



City of Tigard
Tigard Business Meeting - Agenda

TIGARD CITY COUNCIL, LCRB and CCDA Revised 8/5/11 to include Agenda Item 4.A - Receive and File: Council Calendar and Tentative Agenda

MEETING DATE AND TIME: August 9, 2011 - 6:30 p.m. Study Session; 7:30 p.m. Business Meeting
MEETING LOCATION: City of Tigard - Town Hall - 13125 SW Hall Blvd., Tigard, OR 97223

PUBLIC NOTICE:

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

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

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

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

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

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

SEE ATTACHED AGENDA

VIEW LIVE VIDEO STREAMING ONLINE:

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

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

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



City of Tigard Tigard Business Meeting - Agenda

TIGARD CITY COUNCIL, LCRB & CCDA

MEETING DATE AND TIME: August 9, 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**

1. Executive Session: CCDA/CCAC Real Estate Discussion

- **EXECUTIVE SESSION:** The Tigard City Council as the City Center Development Agency will go into Executive Session to deliberate with persons designated by the governing body to negotiate real property transactions, under ORS 192.660(2) (e). All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

7:30 PM

2. **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

3. **CITIZEN COMMUNICATION (Two Minutes or Less, Please) 7:35 p.m. estimated time**

- A. Follow-up to Previous Citizen Communication
- B. Tigard Area Chamber of Commerce
- C. Citizen Communication – Sign Up Sheet

4. CONSENT AGENDA: (Local Contract Review Board) **7:40 p.m. estimated time**
These items are considered routine and may be enacted in one motion without separate discussion. Anyone may request that an item be removed by motion for discussion and separate action. Motion to:
 - A. RECEIVE AND FILE:
 1. Three-month Council Calendar
 2. Tentative Agenda
 - B. AWARD CONTRACT FOR CITYWIDE GROUNDS MAINTENANCE TO PORTLAND HABILITATION CENTER
 - C. AWARD CONTRACT FOR THE GREENFIELD DRIVE & 130th PLACE STORM DRAIN PIPE REPAIR PROJECT TO THE MOCON CORPORATION
 - D. APPROVE FY 2011-12 CAPITAL IMPROVEMENT PROGRAM (CIP) TREE CANOPY REPLACEMENT PROJECT LIST
 - E. Local Contract Review Board:
 - *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.*
5. REVIEW OF 2011 OREGON LEGISLATIVE SESSION AND ANALYSIS OF ADOPTED LEGISLATION SUPPORTING CITY COUNCIL'S PRIORITIES **7:45 p.m. estimated time**
6. CAPITAL IMPROVEMENT PLAN BRIEFING ON THE PACIFIC HIGHWAY/GAARDE STREET/MCDONALD STREET INTERSECTION IMPROVEMENT PROJECT **8:00 p.m. estimated time**
7. PUBLIC HEARING TO CONSIDER TIGARD MUNICIPAL CODE AMENDMENTS ON ADMINISTRATIVE RULE MAKING **8:15 p.m. estimated time**
8. COUNCIL LIAISON REPORTS
9. NON AGENDA ITEMS
10. EXECUTIVE SESSION: The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.
11. ADJOURNMENT **8:45 p.m. estimated time**

AIS-560

Item #: 1.

Business Meeting

Date: 08/09/2011

Length (in minutes): 30 Minutes

Agenda Title: Executive Session: CCDA/CCAC Real Estate Discussion

Submitted By: Sean Farrelly
Community Development

Item Type: Update, Discussion, Direct Staff

Meeting Type:

Executive
Session - Beg. of
Mtg.

ISSUE

Joint CCDA/CCAC Real Estate Discussion

STAFF RECOMMENDATION / ACTION REQUEST

To be presented in confidential memo

KEY FACTS AND INFORMATION SUMMARY

Key facts and information will be presented in separate confidential memo from consultant Michele Reeves.

OTHER ALTERNATIVES

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

Council Goal 2: Implement Downtown and Town Center Redevelopment Opportunities
Fanno Creek Park and Plaza Master Plan

DATES OF PREVIOUS COUNCIL CONSIDERATION

June 14, 2011 study session

June 28, 2011 CCDA Resolution 11-02 to consider additional sites for a downtown public plaza

AIS-628

Item #: 4. A.

Business Meeting

Date: 08/09/2011

Length (in minutes): Consent Item

Agenda Title: Receive and File: Three-month Council Calendar and Tentative Agenda

Submitted By: Carol Krager
City Management

Item Type: Receive and File

Meeting Type:

Consent Agenda -
Approve Minutes

ISSUE

N/A

STAFF RECOMMENDATION / ACTION REQUEST

N/A

KEY FACTS AND INFORMATION SUMMARY

N/A

OTHER ALTERNATIVES

N/A

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

N/A

DATES OF PREVIOUS COUNCIL CONSIDERATION

N/A

Attachments

Council Calendar

Tentative Agenda



MEMORANDUM

TO: Honorable Mayor & City Council

FROM: Cathy Wheatley, City Recorder

RE: Three-Month Council Meeting Calendar

DATE: August 5, 2011

Regularly scheduled Council meetings are marked with an asterisk (*).

August

9* Tuesday Council Business Meeting – 6:30 p.m., Town Hall
16* Tuesday Council Special Meeting – 6:30 p.m., Red Rock Creek Conference Room
23* Tuesday Council Business Meeting – 6:30 p.m., Town Hall

September

13* Tuesday Council Business Meeting – 6:30 p.m., Town Hall
20* Tuesday Council Workshop Meeting – 6:30 p.m., Town Hall
27* Tuesday Council Business Meeting – 6:30 p.m., Town Hall

October

11* Tuesday Council Business Meeting – 6:30 p.m., Town Hall
18* Tuesday Council Workshop Meeting – 6:30 p.m., Town Hall
25* Tuesday Council Business Meeting – 6:30 p.m., Town Hall

Key:
 Meeting Banner Business Meeting
 Study Session Special Meeting
 Consent Agenda Meeting is Full
 Workshop Meeting

City Council Tentative Agenda
8/1/2011 10:58 AM

Form #	Meeting Date	Submitted By	Meeting Type	-----Title-----	Department	Inbox or Finalized
395	08/09/2011	Carol Krager	AAA	Business Meeting		
560	08/09/2011	Sean Farrelly	ACCSTUDY	30 Minutes - Executive Session: CCDA/CCAC Real Estate Discussion	Community Development	07/27/2011
Total Time: 30 of 45 Minutes Scheduled						
590	08/09/2011	Joseph Barrett	ACONSENT	Consent Item - Award Contract for Citywide Grounds Maintenance to Portland Habilitation Center	Financial and Information Services	07/21/2011
596	08/09/2011	Joseph Barrett	ACONSENT	Consent Item - Award Contract for the Greenfield Drive & 130th Place Storm Drain Pipe Repair Project to the Mocon Corporation	Financial and Information Services	Newton L, Asst City Manager
602	08/09/2011	Todd Prager	ACONSENT	Consent Item - Approve FY 2011-12 Capital Improvement Program (CIP) Tree Canopy Replacement Project List	Community Development	Newton L, Asst City Manager
526	08/09/2011	Kent Wyatt	CCBSNS	15 Minutes - Review of 2011 Oregon Legislative Session and Analysis of Adopted Legislation Supporting City Council's Priorities - 1	Administrative Services	06/08/2011
463	08/09/2011	Ted Kyle	CCBSNS	5 Minutes - Capital Improvement Plan Briefing on the Pacific Highway/Gaarde Street/McDonald Street Intersection Improvement Project	Public Works	07/28/2011
533	08/09/2011	Susan Hartnett	CCBSNS	20 Minutes - Public Hearing to Consider Tigard Municipal Code Amendments on Administrative Rule Making	Community Development	Newton L, Asst City Manager
Total Time: 40 of 110 Minutes Scheduled						
396	08/16/2011	Carol Krager	AAA	Special Meeting - (8 Laptops needed during Executive Session - 5 cc, SZ, CW, Consultant)		

Key:
 Meeting Banner Business Meeting
 Study Session Special Meeting
 Consent Agenda Meeting is Full
 Workshop Meeting

**City Council Tentative Agenda
 8/1/2011 10:58 AM**

598	08/16/2011	Cathy Wheatley	CCSPEC	60 Minutes - Executive Session: Discuss Finalists for City Manager Recruitment		07/08/2011
Total Time: 60 Minutes Scheduled NO OTHER ITEMS CAN BE SCHEDULED						
398	08/23/2011	Carol Krager	AAA	Business Meeting		
514	08/23/2011	John Goodrich	ACCSTUDY	10 Minutes - Discuss Amendments to TMC Chapter 12, Water and Sewer	Public Works	Gaston G, Conf Executive Asst
531	08/23/2011	Susan Hartnett	ACCSTUDY	20 Minutes - Discuss Code Compliance Related Municipal Code Amendments	Community Development	Hartnett S, Asst CD Director
584	08/23/2011	Greer Gaston	ACCSTUDY	10 Minutes - Executive Session on Real Property Transactions - Park Acquisition Properties	Public Works	07/19/2011
Total Time: 40 of 45 Minutes Scheduled						
614	08/23/2011	Steve Martin	ACONSENT	Consent Item - Appoint David Brown as a Voting Member of the Park and Recreation Advisory Board	Public Works	Gaston G, Conf Executive Asst
621	08/23/2011	Joseph Barrett	ACONSENT	Consent Item - Approve Purchase of Four Dodge Chargers and Two Chevrolet Tahoes for Police Fleet	Financial and Information Services	Barrett J, Sr Mgmt Analyst - Finance
527	08/23/2011	Ron Bunch	CCBSNS	60 Minutes - 1 River Terrace Annexation Public Hearing	Community Development	Caines C, Assoc Planner
595	08/23/2011	Greer Gaston	CCBSNS	10 Minutes - 2 Consider Three Intergovernmental Agreements Related to the River Terrace Annexation	Public Works	Gaston G, Conf Executive Asst
567	08/23/2011	Kent Wyatt	CCBSNS	25 Minutes - Discuss Strategies for Communicating Tigard's Federal Legislative Priorities	City Management	Wyatt K, Management Analyst
Total Time: 95 of 110 Minutes Scheduled						

Key:
 Meeting Banner Business Meeting
 Study Session Special Meeting
 Consent Agenda Meeting is Full
 Workshop Meeting

**City Council Tentative Agenda
 8/1/2011 10:58 AM**

399	09/13/2011	Carol Krager	AAA	Business Meeting		
554	09/13/2011	Kent Wyatt	ACCSTUDY	20 Minutes - Review and Discuss Topic Areas for 2011 Community Attitudes Survey	City Management	06/17/2011
				Total Time: 20 of 45 Minutes Scheduled		
222	09/13/2011	Susan Hartnett	CCBSNS	45 Minutes - Public Hearing - Amend the Tigard Municipal Code Abatement Regulations Related to Code Compliance and Amend 2011-12 Master Fee Schedule	Community Development	Hartnett S, Asst CD Director
357	09/13/2011	John Goodrich	CCBSNS	15 Minutes - Consider Amending Tigard Municipal Code Chapter 12, Water and Sewers	Public Works	Gaston G, Conf Executive Asst
591	09/13/2011	Cheryl Caines	CCBSNS	50 Minutes - Fields - Wall Street Extension Comprehensive Plan Amendment (placeholder)	Community Development	Hartnett S, Asst CD Director
593	09/13/2011	Joseph Barrett	CCBSNS	20 Minutes - Public Hearing to Adopt Revisions to Tigard's Public Contracting Rules	Financial and Information Services	Barrett J, Sr Mgmt Analyst - Finance
623	09/13/2011	Joseph Barrett	CCBSNS	10 Minutes - Public Hearing to Amend the Tigard Municipal Code to Remain Consistent with the Public Contracting Rules	Financial and Information Services	Barrett J, Sr Mgmt Analyst - Finance
				Total Time: 140 of 110 Minutes Scheduled MEETING OVERSCHEDULED		
400	09/20/2011	Carol Krager	AAA	Workshop Meeting		
417	09/20/2011	Greer Gaston	CCWKSHOP	45 Minutes - Annual Joint Meeting with the Park and Recreation Advisory Board	Public Works	Martin S, Parks Manager
618	09/20/2011	Liz Lutz	CCWKSHOP	30 Minutes - Budget Committee Meeting	Financial and Information Services	07/28/2011

Key:
Meeting Banner Business Meeting
Study Session Special Meeting
Consent Agenda Meeting is Full
Workshop Meeting

**City Council Tentative Agenda
8/1/2011 10:58 AM**

586	09/20/2011	Darren Wyss	CCWKSHOP	30 Minutes - Update on the 2010 Census Data Release	Community Development	Hartnett S, Asst CD Director
622	09/20/2011	Greer Gaston	CCWKSHOP	15 Minutes - Sustainability Discussion	Public Works	Wright, M., PW Business Manager
Total Time: 120 of 180 Minutes Scheduled						
401	09/27/2011	Carol Krager	AAA	Business Meeting		
610	09/27/2011	John Goodrich	CCBSNS	15 Minutes – Approve Ordinance to amend TMC Title 11 – Health and Safety – Solid Waste Management	Public Works	Not in routing
611	09/27/2011	John Goodrich	CCBSNS	15 Minutes – Approve Ordinance to amend TMC Title 9 – Parks Code Revisions pertaining to administrative rules	Public Works	Not in routing
617	09/27/2011	Ted Kyle	CCBSNS	15 Minutes - Update on the Capital Improvement Program Projects	Public Works	Gaston G, Conf Executive Asst
Total Time: 45 of 110 Minutes Scheduled						
402	10/11/2011	Carol Krager	AAA	Business Meeting		
620	10/11/2011	Carissa Collins	CCBSNS	15 Minutes - Supplemental Appropriation To Amend The FY 2012 Adopted Budget	Financial and Information Services	Collins C, Sr Mgmt Analyst (Fin Adm)
Total Time: 15 of 110 Minutes Scheduled						
403	10/18/2011	Carol Krager	AAA	Workshop Meeting		
325	10/18/2011	Judith Gray	CCWKSHOP	30 Minutes - HCT Land Use Plan Update	Community Development	
373	10/18/2011	Joanne Bengtson	CCWKSHOP	10 Minutes - 3rd Quarter Update to 2011 Council Goals	City Management	Bengtson J, Exec Asst to City Mgr

Key:
 Meeting Banner Business Meeting
 Study Session Special Meeting
 Consent Agenda Meeting is Full
 Workshop Meeting

**City Council Tentative Agenda
 8/1/2011 10:58 AM**

615	10/18/2011	Ted Kyle	CCWKSHOP	30 Minutes - Discuss Fanno Creek Slope Stabilization -- Design-Build Contracting	Public Works	Gaston G, Conf Executive Asst
616	10/18/2011	Ted Kyle	CCWKSHOP	20 Minutes - Discuss Pavement Management Report and Update 2011 Paving	Public Works	Gaston G, Conf Executive Asst
Total Time: 90 of 180 Minutes Scheduled						
404	10/25/2011	Carol Krager	AAA	Business Meeting		
405	11/08/2011	Carol Krager	AAA	Business Meeting		
612	11/08/2011	John Goodrich	CCBSNS	15 Minutes - Amend the TMC regarding Code revisions for Title 12 - Water and Sewer, Chapters 12.02, 12.03, and 12.10	Public Works	Not in routing
Total Time: 15 of 110 Minutes Scheduled						
406	11/15/2011	Carol Krager	AAA	Workshop Meeting		
407	11/22/2011	Carol Krager	AAA	Business Meeting		
555	11/22/2011	Kent Wyatt	CCBSNS	30 Minutes - Receive and discuss findings from the 2011 Community Attitudes Survey	Administrative Services	Wyatt K, Management Analyst
Total Time: 30 of 110 Minutes Scheduled						

AIS-590

Item #: 4. B.

Business Meeting

Date: 08/09/2011

Length (in minutes): Consent Item

Agenda Title: Award Contract for Citywide Grounds Maintenance to Portland Habilitation Center

Prepared For: Joseph Barrett

Submitted By:

Joseph Barrett
Financial and
Information Services

Item Type:

Meeting Type:

Local Contract
Review Board

ISSUE

Shall the Local Contract Review Board award a contract for citywide grounds maintenance services to Portland Habilitation Center?

STAFF RECOMMENDATION / ACTION REQUEST

Staff recommends the Local Contract Review Board award the contract for citywide grounds maintenance services to Portland Habilitation Center and authorize staff to finalize the contract with the vendor.

KEY FACTS AND INFORMATION SUMMARY

In 1977, the Oregon legislature passed the "Products of Disabled Individuals" Act (ORS 279.835 to ORS 279.855.) This law obligates all state and local governments, school districts and other tax-supported political bodies in Oregon, to purchase goods and services from Qualified Rehabilitation Facilities (QRFs) when the products or a service meets their requirements. A Qualified Rehabilitation Facility is a non-profit organization that puts Oregonians with disabilities to work. It is a place of business and a training facility; with workshops, equipment, class and meeting rooms, offices and other business necessities. Many QRFs have other business locations as well, such as a downtown office, bakery or mail room.

The mission of a QRF is to help disabled people achieve self-confidence and self-sufficiency by working in the community in which they live and becoming productive citizens. A QRF often has a variety of programs to help disabled people achieve maximum economic and personal independence through vocational development. It is "qualified" because its programs are registered and reviewed on a regular basis by various state and federal agencies such as the Oregon Department of Human Services (DHS), Oregon Department of Administrative Services (DAS) and the National Industries for the Severely Handicapped (NISH). Disabled people are referred to a QRF from the Vocational Rehabilitation or Mental Health Divisions of the Oregon Department of Human Services.

There are approximately 47 QRFs around the state of Oregon. Every QRF puts a lot of energy into finding and creating opportunities that provide jobs for disabled people, as well as quality products or services to their customers. Today, QRFs provide work for nearly 6,000 Oregonians through their varied business enterprises.

One of the services that a number of QRF vendors provide is grounds maintenance. The City has been utilizing the services of All Seasons Grounds Care/Shangri La, a QRF vendor out of Salem, for the past number of years. Staff grew increasingly dissatisfied with the service provided by All Seasons and after meeting with All Seasons staff and State of Oregon QRF program representatives, the decision was made to end All Seasons services at the city. As the need for grounds maintenance at the city's water facilities, water quality facilities and open spaces still exists, staff reached out to Portland Habilitation Center, another QRF in the area that provides the service. City staff and Portland Habilitation Center reviewed the scope of services and, in accordance with state process and statute, agreed to pricing for the work. The price determination was forwarded to the state for approval and the approval was received thus allowing the contract to move forward to the Local Contract Review Board for award.

OTHER ALTERNATIVES

Do not approve the contract award and direct staff to enter into negotiations with another QRF providing grounds maintenance services. The LCRB should remember that the City must utilize a QRF for the service (or take in-house) and as the pricing for QRF contracts is approved, and to a large degree managed by the State of Oregon, the pricing would be very similar.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

N/A

DATES OF PREVIOUS COUNCIL CONSIDERATION

This contract award was originally scheduled for the June 14, 2011 Local Contract Review Board meeting but was removed by staff in order to have more time to negotiate the service level the city will receive.

Fiscal Impact

Cost: \$233,664 (2 years)

Budgeted (yes or no): Yes

Where Budgeted (department/program): Water, Storm, General

Additional Fiscal Notes:

The annual cost of the project is estimated at \$116,832 for a contract total of \$233,664 over the possible two year life of the contract. The project is split between the following funds:

Water Fund - \$17,964/annually

Storm Fund - \$64,632/annually

General Fund - \$34,236/annually

There are appropriations in the FY 2011-2012 adopted budget for this work. The second year will be contingent upon approval of the FY 2012-2013 budget.

AIS-596

Item #: 4. C.

Business Meeting

Date: 08/09/2011

Length (in minutes): Consent Item

Agenda Title: Award Contract for the Greenfield Drive & 130th Place Storm Drain Pipe Repair Project to the Mocon Corporation

Prepared For: Joseph Barrett

Submitted By:

Joseph Barrett
Financial and
Information Services

Item Type: Motion Requested

Meeting Type:

Consent Agenda -
LCRB

ISSUE

Shall the Local Contract Review Board award the contract for the city's Greenfield Drive and 130th Place storm drain pipe repair project to the Mocon Corporation?

STAFF RECOMMENDATION / ACTION REQUEST

Staff recommends the Local Contract Review Board award the contract for the Greenfield Drive and 130th Place storm drain repair project to the Mocon Corporation.

KEY FACTS AND INFORMATION SUMMARY

A storm drainage pipe crossing Greenfield Drive, 600 feet south of Morningstar Drive, has cracked. The existing pipe will be abandoned and new pipe will be installed using the slip-lining method. This method is the most cost-effective as well as the least impactive to the area environment during construction.

The City issued an Invitation to Bid for the work on April 27, 2011. The City received two responses to the Invitation to Bid by the closing on July 7th:

- Mocon Corporation - \$99,827
- CAD Construction, LLC - \$109,518

The city reviewed the bids and has found that both company's bids were responsible. Therefore, in accordance with the city's public contracting rules, staff recommends the contract be awarded to the Mocon Corporation as the lowest responsible bidder.

OTHER ALTERNATIVES

The Local Contract Review Board may chose to decline the bids, not award the contract, and direct staff to not perform the work.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

DATES OF PREVIOUS COUNCIL CONSIDERATION

This is the first time staff has presented this contract award recommendation to the Local Contract Review Board.

Fiscal Impact

Cost: \$99,827

Budgeted (yes or no): Yes

Where budgeted?: Stormwater Fund

Additional Fiscal Notes:

The estimated construction cost of this project is \$99,827. The Stormwater Fund has \$132,000 in the FY 2011-12 budget for the project. Of the \$132,000 project budget, \$100,000 is for construction; \$32,000 is budgeted for in-house project management and inspection. The bid award in the amount of \$99,827 is within the project budget for construction.

AIS-602

Item #: 4. D.

Business Meeting

Date: 08/09/2011

Length (in minutes): Consent Item

Agenda Title: Approve FY 2011-12 Capital Improvement Program (CIP) Tree Canopy Replacement Project List

Submitted By: Todd Prager
Community Development

Item Type: Resolution

Meeting Type:

Consent Agenda

ISSUE

As required by Resolution 11-16, staff seeks council approval to implement a defined list of Capital Improvement Program (CIP) Tree Canopy Replacement projects that may be, on average, more than 10% greater than the Tree Replacement Fee in the Master Fees and Charges Schedule.

STAFF RECOMMENDATION / ACTION REQUEST

Approve the attached list of CIP Tree Canopy Replacement Projects.

KEY FACTS AND INFORMATION SUMMARY

Resolution 11-16 requires council approval to implement the CIP Tree Canopy Replacement project list in Attachment 1 because the estimated average cost to plant and provide 3 years of maintenance between all projects (approximately \$200 per caliper inch) is in excess of 10% greater than the Tree Replacement Fee in the Master Fees and Charges Schedule (\$137.50 per caliper inch).

Council considered and discussed a larger list of projects on June 14, 2011 and July 12, 2011 and gave preliminary approval for the more focused project list in Attachment 1. Projects proposed within ODOT interchanges on Highway 217 were removed from the larger list.

Council also provided direction to staff to focus on design quality rather than quantity of trees when implementing the remaining projects. Finally, council directed staff to include other projects that combine design and tree canopy elements such parking lot retrofits as part of CIP Tree Canopy Replacement projects in upcoming years.

OTHER ALTERNATIVES

Council's option is to delete or amend any of the projects from the attached CIP Tree Canopy Replacement project list.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

- Council Goal 1: Implement the Comprehensive Plan - Update the Tree Code
- Comprehensive Plan Goal 2: Urban Forest Section
- Tigard Urban Forestry Master Plan
- Tigard Capital Improvement Plan

DATES OF PREVIOUS COUNCIL CONSIDERATION

- June 14, 2011 - Council adoption of the Tree Canopy Replacement Program in the FY12-16 Capital Improvement Plan
- June 14, 2011 - Council adoption of a limited set of tree planting projects for FY12 and request to discuss potential additional projects for FY12 and beyond
- July 12, 2011 - Council discussion of additional projects for FY12 and beyond, and preliminary approval of the tree planting projects in Attachment 1

Fiscal Impact

Cost: \$150,000
Budgeted (yes or no): Yes
Where Budgeted (department/program): Community Development

Additional Fiscal Notes:

These projects are a continuation of the city's ongoing tree canopy replacement program and funding is included in the Approved FY12 Budget and Approved FY12-16 Capital Improvement Program. Urban Forestry funds can only be used to mitigate for canopy loss.

Attachments

Resolution

Attachment for Resolution - Project List

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 11-33

A RESOLUTION APPROVING A LIST OF CAPITAL IMPROVEMENT PROGRAM (CIP) TREE CANOPY REPLACEMENT PROJECTS IN EXCESS OF 10% GREATER THAN THE TREE REPLACEMENT FEE IN THE MASTER FEES AND CHARGES SCHEDULE.

WHEREAS, Resolution 11-16 states “the average cost to 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.”; and

WHEREAS, the Tree Replacement Fee for FY12 is \$125 per caliper inch; and

WHEREAS, 10% greater than the Tree Replacement Fee for FY12 is \$137.50 per caliper inch; and

WHEREAS, the estimated average cost to plant and provide 3 years of maintenance between all projects in Attachment 1 (approximately \$200 per caliper inch) is in excess of \$137.50 per caliper inch; and

WHEREAS, staff has determined that the projects in Attachment 1 are consistent with and supportive of the urban forestry goals in the Comprehensive Plan, Urban Forestry Master Plan and Capital Improvement Program; and

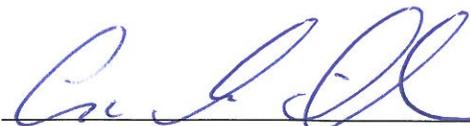
WHEREAS, council granted preliminary approval of the projects in Attachment 1 following a discussion with staff on July 12, 2011 and requested staff return with the list of projects for final approval.

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

SECTION 1: Staff is authorized to implement the projects in Attachment 1.

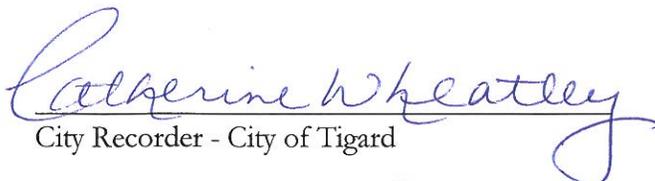
SECTION 2: This resolution is effective immediately upon passage.

PASSED: This 9th day of August 2011.



Mayor - City of Tigard

ATTEST:


Catherine Wheatley
City Recorder - City of Tigard



City of Tigard Memorandum

To: Mayor and City Council
From: Todd Prager, Associate Planner/Arborist
Re: Capital Improvement Program (CIP) Tree Canopy Replacement Projects
Date: July 13, 2011

Project List Pending Council Approval

According to Resolution 11-19, council approval is required to implement the CIP Tree Canopy Replacement project list below because the estimated average cost to plant and provide 3 years of maintenance among all projects (approximately \$200 per caliper inch) is in excess of \$137.50 per caliper inch.

Project Name	Preliminary Plans Attached?	Estimated Number of Trees	Estimated Cost per Caliper Inch ¹
Free Street Tree Program	No	50	\$135/caliper inch
Pacific Highway Median, Durham-Bull Mountain Road ²	Yes	62	\$520/caliper inch
Tigard High School or Other School in Conjunction with Arbor Day ³	No	200	\$200/caliper inch
Street Tree Partnership on Collectors and Arterials between Public Works and Community Development ⁴	No	100	\$200/caliper inch

¹Does not include city staff time to manage the program.

²Staff is in discussions with Clean Water Services and ODOT regarding partnering on this project and possible grant opportunities. This project is on hold pending the outcome of these discussions. The estimated cost is for the city to complete the project without partners and grant funding.

³In preliminary discussions with the Tigard Tualatin School District, the district has indicated a desire to plant trees at Tigard High School as part of the city's annual Arbor Day celebrations. However, in the event planting at Tigard High is not feasible, staff requests flexibility to plant at a different school for Arbor Day.

⁴Public Works has requested that Community Development utilize the Urban Forestry Fund for street tree planting and 3 years of early establishment on collectors and arterials. Public Works will be performing long-term maintenance using the right of way portion of the Street Maintenance Fee. Trees will help reduce long-term maintenance of collectors and arterials by suppressing ground cover competition and reducing the need for mowing and weeding. The first phase of implementation would likely occur along Durham Road.

AIS-526

Item #: 5.

Business Meeting

Date: 08/09/2011

Length (in minutes): 15 Minutes

Agenda Title: Review of 2011 Oregon Legislative Session and Analysis of Adopted Legislation Supporting City Council's Priorities

Prepared For: Kent Wyatt

Submitted By:

Kent Wyatt
City Management

Item Type: Update, Discussion, Direct Staff

Meeting Type:

Council Business
Meeting - Main

ISSUE

To what extent does adopted legislation address the City Council's four legislative priorities?

STAFF RECOMMENDATION / ACTION REQUEST

Review pertinent legislation and discuss potential impact on city services.

KEY FACTS AND INFORMATION SUMMARY

The City Council developed four legislative priorities for the 2011 Oregon Legislative Session. Staff will discuss bills promulgated during the session that address Council priorities and other city functions. In particular, staff will review the status of HB 2700 Removal Fill Permitting, SB 342 Modifies WCGF Program's Permissible Uses of Money, SJR 26 Kicker Reform, and SB 795 5 Year Prohibition of TPR by DLCDD. Following this review, staff will outline key activities taking place in between the legislative sessions.

OTHER ALTERNATIVES

N/A

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

Work with state and regional partners to modify the Transportation Planning Rule.

Work with partners on urbanization policy issues.

Continue Coordination with Lake Oswego on Water Partnership.

Work with partners on long-range solutions to statewide structural problems.

Continue to support the Legislature in addressing the financial needs of state and local governments in Oregon

DATES OF PREVIOUS COUNCIL CONSIDERATION

October 12, 2010

November 9, 2010

February 22, 2011

April 26, 2011

May 10, 2011

Attachments

Tigard Legislative Priorities

Review of 2011 Legislative Session



CITY OF TIGARD

2011 STATE LEGISLATIVE AGENDA



POPULATION: 47,700

STATE'S 12TH LARGEST CITY

HOME TO 3,355 BUSINESSES

For the 2011 Oregon Legislative Session, the City of Tigard has identified the following legislative priorities:

✓ **Transportation Planning Rule – *Community Development*:**

Continue efforts to resolve the conflicts between the Transportation Planning Rule and other statewide land use planning goals by changes to Oregon Department of Transportation/Department of Land Conservation and Development procedures and rules, or by legislative action.

✓ **Transportation Planning Rule - *Transportation*:** Resolve the disconnect between the TPR and other statewide land use planning goals.

✓ **State Shared Revenue:** Maintain and strengthen the state's historic commitment to the State Shared Revenue funding formula.

✓ **Telecommunications Preemptions:** Address tax equity issues in the context of state telecommunications laws including removing existing preemptions that have lead to declining revenues.

TPR KEY POINTS

- Prevents efficient land use inside UGB Regional & Town Centers.
- Conflicts with State land use planning goals & Metro 2040 plan.
- Problems with using existing method of volume-to-capacity ratios.
- Tigard is committed to achieving mobility needs while meeting the region's goals & aspirations.

Other Issues of Interest

- Seek additional funding, efficiencies and program support for multi-modal transit and rail projects.
- Support an urban growth boundary agenda that would provide for a more efficient urban growth management system.
- Allow local governments a more flexible use of transient lodging tax to meet the increased demands placed both on essential services and infrastructure created by tourism activities.
- Lake Oswego/Tigard Water Partnership Removal Fill Process – Amend language to assure municipal providers of linear facilities that taxpayer dollars are not spent to acquire land until after it is determined that a permit will be issued.



CITY OF TIGARD
REVIEW OF 2011 STATE LEGISLATIVE SESSION



Of the more than 3,000 bills introduced in the 2011 legislative session, only 807 bills were approved by the House and Senate. This is lowest number in more than a decade.

Impact of Legislative Session on Tigard

- ✓ Utility projects, such as the Lake Oswego/Tigard Water Partnership, were granted the right to apply for a state removal-fill permit, before purchasing land.
- ✓ Access management standards were revised to further curtail the numerous state regulations that restrict highway access.
- ✓ Recreational immunity was extended to property owners who allow the use of trails on their land for transportation purposes. A city can “opt in” by adopting an ordinance or resolution.
- ✓ Local governments gained authorization to reducing speed limits on low-volume, low-speed neighborhood streets.
- ✓ Cell phone use while driving is now permitted only for police officers, tow truck drivers, utility workers and a few other drivers “acting within the scope” of their employment.
- ✓ Future “kicker” rebates will be a credit against next year’s taxes.
- ✓ Legislators developed a framework for conditions under which new or extended city street or county road may be developed on land designated as urban reserve.
- ✓ Under the new redistricting bill, Tigard will continue to be represented by House District 35 (Rep. Doherty) and Senate District 18 (Sen. Burdick).
- ✓ Residential and commercial solar energy systems that meet certain requirements will be exempt from land use restrictions and fees.
- ✓ Cities gained increased flexibility in giving preference to goods and services produced in Oregon as long as the cost is not greater than 10 percent more than what they’d usually pay.
- ✓ Under the new Bottle Bill, Oregonians soon will be able to collect a dime for recycling plastic bottles, up from the previous five-cent deposit.

Tigard City Council
2011 State Legislative Priorities

- ***TPR – CD:*** Continue efforts to resolve the conflicts between the TPR and other statewide land use planning goals by changes to procedures and rules, or by legislative action.
- ***TPR – Transportation:*** Resolve disconnect between TPR and other statewide land use planning goals.
- ***State Shared Revenue:*** Maintain and strengthen the state’s historic commitment to the State Shared Revenue funding formula.
- ***Telecommunications Preemptions:*** Address tax equity issues in the context of state telecom laws including removing existing preemptions that have led to declining revenues.

Looking Ahead to the 2012 Session

The short 2012 session is scheduled to run from February 1 to March 6. Legislators are limited to introducing two bills per member, five per committee.

AIS-463

Item #: 6.

Business Meeting

Date: 08/09/2011

Length (in minutes): 5 Minutes

Agenda Title: Capital Improvement Plan Briefing on the Pacific Highway/Gaarde Street/McDonald Street Intersection Improvement Project

Prepared For: Ted Kyle

Submitted By:

Ted Kyle
Public Works

Item Type: Update, Discussion, Direct Staff

Meeting Type:

Council Business
Meeting - Main

ISSUE

The council will be briefed on the the Pacific Highway/Gaarde Street/McDonald Street intersection improvement project.

STAFF RECOMMENDATION / ACTION REQUEST

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

KEY FACTS AND INFORMATION SUMMARY

- The City is working with the Oregon Department of Transportation (ODOT) to develop conceptual plans to improve the Pacific Highway/Gaarde Street/McDonald Street intersection.
- ODOT has quantified the existing traffic volumes and developed several possible intersection designs. The agency is at the midpoint in the conceptual design process.
- During this short presentation, staff will present two (of several) intersection designs to the council.
- Staff will present all the intersection designs to the public for discussion and comment at an open house on Monday, August 15 at the Tigard Public Library community room from 5 to 7 p.m. The open house was publicized in the August edition of *Cityscape* and on the city's web site. The public can also comment on the designs at an upcoming Transportation Advisory Committee meeting.
- Design concepts may be added or amended based upon the public comments we receive. All design concepts will be presented to the council at an upcoming meeting.

OTHER ALTERNATIVES

Not applicable

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

2011 Tigard City Council Goal No. 1 - "Implement Comprehensive Plan."

This project implements the Comprehensive Plan by providing traffic capacity and safety improvements.

DATES OF PREVIOUS COUNCIL CONSIDERATION

The council receives regular briefings on CIP projects. The last briefing was in June 2011.

Fiscal Impact

Cost: \$327,871

Budgeted (yes or no): Yes

Where Budgeted (department/program): Street Division CIP

Additional Fiscal Notes:

ODOT's current work is paid by state highway funds. The city budgeted \$327,871 for this project in the FY 2011-2012 CIP. Once future project costs are determined, city funds will be used to cover Tigard's share of the design work. Any remaining funds would be used for construction.

AIS-533

Item #: 7.

Business Meeting

Date: 08/09/2011

Length (in minutes): 20 Minutes

Agenda Title: Public Hearing to Consider Tigard Municipal Code Amendments on Administrative Rule Making

Submitted By: Susan Hartnett
Community Development

Item Type: Public Hearing - Legislative

Meeting Type:

Council Business Meeting - Main

ISSUE

Shall council approve amendments to the Tigard Municipal Code to authorize, define and limit the use of administrative rules and to define a process for administrative rule-making?

STAFF RECOMMENDATION / ACTION REQUEST

Approve the attached ordinance amending the Tigard Municipal Code.

KEY FACTS AND INFORMATION SUMMARY

Currently, the Tigard Municipal Code (TMC) contains several references to administrative rules but lacks a definition and other key elements including administrative rule-making authority, procedures for their creation and amendment, and a clear process for appeals by the public. In addition, many sections of the TMC codify aspects of a department's activities that need to change over time as program objectives, technology and operations shift. Because this requires a public hearing to amend the TMC, these regulations can become stale and administration of the program can become more cumbersome.

Administrative rules provide an alternative to the Tigard Municipal Code for creation of regulations and procedures that are capable of being enforced. In the past, the City Council has seen the value of this tool and included it in several specific areas of the TMC, for example, Title 9 - Parks and Title 11 - Solid Waste Management. However, the current administrative rules are not broadly useful because of variations in language, lack of procedures and no designated central authority.

Council is requested to amend the TMC to include a definition of administrative rules and other key elements as described above. This would make it possible to utilize administrative rules to incorporate several code amendments currently underway into the TMC.

At the July 19 Workshop meeting, the City Council reviewed a draft package of TMC amendments that authorize, define and limit the use of administrative rules and define a process for administrative rule-making. At the conclusion of the discussion, council directed staff to proceed to a public hearing on the draft amendments.

Attachment 1 provides an ordinance adopting the TMC amendments. Exhibit A (attachment 2) includes the specific text amendments to Title 2 - City Manager, which define and limit the use of administrative rules as well as define the procedural steps for their creation and amendment as well as the process for appeal. The Exhibit also includes amendments to Title 9 - Parks and Title 11 - Solid Waste Management to conform the two existing sections that reference administrative rules to the language being adopted in Title 2.

Based on the council's direction, staff also preformed an electronic search of the TMC to identify any other sections that reference administrative rules and that would need to be amended. No other sections were identified.

OTHER ALTERNATIVES

Council may choose to:

- Not approve the ordinance amending the Tigard Municipal Code
- Direct that the proposed administrative rules be revised (Exhibit A) and subsequently approve the ordinance

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

NA

DATES OF PREVIOUS COUNCIL CONSIDERATION

July 19, 2011

Attachments

Attachment 1 - Ordinance

Attachment 2 - Exhibit A

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

AN ORDINANCE AMENDING TITLE 2 OF THE TIGARD MUNICIPAL CODE AUTHORIZING THE USE OF ADMINISTRATIVE RULES AND DEFINING THE PROCEDURES FOR ADMINISTRATIVE RULEMAKING AND AMENDING EXISTING SECTIONS IN TITLE 9 AND TITLE 11 TO BE CONSISTENT.

WHEREAS, the Tigard Municipal Code contains several references to administrative rules but lacks a definition of administrative rules and other key elements including administrative rulemaking authority, procedures for their creation and amendment, and a clear process for appeals by the public; and

WHEREAS, many sections of the Tigard Municipal Code codify aspects of a department's activities that need to change over time as program objectives, technology and operations shift and because a public hearing is required to amend the Tigard Municipal Code, these regulations can become stale and administration of the program can become more cumbersome; and

WHEREAS, administrative rules provide an alternative to the Tigard Municipal Code for creation of regulations and procedures that have the force of law; and

WHEREAS, in the past, the city council has seen the value of administrative rules and authorized their use in several specific areas of the Tigard Municipal Code; and

WHEREAS, the city council reaffirms the use of administrative rules as a valuable tools for the City of Tigard and desires to clarify and centralize the authority to use administrative rules, the definition of administrative rules and the procedure for administrative rulemaking, including an appeal process; and

WHEREAS, the city council desires existing sections of the Tigard Municipal Code that refer to administrative rules to be consistent with the new text.

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

SECTION 1: Title 2, Title 9 and Title 11 of the Tigard Municipal Code are amended as shown in Exhibit A; text to be deleted is shown in ~~strike through~~ and text to be added is shown in underline.

SECTION 2: This ordinance shall be effective 30 days after its passage by the council, signature by the mayor, and posting by the city recorder.

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

City Recorder

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

Craig Dirksen, Mayor

Approved as to form:

City Attorney

Date

EXHIBIT A – AMENDMENTS TO TIGARD MUNICIPAL CODE

Text to be deleted is shown in ~~strike through~~ and text to be added is shown in underline.

Chapter 2.04 CITY MANAGER.

Sections:

- 2.04.010 Office Established.
- 2.04.020 Appointment And Removal.
- 2.04.030 Salary.
- 2.04.040 Duties.
- ~~2.04.050 Administrative Rulemaking – Definition – Purpose.~~
- ~~2.04.060 Administrative Rulemaking – Authority.~~
- ~~2.04.070 Administrative Rulemaking - Procedure.~~

(2.04.010 to 2.04.040 – No changes)

2.04.050 Administrative Rulemaking – Definition – Purpose.

_____ (1) Administrative Rulemaking means the drafting, adoption, and amendment of administrative rules, pursuant to and consistent with the provisions of this section.

_____ (2) The purpose of administrative rulemaking is to ensure that standards and procedures by which the departments of the City of Tigard operate are made available and accessible to the public in written form, upon direction by council. Administrative rulemaking also establishes a process by which the public can be involved in the process of developing department standards and procedures through engaging in public comment.

_____ (3) Administrative rule means a written directive, standard, regulation or statement of general applicability that is established through administrative rulemaking and implements, interprets or prescribes law, or describes the

procedure or practice requirements of any city department.

2.04.060 Administrative Rulemaking Authority.

_____ (1) The Tigard City Council hereby authorizes, and establishes the process for, administrative rulemaking consistent with this section.

_____ (2) Administrative rules adopted pursuant to the administrative rulemaking procedures in this section have the full weight and effect of law.

_____ (3) This section provides the authority and process applicable to administrative rulemaking by the city manager, but does not directly enable to the city manager to engage in administrative rulemaking. Authority to engage in administrative rulemaking pursuant to the procedures in this section shall be enabled by separate provision of the Tigard Municipal Code.

_____ (4) The scope of administrative rulemaking shall be limited by the terms of the enabling provision.

_____ (5) All administrative rules shall be consistent with the Tigard Municipal Code.

2.04.070 Administrative Rulemaking -- Procedure.

_____ (1) Prior to the adoption or amendment of an administrative rule the city manager or designee will follow the provisions as described in this section.

EXHIBIT A – AMENDMENTS TO TIGARD MUNICIPAL CODE

Text to be deleted is shown in ~~strike through~~ and text to be added is shown in underline.

_____ (a) Provide notification to council of the proposed administrative rule or amendment prior to public notification. During the fourteen day review period, any council member may put the subject on the discussion agenda for the next available council meeting for council consideration or action.

_____ (b) Publish a notice in a newspaper of general circulation in the city. The notice must be published not less than fourteen (14) days before the deadline for receipt of comments.

_____ (c) The notice shall provide a brief description of the subject(s) covered by the proposed administrative rule; the final date for acceptance of written comments; the location to submit comments and the location where copies of the full set of the proposed rules may be obtained.

_____ (d) The city manager or designee will receive written comments regarding the proposed administrative rule. The city manager or designee will take into consideration the written comments received and may either approve, modify or reject the proposed administrative rule.

_____ (e) If a substantial modification is made to the proposed administrative rule, the city manager or designee may approve the modification, or provide additional public comments prior to approval.

_____ (f) Unless otherwise stated, all administrative rules will be effective on the 14th day after approval by the city manager

_____ or designee unless a written protest is received by the City Manager or designee.

_____ (g) If written protest of the proposed administrative rule is received by the city manager or designee on or before the 14th day after approval, the city manager or designee shall refer the administrative rule to the city council for a public hearing. The council may direct the city manager to approve, modify or reject the administrative rule. The council's decision on the contents of the proposed administrative rule shall be binding on the city manager.

_____ (2) All administrative rules must be filed in the office of the city recorder.

EXHIBIT A – AMENDMENTS TO TIGARD MUNICIPAL CODE

Text to be deleted is shown in ~~strike through~~ and text to be added is shown in underline.

Chapter 9.04 GENERAL PROVISIONS.

Sections:

9.04.005 Adoption of Administrative Rules ~~and Supplemental Regulations.~~

9.04.010 Purpose.

9.04.020 Facility Reservation.

9.04.040 Refund Of Fees And Change In Reservation.

9.04.050 Repealed By Ord. 92-33.

9.04.060 Waiver Of Fees.

9.04.005 Adoption of Administrative Rules ~~and Supplemental Regulations.~~

The ~~C~~city ~~M~~anager, or designee, ~~has~~ ~~thei~~s authorized to adopt ~~and amend~~ administrative rules ~~and supplemental regulations~~ related to the provisions of park facility reservations and consistent with the provisions of this section. (Ord. 10-09 § 1, 2010). Such rules shall be adopted pursuant to TMC 2.04.

9.04.010 Purpose.

The purposes of these park facilities reservation rules ~~and regulations~~ are to:

(1) Facilitate maximum use of public facilities by the citizens of Tigard;

(2) Coordinate the use of park facilities, thus assuring maximum opportunity for use through the convenience of advance reservations;

(3) Provide for use of park facilities by the citizens of Tigard, but where exclusive use

takes place, or special handling is required, to recover associated costs;

(4) Coordinate the public use of park facilities with maintenance, construction and other activities. (Ord. 10-09 § 1, 2010; Ord. 92-33 §1(Exh. A)(part), 1992; Ord. 83-55 §1(part), 1983; Ord. 78-13 §1, 1978).

(9.04.020 to 9.05.060 – No changes)

EXHIBIT A – AMENDMENTS TO TIGARD MUNICIPAL CODE

Text to be deleted is shown in ~~strike through~~ and text to be added is shown in underline.

Chapter 11.04 SOLID WASTE MANAGEMENT.

- 11.04.010 Title For Citation.
- 11.04.020 Purpose, Policy And Scope Of Chapter Provisions.
- 11.04.030 Definitions.
- 11.04.040 Franchise--Granted To Certain Persons--Scope Of Regulations.
- 11.04.050 Franchise--Term--Automatic Renewal When.
- 11.04.060 Franchise--Fees.
- 11.04.065 Franchises Records.
- 11.04.070 Responsibility Of Franchisee.
- 11.04.080 Franchise--Transfer, Suspension, Modification Or Revocation--Conditions.
- 11.04.090 Rates For Service.
- 11.04.100 Container Requirements And Collection Limitations.
- 11.04.105 Stationary Solid Waste Compactors.
- 11.04.110 Offensive Wastes Prohibited.
- 11.04.120 Unauthorized Deposits Prohibited.
- 11.04.130 Interruption Of Franchisees Service.
- 11.04.140 Termination Of Service By Franchisee.
- 11.04.150 Subcontracts.
- 11.04.155 Business Recycling Requirement.
- 11.04.160 Rules And Regulations Applicable to Franchisees.
- 11.04.165 Administrative Rules And Regulations Applicable To Business Pursuant To Business Recycling Requirement.
- 11.04.170 Enforcement.
- 11.04.180 Penalty.

(11.04.010 to 11.04.150 – No Changes)

11.04.155 Business Recycling Requirement.

Unless otherwise exempt, all Businesses and Business Recycling Service Customers shall comply with the Business Recycling Requirement Performance Standard set forth in Metro Regional Government Code Section 5.10.330 and the administrative rules ~~and supplemental regulations~~ adopted pursuant to ~~rulemaking authority set forth in~~ TMC 11.04.165. (Ord. 09-05 §1)

11.04.160 Rules And Regulations Applicable to Franchisees.

The ~~E~~city ~~M~~anager or designee may propose and prepare rules and regulations applicable to franchisees that pertain to this chapter. The rules and regulations shall be printed or typewritten, and be maintained for inspection in the office of the ~~E~~city ~~R~~ecorder. All proposed rules and regulations promulgated under the authority of this section, and all amendments thereto, shall be immediately forwarded to the franchisee operating under this chapter for response. The franchisee shall have thirty days to respond in writing to such proposed rules and regulations. If the franchisee has objections or revisions to the proposed rules, the franchisee shall meet and confer with the ~~E~~city ~~M~~anager regarding the franchisees concerns. If the concerns are not resolved through consultation with the ~~E~~city ~~M~~anager, then the ~~E~~city ~~M~~anager shall forward the proposed rule, with the franchisees comments, to the ~~E~~city ~~E~~council for its consideration. The franchisee may request that the ~~E~~city ~~E~~council hold a public hearing on a

EXHIBIT A – AMENDMENTS TO TIGARD MUNICIPAL CODE

Text to be deleted is shown in ~~strike through~~ and text to be added is shown in underline.

proposed rule. The ~~C~~Council may approve the proposed rule as submitted, modify the rule, or reject the rule. The ~~C~~City ~~M~~Manager shall enact all rules pursuant to this subsection by written order. (Ord. 09-05 §1; Ord. 03-08, Ord. 91-36 §1 Exh. A (part), 1991: Ord. 78-64 §14, 1978).

11.04.165 Administrative Rules And Regulations Applicable To Businesses Pursuant To Business Recycling Requirement.

1. Adoption of Administrative Rules ~~and Supplemental Regulations~~.

a. The ~~C~~City ~~manager or designee is Council has the~~ authorized~~ty~~ to adopt ~~the initial administrative rules and supplemental regulations~~ related to the provisions of the Business Recycling Requirement. Such ~~initial administrative~~ rules and regulations shall be adopted ~~pursuant with the provisions of TMC 2.04~~by resolution.

~~b. The Public Works Director has the authority to adopt and amend the administrative rules and supplemental regulations related to the provisions of the Business Recycling Requirement. The Public Works Director has the authority to administer the rules and regulations whether adopted by the City Council or by the Public Works Director. Rules subsequent to the initial rules adopted by City Council will be adopted according to the procedures in this section:~~

~~2. Permanent Rules. Prior to the adoption of a permanent rule, the Public Works Director will:~~

~~a. Publish a notice in a newspaper~~

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

~~b. The Public Works Director will receive written comments regarding the proposed rules. The Director will take into consideration the written comments received and may either adopt, modify or reject the proposed rule.~~

~~c. If a substantial modification is made to the proposed rule, the Public Works Director may adopt the modification as an interim rule or provide additional public comments prior to adoption.~~

~~d. Unless otherwise stated, all rules will be effective on the 14th day after adoption by the Public Works Director unless a written protest is received by the Director.~~

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

~~3. Interim Rules.~~

~~a. Interim rules will be effective for a period of not longer than 180 days.~~

EXHIBIT A – AMENDMENTS TO TIGARD MUNICIPAL CODE

Text to be deleted is shown in ~~strike through~~ and text to be added is shown in underline.

~~b. Not more than 30 days after adoption of an interim rule, public notice of the interim rule must be published in a newspaper of general circulation in the City. Such notice must identify the location at which copies of the full set of the interim rules may be obtained.~~

~~4. All permanent and interim rules must be filed in the office of the Public Works Director. (Ord. 09-05 §1)~~

(11.04.170 to 11.04.180 – No Changes)