar reduction in operating costs is passed on as a reduction in the scheduled rents. Some costs, such as the cost of operating our youth programs, must be funded from outside sources. Without property tax abatement, we would have to shift some of our fundraising efforts from developing sources for these programs and use them instead to cover basic operations.

It can be argued that using property tax revenues to subsidize well managed affordable housing units results in a net savings of public resources. Fewer and less-severe police calls, healthier students, and stably housed social service consumers, all provide a direct reduction in the demand for government funded services.

**E. Tax Exempt Status**

CPAH is the general partner of the Village at Washington Square Limited Partnership, a single entity asset. CPAH's IRS Determination Letter is attached. CPAH undergoes full audit of its books annually, as does the Village at Washington Square. The State of Oregon Housing and Community Services Department and the U.S. Department of Housing and Urban Development review the project and resident files annually.

**F. Verification of Information**

I hereby certify that the information in this application for tax abatement is accurate and complete to the best of my knowledge. Income Property Management Company performs day-to-day management of the property and is responsible for certifying income levels of each resident for compliance with program guidelines.

  
\_\_\_\_\_  
Sheila Greenlaw-Fink, Executive Director

2/22/11  
Date

INTERNAL REVENUE SERVICE  
DISTRICT DIRECTOR  
P. O. BOX 2508  
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date:

MAR 11 1999

COMMUNITY PARTNERS FOR AFFORDABLE  
HOUSING  
PO BOX 23206  
TIGARD, OR 97281-3206

Employer Identification Number:  
93-1155559

DLN:  
17053030720009

Contact Person:  
THOMAS E O'BRIEN

ID# 31187

Contact Telephone Number:  
(877) 829-5500

Our Letter Dated:  
February 1995

Addendum Applies:  
No

Dear Applicant:

This modifies our letter of the above date in which we stated that you would be treated as an organization that is not a private foundation until the expiration of your advance ruling period.

Your exempt status under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3) is still in effect. Based on the information you submitted, we have determined that you are not a private foundation within the meaning of section 509(a) of the Code because you are an organization of the type described in section 509(a)(1) and 170(b)(1)(A)(vi).

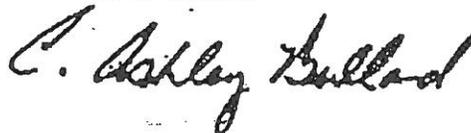
Grantors and contributors may rely on this determination unless the Internal Revenue Service publishes notice to the contrary. However, if you lose your section 509(a)(1) status, a grantor or contributor may not rely on this determination if he or she was in part responsible for, or was aware of, the act or failure to act, or the substantial or material change on the part of the organization that resulted in your loss of such status, or if he or she acquired knowledge that the Internal Revenue Service had given notice that you would no longer be classified as a section 509(a)(1) organization.

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Sincerely yours,



District Director

Letter 1050 (DO/CG)



# MEMORANDUM

TO: Toby LaFrance, Finance and Information Services Director

FROM: Duane Roberts, Project Planner *DR*

RE: CPAH Tax Exemption Application

DATE: March 2, 2011

The Tigard-based Community Partners for Affordable Housing (CPAH) has submitted separate applications for low-income housing tax exemptions for each of the four properties it owns and manages inside the City. The three include the 26-unit Village at Washington Square, the 84-unit Greenburg Oaks, and a four-bedroom single family house located two blocks from the Greenburg Oaks units at 9330 SW Tangela, and the Knoll @ Tigard at 12291 SW Knoll Drive.

TMC 3.50.020, "Nonprofit corporation low income housing; exempt criteria", provides standards for considering exemption requests. Whether and how the CPAH applications meet each of these standards is detailed below.

**1. The property is owned or being purchased by a corporation that is exempt from income taxes under section 501(c) (3) or (4) of the Internal revenue Code . . .**

A copy of an Internal Revenue Service letter, dated March 11, 1999, verifies that CPAH qualifies as a 501(c) organization.

**2. Upon liquidation, the assets of the corporation are required to be applied first in payment of all outstanding obligations, and the balance remaining, in cash and in kind, to be distributed to corporations exempt from taxation and operated exclusively for religious, charitable, scientific, literary or educational purposes or to the State of Oregon.**

The list of submittal requirements under TMC 3.50.040 does not include any reference to information on asset liquidation, and the CPAH applications do not contain any such information. The director, Sheila Greenlaw-Fink, verbally has confirmed to staff that the organization's incorporation papers do, indeed, include a provision of this kind.

**3. The property is occupied by low income persons.**

The TMC defines low income as household income at or below 60% of area median. According to the CPAH submittals, in the case of all three of its projects, tenant income is verified upon application and is re-certified on an annual basis. Household income at or below 60% of median is the cut-off for continued

eligibility. Within each of its applications, CPAN certifies that all residents served by the three properties in question earn at or below the 60% level.

**4. The property or portion of the property receiving the exemption, is actually and exclusively used for the purposes described in section 501 (c) (3) or (4) of the Internal Revenue Code . . .**

The applications certify and a staff visit to the Greenburg Oaks and Village at Washington Square apartments confirms that those properties are exclusively used for the intended purposes. The Knoll @ Tigard is scheduled to open in April, 2011.

**5. The exemption has been approved as provided in section 3.50.050**

This criterion relates to the required City process for handling exemption requests.

**Conclusion:**

CPAH-owned properties have qualified for tax abatement every year since 1996. According to the applications submitted for 2011 abatement, no changes in circumstances have occurred that would disqualify the non-profit housing provider from continuing to receive the exemption.

The "Affordable Housing Program", adopted 9/03 as "a complete and official statement of the City's overall affordable housing program", includes tax abatement as one of the City's strategies for facilitating affordable housing in the community. The abatement's purpose is to allow the operators of low-income housing to decrease annual operating expenses, thereby allowing them to serve lower-income households. According to the CPAH applications, if granted, 100% of the property tax exemptions would continue to be passed on as a direct subsidy for its residents.

Therefore, granting the exceptions to CPAH would be consistent with the applicable TMC standards and also with adopted City housing policies.

AIS-Fiscal Impact of Tax Abatement

Property	Estimated Market Value*	City of Tigard Tax Rate (Including Bond Levy)	City of Tigard Property Tax Impact (Estimated)	Total Tax Rate	Total Property Tax Impact
Village at Washington Square	\$1,728,210	\$2.9968/\$1,000	\$5,179	\$16.4031/\$1,000	\$28,348
Single Family Home – 9330 SW Tangela Ct.	\$245,040	\$2.9968/\$1,000	\$734	\$16.4031/\$1,000	\$4,019
Greenburg Oaks	\$4,680,720	\$2.9968/\$1,000	\$14,027	\$16.4031/\$1,000	\$76,778
The Knoll @ Tigard	\$349,130	\$2.9968/\$1,000	\$1,046	\$16.4031/\$1,000	\$5,727
Total Impact			\$20,986		\$114,872

\* Because these properties have been exempted from property taxation in the past, Washington County does not show a current assessed value. These figures are an estimated market value.

**AIS-338**

**Item #: 6.**

**Business Meeting**

**Date:** 03/22/2011

**Length (in minutes):** 30 Minutes

**Agenda Title:** Briefing on the Economic Opportunities Analysis

**Submitted By:** Darren Wyss  
Community Development

**Item Type:** Update, Discussion, Direct Staff

**Meeting Type:**

Council Business Meeting - Main

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**ISSUE**

Receive briefing on draft Tigard Economic Opportunities Analysis (EOA) prior to its consideration at a Planning Commission public hearing in April 2011.

**STAFF RECOMMENDATION / ACTION REQUEST**

Council is requested to receive a briefing about the EOA from staff.

**KEY FACTS AND INFORMATION SUMMARY**

The City of Tigard is conducting an Economic Opportunities Analysis (EOA) as part of state required Periodic Review of the Comprehensive Plan. The completion of an EOA is a specific task in Tigard's Periodic Review work program. Tigard has received grant funds from the Department of Land Conservation and Development (DLCD) for consultant assistance to complete this task.

The EOA must be developed in compliance with OAR 660, Division 9 (Goal 9), and is a technical study that compares the projected demand for industrial and other employment land to existing land supply. The process helps communities implement their local economic development objectives and informs implementation of economic employment development policies in the Comprehensive Plan.

The Planning Commission has acted as the advisory committee for the project, reviewing each task during the process to complete the EOA. The anticipated outcomes of the project are: 1) An understanding of the characteristics of Tigard's employment lands and their adequacy to accommodate future economic activity; 2) proposed economic development policies and action measures as a basis to plan for a supply of appropriately zoned land necessary for existing businesses to expand and to accommodate future economic activities.

The Planning Commission has completed its final review of the staff proposed draft EOA (see attached Executive Summary) and is prepared to hold a public hearing on the document. Three different "land need" scenarios were analyzed. Each scenario identified an appropriate amount of future employment, commercial, and industrial lands to accommodate projected job growth. It is anticipated that the "land efficient" scenario is appropriate for the City of Tigard. This scenario would not require any rezoning of vacant property at this time and its selection can be based on the following preliminary findings:

- The City has a limited supply of vacant industrial and employment lands.
- The City is currently limited in its ability to expand its boundary to increase its industrial/employment land base.
- The City has a good supply of properties that meet the definition of "high redevelopment potential."
- The City's strategy is to redevelop Downtown Tigard, the Tigard Triangle, the Washington Square Regional Center, and the Pacific Highway Corridor.
- The City has a future opportunity to jump-start redevelopment with the arrival of high capacity transit.

The final step of the draft EOA was to develop implementation measures. After a review of existing Comprehensive Plan policies and recommended action measures, the proposed EOA includes some minor changes to Comprehensive Plan language to reaffirm the City's vision and to ensure compliance with state requirements. The

next step is adopt the EOA as a component of Tigard's Comprehensive Plan. The following is the anticipated schedule to complete the EOA task

- April 4, 2011 - Planning Commission Public Hearing
- May 10, 2011 - City Council Public Hearing
- May 31, 2011 - End of Grant Contract and Submit to DLCD

## **OTHER ALTERNATIVES**

N/A

## **COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS**

1. Implement Comprehensive Plan
2. Implement Downtown and Town Center Redevelopment Opportunities

## **DATES OF PREVIOUS COUNCIL CONSIDERATION**

August 8, 2010 - Periodic Review Update

February 15, 2011 - Economic Opportunities Analysis Briefing

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### **Fiscal Impact**

**Cost:** \$35,000

**Budgeted (yes or no):** Yes

**Where Budgeted (department/program):** CD Dept.

#### **Additional Fiscal Notes:**

The Oregon Department of Land Conservation and Development committed \$35,000 from its Periodic Review Grant program to fund an Economic Opportunities Analysis. The City hired Cogan Owens Cogan to perform the work. The City is not required to provide matching funds, but provides in-kind contributions of staff time and materials to aid in completing the project.

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### **Attachments**

EOA Presentation

EOA Executive Summary

City of Tigard  
Economic Opportunities Analysis

City Council Briefing  
March 22, 2011

# Goals of the Meeting

- Recap purpose of EOA
- Review 6 completed tasks
  - Task 1 - CEDOs
  - Task 2 – Trends Analysis
  - Task 3 – Site Suitability Analysis
  - Task 4 – Inventory of Suitable Sites
  - Task 5 – Assessment of Potential
  - Task 6 – Implementation Recommendations
- Next Steps

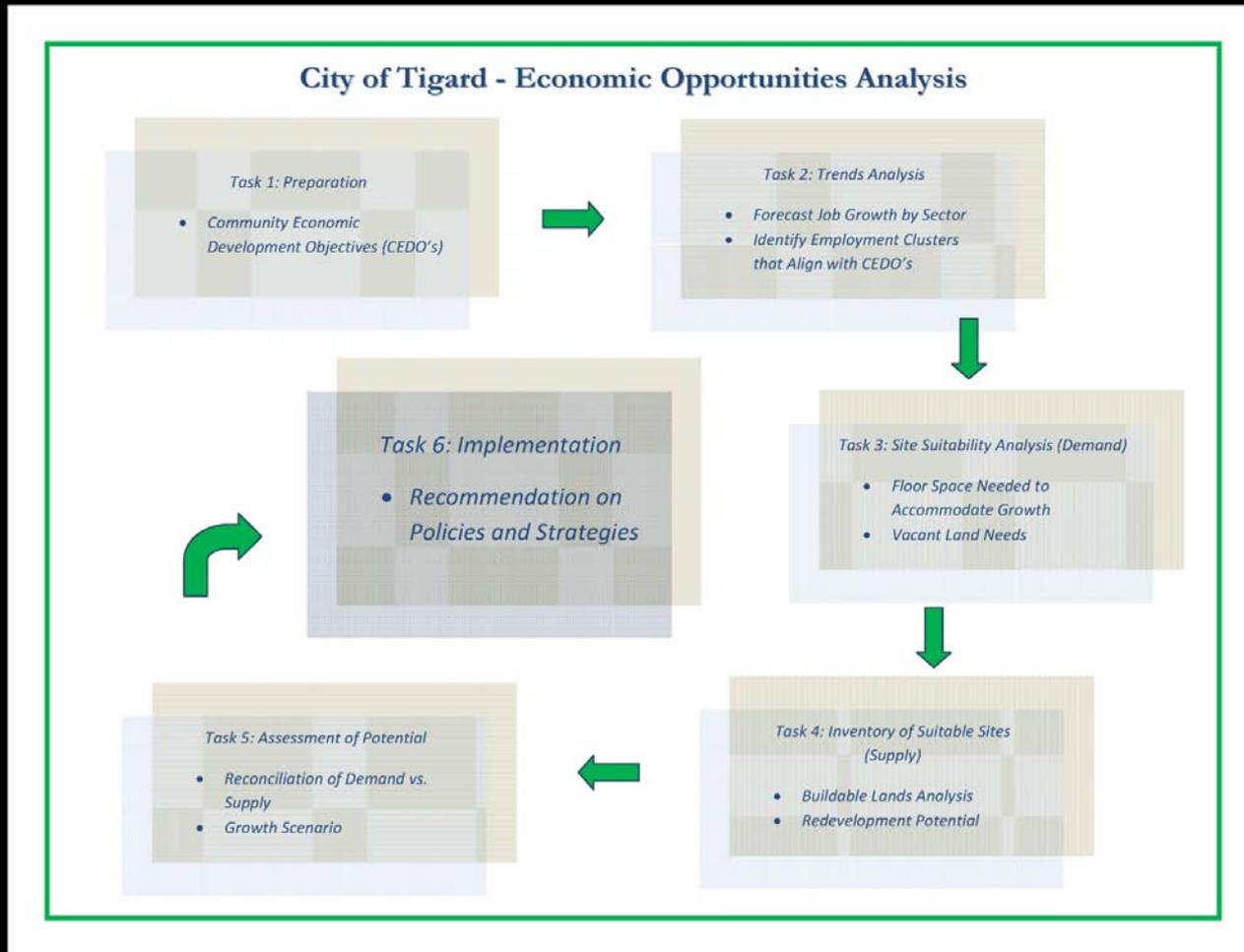


# Economic Opportunities Analysis

- Required by OAR 660, Division 9
- Tigard Periodic Review Requirement
- Technical Study
  - Compares projected 20-year industrial and employment land demand to existing supply
  - Ensure adequate supply of land for industrial and employment uses



# EOA Process



# Task 1: CEDOs

1. Encourage family-wage jobs
2. Develop existing industry clusters
3. Promote efficient development of employment lands
4. Ensure flexible and adaptive regulatory practices
5. Focus growth in designated centers and corridors
6. Limit retail and service uses in industrial areas; support neighborhood commercial areas
7. Encourage businesses that are environmentally and economically sustainable



## Task 2: Trends Analysis

- Forecast job growth by sector
- What type of growth is probable for Metro region?
- What type of growth do we want in Tigard?
  - Family-wage employment
  - Targeted clusters



## Task 3: Site Suitability Analysis (Demand)

- Project land needs based on forecast job growth
  - Analyzed three “land need” scenarios
- Floor space needed to accommodate growth
  - General job sector by building type
  - Redevelopment/vacant building assumptions
- Vacant land needs

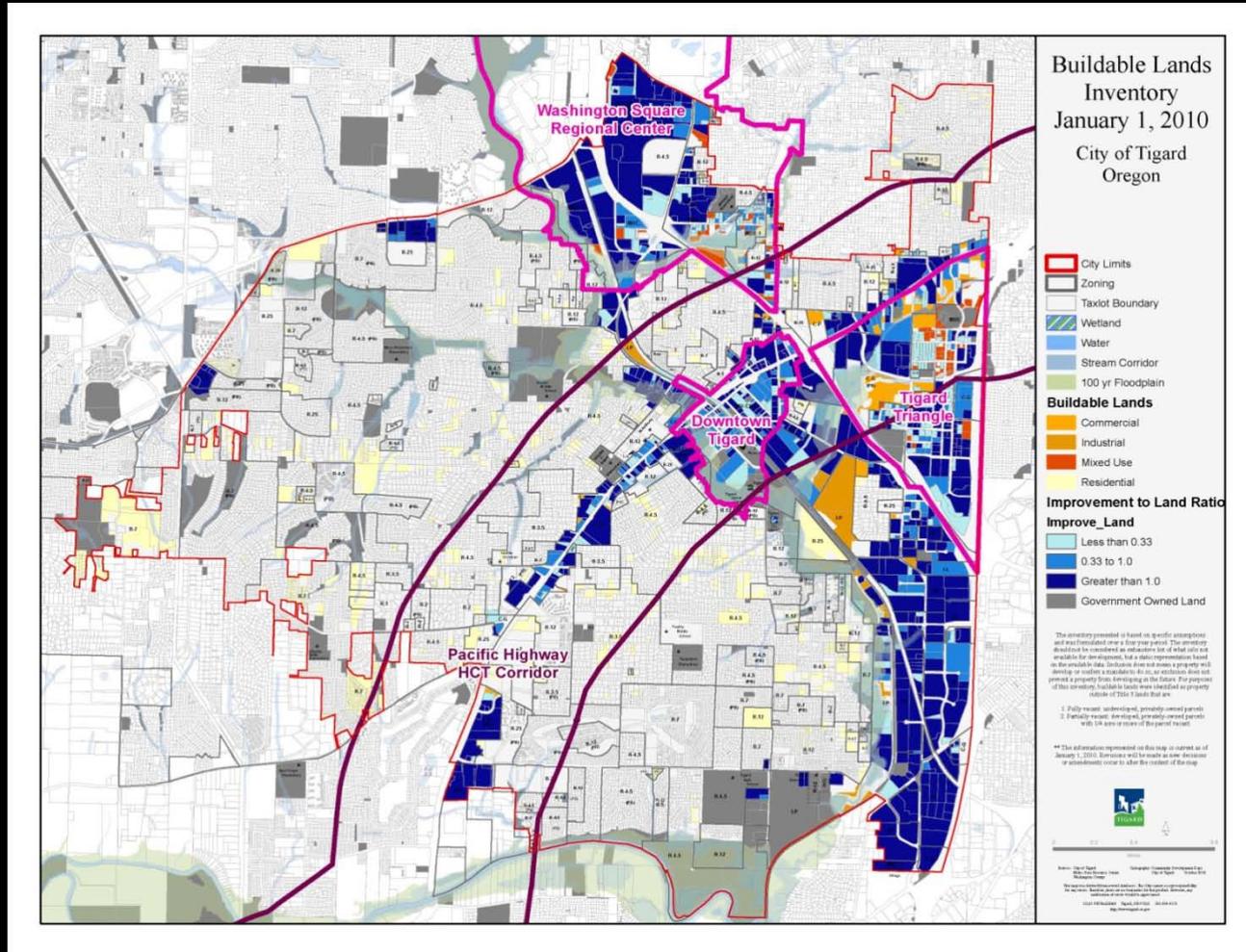


## Task 4: Inventory of Suitable Sites (Supply)

- Buildable lands analysis
  - Supply of vacant industrial, commercial, and mixed-use zoned properties
- Redevelopment potential
  - Based on improvement to land ratio
  - High, moderate, and low potential
- Check capacity to accommodate cluster needs



# Task 4: Inventory of Suitable Sites (Supply)



## Task 5: Assessment of Potential

- Reconciliation of demand vs. supply
  - Analyzed three “land need” scenarios
- “Land efficient” scenario is appropriate
- Requires no rezoning of vacant property
- Consistent with current conditions and identified City “vision”



## Task 5: Assessment of Potential

- City has a limited supply of vacant industrial & employment lands
- City is limited in ability to expand boundaries
- Good supply of “high redevelopment potential”
- Redevelopment Vision
  - Downtown, Triangle, 99W Corridor, WSRC
- Future opportunity with HCT



# Task 6: Implementation Recommendations

- Review existing Comp Plan language
- Two types of recommendation:
  - Implement the EOA (policies)
    - CEDOs
    - State requirements
    - Commission suggestions
  - Address future economic development activities (recommended action measures)



# EOA Next Steps

- April 4<sup>th</sup> – Planning Commission Public Hearing
- May 10<sup>th</sup> – City Council Public Hearing
- May 31<sup>st</sup> – Grant Contract Ends



## Executive Summary

The City of Tigard has conducted an Economic Opportunities Analysis (EOA) as required by its Periodic Review work program to update its Comprehensive Plan. The City received grant funds from the Department of Land Conservation and Development (DLCD) for technical consultant assistance to complete this task. The EOA was developed in compliance with OAR 660 Division 9 (Statewide Planning Goal 9: Economic Development). The EOA is in-part a technically-based study that compares projected demand for land for industrial and other employment uses to the existing supply of such land. At the same time, it provides economic development policies and actions consistent with emerging economic opportunities, market trends, and local vision

### Vision and Goals

In March 2008, as part of a robust public process, the City of Tigard updated the Economic Development chapter of its Comprehensive Plan. The chapter included the City's vision and goals for economic development to read:

#### Vision

The City shall have a strong and resilient local economy with a diverse portfolio of economic activity: retail, professional service and industrial jobs.

#### Goals

1. Develop and maintain a strong, diversified and sustainable local economy.
2. Make Tigard a center and incubator for innovative businesses including those that focus on environmental sustainability.
3. Make Tigard a prosperous and desirable place to live and do business.

### Demographic and Employment Trends

Tigard has been increasing in population at a slower rate (1.3%) than Washington County, but above Oregon and national growth rates. Tigard population is estimated to be 47,460 as of 2009, up from 42,260 residents in 2,000. Tigard currently is relatively "jobs rich" with a positive ratio of 2.3 jobs per household, which is well above the tri-county Metro regional average of 1.5 jobs per household. This is understandable given Tigard's concentration of regional employment centers, including Washington Square Mall, the "Tigard Triangle" employment area near the confluence of I-5/Hwy. 217, and pockets of industrial uses along the Hwy. 217 corridor.

Tigard also is home to a number of large retail employers at Washington Square Mall as well as several large high-tech manufacturing, construction contractors, professional, business operations, and state and local government operations. Regional commercial and industrial real estate brokers see Tigard as a well-defined submarket within the suburban Metro region. Tigard's office market is especially competitive within the inner southwest portion of the region. Additionally, various efforts are underway to make the Downtown Tigard area a more viable place to live and work.

### Target Industries

In line with Tigard's vision and goals, and in consultation with the City Planning Commission, the consultant team and City staff recommend that the City focus on retaining and attracting a mix of existing and emerging business clusters that pay above average wages. This includes existing, established clusters such as:

- Durable goods manufacturing (includes metals and machinery)
- Education (private and non-profits)
- Financial services

- Information (including software development)
- Professional and technical services
- Wholesale trade

They also recommend that the City focus on emerging clusters, including health care and advanced technology (i.e., green energy) manufacturing and research operations.

### Tigard’s Land Demand and Supply

The consulting team prepared a range of land need forecasts including: efficient, medium, and high land needs scenarios. These scenarios all take into account the Metro employment forecasts, but assume varying levels of industrial development and redevelopment.

As summarized in the table below, the land efficient need scenario assumes 48 acres of net new industrial vacant land demand, which is just below the estimated vacant industrial land supply of 50 acres. If the City chooses to pursue a more aggressive economic growth strategy that is consistent with the moderate or high land need scenario, the City would need to identify another 14 to 30 acres of vacant industrial land area to meet the level of industrial demand associated with adding another 1,059 to 1,324 industrial jobs.

### 20-Year Industrial Demand Forecast and Vacant Land Supply, Tigard USB

Land Demand and Supply	Efficient Land Need Scenario	Moderate Land Need Scenario	High Land Need Scenario
Demand for Vacant Industrial Land	48	64	80
Supply of Vacant Industrial Land	50	50	50
Land Surplus or (Deficit)	2	(14)	(30)
Preliminary Parcel Distribution, Efficient Land Need Forecast <sup>1</sup>	Existing Unconstrained Supply (tax lots)	Forecast of Parcel Size Demand (tax lots) <sup>1/</sup>	Surplus (tax lots)
Less than 1 acre	12	10	2
1 to 5 acres	5	5	0
5 to 10 acres	0	0	0
10 to 20 acres	2	2	0
20+ acres	0	0	0
Total	19	17	2

Notes: <sup>1</sup> Tax lot demand forecast expected to meet or exceed supply in 20 years.

Source: Based on findings included in demand and supply analysis.

As shown in the table below, the efficient land needs scenario assumes 78 acres of net new commercial and mixed-use vacant land demand, which is just below the estimated vacant land supply of 86 acres. As with the industrial land needs, an economic growth strategy that is consistent with the moderate or high land needs scenario would require the City to identify an additional 19 to 45 acres of vacant commercial and mixed-use land to meet the demand.

**Reconciliation of Long-term Land Demand and Supply Commercial and Mixed Use 20-Year Land Use Forecast (gross buildable acres), Tigard USB**

Land Demand and Supply	Efficient Land Need Scenario	Medium Land Need Scenario	High Land Need Scenario
Demand for Vacant Commercial Land	78	105	131
<i>Commercial Demand</i>	51	68	85
<i>Mixed-Use Demand</i>	27	36	45
Supply of Vacant Commercial Land	86	86	86
<i>Commercial Zoned Supply</i>	46	46	46
<i>Mixed-Use Zoned Supply</i>	40	40	40
Land Surplus or (Deficit)	8	(19)	(45)
Preliminary Parcel Distribution, Efficient Need Forecast	Existing Supply (tax lots)	Forecast of Demand (tax lots)	Surplus (tax lots)
Less Than 1 acre	89	30	59
1 to 5 acres	14	14	0
5 to 10 acres	3	3	0
10 to 20 acres	0	0	0
20+ acres	0	0	0
Total	106	47	59

Source: FCS GROUP, based on findings included in demand and supply analysis.

**Recommendations**

In accordance with the proposed vision and goals, the consulting team and City staff recommends the City pursue the “efficient land need scenario”. The implications of this recommendation are that the City will focus a significant portion of future employment growth and high-density housing development in its Metro-designated Town Center (Downtown); Regional Center (Washington Square); High Capacity Transit Corridor (Hwy 99W); and the Tigard Triangle.

More detailed information on employment trends and projections, and land needs and supply is found throughout the remainder of the document.

**AIS-201**

**Item #: 7.**

**Business Meeting**

**Date:** 03/22/2011

**Length (in minutes):** 15 Minutes

**Agenda Title:** Briefing on Two Capital Improvement Plan Projects

**Prepared For:** Ted Kyle

**Submitted By:**

Ted Kyle  
Public Works

**Item Type:** Update, Discussion, Direct Staff

**Meeting Type:**

Council Business  
Meeting - Main

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**ISSUE**

The Council will be briefed on two Capital Improvement Plan (CIP) projects.

**STAFF RECOMMENDATION / ACTION REQUEST**

No Council action is requested; the Council is asked to listen to the briefing.

**KEY FACTS AND INFORMATION SUMMARY**

In order to keep the Council informed on the status of current CIP projects, staff provides regular CIP project briefings. Two projects will be discussed at this meeting.

**Pacific Highway Intersection Improvements**

The City is working in conjunction with the Oregon Department of Transportation and Washington County to construct improvements at the intersections of Pacific Highway and Hall Boulevard and Pacific Highway and Main Street/Greenburg Road. Work on the improvements started about a year ago and is nearly complete. A third through-lane on Pacific Highway and new turn lanes from intersecting streets are open to motorists.

Preliminary traffic data indicates the intersection improvements were successful. Traffic back-ups have been dramatically reduced, with most vehicles moving through each of the revamped intersections in one signal cycle. The improvements have reduced travel times on Pacific Highway southbound from I-5 to Greenburg Road by about 20 percent. Northbound travel time between Walnut Street and Highway 217 has been reduced by about 30 percent in the evening rush hour and by about 60 percent midday.

**550-Foot Zone Improvements**

**10-Million-Gallon Reservoir Improvements and Transfer Pump Station**

In this project, the City will repair and retrofit an existing ten-million-gallon reservoir, abandon the existing pump station, construct a new pump station, install backup power generation to the new pump station and to the existing aquifer storage and recovery well, and construct site improvements.

The project started in 2008 and is at about 60 percent complete. Recent tasks include the application of a protective coating to the reservoir's concrete floor. This coating will extend the life of the concrete. The "basement" of the new pump station has been excavated to a depth of about 40 feet, and the concrete work is complete. The basement will house pumps, valves, and piping for the pump station. The electrical building will be built over the pump station basement.

**OTHER ALTERNATIVES**

Not applicable

**COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS**

Pacific Highway intersection improvements are related to the 2011 City Council Long-Term Goal, "Continue pursuing opportunities to reduce traffic congestion."

The 10-million-gallon reservoir improvements and transfer pump station project is identified in the Water Distribution System Hydraulic Study.

#### **DATES OF PREVIOUS COUNCIL CONSIDERATION**

Staff provides regular briefings to the Council on various CIP projects. The last project briefing was in November 2010.

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#### **Fiscal Impact**

##### **Fiscal Information:**

The projects discussed in this briefing are budgeted in the 2010-2015 CIP. Funding sources are varied and include City funds, such as the City gas tax and street maintenance fee, American Recovery and Reinvestment grants, Safe Drinking Water Revolving Loan Fund, and funding from Oregon Department of Transportation and Washington County.

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#### **Attachments**

[PowerPoint Presentation](#)

City  
of  
Tigard



Respect and Care | Do the Right Thing | Get it Done

# Active Capital Construction Projects

*Presented to Tigard City Council*

March 22, 2011



## Pacific Hwy/Greenburg Rd/Main St Intersection Improvements



- Pre-construction

## Pacific Hwy/Greenburg Rd/Main St Intersection Improvements



- Post-construction

## 550-foot Zone Improvements 10-million gallon Transfer Pump Station



- Piping installation connecting the reservoir to the pump station

## 550-foot Zone Improvements 10-million gallon Transfer Pump Station



- Forming, installing rebar, and adding conduit for the pump station

## 550-foot Zone Improvements 10-million gallon Transfer Pump Station



- Pouring the top of the pump station building

## 550-foot Zone Improvements 10-million gallon Transfer Pump Station



- Finished concrete surface top of the pump station building

## 550-foot Zone Improvements 10-million gallon Transfer Pump Station



- Painting the inside of the reservoir

## 550-foot Zone Improvements 10-million gallon Transfer Pump Station



- Building the footing for the architectural screen wall along Bull Mountain Road

AIS-467

Item #: 9.

**Business Meeting**

**Date:** 03/22/2011

**Length (in minutes):** 15 Minutes

**Agenda Title:** Tigard's Earthquake Preparedness Posture

**Prepared For:** Mike Lueck, Public Works

**Submitted By:**

Cathy Wheatley  
Administrative  
Services

**Item Type:** Update, Discussion, Direct Staff

**Meeting Type:**

Council Business  
Meeting - Main

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**ISSUE**

**NON AGENDA ITEMS**

- Earthquake Preparedness Proclamation and PowerPoint presentation.

**STAFF RECOMMENDATION / ACTION REQUEST**

Presentation

**KEY FACTS AND INFORMATION SUMMARY**

Presentation

**OTHER ALTERNATIVES**

N/A

**COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS**

N/A

**DATES OF PREVIOUS COUNCIL CONSIDERATION**

N/A

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**Attachments**

Proclamation

PowerPoint

# Proclamation

City of Tigard

## EARTHQUAKE AND TSUNAMI AWARENESS MONTH

**WHEREAS**, Scientific evidence indicates that the State of Oregon is at risk for a large damaging earthquake and tsunami; and

**WHEREAS**, The City of Tigard and its residents are vulnerable to the impacts of earthquakes; and

**WHEREAS**, Being prepared for earthquakes and other disasters must be undertaken at the individual, family and business level; and

**WHEREAS**, The State of Oregon has designated April as Earthquake and Tsunami Awareness Month; and

**WHEREAS**, Earthquake and Tsunami Awareness Month is designed to remind Oregonians of the earthquake and tsunami threat and the need to take steps to prepare; and

**WHEREAS**, The city offers earthquake and general disaster preparedness information and opportunities throughout the year to encourage residents to be prepared, alert and aware of threats to our community's safety and security; and

**WHEREAS**, Being prepared for earthquakes will prepare you for all potential natural disasters; and

**WHEREAS**, The citizens of Tigard will take steps to prepare for an earthquake or other emergency and assist others in the event of such a disaster.

**NOW, THEREFORE**, I, Craig E. Dirksen, Mayor of the City of Tigard, do hereby proclaim April 2011, as

## EARTHQUAKE AND TSUNAMI AWARENESS MONTH

And encourage all Tigard residents to seriously contemplate the state of their personal preparedness, strive to meet the challenge of increasing their self-reliance and recognize the need to provide provisions in case emergency strikes.

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

# Tigard's Earthquake Preparedness Posture

History  
Hazard  
Plans  
Citizen  
Preparedness



# Hontsu Japan

3:00 PM - 3/11/11

- 9.0

< 1 Hour Tsunami

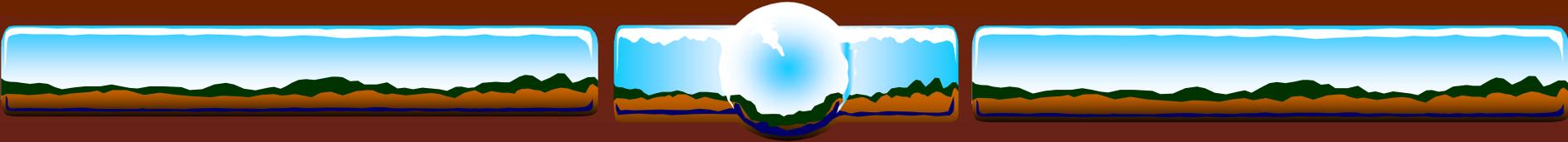
- 30' wave of destruction

Nuclear Threat

- 9 days to control

Weather





# History

**17 Earthquakes of 4 > since 1877**

- **Major Earthquakes**

- ❖ 1700
- ❖ 1877
- ❖ 1962
- ❖ 1993

**Scotts Mills**



## Hazard Analysis

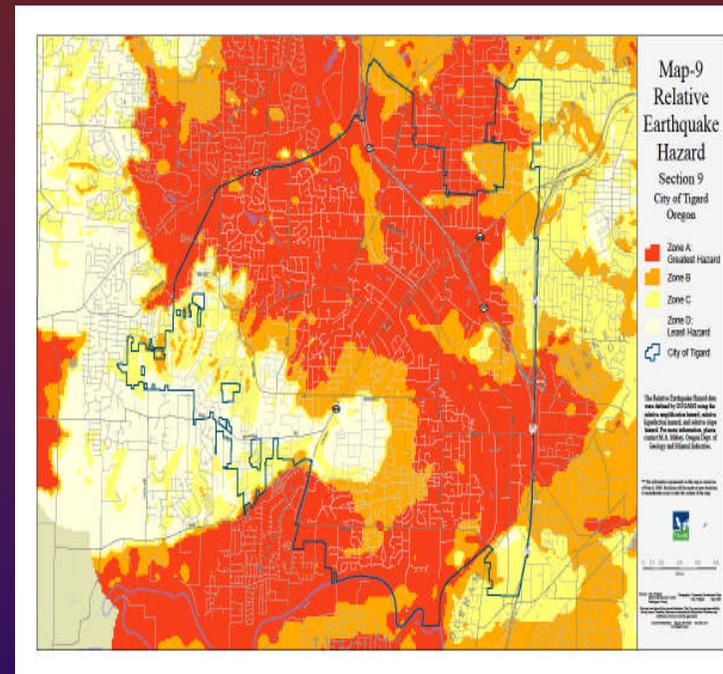
- **LOW** – History
- **MODERATE** – Vulnerability
- **and Probability**
- **HIGH** – Maximum Threat

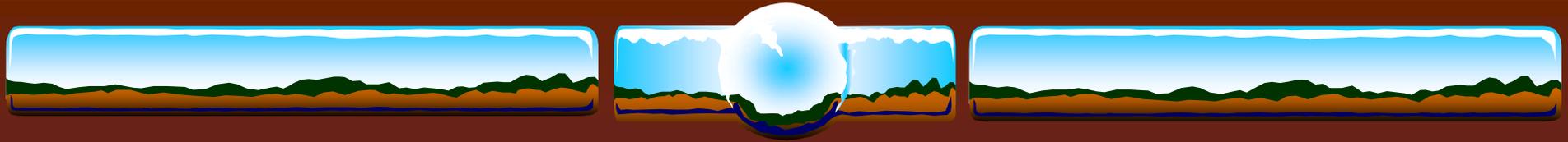
**58% of the City is subject to greatest impact with an additional 21% falling to next level**

- **Zone A – Severe**
- **Zone B – Moderate**

## Isolation

## Hazard





# **Local and County Plan**

**Drop, Cover, Hold**

**Evacuate**

**Account for Staff, Equipment, Facilities and Infrastructure**

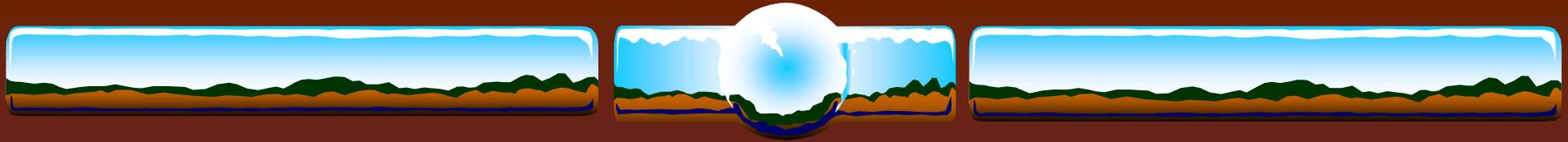
**Conduct Windshield Survey's of City Impacts**

**Communicate Damages as soon as possible**

**Develop Strategies and Prioritize Tactics**

**Respond to Priorities 1 - 3**





# Citizen Preparedness

## Get a Kit (3-7 Days)

- Home
- Vehicle

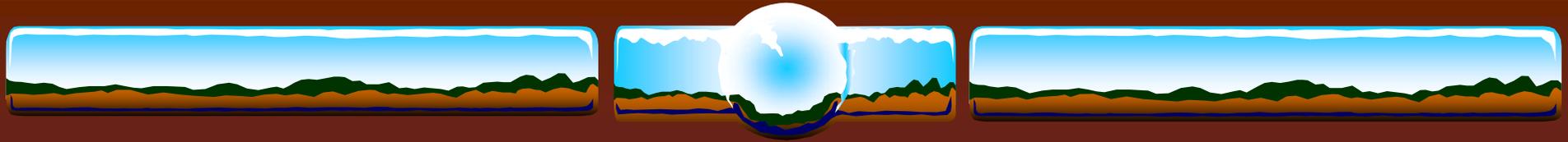
## Make a Plan

- Communicate it
- Practice it

## Be Informed

## Stay Engaged





# Resources

## USGS

<http://www.usgs.gov/hazards/earthquakes>

## DOGAMI

<http://www.oregongeology.com/sub/earthquakes/EQs.htm>

## FEMA

<http://www.ready.gov/america/index.html>

## OCEM

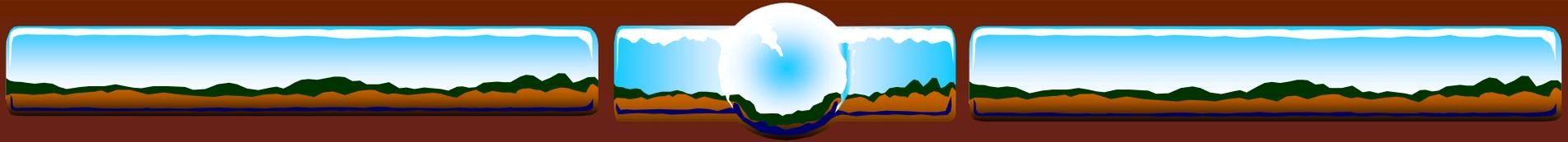
<http://www.ocem.org/>

## Tigard Emergency Management

<http://www.tigard-or.gov>

EM Quick Link on the left





# QUESTIONS

Please contact Mike Lueck, City  
Emergency Services Coordinator:

[mikel@tigard-or.gov](mailto:mikel@tigard-or.gov)

503-639-4171 ext. 2593

